26 March 2025

Position Paper
on Draft Implementing Regulation laying down harmonised specifications for the labelling requirements in Articles 7 and 13 of Regulation (EU) 2023/1542

EPBA – Consumer Batteries Europe welcomes the tabling of a draft implementing act on labelling by the European Commission. In line with the European Commission's goal to cut administrative costs, we have identified several provisions in this implementing regulation as candidates for simplification and regulatory streamlining. EPBA invites the European Commission to amend the draft implementing regulation with a view to simplifying compliance burden rather than adding further complexity into what is already the most extensive set of marking requirements our industry is subject to.

We would like to make the following comments on the draft text:

Recital 3 – Non-essential marketing information on packaging

The term non-essential marketing information in Recital 3 is not clear. Portable batteries need to be distinguishable to the consumer at the point of sale and marketing information might contain essential information for the consumer, as well as information mandated by regulations. Therefore the need to include such information on the battery and the packaging should be taken into account when determining if the surface of the battery and the size of the packaging is large enough to carry all required information or if these need to be accessed via a QR code.

We suggest excluding the word marketing from the term non-essential marketing information.

Article 2 (2)

Second paragraph of this provision should read: *Where the surface of the battery and of the packaging are not large enough to display a label that includes all the information listed in Annexes I to III, for its respective category, the rest of the information shall be printed ~~on the packaging or~~ on a [separate] document accompanying the battery, following the same applicable specifications, or accessible through a QR code.*.

In addition to the provision for portable batteries incorporated into products which need not be readily removable and replaceable by the end user, we suggest that for removable and replaceable batteries that are sold as incorporated in a device, the information referred to in Annexes I or II, should also be accessible through a QR code visible either on the label of the battery or the packaging of the device or the surface of the product.

Article 2 (3) – Date of manufacture

We welcome the flexibility for manufacturers to include the date of manufacture anywhere on the surface of the battery. However, this flexibility does not extend to the QR code. The date of

manufacture is an often-changing variable and it is often not feasible to include it in the information accessible through a QR code.

Therefore, there should either be a provision in Article 2 (3) or elsewhere in the implementing act that variable information such as the date of manufacture does not need to be included in the QR code. Alternatively, the date of manufacture must be placed higher on the prioritization list of Annex I and II Part A, to make sure it is placed on the surface of the battery or packaging, preventing the need to include it in the QR code information.

This is a key point for us.

Article 3 – Label design

We strongly support the possibility for portable batteries not to bear a label specified in Article 3 and Annexes I to III if it is not physically possible due to the size of the battery.

For information that will appear on the standardised label, we suggest that the specific arrangement, font type, and font size should be left to the manufacturer. We see mandating specific icon size and font size on the harmonized label as overly prescriptive. Such requirements would risk a battery label being disproportionally big or that less information will fit on the label. The guiding principle for the label design and packaging should be visibility and legibility of the information and it should remain the responsibility of the manufacturer to ensure this.

In addition, we also consider the use of standardised icons indispensable to free up packaging space and to avoid the need for translations. Such icons shall be used both for warnings and MAD values where needed. We agree with the icons suggested by the Ramboll report (page 113) and with the proposed cautionary icons (i.e., information on hazardous substances, usable extinguishing agent, and critical raw materials). We also support the symbol suggested for non-rechargeable battery information; however the icon identifying the manufacturer (ISO7000:3082) and used for batteries in the Medical Device Regulation, should remain optional.

The icons on the label or the packaging should be possible to use without any explanatory text. The explanations of the icons used could be disclosed through the QR code.

Article 4 - Non-rechargeable symbol

Similarly to the provision on the separate collection symbol in Article 13 (4) of the Batteries regulation, it should be specified here that the Do Not Charge symbol can appear on the packaging or in the QR code, in case it is not physically possible to place the symbol measuring at least 5 × 5 mm on the surface of the battery.

This argument is even more relevant in the particular case of button and coin cells, where it will not be possible to include the non-rechargeable symbol on the surface of the battery. Moreover, for safety reasons, the button cells need to carry the Keep-out-of-Reach-of-Children symbol, in some countries mandated by national law. Furthermore, there are almost no battery chargers for button and coin cells available on the market, so the probability that the user would attempt to charge them is practically non-existent.

Article 7 – QR code

The use of a QR code ensures consumer accessibility and enables manufacturers to effectively address space constraints. In case there is not enough space on the battery nor packaging, we suggest that the implementing act enables the information required by Article 13 (1-6) of the Regulation through a QR code; this is a key item for us.

Furthermore, a QR code should also be the place for additional information (as mandated by Annex VI of the Regulation), as the packaging of portable batteries is neither a practical means for providing documents in paper form, nor an environmentally friendly one.

We note that the implementing regulation makes a prioritisation for the information requirements of Art. 13(1) to Art. 13(3) and some extent Art. 38(6), 38(7) of the Batteries Regulation, but that it stays silent on a prioritisation should the battery not be able to host all requirements covered by Art. 13, 20, 38 and 41. EPBA - Consumer Batteries Europe suggests the addition of the following sentence in Article 7 of the implementing regulation:

"Where the surface of the battery is not large enough to display all labels and information required in Art. 13, 20, 38 and 41, the QR code can host the information.

Importantly, the implementing act should also allow for the possibility of the disclosure of information via a QR code about importers (as mandated by Article 41.3 of the Regulation) and distributors. This information is specific to each member state; removing it from the packaging would free up space for other information.

We also ask for the provisions on the QR code in the regulations to be amended in a way that would allow the use of other 2D codes, such as the Data Matrix, in the future.

Annex I and II Part A

In point II, we suggest omitting the battery category for portable batteries.

For the identification of portable batteries, common denominations of the battery format are customary, and consumers understand the type of battery in question. Conversely, such a requirement would trigger the need for translations in all EU languages, even if the battery category is abbreviated as suggested in the Ramboll report (page 108). Therefore, the implementing act should simply stipulate that an indication of the battery format (model) and chemistry is sufficient for the battery identification as foreseen by Article 13.1 and Part I of Annex VI of the Batteries Regulation.

Point III - Place of manufacture should only indicate a country. Specifying town or region would be overly burdensome for the manufacturer and not relevant for the user.

Point V - Weight of the battery is not useful information for the consumer and irrelevant in case of portable batteries. We ask for de-prioritisation of this indication for portable batteries so that appears lower on the list of Part A of Annexes I and II.

Point IX Usable extinguishing agent should be possible to omit in case any extinguishing agent can be used. As far as portable batteries are concerned, apart from lithium containing batteries, there should not be a requirement to state it on the label of portable batteries, because any extinguisher can be used.

Point XI as well as Part C of the Annexes should refer to average duration, instead of "minimum average duration". The labelling requirement refers to the performance of the battery under specific application test, not to minimum values that will be specified in accordance with Article 9 of the Batteries regulation.

Annex I and II Part B

We suggest leaving to the manufacturer the decision which font to use on the label, as long as it is readable.

Annex I and II Part C

Point 4 mentions a document accompanying the battery. In case of portable batteries where no accompanying document is provided, it must be possible to include this in the QR code instead.

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About EPBA – Consumer Batteries Europe

We are the leading organisation of quality manufacturers of portable batteries and power solutions in Europe. It comprises of a total of seven member companies, along with several associated members. In 2023, our members sold 5.5 billion batteries i.e. Alkaline, Zinc Carbon, Lithium coin and other button cells, and rechargeable batteries, along with two million chargers in Europe. The sector employs around 4,000 people in Europe, and the VAT contribution amounts to approximately EUR 260 million. We are dedicated to advancing the sustainable, safe, and efficient use of portable batteries across Europe. Our mission is to advocate for innovation and environmental stewardship in the battery industry, promote best practices in manufacturing and recycling, and ensure compliance with stringent safety and environmental standards. We work closely with stakeholders, including the EU institutions, policymakers, and consumers, to safeguard and enhance our positive contribution to the EU economy, the environment, and the communities in which we operate.