

EPBA's response to the Inception Impact Assessment of the Battery Directive 2006/66/EC

Creating a suitable framework that delivers on the Green Deal and fosters the competitiveness and sustainability of both the portable battery industry and the EU economy

EPBA is the trade association representing manufacturers and importers of consumer batteries in Europe. Our member companies are committed to innovation and are constantly striving to offer enhanced quality and performing batteries that contribute to the transition to a more sustainable and circular economy.

EPBA welcomes the opportunity to contribute to the inception impact assessment of the most relevant piece of legislation affecting our sector. We have been actively involved in the process from the start and remain open for a constructive dialogue, sharing our industry knowledge and advising on the feasibility of the different policy options under discussion. It is with great concern that we see the phase out of primary batteries listed as one of the key objectives of the new legislation. The fact is that such a drastic measure will not bring any environmental social or economic benefits. As a result we oppose to that and offer to discuss minimum quality standards which will in turn result in safer and higher quality portable batteries.

Below you will find other points we deem crucial both for our sector as well as for effectively delivering on the Green Deal and Circular Economy Action Plan:

First we wish to emphasise that a primary battery **is not a single use product and it cannot be compared with an everyday disposable product** like certain plastics. Primary batteries are **technologically complex** products which **can be used multiple times and in multiple appliances and for long periods of time**: a primary alkaline cell can last for 5 years in regular remote control or smoke detector applications, a general-purpose lithium coin cell can function for more than 10 years; in metering applications it can be in use for 15 years.

1. Phasing out primary batteries is not environmentally sustainable

Different studies, including the assessment of the Öko Institute, demonstrate that phasing out primary batteries will not benefit the environment and will actually increase greenhouse gas emissions. **Primary batteries are more environmentally sustainable than rechargeable batteries in low drain applications¹**, which corresponds to half of today's market for appliances and devices. Phasing out primary batteries on the grounds of environmental protection is simply **contrary to sustainability and will not lead to a climate neutral economy**. On the contrary, if primary batteries were to be banned, this would lead to an **extreme amount of device scrapping which is in no way, compatible with the circular economy principles**. The Öko Institute estimated that 70% of appliances and devices powered by primary batteries would just be scrapped. If you take into account that on average, a household (195 million in EU) has 23,9 battery-powered devices², that is an incredible amount of unnecessary e-waste.

¹ Confirmed by different LCAs including LCAs carried out by members of EPBA, some of them peer-reviewed.

² Kantar Global Device inventory Study 2019.

Furthermore, we alert to the **safety hazards of considering lithium ion batteries a direct replacement for alkaline batteries**. The majority of all portable battery powered devices are designed to work with 1.5 Volt AA or AAA primary alkaline batteries. Replacing those with Lithium-Ion batteries of the same size poses a severe risk for consumers. **The higher voltage of the latter would destroy the device and lead to a fire or explosion**. Device/cell compatibility is strictly ruled by the standards of the International Electrotechnical Commission (IEC) to ensure device functionality, consumer safety and to prevent safety hazards. EPBA alerts to the consequences of disregarding these technical aspects and calls for the **continued application of the IEC standards**.

- ***Socio-economic consequences of a restriction on non-rechargeable batteries***

We underline that a ban would only further strengthen the battery business in Asia where portable rechargeable batteries are produced. **Banning primary batteries is banning portable battery production in Europe**. EPBA member companies like Duracell, Panasonic, Energizer and Varta employ 5,200 people in Europe who would simply lose their job. Additional jobs would be lost in the various collection schemes, retail, transport, supply chain, recyclers and other related sectors.

In today's context, **maintaining manufacturing in the EU** has become even more important. It plays an **essential role in securing an efficient functioning of the supply chain while keeping emissions at a lower level**, when compared to imports from Asia.

- ***Minimum quality standards ensuring safe and high quality batteries***

Phasing out primary batteries is in our view not compatible with the circular economy action plan. Instead of that, EPBA sees merit in setting **minimum quality standards** which will ensure European consumers have the **safest and highest-quality choices** available to power their appliances. The IEC standard 60068-2 (Physical and electrical specifications of primary batteries) can be a good starting point for these discussions. This could also be used to look into **stricter health and safety** aspects such as requirements for leakage prevention.

2. Using recycling content needs to be technically possible and environmentally sustainable

EPBA members have consistently made progress over the years in terms of reducing the environmental impact of portable batteries. Today's products provide growing levels of power while being smaller and using less materials. We bring to your attention two points about including a recycled content obligation in the new directive: **environmental benefit and technical feasibility**.

Using recycled content is a complex matter influenced by different variables: the different chemistries, availability of recycled content, location of the production plant, impact on production processes, just to mention some. While **virgin materials are essential to produce high performing batteries**; enforcing the use of closed loop recycled content is, at this stage, not the most environmentally sustainable option. **Recycling of portable batteries is done in Europe whereas production is very often done outside Europe**. Material resulting from recycled portable batteries is already being used in non-battery related industries precisely because of proximity to the production point. We call for a careful assessment of the environmental impact of requiring the use of closed loop recycled materials. It is essential for our member companies that the recycled material is available at the production point.

Another crucial aspect is the technical feasibility of using recycled battery ingredients. In general the use of **less pure materials will result in less performing batteries** which do not last as long and will lead to more waste. We underline that for some ingredients, this is not possible, it's too complex and it's uncertain whether it would bring any measurable results: take for instance lead or cobalt which is used to ppm levels in portable battery manufacturing; or lithium which is simply not available as recycled; or steel where the battery grade is essential in preventing contaminants that cause gassing. It is important to know that in addition to the performance aspect, **high purified raw materials are also important for health and safety issues** related to batteries (gassing, leaking).

EPBA supports a **science-based recycling ratio applied to the total portable battery segment instead of individual material ratios**. Such approach will provide the needed flexibility to the producer while respecting the diverse technologies, provided of course the ingredient is available as recycled.

3. New collection targets need to be ambitious and achievable

EPBA support targets that are based on what's available for collection rather than the three-year average sales basis. The current calculation basis does not take into account the realities of the battery market as well as the complexity of collection. The experience of the past 12 years confirms that **setting a higher collection target, based on the current calculation methodology, will not automatically yield higher collection results**.

It is a common **misconception that a 45% collection target for primary batteries placed on the market means the other 55% inversely end up in household waste**. Fact is that a big share of these non-collected portable batteries are just not available for collection. These batteries are either still in use (as they have a much longer life than 3 years), hoarded by consumers or exported in (W)EEE to regions outside the EU. **EUCOBAT data points to less than 10% of portable batteries put on the market ending up in household waste**.

EPBA calls for a new calculation framework for setting collection targets based on 'what is available for collection'. **The new collection targets need to be ambitious as well as achievable**. In order to achieve better results, EPBA call for **increased awareness campaigns towards consumers**, additional strategies for collection including for instance **kerbside collection** as well as the use of **visible fee** to raise consumer awareness about the importance of battery collection and recycling and make them an integral part of the process.