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REGULATORY SCRUTINY BOARD OPINION

**Proposal for a Regulation of the European Parliament and of the Council
concerning batteries and waste batteries,
repealing Directive 2006/66/EC and amending Regulation (EU) No
2019/1020**

{COM(2020) 798 final}
{SWD(2020) 334 final}
{SWD(2020) 335 final}



EUROPEAN COMMISSION
Regulatory Scrutiny Board

Brussels,
RSB

Opinion

Title: Impact assessment / Modernising the EU's batteries legislation

Overall 2nd opinion: POSITIVE WITH RESERVATIONS

(A) Policy context

This report examines different ways to update the existing EU legislation on batteries. The goal is a competitive, circular, sustainable and safe value chain for all kind of batteries placed on the EU market.

Battery production and use should increase over the next decade. Batteries could play an important role in progress toward a climate neutral economy. They could support electric road transport and renewable energy storage, for example. However, this would come with substantial environmental, economic and social challenges. A new regulatory framework aims to address these.

This initiative builds on a 2018 Strategic Action Plan on Batteries. A recent evaluation of the Batteries Directive identified some weaknesses that this initiative also aims to address.

(B) Summary of findings

The Board notes the improvements to the draft report responding to the Board's previous opinion, such as the clarification of the interinstitutional commitments made in this field, and the more focused analysis in comparing the policy options.

However, the report still contains significant shortcomings. The Board gives a positive opinion with reservations because it expects the DG to rectify the following aspects:

- (1) The report does not sufficiently present recent and emerging developments in the batteries sector in the EU. The baseline is, therefore, not a good basis for comparison.**
- (2) The argumentation behind the composition of measures in the options is not clear and coherent.**

This opinion concerns a draft impact assessment which may differ from the final version.

Commission européenne, B-1049 Bruxelles - Belgium. Office: BERL 08/010. E-mail: regulatory-scrutiny-board@ec.europa.eu

(C) What to improve

(1) The report could strengthen the internal market dimension of the problem with additional evidence, especially on the extent to which competition is currently distorted in the EU. For this purpose, and to depict the global supply situation, the main report could integrate some information from annex 7. When referring to a ‘lack of level playing field’, the report should systematically specify who is affected and how. Furthermore, the report could also better present the current state of implementation of the existing legal framework and investigate to which degree the problem differs across Member States.

(2) The report should better cover recent rapid developments in the EU batteries market. It should better assess to what extent problems remain after the ongoing and announced investments in EU battery capacity. In particular, it should explain remaining risks to fair competition within the EU. The baseline should include these developments.

(3) The main report should explain the selection of ‘most relevant sub-measures’ in the options. It should clarify the reasons for discarding certain non-preferred sub-measures (as analysed in annex 9) and maintaining others.

(4) The table on costs and benefits of the preferred option (annex 3) should use the standard template, distinguishing more clearly between costs and benefits. It should not include unnecessary information, such as stakeholders’ views. It should contain all available quantification. In addition, the text of the annex should describe the practical implications of the preferred option for different stakeholder groups.

The Board does not attach the quantification tables to this opinion, as they are of insufficient quality in their current draft.

(D) Conclusion

The DG may proceed with the initiative.

The DG must revise the report in accordance with the Board’s findings before launching the interservice consultation.

Full title	Impact assessment on a Proposal for a Regulation (or a Directive) of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators and repealing Directive 2006/66/EC
Reference number	PLAN/2020/5391
Submitted to RSB on	11 September 2020
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