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From:	General Secretariat of the Council
To:	Delegations
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Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2023/1542 and Regulation (EU) 2024/1244 as regards simplification of some requirements and reduction of administrative burden - Mandate for negotiations with the European Parliament

Delegations will find attached the mandate for negotiations with the European Parliament on the abovementioned proposal, as agreed by the Permanent Representatives Committee at its meeting on 24 June 2026. Changes compared to the Commission proposal are marked in **bold** for the additions and with [...] for the deletions.

2025/0397 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulations (EU) 2023/1542 and [...] (EU) 2024/1244 as regards simplification of some requirements and reduction of administrative burden

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 and Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

¹ OJ C , , p. .

² OJ C , , p. .

Whereas:

- (1) The political guidelines for the Commission’s 2024-2029 term [...] point to the goal of simplifying legislation to eliminate any overlaps and contradictions while maintaining high standards and staying the course on the goals set out in the **Commission’s communication of 11 December 2019 entitled “The European Green Deal” (the “European Green Deal”).**⁴
- (2) In response to the 2024 **report entitled “The future of European competitiveness” (the “Draghi report”)**, **which pointed** to regulatory obstacles and the [...] administrative burden as one of the key challenges, **in particular** for small and **medium-sized** enterprises [...], the **Commission, in its communication of 29 January 2025 entitled “A Competitiveness Compass for the EU”, identified** a set of horizontal enablers to underpin competitiveness, including simplifying **the** regulatory environment, reducing burden and favouring speed and flexibility.
- (3) In its communication of 11 February 2025 entitled ‘A simpler and faster Europe: Communication on implementation and simplification’, **the** Commission set out a vision for an implementation and simplification agenda that delivers fast and visible improvements for people and businesses on the ground. That **agenda** requires more than an incremental approach, and the Union is to take bold action to achieve that goal. The [...] European Parliament, the Council, **the Commission, the** Member States’ authorities at all levels and stakeholders need to work together to streamline and simplify Union, national and regional rules and to implement policies more effectively.

⁴ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions of 11 December 2019, ‘The European Green Deal’, COM/2019/640 final.

- (4) In the context of the Commission’s commitment to reduce reporting burdens and compliance costs, advance interoperability [...] and enhance competitiveness, it is necessary to **amend** certain provisions of Regulations (EU) 2023/1542⁵ and (EU) 2024/1244⁶ of the European Parliament and of the Council whilst maintaining the policy objectives [...] of the European Green Deal [...] and **of the Commission communication of 8 March 2018 entitled “Action Plan: Financing Sustainable Growth”**.
- (5) With a view to maintaining **consistency** with the original instruments and in order to preserve the legislative intent, **the** amendments to Chapter VIII of Regulation (EU) 2023/1542 and to Regulation (EU) 2024/1244 are based on Article 192(1) of the Treaty, **and the amendments to other provisions of Regulation (EU) 2023/1542 are based on Article 114 of the Treaty**.
- (6) With a view to ensuring that all operators, irrespective of the selling technique used, are covered by the definition of a producer in Regulation (EU) 2023/1542, it should be clarified that a manufacturer, importer, distributor or other natural or legal person that sells batteries in a Member State [...] and **that** is established in another Member State or in a third country [...] qualifies as a producer not only when selling by means of distance contracts.

⁵ [...] Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ L 191, 28.7.2023, p. 1, ELI: <http://data.europa.eu/eli/reg/2023/1542/oj>).

⁶ [...] Regulation (EU) 2024/1244 of the European Parliament and of the Council of 24 April 2024 on reporting of environmental data from industrial installations, establishing an Industrial Emissions Portal and repealing Regulation (EC) No 166/2006 (OJ L, 2024/1244, 2.5.2024, ELI: <http://data.europa.eu/eli/reg/2024/1244/oj>).

- (7) Pursuant to Article 13 of Regulation (EU) 2023/1542, batteries **are to** bear a label indicating the presence of hazardous substances. [...] It is necessary to add further precision on the scope of the substances that need to be labelled by referring to **a specific subset of** substances of [...] concern identified in accordance with Regulation (EU) 2024/1781 of the European Parliament and of the Council⁸.
- (8) The requirement for light means of transport (LMT) batteries and battery packs to be removable and replaceable at cell level **might** create unexpected safety concerns when faulty battery cells are not replaced in the right conditions. Thus, in order to achieve the right balance between safety, repairability **and second life**, it is appropriate to require that LMT batteries and LMT battery packs be readily removable and replaceable by independent professionals at module level. **LMT batteries should be designed in a way that individual modules are removable and replaceable by independent professionals during the lifetime of the products in which they are incorporated. However, this Regulation should not prevent the placing on the market of LMT batteries where individual cells are removable and replaceable during the lifetime of the product in which they are incorporated, if that can be done in a way that safety, performance and durability are safeguarded. Second life operations, such as repurposing, preparation for repurposing, preparation for reuse and remanufacturing, are facilitated when LMT batteries are designed in such a way that individual battery cells in modules and packs are easily removable and replaceable at the end of life of that battery. LMT batteries should therefore be designed in a way that individual battery cells are removable by independent professionals at the end of the lifetime of the product in which they are incorporated, as long as this design can be done in a way that safety, performance and durability are safeguarded. LMT batteries which have been subject to repurposing, preparation for repurposing, preparation for reuse or remanufacturing, by having some of their cells or modules replaced, should be safe for use and fulfil requirements of dangerous goods transport regulations when placed on the market again.**

⁸ **Regulation (EU) 2024/1781 of the European Parliament and of the Council of 13 June 2024 establishing a framework for the setting of ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC (OJ L, 2024/1781, 28.6.2024, ELI: <http://data.europa.eu/eli/reg/2024/1781/oj>)**

- (9) **Article 76(4) of Regulation (EU) 2023/1542** requires the Commission to publish a report on the results of the review of the information made available by the Member States **in accordance with Article 76 of that Regulation**. In practice, **Article 76(4) of that Regulation is** too prescriptive, **means** that analysis of data on implementation is required at a time which does not align with evaluation cycles, and only covers part of the information. **That** requirement should therefore be deleted, allowing for more flexible data reviewing. **However**, informed decision-making is integral to the governance processes within the Union. [...] Therefore, the Commission should continue to **collect and** review the **information** reported by the Member States **in accordance with Article 76 of that Regulation of ensuring a minimum level of structured reporting and consistency over time**.
- (9a) **Article 11 of Regulation (EU) 2023/1542** lays down requirements concerning the removability and replaceability of batteries incorporated into products, while **Article 96(2), second subparagraph, point (a), of that Regulation** establishes the date of application of that provision, currently set at 18 February 2027. Pursuant to **Article 11(4) of that Regulation**, the Commission is empowered to adopt delegated acts to add further products to the list of products for which batteries need only be made removable and replaceable by independent professionals. The Commission adopted [*Commission Delegated Regulation ADD Reference when published*]. Economic operators producing products falling within the scope of the derogations introduced by that act were not in a position to determine with sufficient certainty whether their products would be subject to the end-user removability obligation or to a derogation. As a result, the time available between the adoption of [*Commission Delegated Regulation ADD Reference when published*] and the date of application of **Article 11 of that Regulation** for adapting products that will not benefit from a derogation, or for redesigning products currently placed on the market with non-removable batteries, which typically require between 18 months and 4 years, is insufficient. Therefore, the current date of application of **Article 11** appears disproportionate for products falling within the scope of the derogations introduced by that delegated act, and should be postponed by 18 months for those products only. The postponement of the date of application leaves the substantive provisions of **Article 11 of that Regulation** unchanged and is necessary in order to ensure legal certainty, proportionality of the burden on economic operators and effective

implementation of that Regulation, without undermining its environmental objectives.

- (10) With a view to simplifying requirements on operators and companies, and **reducing** the administrative burden stemming from reporting **requirements** pursuant to Article 6 of Regulation (EU) 2024/1244, while maintaining equivalent standards as regards the protection of human health and the environment, [...] Member States **should be allowed** to exempt operators of livestock production and aquaculture installations from reporting on off-site transfers of waste, off-site transfers of pollutants in **waste water**, production volume and **the** number of operating hours, provided that **those data and that** information can be gathered by other means **in order to fulfil** the requirements set out in Article 7 of that Regulation. **Where Member States consider that gathering that information by other means disproportionately increases the administrative burden for public authorities, they should be allowed not to make use of that possibility.** Furthermore, to **minimise** the administrative burden on operators of livestock production and aquaculture installations, they should not be required to report **data** on the use of water, energy and relevant raw materials.
- (11) Regulations (EU) 2023/1542 and (EU) 2024/1244 should therefore be amended accordingly,
- (11a) **Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,**

HAVE ADOPTED THIS REGULATION:

Article 1
Amendments to Regulation (EU) 2023/1542

Regulation (EU) 2023/1542 is amended as follows:

(1) **in Article 3(1), point (47), point (d) is replaced by the following:**

‘(d) sells batteries, including those incorporated in appliances, light means of transport or other vehicles, directly to end-users, whether or not they are private households, in a Member State, and is established in another Member State or in a third country;’;

[...]

[...]

(2) **in Article 11, paragraph 5 is replaced by the following:**

‘5. Any natural or legal person that places on the market products incorporating LMT batteries shall ensure that those batteries, as well as individual battery modules included in the battery pack, are readily removable and replaceable by an independent professional at any time during the lifetime of the product;’

(2a) in Article 13, paragraph 6 is replaced by the following:

‘6. From 18 February 2027, LMT batteries, industrial batteries with a capacity greater than 2 kWh and electric vehicles batteries shall be marked with a QR code as described in Part C of Annex VI. The QR code shall provide access to the battery passport established in accordance with Article 77.

From 18 February 2027, other batteries shall be marked with a QR code as described in Part C of Annex VI.

The QR code shall provide access to the declaration of conformity referred to in Article 18, to the report referred to in Article 52(3) and to the information regarding the prevention and management of waste batteries laid down in Article 74(1), points (a) to (f). From 18 months after the date of entry into force of the implementing act referred to in paragraph 10 of this Article, this QR code shall also provide access to the applicable information referred to in paragraphs 1 to 5 of this Article.

From 18 February 2027, SLI batteries shall be marked with a QR code as described in Part C of Annex VI. The QR code shall provide access to the amount of cobalt, lead, lithium or nickel recovered from waste and present in active materials in the battery, calculated in accordance with Article 8.

The information referred to in this paragraph shall be complete, up to date and accurate.’

(3) in Article 76(4), the second, third and fourth sentences are deleted.

(3a) in Article 96(2), point (a), a new sentence is added:

‘By way of derogation from Article 96(2), second subparagraph, point (a), Article 11 shall not apply to products falling within the scope of the derogations introduced by Commission Delegated Regulation [*placeholder to be updated with OJ reference upon adoption of the delegated act*] during the period between the entry into force of [*this amending Regulation*] and 18 August 2028.’

(4) in Annex VI, Part A, point 8 [...] is replaced by the following:

‘8. the substances of [...] concern, as defined in [...] Article 2, first paragraph, points (27)(a), (27)(b)(i) to (v) category 1 only, 27(b)(vi) and (vii), of Regulation (EU) 2024/1781, which are present in the battery, other than mercury, cadmium and lead, in a concentration of more than 0,1%, weight by weight.’

(4a) in Annex XIII, point 1(b) is replaced by the following:

‘(b) the material composition of the battery, including its chemistry, substances of concern, as defined in Article 2, first paragraph, points (27)(a), (27)(b)(i) to (v) category 1 only, 27(b)(vi) and (vii), of Regulation (EU) 2024/1781, which are present in the battery, other than mercury, cadmium or lead and critical raw materials present in the battery.’

Article 2

Amendments to Regulation (EU) 2024/1244

In Article 6 of Regulation (EU) 2024/1244, paragraph 9 is replaced by the following:

‘9. The reporting requirements set out in paragraph 1, first subparagraph, point (d) shall not apply to operators of [...] livestock production **or** aquaculture installations [...].

Member States may decide to quantify deliberate releases as referred to in paragraph 1, first subparagraph, point (a), themselves on behalf of **the operator of a** livestock production **or an** aquaculture **installation**. In such cases, paragraphs 1 to 8 shall not apply to those operators in respect of such releases.

Member States may decide to exempt **the operator of a** livestock production **or an** aquaculture **installation** from reporting on any of the items referred to in paragraph 1, first subparagraph, points (b), (c), (e), (f) and (g), of this Article, provided that such **data and** information can be gathered by Member States by other means in order to fulfil their obligations pursuant to Article 7. In such cases, paragraphs 1 to 8 of this Article shall not apply to those operators in respect of such **data and information**.’

Article 3

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament

The President

For the Council

The President
