



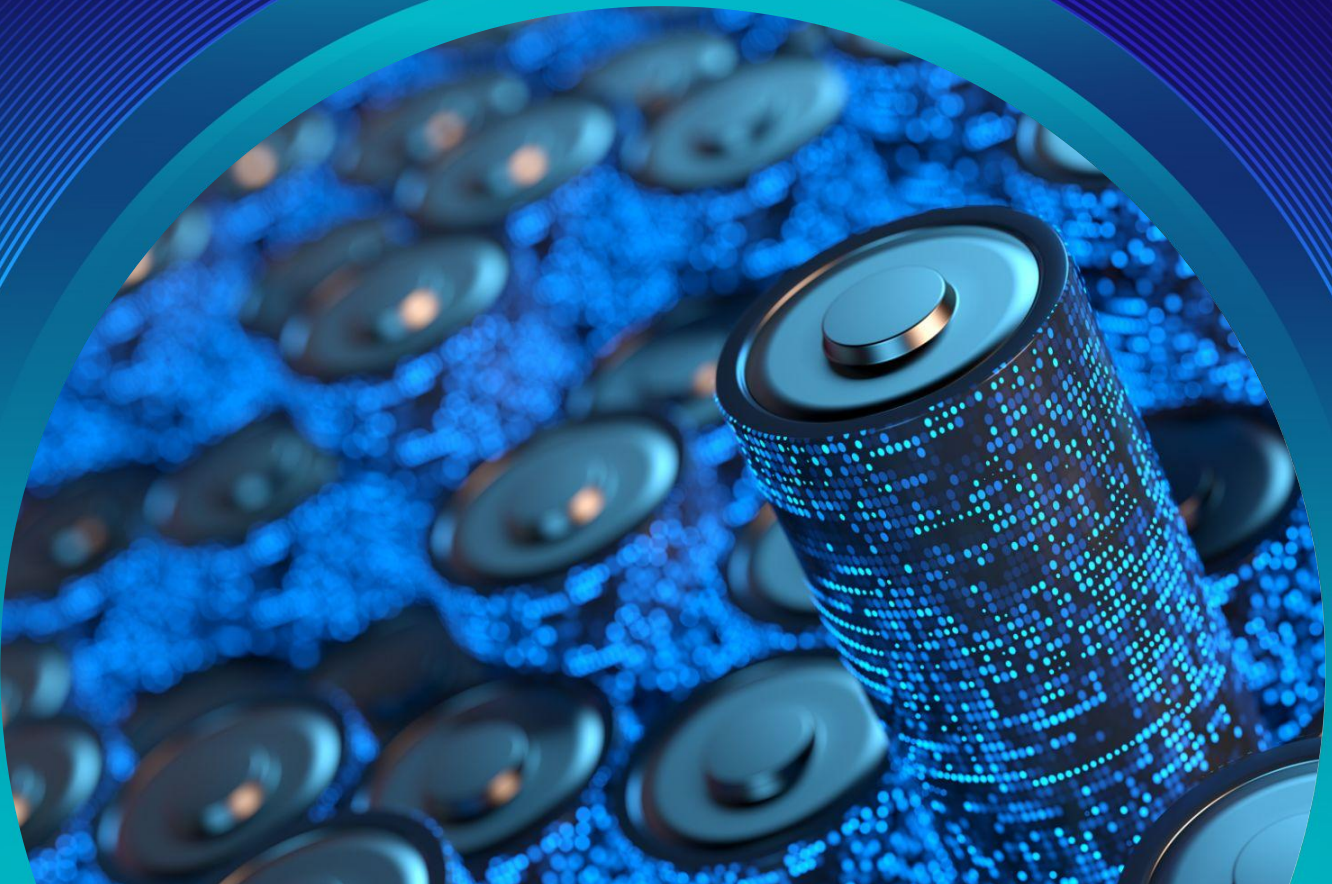
Compliance & Risks

Beyond Waste Management: Mastering the New US & EU Battery Lifecycle Mandates

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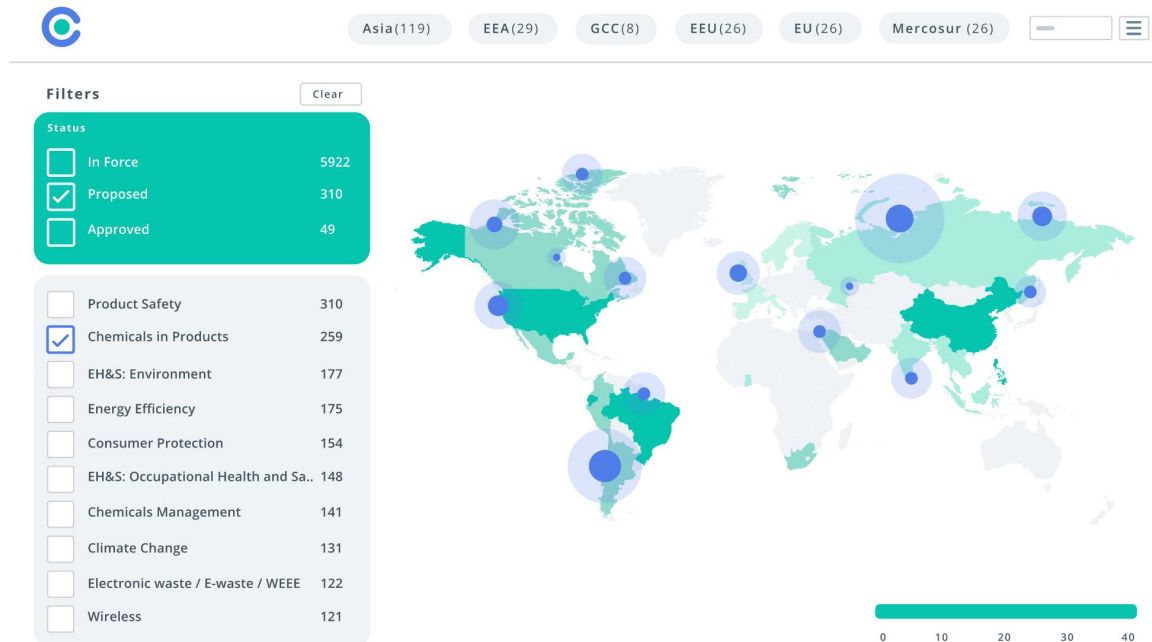
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He brings over a decade of experience in regulatory enforcement across Irish national authorities, including roles with NSAI and the Competition and Consumer Protection Commission.

His work today centers on helping companies interpret global regulations and stay ahead of evolving compliance requirements.

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01. Introduction

The global regulatory landscape for batteries is undergoing a period of profound transformation, moving simultaneously in two distinct directions.

In the United States, a rapidly evolving patchwork of state-level Extended Producer Responsibility (EPR) frameworks is shifting the financial and operational burden of end-of-life management onto manufacturers and importers .

Conversely, the European Union has moved beyond simple waste management toward a comprehensive, harmonized lifecycle approach under Regulation (EU) 2023/1542.

This comprehensive guide, based on our recent webinar "[Manufacturers' Blueprint: Solving the US & EU Battery Compliance Puzzle](#)," serves as a strategic roadmap for manufacturers, brand owners, and importers to navigate this increasingly fragmented yet converging environment.

We will explore the primary drivers behind these legislative shifts, such as the rising safety risks of lithium-ion battery fires and the economic necessity for cost-shifting in municipal waste management.

Our regulatory experts outline a comprehensive compliance workflow, covering the "Washington Blueprint" in the US and the transition from the old EU Battery Directive to a "one rule, one market" regulation.

Gain detailed insights into upcoming mandates for Carbon Footprint Declarations, Supply Chain Due Diligence, the Digital Battery Passport, and circular design requirements for Removability and Replaceability.

By synthesizing regulatory timelines and operational "Gotchas," organizations will be empowered to build scalable compliance frameworks that stay ahead of evolving global benchmarks.

This guide was originally published on the 18 May 2026. Further regulatory developments may have occurred after publication.

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02. The Drivers of Modern Battery Stewardship

The sudden momentum behind battery stewardship in the United States is fueled by immediate safety, economic, and environmental pressures.

Public safety has become the primary political driver, as lithium-ion batteries have become a growing source of dangerous fires in waste trucks, recycling facilities, transfer stations, and landfills.

As the volume of battery-powered products in the market grows, the risks associated with improper disposal have torn batteries from a simple waste concern into a critical infrastructure issue, leading to significant insurance costs and operational downtime.

Beyond safety, local governments and waste operators are increasingly unwilling to absorb the expensive and inconsistent costs of household hazardous waste (HHW) programs, seeking to shift that financial responsibility upstream to the producers placing products on the market.

Resource recovery provides an additional environmental and economic argument for these laws.

Batteries contain valuable metals and critical minerals that lawmakers view as essential to secure. This combination of factors has led to high legislative confidence, where policy makers now feel that a stewardship framework is both necessary and feasible.

Ultimately, this push is maturing from niche policy experiments into standardized agency playbooks that are spreading across the country as states watch each other, borrow concepts, and refine existing models rather than starting from scratch.

03. Navigating the US State EPR Patchwork

The United States currently lacks a single federal battery stewardship law, requiring companies to track multiple state programs that each possess unique definitions, thresholds, and enforcement approaches.

Key jurisdictions currently shaping this landscape include Washington, Vermont, Colorado, Illinois, California, and the District of Columbia. California is a prime example of a major market where rulemaking and implementation for the "Responsible Battery Recycling Act" are currently underway.

Producers must navigate significant differences in scope; for example, while some laws focus primarily on portable batteries, others like Vermont and DC explicitly include rechargeable batteries and battery-containing products such as electronics, toys, and tools.

The definition of a "producer" is a critical "gotcha" that varies by state.

While it generally refers to the brand owner, the obligation can shift to the importer or distributor if the brand owner has no in-state or US-based presence. Companies must also monitor varying effective dates and phase-in periods, such as the different timelines for portable versus medium-format battery categories.

Enforcement styles also differ, with some states relying on civil penalties while others utilize strict prohibitions on sale for non-compliant producers.

To manage this patchwork, organizations must adopt a structured compliance mapping approach that accounts for varying site density standards and the evolving role of retailers in collection networks.



04. The EU Lifecycle Shift: From Directive to Regulation

The European Union has fundamentally altered its regulatory approach by transitioning from the 2006 Battery Directive (2006/66/EC) to the 2023 Battery Regulation (EU 2023/1542).

Unlike the previous directive, which allowed for 27 different national interpretations and focused solely on end-of-life waste, the new regulation is directly applicable across all member states with a "one rule, one market" philosophy.

This monumental shift moves compliance beyond simple waste management to a full lifecycle approach that regulates how batteries are designed, produced, and sourced. The old directive was formally repealed in August 2025, and though some transitional rules remain, the new regulation has been in force since February 2024.

The scope of this regulation is broad, covering all batteries whether sold as standalone products or integrated into other devices, including portable, SLI, Light Means of Transport (LMT), and industrial categories.

It assigns responsibilities to a wide range of economic operators, including manufacturers, suppliers of battery cells or modules, authorized representatives, importers, and distributors.

Critically, it even includes fulfillment service providers who offer warehousing and dispatching services. Manufacturers must recognize that their compliance obligations now begin in the design room and procurement department, moving far upstream from the traditional focus on end-of-life recycling.

06. Mandatory Transparency: Carbon Footprints and Recycled Content

One of the most transformative aspects of the EU Regulation is the mandatory carbon footprint declaration, which is a legal requirement for market access rather than voluntary reporting.

This obligation applies per battery model and per manufacturing plant, requiring manufacturers to calculate footprints across the entire production process - from raw materials to transportation - verification and conformity assessment are required under EU procedures, with detailed rules set out in delegated acts.

For electric vehicle (EV) batteries, the carbon footprint declaration requirement will apply from 12 months after the relevant implementing acts enter into force, and for industrial rechargeable batteries over 2 kWh, the deadline was February 18, 2026, or 12 months after the entry into force of the relevant delegated act, whichever is later. This data will eventually evolve into performance classes and binding carbon limits that directly impact market access.

Simultaneously, the EU establishes binding minimum targets for recycled content to ensure key materials in new batteries come from recycled sources.

From 18 August 2031, batteries placed on the EU market must demonstrate compliance with minimum recycled content shares of cobalt (16%), lithium (6%), nickel (6%), and lead (85%)

These thresholds step up significantly by August 2036, with cobalt rising to 26% and lithium to 12%.

Because these are enforceable thresholds, manufacturers must establish robust material traceability systems and audit trails from suppliers immediately to justify these future claims in their technical documentation.

07. Ethical Sourcing and Supply Chain Due Diligence

To address environmental and social risks, the EU Regulation mandates strict supply chain due diligence for four critical raw materials: cobalt, lithium, nickel, and natural graphite.

These minerals are frequently associated with problematic sourcing, such as child labor in Congo cobalt mines, water stress in Chilean lithium operations, and deforestation linked to nickel extraction in Indonesia and the Philippines.

The Regulation requires operators to establish a supply chain due diligence system, including a written policy, risk identification and mitigation measures, grievance mechanisms, and reporting obligations, with compliance subject to audits and verification under the applicable conformity assessment framework.

While the formal application date for these obligations was postponed to August 18, 2027, and official guidelines are expected in July 2026, companies must not use this as permission to wait.

Supply chain mapping is a massive data exercise that requires active engagement with suppliers to build reliable data systems .

There are currently proposals to raise the turnover threshold for these requirements from €40 million to €150 million or €200 million, potentially exempting the smaller mid-cap companies.

Regardless of turnover, the direction for the industry is clear, and the verification of these policies by a notified body will be essential for market entry.

08. Digital Innovation and the Battery Passport

Starting February 18, 2027, specific battery categories - including electric vehicle (EV) batteries, light means of transport (LMT) batteries, and industrial batteries with a capacity greater than 2 kWh - must be accompanied by a Digital Battery Passport (DBP).

This unique electronic record is accessible via a physical QR code and provides granular data on state of health, carbon footprint, and material composition. While portable batteries do not require a full passport, they must still bear a QR code linking to a limited set of information on safe use, disposal, and recycling.

The DBP is the first legally binding and sector-specific implementation of the broader Digital Product Passport (DPP) framework in the EU, serving as a mechanism that ties all other compliance data together.

Manufacturers can often use the same physical QR code used for existing labeling, but the underlying data architecture must be upgraded to support dynamic, live data by the 2027 deadline.

Because building this data infrastructure is time-intensive, organizations should launch their DBP projects with IT and supply chain teams no later than late 2026 to ensure readiness.





09. Circular Design: Removability and Replaceability

To support the circular economy and repairability, the EU Battery Regulation mandates that by 18 February 2027, portable batteries incorporated into products must be readily removable and replaceable by the end-user, while LMT batteries must be readily removable and replaceable by an independent professional.

This means batteries must be removable and replaceable using only commercially available tools, without requiring proprietary tools, thermal energy, or solvents, and without the risk of damaging the product.

Furthermore, manufacturers are prohibited from using software locks that impede the replacement of a portable or LMT battery and must ensure that spare parts remain available for five years.

Limited exemptions exist for this mandate. Partial exemptions apply to products used in wet environments and certain medical devices where end-user removal is not required but professional removal must be possible.

Full exemptions are rare and reserved for safety-critical or data-critical products where uninterrupted power is mandatory.

Any derogations or additional exemptions must be backed by a strong technical justification and documented within the battery's technical file. These rules are designed to balance sustainability with consumer rights and user convenience.

08. Webinar Q&A

During the live webinar, numerous questions were sent in by our live audience. Our webinar presenters, [Dila Şen](#) & [Andrew O'Neill](#) provided expert answers to the most popular queries below.

Q1. The regulation states that the carbon footprint declaration is due on February 18th or 18 months after the entry into force of the relevant delegated or implementing act, whichever is later. Are we not still waiting for that delegated act to be issued?

You are correct. The deadline for CF declarations for EV batteries was originally set for February 2025, but per Article 7(1), this is contingent on the delegated act for methodology. Since the methodology (Article 7(7)(b)) and format (Article 7(7)(a)) were delayed, the effective deadline is indeed 18 months after these acts are adopted.

You cannot formally disclose or claim compliance with a CF declaration until the harmonized methodology is published, as there is no legal basis for "notified body" verification without it.

As of today, neither act has been formally published in the Official Journal of the EU. The compliance clock has therefore not started, and the 18 February 2026 deadline for industrial batteries has been effectively deferred. Companies should continue preparing, but no legal obligation is currently enforceable. I apologise for any confusion.

Q2. How is Washington defining "easily removable" and "Battery-containing product"?

Washington SB 5144 Enacted (Chapter 434 of 2023) contains, among others, the following definitions:

- "Easily removable" means designed by the manufacturer to be removable by the user of the product with no more than commonly used household tools.
If the battery can be popped out by hand or removed with a standard screwdriver/pliers, it is "easily removable." The product is then considered a battery-containing product as it contains a covered battery, and you (the producer) must ensure those batteries are covered by a stewardship plan.
- "Battery-containing product" means a product that contains or is packaged with rechargeable or primary batteries that are covered batteries. A "battery-containing product" does not include a covered electronic product (e.g., computers, monitors, TVs) under an approved plan implemented under chapter 70A.500 RCW, the Washington E-Cycle law.

Q3. There are very few requirements for Article 11 removability/replaceability. How will this be enforced?

1. **Verification of Technical Documentation (Article 18)**
Enforcement begins before a product hits the shelf. Under Annex VIII, manufacturers must provide technical files demonstrating that batteries can be removed using "commercially available tools." If your documentation shows specialized proprietary tools or permanent adhesives (glue) are required, the product fails the conformity assessment immediately.
2. **Harmonized Standards (Article 15)**
The EU doesn't leave "removability" to chance. Enforcement relies on specific CEN/CENELEC standards that define the exact metrics for:
 - Tool accessibility: What qualifies as a "common" tool.
 - Disassembly steps: Maximum complexity allowed for an end-user to reach the battery.
 - Safety during replacement: Ensuring the enclosure remains intact.
3. **Market Surveillance & Penalties (Articles 79 & 93)**
National authorities perform random spot checks. If a device is found non-compliant:
Withdrawal/Recall: The product is pulled from the entire EU market.
Fines: Under Article 93, Member States have implemented "dissuasive" fines, often calculated as a percentage of the company's regional turnover.
4. **Software "Anti-Pairing" Audits (Article 11(4))**
A major enforcement pillar is the ban on software locks. Regulators now audit firmware to ensure that replacing a battery with a third-party equivalent does not trigger "part-pairing" warnings or artificial performance throttling.
5. **The Digital Battery Passport (Article 77)**
For LMT and industrial batteries, the Battery Passport must contain data on removability. Any discrepancy between the Passport data and the physical product triggers an automatic flag for customs and market inspectors.

Q4. Our 360-degree cameras feature batteries soldered directly to the PCB boards, which can only be removed by desoldering. Currently, there is no alternative design to make these batteries removable. These batteries are essential for maintaining the product's memory, similar to RAM in a PC or laptop. Could you please advise on how the regulation applies to this specific situation?

Soldering batteries to a PCB is generally non-compliant because the regulation requires portable batteries to be removable and replaceable by the end-user with "commonly available tools".

Using heat or specialized tools like a soldering iron does not meet the "end-user" accessibility standard required for appliances placed on the market after February 18, 2027.

While Article 11(2) allows for permanent connections for data integrity or safety, this is a narrow exemption. Regulators typically expect a socket or holder (similar to modern PC CMOS batteries) rather than a permanent solder joint to ensure circularity.

Since you are within the final year before the deadline, you should transition to a socketed/connector design or prepare a robust technical file justifying why a holder is technically impossible for the camera's function.

Even if an exemption is used, you must still provide clear instructions for professional recyclers to remove the battery safely at the end of the product's life.

Q5. For a non-EU company, is the turnover cap related to only EU revenues or worldwide?

Article 47 states that the due diligence requirements do not apply to economic operators that had a net turnover of less than EUR 40 million in the financial year preceding the last financial year, and that are not part of a group, consisting of parent and subsidiary undertakings, which, on a consolidated basis, exceeds the limit of EUR 40 million.

There is no distinction between EU and worldwide turnover in this section.

Q6. Is there an implemented act in Europe regarding the carbon footprint, and what is the methodology that should be applied?

Currently, no final implementing act has been formally adopted yet for carbon footprint calculation. The EU Batteries Regulation requires a mandatory carbon footprint declaration for certain batteries (portable, automotive, industrial) once the methodology is defined by a delegated act. The original deadline (18 February 2026) has been postponed because: The delegated act on methodology (Article 7(7)(b)) has not yet been published. The implementing act on format (Article 7(7)(a)) is also pending.

Carbon footprint reporting is not yet enforceable, but companies are advised to prepare in advance.

Q7. Are wearable and associated devices like headphones or smartphones considered as wet-environment devices by the regulation?

No, wearable devices such as headphones or smartphones are not considered wet-environment devices under the EU Batteries Regulation.

The classification of a "wet-environment" device is linked to batteries intended for use in harsh, wet, or outdoor environments where water ingress could affect performance or safety (Recital 56 and Article 2 definitions). Typical consumer electronics and wearables are assumed to operate in standard indoor or everyday conditions and do not fall under this category.

Only devices explicitly designed for immersible, outdoor, or high-humidity applications would trigger wet-environment-specific requirements.

Q8. When is Carbon Footprint DA expected for Industrial Battery?

The Joint Research Centre (JRC) published its final technical report on the methodology (JRC141282) in April 2025, which was the "scientific recommendation" to the Commission.

The Commission is in the process of finalising the method to be used for the calculation and verification of the carbon footprint for EV batteries, which has faced delays. Since the industrial battery methodology (CFB-IND) is designed to align with the EV methodology, the EV DA must first be finalised.

As of early April 2026, no precise new deadline has been publicly confirmed by the Commission, for either of the pending delegated acts.

Q9. When is DA expected for DPP?

The DPP is mandatory for Electric Vehicle batteries, Light Means of Transport LMT batteries, and industrial batteries >2 kWh from 18 February 2027.

The requirements for the DPP are set out in Article 77 and the Annexes referenced from this Article in the EU Battery Regulation.

We are expecting a DA on the access rights to certain parts of the battery passport to be published. This regulation will be adopted in the fourth quarter of 2026. The draft regulation is currently in preparation and will be made available on the [EU Commission website](#).

Q10. As a UPS manufacturer, we depend on the battery manufacturer for specific data. How are we held responsible for the Digital Product Passport (DPP), especially since many of the required parameters are not within the Battery Management System (BMS)? Furthermore, if a UPS manufacturer uses an aggregator and processes data primarily within the UPS itself, how is the responsibility for the DPP managed?

If the UPS manufacturer is the economic operator placing the battery on the EU market, the UPS manufacturer remains responsible for the battery passport, even if the battery manufacturer owns much of the source data and even if the passport is technically built through an external aggregator rather than the BMS. The BMS only covers part of the required dataset, not all of it.

Responsibility sits with the economic operator placing the battery on the market; data can be federated. The UPS manufacturer may rely on the battery manufacturer for battery-origin and BMS-controlled fields and may use an external passport provider, but it must still ensure the final battery passport is accurate, complete, and up to date.

Q11. There are some Notification Body for Industrial Battery. But how they can become when DA has not come for Article 7 & 8?

Notified Bodies for industrial batteries can be designated by Member States even though the delegated acts for Articles 7 (Digital Battery Passport) and 8 (labeling) have not yet been published. While they cannot issue formal conformity certificates for DBP or labeling until the DAs are adopted, these bodies can provide pre-assessment support, advisory services, and internal audit preparation.

This early designation ensures that both manufacturers and Notified Bodies are ready to comply once the requirements are finalized.

Q12. Is there a reliable overview which regulations are valid for B2B and which only for consumer products?

In the US, the divide between B2B (Business-to-Business) and B2C (Consumer) battery EPR is rarely defined by who buys the battery, but rather by the format (size/weight) and the chemistry of the battery. Most state EPR laws cover "Portable" and "Medium-Format" batteries regardless of whether they are sold BtC or BtB.

Q13. What is the status on federal level? Any approaches, drafts visible to achieve US wide regulation?

As required by the [Infrastructure Investment and Jobs Act](#), the EPA and DOE are developing a harmonized federal Extended Producer Responsibility (EPR) framework for batteries to address safety, recycling goals, and cost structures.

This initiative aims to align fragmented state-level policies - which currently include producer-funded programs in states like California, Washington, and Colorado - into a unified, national strategy that enhances the domestic critical mineral supply chain and improves fire safety.

More information can be found [here](#).

Q14. Are there BSO interstate acting available, or do you need a different BSO per US state?

Joining a Producer Responsibility Organization (PRO) like [The Battery Network](#) helps manage compliance obligations for battery Extended Producer Responsibility (EPR) laws across multiple US states. However, because battery EPR laws vary by state regarding definitions, reporting, and fees, joining one PRO may not automatically cover all obligations in every state.

While The Battery Network covers many obligations, states like California, Colorado, Vermont, and others have distinct requirements that may necessitate specific registrations or reporting beyond general membership. The Battery Network is designed to satisfy state-approved stewardship plans.

You must verify that your specific battery types (e.g., portable, industrial, embedded) are covered in every state where you sell, as definitions differ. Producers - defined as brand owners, importers, or manufacturers - must register and manage fees, often through a PRO, to ensure that they can legally sell products. For total compliance, it is crucial to confirm with the PRO that their coverage aligns with all your active jurisdictions.

Q15. What about the role of the producer and how it relates to different economic operators?

The different roles under the EU Batteries Regulation are distributed as follows:

- The term economic operator includes manufacturers, authorised representatives, importers, distributors, or fulfillment service providers involved in manufacturing, making available, or putting batteries into service. Each of the different economic operators carries their own obligations under the regulation.
- The term producer on the other hand refers to any natural or legal person that is the first to supply or sell batteries on the EU market. This can include manufacturers selling under their own brand, resellers selling under their own brand, importers, and sellers from a third country supplying products to the EU market via distance sales.

The term producer is particularly important in the context of the Extended Producer Responsibility obligations of the Batteries Regulation. Under the EPR requirements, producers are required to register and finance the cost of separate collection, transport and treatment of waste batteries. Producers can mandate a PRO to fulfil their obligations, and in some member states including Germany, appointing a PRO is mandatory.

Q16. We are an EV manufacturer located outside US. If we sell an EV to Washington for example, who will pay some costs for waste batteries recycling?

Presently, EV batteries are not covered by the Washington state Battery EPR law, but EV Battery EPR bills (HB 1550 and SB 5586) have been proposed in the 2025-2026 legislature.

These bills mention the following:

- - Section 4(1) of HB 1550: The responsible entity for a spent battery shall be the battery provider, unless a secondary handler or secondary user has modified the battery for a use other than in a vehicle. In that case, the responsible entity shall be the last party that modified the battery. The responsible entity is responsible for end-of-life treatment for a spent battery under this chapter. "Battery provider" means a person that initially sells, offers for sale, or distributes a new propulsion battery or a vehicle containing a new propulsion battery in or into Washington, including vehicle manufacturers licensed pursuant to applicable state codes or propulsion battery manufacturers that distribute propulsion batteries under their own name or brand.
- - Section 5(3) of SB 5586: A producer is responsible for the end-of-life management of a propulsion battery under this act as follows:
 - (a) For a propulsion battery embedded in a vehicle that is sold in the state, or sold or distributed in or into the state by remote sale or distribution:
 - (i) If the propulsion battery is sold in a vehicle under the vehicle manufacturer's own brand, the vehicle manufacturer is responsible for the battery;
 - (ii) If the propulsion battery is sold in a vehicle under a different brand than that of the vehicle manufacturer, the person that is the licensee of the brand or trademark under which the vehicle is sold, offered for sale, or distributed in or into the state, whether or not the trademark is registered in the state, is responsible for the battery;
 - (iii) If there is no person described in (a)(i) or (ii) of this subsection within the United States, the person that imports the propulsion battery-containing vehicle into the United States for sale, offering for sale, or distribution in or into the state is responsible for the battery; and
 - (iv) If there is no person described in (a)(i) through (iii) of this subsection, the person that first distributes the propulsion battery in or into this state is responsible for the battery.

Q17. Is the due diligence obligation only for manufacturers or also importers (or any other economic actor)?

According to Article 48 of the EU Batteries Regulation, the due diligence obligation applies to economic operators. The term economic operator includes manufacturers, authorised representatives, importers, distributors, or fulfillment service providers involved in manufacturing, making available, or putting batteries into service.

According to Article 1(1) the battery due diligence obligations apply to economic operators placing batteries on the market or putting them into service.

The only exemption from the due diligence requirement is set out in Article 47 for SMEs have a net turnover of less than EUR 40 million in the financial year preceding the last financial year, and that are not part of a group, consisting of parent and subsidiary undertakings, which, on a consolidated basis, exceeds the limit of EUR 40 million as set out in Article 47.

There is a EU proposal currently to exempt more companies from the due diligence requirements by creating a new company category called Small Mid Cap companies. This is currently still a draft but you can read more about the proposal [here](#).

Q18. Regarding EU battery due diligence and supply chain mapping, what exactly does this cover, and is there a clearly defined scope for these requirements?

Under the EU Batteries Regulation, supply chain mapping is a core part of the due diligence obligations. It requires tracing the battery supply chain from raw material extraction through component manufacturing to EU import, covering both EU and non-EU suppliers.

The mapping should provide enough detail to identify high-risk materials, suppliers, or regions, support risk assessments, and enable reporting, while allowing a flexible, risk-based approach rather than exhaustive mapping of every minor supplier.

Q19. Does the due diligence obligation apply to distributors? Based on Article 48, Chapter VII battery due diligence policies appear to apply to economic operators that place batteries on the market or put them into service. This does not seem to reflect the definition of a distributor, who only makes batteries available on the market - is that correct?

Yes, a pure distributor does not have to establish or maintain a battery due diligence policy. Under Article 48, that obligation is reserved strictly for those who place on the market (Manufacturers/Importers) or put into service batteries.

Since a distributor only makes a battery available (Article 3, point 14), they fall outside the primary scope of Chapter VII. While they don't create the policy, Article 41 requires distributors to verify that the upstream operator (Manufacturer/Importer) has fulfilled their obligations before selling the product.

There is one exception. If the distributor sells the battery under their own brand or modifies the battery, they are reclassified as a "Manufacturer" under Article 42 and must then comply with all Chapter VII due diligence requirements.

Q20. Many small batteries are small, and do not have places on the battery to cover the requirements in the Annex VI about the label and marking. How do you advise regarding how to comply with these label and marking requirements?

For very small batteries that cannot physically accommodate all Annex VI markings, compliance can be achieved by combining limited physical marking (e.g., chemistry symbol and CE mark), providing full label information on the packaging or in an accompanying leaflet, and including a QR code linking to the Digital Battery Passport. This approach ensures all required information is accessible to users and regulators, while documenting the rationale for why full markings cannot fit directly on the battery itself.

Q21. How are organizations approaching the carbon footprint declaration given the lack of harmonized standards and very few notified bodies approved so far?

As of early April 2026, the draft delegated acts establishing the format for the carbon footprint declaration and the methodology for its calculation for EV batteries have not yet been adopted; therefore, the corresponding obligation is not yet applicable.

Nevertheless, Article 7 and Annex II of the Regulation lay down preliminary principles that economic operators may take into account in their preparations. In addition, the draft delegated acts provide a strong indication of the assessment elements that notified bodies are likely to consider when verifying compliance.

Q22. Do the requirements of the QR-code land on the end manufacturer that places the batteries into the product? Please explain how this can be applied for ex user manual, individual leaflet? (Battery used Industry battery below 2kWh)

The QR code requirement does not transfer to the end-product manufacturer that integrates the battery into a device. Under the EU Batteries Regulation, the responsibility remains with the battery manufacturer or importer placing the battery on the market, as set out in Articles 13, 38, and 39.

According to Article 13(6)-(7), the QR code must be affixed directly on the battery. If this is not possible due to the size or nature of the battery, it may instead be placed on the packaging and/or included in accompanying documentation such as a user manual or leaflet. However, documentation is only a fallback option and cannot replace the obligation to place the QR code on the battery where this is technically feasible.

For industrial batteries below 2 kWh, the QR code requirement still applies from 18 February 2027, but it will not link to a Digital Battery Passport. Instead, it will provide access to the information specified under Article 13.

In practice, the manufacturer of the final product must ensure that any batteries they integrate are compliant with these requirements, but they are not the party responsible for generating or affixing the QR code itself.

Q23. What risks do companies face from being in non-compliance of these state battery stewardship programs?

Companies that fail to meet passed battery stewardship and Extended Producer Responsibility (EPR) laws face significant, real-world penalties, including heavy financial fines, operational shutdowns, and legal liability. These penalties are enforced by state-level agencies and the EPA, which consider improperly managed batteries a hazardous waste violation.

Q24. Batteries that may be in company warehouses located in the EU as inventory prior to Feb 18th 2027 – are those batteries required to have the new QR code included on them after Feb 18th 2027? If yes, have companies and industry voiced concerns with this requirement which will drive re-work to add the QR code?

Batteries that are already physically sitting in EU warehouses before 18 February 2027 are not automatically required to be relabelled with a QR code, provided they were already “placed on the market” before that date.

The key concept is “placing on the market” (Article 3), which means the first making available in the EU. Once a battery has been placed on the market, it can continue to circulate without needing to be retroactively upgraded to meet new requirements.

However, if those batteries are still in stock and have NOT yet been placed on the market (i.e. ownership/control has not transferred to a customer), then any supply after 18 February 2027 will be considered a new “making available”, and they must comply with the QR code requirement under Article 13.

On industry concerns, yes, there has been clear concern about operational impact, particularly due to the fixed 18 February 2027 deadline and the fact that it applies broadly to all batteries placed on the market from that date. This has been highlighted in industry discussions as creating potential rework, relabelling, or stock management challenges, especially where implementing details were delayed.

Q25. What approach do you expect manufacturers to take regarding battery compartment design changes, and how enclosed can a battery be while still remaining compliant? Could updated product labeling and removal instructions be sufficient without changing the physical design, provided the existing design already allows users to safely remove and replace batteries using common tools without damaging the product? Finally, how should manufacturers document and justify this compliance strategy?

Based on Article 11 of the EU Batteries Regulation, batteries in consumer goods must be easy to replace and repair from 28 February 2027 onwards. The requirements differ based on the type of battery. For portable batteries (e.g. in laptops or toys), batteries must be readily removable and replaceable by the end-user at any time during the product's lifetime using commercially available tools. If specialised tools are needed, they should be provided free of charge. The requirement only applies to the full battery, not to individual cells within the battery.

In practice, this means that e.g. gluing parts is no longer allowed, if this makes it impossible to access the battery without damaging the product. There are however some exceptions for products designed to operate in a wet environment, certain medical devices, and products that need continued power supply.

Products must also include clear instructions and safety information for battery replacement, which must also be permanently available on a public website. Only updating the instructions/ labels without ensuring the above-mentioned design requirements would however not be sufficient.

Manufacturers are required to document compliance in their technical documentation based on Annex VIII, but this does not explicitly include compliance with Article 11. Producers of batteries and battery-containing products are however required to provide information to waste management operators on the safe dismantling of the appliance (Article 74).

Q26. Is there any possibility of removal/replacement requirements to be delayed?

No delay is expected or foreseen for the Article 11 removability/replaceability requirements. The 18 February 2027 deadline remains firmly in place but we cannot give any concrete answer for this. There is always a possibility.

Q27. What's the difference between "making available" and "putting into service"?

Under the EU Batteries Regulation, "making available" means supplying a battery or battery-containing product for the first time on the EU market, whether by sale, distribution, or import. In contrast, "putting into service" refers to the first actual use of that battery in the EU, for example when a consumer or business starts using it in a device or system.

The distinction is important because certain obligations, such as labeling, take-back, and reporting, are triggered at the point of making available, while some operational responsibilities apply once the battery is put into service.

Q28. Are there any harmonized standards that manufacturers of batteries and products using batteries can use for presumption of compliance with the new Battery Regulation?

Yes, there are some new standards such as EN 18061:2025 (for the safe repair and repurposing of EV batteries). According to Article 15, if a battery is found to comply with harmonised standards (or parts of them) whose references are published in the Official Journal of the EU, then the battery is presumed to conform with the relevant requirements in Articles 9, 10, 12, 13, 14, and 78 to the extent those standards cover those requirements and relevant performance levels are met.

However, at present there are limited or no harmonised standards yet published for many of the specific new requirements (e.g., carbon footprint, battery passport data, recycled content, durability) of the Batteries Regulation, so compliance for those areas may currently rely on technical documentation, recognised state-of-the-art methods, or eventual common specifications under Article 16 until harmonised standards are adopted and referenced.

Q29. How can you build a model for compliance if the company already has a global supply of batteries and battery containing products that don't meet the marking requirements and there is no grandfather clause?

The compliance model should focus on mitigating non-compliance before products are “placed on the market” by identifying existing risks and implementing a rapid, supply-chain-wide remediation program for current inventory.

In parallel, robust systems must be established to prevent recurrence, including clearly identifying regulatory requirements by country or region and implementing a structured product-to-regulation mapping to ensure ongoing compliance.

Q30. Does the recycling content target have a grandfather clause?

Regarding recycled content, the EU Batteries Regulation indeed contains a clause that ensures the continued use and re-use of batteries that were already in circulation before the entry into force of the recycled content obligations.

Based on Article 8(4) of the regulation, the mandatory targets for recycled content do not apply to batteries that have undergone preparation for re-use, preparation for repurposing, repurposing, or remanufacturing, provided that those batteries were already placed on the market or put into service before the respective obligations become applicable on 18 August 2031/ 18 August 2036 (for stricter targets).

There is however no grandfather clause for batteries that were manufactured but not yet placed on the market before the recycled content targets become effective.

Q31. If a manufacturer doesn't have a QR code on the battery, the supply chain cannot add them. What happens then?

If the QR code is missing at the point of entry into the EU market, the battery is legally non-compliant. The importer or distributor must refuse to circulate it. The manufacturer must then either rectify the labeling (under specific authorization/supervision) or face a full market recall and potential administrative fines.

Q32. Who owns the requirements to maintain the data behind the QR code if you are not a manufacturer of batteries?

If you are not the original manufacturer, the responsibility for maintaining the data behind the QR code (and the Battery Passport) falls on the Economic Operator who places the battery on the EU market. "Ownership" follows the entity that first introduces the battery to the EU market or changes its brand/state.

Pure Distributors never own the data; they only verify its existence. Here is the summary of responsibilities:

- Importers: If the manufacturer is outside the EU, the Importer is legally responsible for ensuring the data is available and accurate (Articles 40 & 77).
- OEMs / Brand Owners: If you sell a battery under your own brand/trademark, you are legally treated as the manufacturer and "own" the data requirements (Article 42).
- Refurbishers: If you repurpose or remanufacture a battery, the data ownership transfers to you for the battery's second life (Article 77(4)).
- Authorized Representatives: If appointed by a manufacturer via a written mandate, you may manage the data on their behalf, though the manufacturer remains legally liable (Article 39).

Q33. For older products that don't have readily removable products, what about spare parts to maintain them?

Spare parts supplied to repair older products that were placed on the market before the removability requirements apply are exempt from the removability obligation.

Q34. In relation to digital battery passport, for "other categories" is a QR code required if the battery pack already is printed with the disposal instructions?

The QR code is a standalone requirement under Article 13(6). You must have both the physical disposal symbol (Article 13(2)) and the QR code. Even if "other categories" (like portable batteries) don't need a full Passport, the QR code must still link to the required information in the EPREL database or the manufacturer's technical website.

Printing disposal instructions fulfills one obligation, but omitting the QR code would still result in a non-compliant product.

Q35. What does reporting mean in terms of digital battery passport for portable batteries?

In the context of the DBP, reporting refers to the obligation for battery producers (or importers) to provide structured, standardized information about each battery throughout its lifecycle.

For portable batteries, this typically includes:

- Battery identification data: type, chemistry, capacity, weight
- Components and materials: presence of critical raw materials (e.g., cobalt, lithium, nickel)
- Recycled content: percentage of recovered materials used
- Carbon footprint data: emissions from production (once delegated act applies)
- End-of-life & recyclability information: guidance for collection, recycling, or safe disposal

Q36. Is there a certification/testing standard you would recommend for shipping batteries across EU/North America specifically for replacement (Li ion) batteries which are not contained in product/equipment? To comply with the EU regulation regarding battery replacement.

For shipping standalone Li-ion replacement batteries (EU/North America) you should follow transport safety and market compliance standards, not a single "battery regulation" certification. The key standards/regimes are:

1. UN Transport Testing (mandatory for shipping) - UN 38.3

Batteries must pass UN 38.3 testing per the UN Model Regulations before air, sea, rail, or road transport. This is the primary requirement accepted globally (ICAO/IATA for air; IMDG for sea; ADR/RID/49 CFR for land).

2. IEC 62133 Series (safety testing)

IEC 62133 (current editions) is widely accepted by industry for electrical/thermal safety of portable Li-ion cells and batteries. Many OEMs and regulators reference it as the de-facto safety standard.

3. EU Market Requirements (Batteries Regulation & CE context)

For placing replacement batteries on the EU market, compliance with the EU Batteries Regulation (2023/1542) applies (labelling, QR code from 18 Feb 2027, substance restrictions, information provision). There is no specific "shipping certification" in the Batteries Regulation; it relies on existing transport safety frameworks (UN/ICAO/IATA/ADR).

4. North America (Canada/USA) Transport and Safety

In North America, regulators require UN 38.3 as well. Additional safety standards may include UL 2054 (household and commercial batteries) and UL 1642 (Li-ion cells) for voluntary certification accepted by many customers/retailers. Transport follow 49 CFR (DOT) in the US and TDG in Canada with ICAO/IATA.

Q37. We don't manufacture batteries, however use Li-ion battery (Capacity 2000mAh 7.4Wh, 3.7V) in our certain consumer products. Do we fall in the scope of this regulation?

Yes, even though you do not manufacture the batteries, your product falls under the scope of the EU Batteries and Waste Batteries Regulation because it contains a battery integrated into a consumer product.

The Regulation covers, batteries placed on the EU market (manufactured or imported) and products containing batteries, if the battery is integrated into the product.

In your case, your shoe cleaner / power brush contains a Li-ion battery (2000 mAh, 7.4 Wh, 3.7 V). This means, the battery is placed on the market as part of your product. Therefore, you are considered the "producer of a battery-containing product". While you are not the battery manufacturer, you are responsible for labeling, consumer information, recycling obligations, and eventually DBP reporting for the product containing the battery.

Q38. Do the battery regulations regarding removability and replaceability apply only to new products, or do they also affect legacy products that are already on the market?

This applies to products placed on the market after February 18, 2027. It is not retroactive for "old" products already in the hands of consumers or in the distribution chain before that date.

Q39. Has a delegated or implementing regulation been issued to identify the calculation methodology? I was under the impression that we could not disclose the carbon footprint until this methodology had been formally defined.

The deadlines for Carbon Footprint Declarations depend on the battery type. E.g. for electric vehicle batteries, the CF declaration becomes mandatory by 18 February 2025 or 12 months after the date of entry into force of the implementing act, and for rechargeable industrial batteries, it becomes mandatory by 18 February 2026 or 18 months after the date of entry into force of the implementing act.

As of 2 April 2026, neither of the implementing acts have been finalized yet. The EU Commission issued a [draft regulation](#) on the general format of CF declarations in April 2024, alongside a [draft regulation](#) on the calculations for electric vehicles, but both have not been finalized. Compliance & Risks monitors the situation closely, and we will inform our customers as soon as any updates become available.

Q40. Would an Uninterruptible Power Supply (UPS) that daisy-chains multiple industrial batteries together and exceeds the 2kWh threshold, need to provide a DBP?

Yes, if the battery system qualifies as an industrial battery >2 kWh, a DBP is required because according to Article 77(1), Digital Battery Passport applies to industrial batteries with capacity >2 kWh. The key factor is the battery/system placed on the market, not the UPS as such. If the daisy-chained configuration is placed on the market as one battery system, its total capacity is considered, DBP required.

Important nuance is, if individual batteries (<2 kWh each) are placed on the market separately and only connected later in a UPS, then DBP obligation does not automatically aggregate.

In summary, DBP required only when the marketed unit itself is an industrial battery system exceeding 2 kWh.

Q41. How do you foresee the increase in electric vehicle (EV) volumes impacting Battery Stewardship Organizations (BSOs)?

Due to Extended Producer Responsibility (EPR) frameworks, increasing EV volumes may directly escalate manufacturers' financial and logistical compliance obligations within a Battery Stewardship Organisation (BSO).

This may be evident in higher BSO fees and annual contributions, as well as rising operational costs associated with activities such as battery collection, educational activities, among others.

Q42. For the EU Regulation 2023/1542 (portable batteries) do the annual reports need to be made available to the public or just importers, distributors and government bodies?

Under Article 75(1) of Regulation (EU) 2023/1542, producers (or their producer responsibility organisations/authorised representatives) must annually provide information regarding batteries and waste batteries to the competent authority.

This is not a public-facing reporting obligation. The report is submitted to the national competent authorities, and there is no requirement to additionally make this data publicly available.

Q43. Does BWBR require a specific format for Lead and Cd chemical labeling?

Yes, under the EU Batteries and Waste Batteries Regulation, there are specific labeling requirements for lead (Pb) and cadmium (Cd) content in batteries, but the Regulation is flexible regarding exact format. Here's the breakdown:

Requirements for Lead (Pb) and Cadmium (Cd)

Article 11 & Annex II (marking requirements) state that batteries containing:

>0.004% cadmium (Cd) by weight

>0.004% lead (Pb) by weight

must be clearly marked with the chemical symbol:

Pb for lead

Cd for cadmium

These symbols must be visible and legible on the battery or, if the battery is too small, on the packaging or accompanying leaflet.

Format specifics

The Regulation does not prescribe a fixed font size, color, or placement, only that the marking:

Is clearly visible

Is legible and durable

Is consistent with other labeling

For very small batteries, the chemical symbol can be combined with a QR code or DBP link that provides full material information.

Q44. Are there any EU (portable battery) waste management programs or vendors that are leading the space or are the current gold standard?

Although there is no EU-approved 'best' scheme list in practice, compliance with the waste management obligations is usually achieved through a producer responsibility organisation (PRO). Each EU Member State has its own setup and approved organisations.

Here in Ireland, we have WEEE Ireland. Germany has quite a large scheme, GRS Batterien, while the two Government-approved schemes in France are Corepile and Screlec.

There is also the ERP (European Recycling Platform) if you operate in multiple EU Member States, which operates in 15+ countries within the EU.

Q45. As a manufacturer of a medical device that encounters human blood. Can we leverage the exemption of "wet environment products"? I believe the specific verbiage in the standard is that wet environments are for specifically water.

Seems the "wet environment" concept address ambient water exposure rather than deliberate contact with blood. Accordingly, this exemption would not apply to medical devices that contact human blood.

Q46. Do these EPR rules apply to ordinary non-rechargeable AA alkaline batteries such as those easily removable from an appliance remote control?

While there is no federal mandate yet, several US states, like California, Colorado, District of Columbia, Illinois, Vermont and Washington, have recently passed laws that specifically include ordinary non-rechargeable (primary) alkaline AA batteries.

If you can take the AA battery out of your remote with "common household tools" (or just your thumb), it is treated as a covered battery. The manufacturer of that battery is responsible for the recycling program.

If the battery were permanently sealed inside the device, the rules for "Battery-Embedded Products" would apply instead, shifting the responsibility to the device manufacturer.

Q47. Where can we locate this compliance information when purchasing batteries to be integrated into the products we manufacture?

From the battery manufacturer or pack supplier directly. For now, this is usually the main source. You should request the technical data package, conformity documentation, composition and performance data, and confirmation of which Article 77 / Annex XIII fields they will provide for the battery passport. The Regulation makes clear that the passport contains both model-level information and information specific to the individual battery, so this is broader than just a simple spec sheet.

Second, on or through the QR code on the battery once the relevant obligations apply. Article 13 requires QR-code-based access to battery information, and Article 77 links the battery passport to that QR code for the in-scope categories, including industrial batteries above 2 kWh. In other words, once the system is active, the QR code is the operational entry point to the passport data.

Third, through the supplier's passport platform or data-sharing portal. Even where the battery has a BMS, not all required passport fields come from the BMS. Some data will come from manufacturing records, conformity files, sourcing records, carbon-footprint data, recycled content data, and other upstream information maintained by the supplier or by a passport service provider acting for the responsible operator. The Regulation's structure makes clear that the passport is a broader digital record, not just a BMS readout.

Fourth, through your own supply agreement and onboarding checklist. If you are buying batteries for incorporation into your products, you should not wait until goods arrive to discover whether the required information exists. The cleaner model is to require the supplier, contractually, to provide all data needed for Article 77 / Annex XIII compliance, to maintain updates, and to confirm who is responsible for uploading and maintaining the unique identifier in the registry. The 2024 registry rules confirm that the economic operator placing the battery on the market or putting it into service must upload the unique identifier to the registry.

Q48. Could you please clarify whether the Digital Product Passport (DPP) requirements would apply to us, considering that we act as the distributor of industrial batteries (>2 kWh) sold through our official website in the U.S., while the products are designed and engineered in the U.S., the battery cells are manufactured in China, and final assembly and partial testing take place in the US?

The key trigger is whether the relevant battery is placed on the EU market. A U.S.-designed product with Chinese cells and U.S. assembly can still fall within the EU Battery Regulation if it is first made available in the EU; conversely, a product with that same supply chain sold only in the U.S. would generally sit outside the EU battery passport regime.

Q49. Who is responsible for applying the QR code to button cell batteries, and does this obligation fall on the battery supplier? Furthermore, given the limited surface area of these batteries, are there specific exemptions for labeling products that feature embedded button cell batteries?

According to the EU Battery Regulation (2023/1542), the responsibility for marking batteries with a QR code by 18 February 2027 lies with the manufacturer or the economic operator placing the battery on the market. There is a proposed delegated act currently being considered that would elaborate on battery labelling requirements.

With respect to button cells specifically, it would provide that the information listed in Annex I (non-rechargeable batteries) or in Annex II (rechargeable batteries) should be printed on the packaging or in a document accompanying the battery. In the latter case, the label would also be made available through a QR code on the packaging.

There are no full exemptions from the labelling obligation.

Q50. Who owns battery due diligence - the battery manufacturer? Do producers need to require them to implement?

According to Article 48 of the EU Batteries Regulation, the due diligence obligation applies to economic operators. The term economic operator includes manufacturers, authorised representatives, importers, distributors, or fulfillment service providers involved in manufacturing, making available, or putting batteries into service.

According to Article 1(1) the battery due diligence obligations apply to economic operators placing batteries on the market or putting them into service.

The only exemption from the due diligence requirement is set out in Article 47 for SMEs have a net turnover of less than EUR 40 million in the financial year preceding the last financial year, and that are not part of a group, consisting of parent and subsidiary undertakings, which, on a consolidated basis, exceeds the limit of EUR 40 million as set out in Article 47.

There is a EU proposal currently to exempt more companies from the due diligence requirements by creating a new company category called Small Mid Cap companies. This is currently still a draft but you can read more about the proposal [here](#).

Q51. If my company sells products that contain batteries in the EU, is the information required for the Digital Battery Passport (DBP) supposed to be prepared by the battery supplier? In that case, does my company only need to collect this information and publish it in the product's DBP?

The information for the Digital Battery Passport must be prepared and made available by the economic operator responsible for the battery, not by the company simply integrating it into a product.

Under Article 77 and Article 48, the obligation to establish and maintain the DBP lies with the battery manufacturer or the party placing the battery on the market (including importers). They are responsible for generating the required data and ensuring it is accessible via the QR code.

If your company only sells products containing batteries, your role is to ensure that compliant batteries (with a valid DBP, where applicable) are used. You are not required to create or publish a separate DBP for the final product.

In practice, this means the battery supplier should provide the DBP data, and your company should verify and rely on that information, rather than collecting and republishing it yourself.

Therefore, your company does not create the DBP; it must ensure that the battery supplier has done so and that the battery is compliant.

Q52. Are the battery manufacturers required to create the Digital Battery Passport or is the company putting product on EU market containing battery responsible?

Taking into consideration Articles 38, 39, and the fourth and seventh paragraphs of Article 77, responsibility rests with the economic operator that places the battery on the market. Accordingly, that economic operator is responsible for ensuring that the information contained in the battery passport is accurate, complete, and up to date.

Q53. Which states currently have requirements for battery labeling for recycling information? What about the RBRC (Call2Recycle / Battery Network) label for USA/CAN?

Washington currently has the clearest standalone state battery-marking requirement for recycling information. Its rules require covered batteries to be marked with the producer, the battery chemistry, and a crossed-out wheeled-bin symbol to show the battery should not go in household waste.

California also has labeling-related requirements, but they are narrower and tied to certain covered battery-embedded electronic products. Those products must be labeled with the manufacturer/brand, and battery chemistry must be identified either on the product or on the manufacturer's website.

RBRC / Call2Recycle, now rebranded as The Battery Network. It is a well-known voluntary battery recycling program/mark in the U.S. and Canada, but it should not be assumed to satisfy a state-specific legal marking requirement on its own.

Q54. Another complication of battery EPR is when the product falls in scope under an electronic waste EPR obligation. Typically these batteries will be exempt under that state's battery EPR obligations right?

Typically, not automatically. Some states, like Vermont and D.C., do provide a mechanism to avoid double coverage where the product is already addressed under electronics stewardship or where the battery producer is already participating and certifies that status. But that depends on the exact statutory carveout. In other states, such as Washington, battery-containing products can still sit within the battery program, so you need a state-by-state overlap analysis rather than assuming the e-waste regime displaces battery EPR.

Q55. What about the unique California embedded battery point of sale fee (1.5%)?

California's 1.5% point-of-sale fee is not a general battery EPR fee for all batteries. It applies to covered battery-embedded products (CBEPs) sold in California, beginning January 1, 2026. Consumers pay 1.5% of the retail sales price, capped at \$15, at the time of purchase.

The reason it is relevant to batteries is that California has brought certain products with embedded batteries into its Covered Electronic Waste Recycling Program. So the fee is tied to the battery because the product contains an embedded battery, but legally it operates through the state's electronics waste framework, not through a standalone battery stewardship statute like Washington's.

In practical terms, this matters because battery compliance in the U.S. is not always sitting in a law called "battery EPR." Sometimes the battery-related obligation appears inside an e-waste regime, as California has done here. That means a company selling battery-embedded products in California may face battery-related labeling and recycling-fee obligations even if the state does not have a broad battery stewardship law covering all batteries. CalRecycle also says those covered products must be labeled with the manufacturer name or brand and with information identifying the battery chemistry, either on the product or on the manufacturer's website.

Q56. For companies that do not want to create their own battery EPR program, are there any other options to Call2Recycle?

Usually your alternatives are either to join an approved stewardship organization or run the program yourself. In practice, the main third-party option in the U.S. today appears to be Call2Recycle, now branded as The Battery Network. Other organizations could emerge, and some state rules clearly allow for that, but I am not seeing another widely established approved option at the moment

Q57. For the USA, the EPA is working on a Battery Framework - is this right?

It is not mandatory because EPA is developing a national framework and a Report to Congress, not a binding federal rule or statute that directly imposes producer obligations. The page says the Infrastructure Investment and Jobs Act requires EPA and DOE to develop a national EPR framework that addresses issues such as recycling goals, cost structures for mandatory recycling, reporting, product design, collection models, and transportation. It does not say that the Act itself created a nationwide mandatory battery EPR program.

EPA's description of the project is also process-oriented rather than regulatory. The agency says it is holding stakeholder conversations throughout 2025, using that input to develop a draft national battery EPR framework, and then issuing an accompanying Report to Congress. That is the language of guidance and policy development, not a federal compliance regime that producers must immediately follow.

EPA is even more explicit in one of its kickoff materials: it says the battery EPR framework is "not meant to be a model bill for states" and instead will provide current practices and options, challenges, and considerations. In other words, EPA is trying to create a national reference point and encourage consistency, but not to launch a mandatory federal battery stewardship program through this initiative.

That fits the broader U.S. approach EPA describes on the page: EPR in the United States is frequently implemented by the states, not through a single national scheme. EPA's battery work under the IIJA is therefore aimed at coordination, best practices, voluntary labeling guidance, and a national framework, while the binding producer-responsibility requirements are still mainly emerging at the state level.

Q58. For the EU Battery Regulation, is there any update on when the official guidance on battery labeling will be published?

The European Commission has already published a [draft](#) implementing act on battery labelling and completed stakeholder consultations (latest feedback rounds ran into early 2026). However, the final implementing act has not yet been formally adopted.

Q59. For the EU Battery Regulation, when will the Due Diligence guidance be released? I believe the Due Diligence obligation is Aug 18, 2027 right?

Yes, the EU Batteries Regulation Due Diligence obligation applies from 18 August 2027. The European Commission is expected to publish the official guidance around August 2026, one year prior to the obligation.

Q60. For the Digital Battery Passport requirement, would it be acceptable to have a single QR code for all of our different batteries that would connect to a single website where someone could look up their specific battery's information?

No, a single QR code for multiple batteries is not acceptable under the EU Batteries Regulation.

Article 13(6)-(7) and Article 77 require that the QR code be specific to each battery, providing access directly to that battery's Digital Battery Passport (DBP) information. The QR code must uniquely identify the individual battery or battery type, so users or authorities can retrieve precise, battery-specific data.

A generic QR code pointing to a general website without direct linkage to the individual battery's DBP would not meet compliance, even if users can search manually for their battery. Each battery placed on the market must have a QR code that directly resolves to its DBP information.

Q61. Do you expect that the US will eventually have a federal harmonized battery stewardship rather than individual State by State laws?

As required by the [Infrastructure Investment and Jobs Act](#), the EPA and DOE are developing a harmonized federal Extended Producer Responsibility (EPR) framework for batteries to address safety, recycling goals, and cost structures. This initiative aims to align fragmented state-level policies—which currently include producer-funded programs in states like California, Washington, and Colorado—into a unified, national strategy that enhances the domestic critical mineral supply chain and improves fire safety. More information can be found [here](#).

Q62. What happens to companies that have not met the battery stewardship laws even though the law has already been passed? Are there any real penalties?

Companies that fail to meet passed battery stewardship and Extended Producer Responsibility (EPR) laws face significant, real-world penalties, including heavy financial fines, operational shutdowns, and legal liability. These penalties are enforced by state-level agencies and the EPA, which consider improperly managed batteries a hazardous waste violation.

Q63. As a battery brand owner, if I join a PRO such as The Battery Network, am I in compliance to all US States that have a battery EPR law?

Joining a Producer Responsibility Organization (PRO) like [The Battery Network](#) helps manage compliance obligations for battery Extended Producer Responsibility (EPR) laws across multiple U.S. states. However, because battery EPR laws vary by state regarding definitions, reporting, and fees, joining one PRO may not automatically cover all obligations in every state.

While The Battery Network covers many obligations, states like California, Colorado, Vermont, and others have distinct requirements that may necessitate specific registrations or reporting beyond general membership. The Battery Network is designed to satisfy state-approved stewardship plans. You must verify that your specific battery types (e.g., portable, industrial, embedded) are covered in every state where you sell, as definitions differ. Producers - defined as brand owners, importers, or manufacturers - must register and manage fees, often through a PRO, to ensure that they can legally sell products.

For total compliance, it is crucial to confirm with the PRO that their coverage aligns with all your active jurisdictions.

Q64. What are other options available if you do not have accurate or any data on how many batteries go to which US States?

This is a common hurdle for battery producers, especially those who sell through third-party distributors or retailers that don't always share granular, state-level "point-of-sale" data. Regulators and Stewardship Organizations have established acceptable "proxy" methods for reporting when exact data is unavailable.

Here are a few examples:

- If you know your total U.S. sales (by weight and chemistry) but not the state-specific breakdown, you can use a population-based apportionment formula. You assume your battery sales are distributed across the U.S. in direct proportion to the population of each state. Most Stewardship Organizations (SOs) accept this, but they usually require you to disclose that you are using an apportionment methodology in your annual report.
- If a few large customers account for the bulk of your volume, you don't need data from everyone to create a reliable model. Request a one-time "sales-by-zip-code" or "sales-by-shipping-destination" report from your top 3–5 distributors. Use the geographic distribution of these "known" sales to create a percentage-based profile that you apply to your "unknown" sales.
- Sometimes the issue isn't where the product went, but how much battery weight is inside it (especially for battery-embedded products like power tools or electronics). Focus on perfecting your internal SKU database first. Map the battery chemistry and weight for every SKU. Once you have the "battery weight per unit" fixed, you only need the number of units sold per state.
- Battery Stewardship Organizations often act as a buffer. They collect whatever data you have and use their own industry-wide modeling to satisfy state regulators. They provide portals that offer templates specifically designed for producers with "blind spots" in their supply chain.

Q65. How does the regulators determine the accuracy of reported numbers? What methods do they use to validate and verify reported numbers?

Regulators use a "trust but verify" approach to ensure the numbers reported by battery manufacturers and stewardship organizations are accurate:

- Most state laws require Stewardship Organizations to submit an independent financial audit performed by a third-party CPA.
- Regulators compare multiple data points to find inconsistencies. They compare the "units sold" reported by producers against market share data from third-party research firms to see if a company is under-reporting its sales volume. They also match the collection numbers reported by the stewardship program against the inbound manifests from the recycling facilities. E.g. if a program claims it collected 100 tons of alkaline batteries, but the recycling plant only recorded 80 tons, it triggers an investigation.

Q66. How does the State regulators determine if there are double fees received? For example, the battery brand and importer are both reporting on the same data but are different companies.

If the battery brand and the importer are both reporting the same units, the first place that should be resolved is through the producer definition and contractual allocation of responsibility. The regulator will generally expect that only the entity that actually qualifies as the "producer" under that state's law is reporting those units, while the other entity should be excluded from that same data set. Vermont's law, for example, defines "participate" as appointing a stewardship organization to operate on the producer's behalf, and it requires the stewardship organization's registration to include a list of participating producers. That structure is built around identifying who is in the program, rather than having two different companies separately pay on the same units.

Q67. What are the specific limited set of general and end-of-life information that is required for portable batteries?

Article 13 of the Regulation sets out the general labeling and information requirements applicable to portable batteries.

These include:

- Information on capacity for rechargeable portable batteries and, where applicable, the minimum average duration for non-rechargeable portable batteries;
- The separate collection symbol in accordance with Annex VI;
- Chemical symbols for relevant metals (Cd or Pb), where concentration thresholds are exceeded;
- A reference to the EU declaration of conformity (as required under the broader conformity framework);
- Information supporting prevention and waste management in accordance with Article 74(1), including guidance on good practices, separate collection and take-back schemes, safety instructions, and the environmental and human health impacts of hazardous substances; and
- General information as specified in Annex VI, such as manufacturer details, battery category, weight, capacity, chemistry, and the presence of hazardous substances.

Q68. Does the QR code need to be on the battery product or could it be on a user manual or website if there is no room on the battery?

The general rule is that the QR code be printed or engraved on the battery itself. However, where this is not possible or not warranted on account of the nature and size of the battery, it should be affixed to the packaging and to the documents accompanying the battery. This wording suggests it needs to be on both the packaging and accompanying documentation.

Q69. Is there a separate law for UK?

In the UK, the core rules are still based on the Batteries and Accumulators (Placing on the Market) Regulations 2008 and the Waste Batteries and Accumulators Regulations 2009, together with related guidance on producer responsibility and battery classification. You can also find the guidance [here](#).

In practical terms, the UK already has a mandatory producer-responsibility system for batteries. For example, producers placing more than 1 tonne of portable batteries on the market in a year must join a battery compliance scheme, and producers must record the tonnage and chemistry of batteries placed on the market and report through the relevant system.

Q70. For EU Battery Regulation "Removability & Replaceability", what do you mean "spare parts must be available for 5 years"?

You won't find the words "5 years" in the Battery Regulation (2023/1542). That specific timeline comes from Ecodesign Regulations for specific product categories. The Battery Regulation simply mandates that if a spare part is required to make a battery replaceable, it must be accessible and cannot be blocked by software. For industrial or professional batteries, the period may differ or be aligned with sector-specific guidance.

Q71. If I purchase Duracell AA batteries and put it in my product but I know that Duracell is already a member of a PRO in the US, do I still need to report my data or join a PRO when I import my product?

The short answer is: Yes, you still have full obligations. Duracell's US status is irrelevant to EU law. Here is the concise breakdown of why.

Under Article 3(47), the "Producer" is the entity that first makes a battery available on a Member State's market. Since you are importing the finished product into the EU, you, not Duracell, are the Producer of those batteries in that territory.

Compliance is territorial. A PRO membership in the US (or even a different EU country) does not fulfill your obligations. You must register in the "Register of Producers" in each Member State where you sell.

You must join a local PRO in each country to fund the collection and recycling of the waste your products will eventually create there.

You are legally required to report the weight and chemistry of the batteries you place on the market. This data is used to verify that Member States are hitting their mandatory collection targets.

Since we are now in 2026, online marketplaces (Amazon, eBay, etc.) are legally required to verify your EPR registration. If you cannot provide a valid registration number for the country of sale, they are mandated to block your listings.

Therefore, to sell legally in the EU, you must:

- Appoint an Authorized Representative (if you aren't based in the EU).
- Register with the National Authority of each target country.
- Join a local PRO and pay "eco-contributions" based on the tonnage of batteries imported.

Q72. What is the definition of a Industrial Battery? The regulation mentions "industrial use", but what is a industrial use?

The Regulation defines an industrial battery as a battery designed exclusively for industrial purposes, i.e., for use in professional applications and not in consumer products.

The Regulation does not provide an exhaustive list for what "industrial use" means, but clarifies that industrial use refers to applications in factories, logistics, utilities, heavy machinery, or large-scale energy storage, typically handled by trained personnel. Consumer products like smartphones, laptops, e-bikes, or portable tools are not considered industrial use.

Q73. Is it correct to assume that the regulation is applicable for manufacturers of end-use products that are supplied by batteries (incorporates batteries in the design)?

The EU Batteries Regulation applies not only to battery manufacturers and importers but also to manufacturers of end-use products that incorporate batteries.

For integrated batteries, the end-product manufacturer may have obligations for labeling, Digital Battery Passport reporting, take-back and recycling, and supply chain due diligence, particularly when the battery is non-removable.

Responsibility depends on whether the battery is removable, placed on the market separately, or integrated into the product.

Q74. It is my understanding that carbon footprint data is not currently required and that the deadline has been moved to 18 months after the publication of the delegated acts. Due to the absence of the required delegated act on methodology (Article 7(7)(b)) and the implementing act on format (Article 7(7)(a)), has the effective deadline been deferred beyond February 18, 2026?

You are correct. The deadline for CF declarations for EV batteries was originally set for February 2025, but per Article 7(1), this is contingent on the delegated act for methodology. Since the methodology (Article 7(7)(b)) and format (Article 7(7)(a)) were delayed, the effective deadline is indeed 18 months after these acts are adopted.

You cannot formally disclose or claim compliance with a CF declaration until the harmonized methodology is published, as there is no legal basis for "notified body" verification without it.

As of today, neither act has been formally published in the Official Journal of the EU. The compliance clock has therefore not started, and the 18 February 2026 deadline for industrial batteries has been effectively deferred. Companies should continue preparing, but no legal obligation is currently enforceable. I apologise for any confusion.



09. Conclusion

Battery compliance has evolved from a niche policy area into a fundamental pillar of market access and sustainable product design.

The sheer volume of data required - from carbon footprints and recycled material origin to ethical sourcing audits - presents a monumental challenge for global organizations. Compliance & Risks is dedicated to helping companies build safe, sustainable products in this world of rapid change.

Our C2P platform is a comprehensive enterprise software solution specifically designed to keep organizations ahead of these shifting global requirements and their worldwide impact.

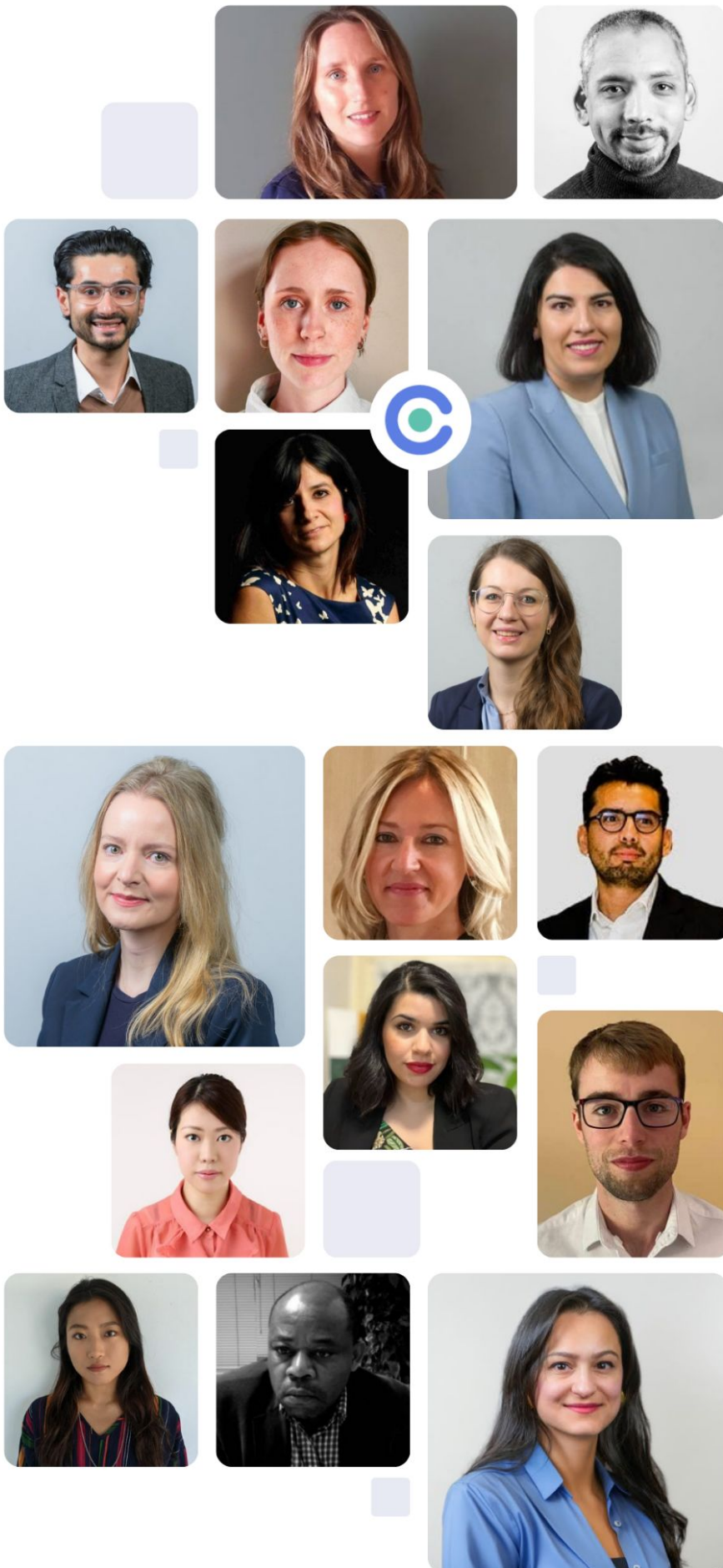
By providing early warning alerts, impact probability assessments, and productivity workflow tools, C2P transforms regulatory tracking from a reactive burden into a strategic advantage. O

ur regulatory database is the most extensive in the world, historically offering over 115,000 regulations with global coverage across 195 countries and 10 industries.

Our truly global team of regulatory experts speaks 28 languages and is fortified by over 30 knowledge partners to help interpret international requirements.

Whether you are performing a portfolio gap analysis to map products to state-specific EPR "gotchas" or launching a Digital Battery Passport project, Compliance & Risks provides the tools and information needed to operationalize your compliance roadmap.

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REGULATIONS