Brussels, 26 January 2026

EPTA & EGMF feedback on European Commission's draft Implementing Regulation laying down harmonised specifications for the labelling requirements in Articles 7 and 13 of Regulation (EU) 2023/1542

SUMMARY

What we support

- A proportionate approach to substances reporting that follows the direction set by the Environmental Omnibus proposal and goes further by removing any remaining references to CLP, thus ensuring full alignment with REACH and consistency across EU chemicals legislation.
- A labelling approach based on intuitive, text-free icons, with all textual elements included preferably in the QR code or alternatively in accompanying documents. As a secondary option, a single language chosen by the manufacturer to be used on the physical label, with translations provided preferably in the QR code or alternatively in accompanying documents.
- Alignment of compliance deadlines between the Implementing Regulation, the QR code and the Battery Passport, ensuring that all labelling-related obligations enter into force simultaneously and avoiding additional administrative or operational burdens for manufacturers.

What concerns us

- Misalignment with the Environmental Omnibus proposal and the REACH framework, combined with the continued reference to Annex VI to CLP Regulation, which unnecessarily broadens the scope of substances to be reported and risks creating parallel concepts and inconsistencies across EU chemicals legislation.
- Duplication of reporting obligations between manufacturers and importers.
- Overly prescriptive requirements on spacing, sizes, and margins.
- Lack of clarity on how to report grouped compounds of critical raw materials.

1. INTRODUCTION

Following our active engagement in the previous phases of the consultation process, we thank the European Commission for the opportunity to provide feedback on the draft Implementing Regulation that will specify the labelling and marking requirements under Articles 7 and 13 of Regulation (EU) 2023/1542 (henceforth, the Batteries Regulation. We also welcome the extension of the consultation deadline, which is essential to allow stakeholders to provide a thorough and well-considered contribution.

While we appreciate the Commission's efforts to advance the implementing framework, we note that the current draft raises a number of significant concerns and, in several areas, introduces additional burdens or reverses earlier improvements. In the interest of supporting a clear, proportionate and harmonised labelling system, we wish to outline the following key issues.

2. REPORTING OF HAZARDOUS AND RESTRICTED SUBSTANCES

a. Restricted substances under Annex I to the Batteries Regulation

Article 4(1) maintains the distinction between “marking” and “labelling”, even though the previous provision requiring the marking of cadmium and lead above 0.002% and 0.004% has now been deleted. That deletion was necessary, as the requirement merely duplicated what is already prescribed by Article 13(5) of the Batteries Regulation. However, the current wording of Article 4(1) may still lead to misinterpretation. In particular, it could be understood as requiring the direct marking of all future restricted substances listed in Annex I to the Batteries Regulation – which would create a disproportionate burden to manufacturers – even though Annex II, Part A, Point VIII of the draft Implementing Regulation clearly places these substances under labelling requirements only. Such an interpretation would go beyond the intention of the basic act and would create obligations that are neither proportionate nor technically feasible, especially considering the limited space available on many batteries. To avoid this risk, it is essential that the Implementing Regulation clarifies that restricted substances listed in Annex I to the Batteries Regulation are only subject to labelling, not marking.

Additionally, Article 4(1) appears to require that substances other than mercury, lead, or cadmium listed in Annex I be reported at concentrations *lower* than the applicable restriction. This proposal is not in line with the Annex I to the Batteries Regulation itself, which sets out obligations to report restricted substances when present above thresholds specified therein. Similarly, Article 33 of the Regulation 1907/2006 (henceforth REACH), which only requires communication of the presence of Substances of Very High Concern (SVHC) above 0.1% w/w. Introducing lower or additional reporting obligations would therefore contradict horizontal EU chemicals legislation.

Moreover, the very reference to Annex I to the Batteries Regulation, , poses predictability concerns as the Commission may amend that Annex by adding further restrictions. Therefore, the implementing regulation should clarify that this requirement only applies to batteries placed on the market after the entry into force of any applicable amendment to Annex I to the Batteries Regulation.

Finally, Article 4(1) addresses the reporting of substances included in Annex I of the Batteries Regulation in a way that can overlap with the reporting requirements set out in paragraph 2 of the same Article. This can be explained because the substances in the scope of Article 3 of Regulation (EC) No 1272/2008 (henceforth CLP Regulation)– whether harmonised or self-classified – can coincide with the substances subject to restrictions in Annex I. To avoid the risk of double reporting, the Implementing Regulation should at least provide instructions on the legal basis which prevails in case of overlap.

b. Hazardous substances

Article 4(2) requires manufacturers to report on the label the names and identification numbers of all substances present in the battery which fulfil the hazard classes criteria laid down in Annex I to the CLP Regulation, without establishing a concentration threshold.

Such an obligation would create an extremely significant burden for manufacturers, both in terms of data collection and practical implementation. The CLP Regulation encompasses several thousand entries, many of which may be present only in trace amounts or may not be fully disclosed along the supply chain. Requiring the reporting of all hazardous substances defined as such in accordance with Article 3 of the CLP Regulation would therefore result in an unmanageable amount of information to be retrieved and displayed, leading to severe space constraints on the label and ultimately reducing its readability and usefulness for end users and waste operators. Moreover, the substances subject to mandatory labelling include those not yet listed in Annex VI to the CLP Regulation, for which manufacturers are required to self-classify. The procedure of self-classification would result in extra burden since companies would be in charge of performing the testing and evaluation of substances and mixtures to determine their classification based on the hazard criteria set out in Parts 2 to 5 of Annex I to the CLP Regulation, in addition to updating the classification in light of new data. Mandating these operations does not seem reasonable also considering that the CLP Regulation is designed for the hazardous classification of substance and mixtures (including calculation methodologies): as batteries are articles, the CLP approach is not transferrable from mixtures to articles.

c. Ensuring consistency across EU legislation

It is important to note that the Commission has recently published a proposal for an omnibus simplification package of environmental legislation, which reopens – among others – the Batteries Regulation. Among other amendments, the proposal introduces a new definition of SVHC applicable to the Batteries Regulation, referring to substances fulfilling the criteria of Article 57 of REACH and identified in accordance with Article 59 of the same Regulation, or fulfilling the criteria of Article 57 and listed in Annex VI to the CLP Regulation. At the same time, the proposal amends Annex VI of the Batteries Regulation by specifying that labelling is required only for substances meeting this definition and present in concentrations equal to or above 0.1% weight by weight.

While this amendment is a positive step towards simplification, referencing both REACH Article 57 (Authorisation List) and Article 59 (Candidate List) presents an unnecessary repetition since only substances already in the Candidate List can be selected for inclusion in REACH Annex XIV.

Therefore, EGMF and EPTA recommend further ease labelling procedures by limiting the scope of restricted chemicals only to the substances identified as SVHC and included in the Candidate List plus the substances restricted under the conditions of Annex I to the Batteries Regulation, where this latter one prevails in the event of a substance appearing in both frameworks.

To complement, the Implementing Regulation should provide solutions to optimise the label space use and prevent information overload. This can be implemented by allowing manufacturers to report the mandatory substances through the QR Code, even in absence of the minimum conditions for information repartition laid down in Article 1. Storing information of this type digitally would improve readability of the physical label and make data on chemicals accessible for a longer period to interested stakeholders, such as in the context of waste and recycling facilities. The label prototypes displayed in the annexes to this implementing regulation should be redesigned accordingly.

3. LANGUAGE REQUIREMENTS

The wording of Article 6 would create serious operational and legal challenges severely disrupting the EU battery market. The phrase “as determined by the Member State” would grant each EU Member State unlimited discretion to impose requirements at any time, without harmonised timelines or transition periods. At the point of production, manufacturers cannot know in advance the Member State of first placement on the market. As a result, they would be forced either to produce different labels or packaging for each national market, or to create a label containing translations for every potential destination language.

The first option would dramatically increase production and distribution complexity. As an illustration from our sector, manufacturers of batteries for power tools and garden machinery typically produce an average of 10 to 20 different battery types. For a manufacturer operating across the entire EU market, divergent national language requirements would therefore result in 240 to 480 distinct stock keeping units instead of the current 10 to 20. This burden would fall particularly heavily on SMEs, which cannot afford to maintain multiple language variants for smaller-volume products. In some cases, this situation may even lead companies to suspend distribution to smaller Member States with limited consumer bases, as the cost of maintaining separate variants would outweigh the commercial viability of serving those markets. Each variant would require separate production runs, warehouse segregation and inventory tracking. Modern just-in-time manufacturing and flexible distribution systems become unworkable when products cannot be freely moved between EU markets according to demand.

The alternative option, namely creating a label containing translations of all textual information in all EU official languages, is equally unfeasible. Even basic elements such as the battery category and model would overcrowd the label and undermine the clarity and usability of the label, as shown in the pictures below.

Consequently, manufacturers would very likely shift all relevant information onto the packaging. However, even in this scenario, it would be nearly impossible to fit all required information translated into all EU official languages on a label affixed to the packaging. As a result, manufacturers would inevitably move most of the information to accompanying documents or to the QR code. This would leave only a limited subset of elements from the prioritisation list under Article 5 on the physical label, ultimately diminishing the effectiveness and purpose of a harmonised EU label.

In light of the above, we believe that a label based on intuitive pictograms or icons could offer a balanced and workable compromise that avoids the issue of translation altogether. A similar approach is already recognised in other EU product legislation, such as Annex III, Part B, Section 1.7.1. “Information and warnings on the machinery or related product” of Regulation (EU) 2023/1230 (Machinery Regulation), which explicitly encourages the use of readily understandable pictograms to minimise language-dependent information. The draft Implementing Regulation already includes some symbols in the proposed label design. These symbols, however, are often accompanied by text, which reintroduces the very linguistic challenges that the use of icons is intended to resolve.

For this reason, we propose a more practical approach that prioritises harmonised, easy-to-understand icons to avoid textual elements and, consequently, linguistic fragmentation, while improving the readability of mandatory information. Specifically, the labelling information listed in Part A of Annexes I to III should be represented through uniform icons included in the label design set out in Part B of the same Annexes, ensuring consistency across all manufacturers. The label design in Part B should contain icons only, without additional text. Any required textual information would instead be made available through the QR code or in the accompanying document, in the language of the Member State where the battery is placed on the market or put into service. This approach ensures that comprehensive, language-specific information remains accessible without overloading the label itself. The explanations of the icons should preferably be defined in a clear way by the implementing act, possibly after the label sample included in Part B to guarantee a uniform understanding for end users. Next to the icons, a symbol representing the accompanying document (preferably the read operator’s manual symbol [ISO 7000-0790(2004-01)] required by standard IEC 603351-2020) as well as the QR code would guide end-users to these sources for comprehensive, language-specific information.

For example, the presence of substances under Art. 4 of the draft Implementing Regulation could be represented by a flask icon. In Part B of the Annexes, this icon would be explained as indicating the presence of substances identified under Art. 6. Meanwhile, the specific list of substances and any necessary translations required by the Member State of placing on the market or putting into service would be provided via the QR code or the accompanying document. In the same vein, the presence of critical raw materials could be indicated by using an intuitive icon (like the mine cart), whereas the full list of materials could be made available via the QR Code.

This approach ensures that the label is not overloaded with textual elements requiring translation, while also maintaining language neutrality without defaulting to a specific language. Additionally, a language-neutral label would better serve cross-border waste management and secondary markets and ensure that critical information such as for safety and disposal remains universally accessible throughout the product's entire lifecycle and across all EU member states.

Below, we present a sample label – developed along the lines of the template included in the Annexes – demonstrating how icons can create a harmonised, clear, and efficient labelling system that remains easily understandable without textual overload, while also allowing the inclusion of markings – namely the orange ones – not directly stemming from the implementing regulation, as further explained in Section 4(b) of this statement.

We would like to emphasise that this is only a quick prototype developed for illustrative purposes. Further improvements are of course possible. The intention is simply to demonstrate that a label based on intuitive icons is feasible, would remain easily understandable for end users, and could significantly reduce implementation costs for manufacturers.

Should a pictogram-based label ultimately be considered unfeasible, an acceptable compromise could be to provide all relevant information in a single language at the manufacturer's discretion, while making all required translations available preferably via the QR code or – alternatively – in accompanying documents. Both these approaches would align with the Commission's objectives on simplification and digitalisation, while still respecting national language requirements.

4. FORMAL ASPECTS

a. Contact details of manufacturer and importer

Annex II, Part A, Point I to the draft Implementing Regulation continues to require the indication of a postal address and a web and email address as part of the manufacturer identification requirements. As already highlighted in previous feedback, requiring an email address is neither necessary nor proportionate. In practice, a web address is sufficient, as company websites typically provide a dedicated contact form or list the relevant email addresses. Additionally, including an email address would occupy valuable space on the label.

This concern is reinforced by Article 6(b) of the Commission's Omnibus IV proposal on digitalisation, which amends the Batteries Regulation to require only a *postal address and digital contact, indicating a single contact point*. Aligning the Implementing Regulation with this approach would ensure consistency across the legislative framework and support the Commission's broader simplification and digitalisation agenda.

A further issue arises from the interaction between the manufacturer's obligations under Article 38(7) and the importer's obligations under Article 41(3), which requires importers to provide the same contact details. As drafted, the Implementing Regulation does not clarify how these two provisions should operate together. This creates a concrete risk that both sets of information may need to appear simultaneously on the physical label, leading to duplication, unnecessary use of space, and potential confusion for end users. To avoid these issues, the Implementing Regulation should specify that only the manufacturer's set of contact details is displayed on the physical label, while the importer's ones could be easily provided through the QR code foreseen in Article 13(6) or, alternatively, in accompanying documents.

b. Size

Article 2 of the draft Implementing Regulation and Annexes I to III prescribe detailed layout elements such as margins, spacing or minimum clear areas, minimum font. This would create further unnecessary constraints. Such aspects have always been managed flexibly by manufacturers, provided that the label remains visible, legible and indelible, as required by Article 13(7) of the Batteries Regulation. A more flexible approach, avoiding prescriptive dimensional and layout requirements, would therefore be more consistent with the objectives of the Regulation and better suited to the diversity of products concerned.

On another note, any approach to label size and layout must take into account that battery labels may also accommodate a range of other mandatory markings beyond those required by the draft Implementing Regulation, such as: 1) the CE marking under Article 19 et seq. of the Batteries Regulation; 2) the separate collection symbol mandated by Article 13(4) ; 3) foreign certification marks for batteries also placed on non-EU markets; 4) symbols mandated by European and international standards; 5) producer-specific tracking elements such as data matrix codes or barcodes used throughout the production and supply chain. These elements are essential for regulatory compliance, product safety, traceability and market access, and therefore must remain on the label. Insufficient space for these markings would force manufacturers to affix additional labels, generating unnecessary administrative and logistical burdens and contradicting EU sustainability objectives.

More generally, every free area on a battery is valuable and may be required for other regulatory or operational markings. The prototype label presented in Section 3 of our statement also illustrates how a label can efficiently integrate the requirements of Article 13 together with the additional markings mentioned above.

c. Font

Article 2(2) requires the use of open-source fonts. This requirement does not provide any added value for consumers and would unnecessarily restrict manufacturers' ability to choose the most appropriate typeface for their products. As most companies use proprietary or licensed fonts as part of their established branding, imposing to resort to open-source fonts would undermine this distinctiveness. Manufacturers should therefore retain full flexibility in selecting the typeface – whether open-source or proprietary – provided that the label remains visible, legible and indelible in accordance with Article 13(7) of the Batteries Regulation.

d. Critical Raw Materials

Annex II, Part A, Point X refers to Annex II to Regulation (EU) 2024/1252 (hereinafter also Critical Raw Materials Act or CRMA). However, several entries in Annex II of the CRMA do not identify single, specific materials, but rather broad groups of elements, such as Heavy Rare Earth Elements (HREE), Light Rare Earth Elements (LREE), or Platinum Group Metals (PGM). While these groupings are commonly used in scientific literature, they are not explicitly defined within the CRMA itself, which may lead to uncertainty when determining which substances fall within the scope of the labelling requirement. In light of this, we recommend that the Commission indicate how to report groups of elements listed under Annex II to the CRMA of elements mentioned above and, if applicable, the elements contained therein.

5. ALIGNMENT OF DEADLINES FOR LABEL AND QR CODE OBLIGATIONS

A serious risk of inconsistency arises between the transitional periods applicable to the labelling obligations under Articles 13(1)-(3) of Regulation (EU) 2023/1542 and the obligation to affix a QR code under Article 13(6). While Articles 13(1)-(3) provide a transitional period of 18 months after the entry into force of the relevant implementing act, Article 13(6) requires the QR code to be affixed from 18 February 2027, which would require to give access to the digital battery passport for certain battery categories–, without any safeguard clause in case of delayed adoption of the implementing acts.

This creates a situation in which manufacturers will likely face a shorter and misaligned timeframe to comply with the QR code requirement, even though the QR code must provide access to the same information as the label. The recently published draft Implementing Regulation reinforces this point, as it still reserves dedicated space for the QR code within the label layout. This confirms that the Commission intends the QR code and the label to be developed and affixed in a complementary and integrated manner, rather than as two separate and sequential obligations.

However, the obligations set out in this Implementing Regulation will not become enforceable for a considerable period of time, and the end of the deadline by which to comply with the future labelling requirements will certainly fall – due to delays in the adoption of this Implementing Regulation – after the deadline of 18 February 2027 for affixing the QR code under Article 13(6) as well as for enforcing the battery passport requirements under Article 77. As a result, manufacturers may be required to affix the QR code on a separate, non-specified part of the battery in order to comply with the given deadline, and only later apply the final label once the implementing acts become applicable. This would lead to two distinct marking operations and two separate physical elements on the battery.

Alternatively, manufacturers wishing to ensure that the QR code is integrated directly into the final label would need to revise their internal labelling and marking processes twice: first to comply with the standalone QR code and battery passport obligations, and then again once the final label specifications are adopted.
In both scenarios, the misalignment results in additional operational burden, unnecessary duplication of marking activities, and avoidable complexity. To prevent this, it would be appropriate to align the deadline of the QR code and battery passport obligations with the same transitional period as the labelling obligations under Articles 13(1)-(3), possibly by changing it via the corrigendum procedure.

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ABOUT EPTA

The European Power Tool Association (EPTA) represents 25 European manufacturers of electrical power tools with a strong production base in central Europe. Members represent approximately 70.000 employees in Europe (170.000 worldwide) and around 90% of corded and cordless power tool sales in Europe (by value), the latter of which use lithium-ion rechargeable batteries.

ABOUT EGMF

The European Garden Machinery Federation (EGMF) represents large and small manufacturers of garden, landscaping, forestry, and lawn maintenance equipment and is registered in Europe since 1977. Through its 37 member bodies – 7 national associations and 30 companies – EGMF represents about 20,5 million cordless and corded units placed on the European market every year, accounting for around 80% of garden machinery, and EGMF members employ over 120,000 people in the EU.