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Feedback to the Commission's proposed amendments to the European List of Waste entries relevant to batteries

FEAD, the European Waste Management Association, and its members involved in the collection, treatment, recycling and disposal of waste batteries, welcome the Commission's draft amendment to the European List of Waste to address waste batteries and wastes from treating them. FEAD welcomes the new proposal to extend the transitional period from 12 to 18 months, but remains concerned about the significant impact on our industry of the implementation of the new codes and therefore **calls for 24 months transition period**.

FEAD also emphasises the importance of providing clear definitions within the waste codes **to avoid unnecessary fragmentation and overlapping classifications**, as seen in the proposed codes for alkaline and sodium-based batteries. Without clarification of the current codes, there is a risk of operational confusion, particularly in battery sorting and treatment processes.

Need for longer transition period

FEAD welcomes the fact that the Commission has confirmed that the initial 12-month transition period was insufficient. However, an **18-month transition period is still not adequate** for the implementation of the new Waste Codes, especially for those batteries that have been reclassified as hazardous, such as Zn-C and alkaline batteries.

Some facilities will need to make **significant structural and operational changes to comply** with the new hazardous waste classifications. This will include potential design modifications, process adaptations and safety measures, all of which will take time and substantial investments to implement before the new waste permit can even be processed. A **period of at least 1 year should be foreseen** for the assessment and implementation of such structural and operational changes.

After this first step of plant and process adaptation, operators will have to amend their waste permits accordingly, which is a **lengthy and complex process**, particularly for facilities that currently handle non-hazardous waste or for facilities that would fall under the scope of the Article 10 of the Industrial Emissions Directive (IED) due to the management of quantities of waste batteries newly classified as hazardous.

For example, the average processing time for a new permit in Germany is around 6 to 9 months, and from 6 months to 1 year in France, which can be considered a best-case scenario for Europe. As many companies will be affected at the same time, the relevant authorities will have a heavy workload, which is likely to lead to some **delays in the waste permitting process**. For those existing facilities that need to amend their permit or reapply for a new waste treatment permit, **a minimum processing time of 1 year is foreseen**.

In this context, **FEAD strongly supports a transition period of at least 24 months**. This extended period will allow sufficient time for the necessary administrative, operational and compliance adjustments to ensure a smooth and effective transition for these facilities.

Definition of alkaline batteries

FEAD emphasizes the need for a clear definition of what constitutes an 'alkaline' battery in waste code 16 06 04*. The term '*alkaline*' refers to the electrolyte, which would risk including under this

code all batteries with an alkaline electrolyte, such as wet-cell Nickel-Cadmium (NiCd) batteries, although there is already a specific code (16 06 02*) for these batteries, which require separate treatment.

To avoid overlap and ensure clarity, FEAD proposes that waste code 16 06 04* be reserved specifically for cells that use zinc and/or manganese as reagents, and that code 16 06 09* for zinc-based batteries, including silver oxide batteries, be removed. Currently, alkaline batteries based on zinc could fall under either 16 06 04* or 16 06 09*, creating unnecessary confusion. Additionally, alkaline and zinc-carbon batteries undergo identical treatment processes, using the same technologies and facilities. Introducing mandatory pre-sorting solely to meet distinct waste codes would therefore be costly and counterproductive.

Therefore, the waste codes 16 06 04* and 16 06 09* could be **merged under the unique waste code 16 06 04*** *'Zinc-based batteries, including zinc-manganese batteries, zinc-carbon batteries, silver oxide batteries (other than those mentioned in 16 06 03)'*.

Risk of overlap and fragmentation for sodium batteries

FEAD believes that the fragmentation of codes for sodium-based batteries is excessive. While we recognise the need for sufficiently granular codes to reflect the different battery chemistries and specificities, it is impractical to create a separate code for each chemistry. For instance, although Na-Ni-Cl_2 batteries are clearly stated in the description for code 16 06 08*, they could still be mistakenly classified under codes 16 06 10*, 16 06 11*, or 16 06 12. To avoid confusion and to ensure consistent classification of battery waste by different operators, the **codes must remain clear and practicable.**

Importantly, grouping battery waste under a single code does not imply that all batteries within that code must be treated identically or processed at the same facilities. As an example, code 16 02 16* *'components removed from discarded equipment other than those mentioned in 16 02 15'* encompasses FDD, power supplies, PCBs, RAMs, CPUs, and capacitors without assigning each item a separate code, despite variations in their treatment methods.

FEAD therefore proposes **merging codes 16 06 10*, 16 06 11*, and 16 06 12 into a single code, 16 06 10***, designated as '*sodium-based batteries, including $NaNiCl_2$ and sodium sulphur batteries*'. A non-hazardous waste code as currently set in 16 06 12 is not needed.

Code for separately collected waste lithium-based batteries

FEAD agrees with the Commission's statement regarding the hazards posed by waste lithium-based batteries, which give '*rise to specific challenges for transport and treatment due to explosion and fire hazards, in particular in municipal waste'*. FEAD appreciates the intention behind waste code 20 01 43* — likely introduced to encourage source separation by the public — but we emphasise that the use of such a code requires a proper, professionally run separate collection scheme for lithium-based batteries of municipal origin.

The code could act as an incentive for Extended Producer Responsibility (EPR) schemes to set up differentiated waste battery collection schemes for the public, possibly using different collection points or designs to prevent the mixing of lithium batteries with more stable battery types from a fire safety perspective. For example, this code could encourage the use of special containers at collection points or support the safe transport of light electric vehicle batteries (e-bikes, e-scooters) from public collection points to specialised treatment facilities.

In this context, FEAD believes that code 20 01 43*, if implemented in a clear and professional way,

could positively accompany the changes in collection practices of lithium batteries and potentially reduce fire risks in other waste streams. However, the sorting of batteries is a professional activity requiring specific skills and a dedicated process to ensure the safe handling of this hazardous waste, and the use of code 20 01 43* should only take place in a well-defined framework where everything is done to ensure the safe handling of these batteries and an efficient sorting at source system. The publication of a guidance document setting out the best practices in this field could help to ensure the correct application of this code.

FEAD therefore **supports the introduction of code 20 01 43*, provided that a coherent system is in place to ensure efficient sorting** at source with careful consideration of collection and safety standards.

Consistency with the objectives of the Critical Raw Materials Act and the Batteries Regulation

FEAD would like to draw the Commission's attention to the potential conflict between the proposed reclassification of all waste batteries as hazardous and the objectives and timelines of the Critical Raw Materials (CRM) Act. FEAD also emphasises that the battery recycling value chain should be considered as a whole, with each actor from collection to dismantling, transport and recycling playing a critical role in sustaining the recovery of critical raw materials. In this regard, it is considered that the streamlined process under the CRM Act, which applies to recyclers, should also apply to all operators in the waste batteries management sector to ensure an efficient recycling value chain.

The CRM Act aims to **streamline the permitting process for strategic recycling projects**, with a target duration of no more than 15 months for processing for recycling projects. However, the reclassification of batteries as hazardous will complicate and lengthen the permitting process with all authorities involved, making it difficult to meet the CRM Act timeline.

The CRM Act also emphasises the importance of ensuring the free movement of critical raw materials and products. Hazardous waste regulations require prior notification and approval for transboundary shipments, which adds significant delays and administrative burdens. While this process is necessary to ensure the safe and controlled shipment of waste within the EU, it could **hinder the objective of the CRM Act to streamline the shipment** of critical raw materials contained in batteries for timely recycling and recovery of valuable materials from spent batteries. On its end, the Battery regulation is setting collection, recycling and recycled content targets for different batteries, which will necessarily require smooth movement of waste batteries.

FEAD calls on the Commission to ensure consistency with the objectives of the Green Deal, materialised in this case in the Battery Regulation and the Critical Raw Material Act. This can be done, for example, by **issuing relevant guidance to the competent authorities involved in the waste treatment facility permitting and waste shipment procedures** to ensure their streamlining and to meet the deadlines foreseen in the CRM Act and the Waste Shipment Regulation.

Need for strong communication to avoid negative impacts on collection of waste batteries

The new Battery Regulation sets ambitious targets for the collection of portable and LMT batteries. The reclassification of all batteries as hazardous will have a direct impact on the collection network - including voluntary collection points – as well as a negative psychological impact on the willingness of collection partners, retailers, consumers and public institutions to continue to cooperate, thus undermining efforts to achieve these targets. Compliance with the new targets will actually require the extension of the current collection systems, meaning that the continued commitment of all involved partners is essential.

FEAD calls for **continued support from the European Commission, local authorities and producer responsibility organisations to the waste batteries collection networks** to ensure a positive communication towards the public and collection partners, despite the hazardous classification of all batteries, and to achieve the ambitious collection targets. Official guidance or communication to ensure smooth continuation of the current collection networks and the introduction of new collection points would be welcomed.

Finally, from 2025, separate collection of hazardous waste from households will be mandatory in the EU. In this context, the Commission should already verify the capacity of Member States to implement this separate collection, which will apply to all waste batteries as soon as they are reclassified as hazardous. If the Member States consider it relevant and to anticipate the entry into force of the new codes related to batteries, Member States authorities could already allow the separate collection of waste batteries together with the household hazardous waste. This would not only ensure increased and better collection of batteries but also limit the huge damage currently caused by wrongly discarded lithium batteries, which end up in non-hazardous waste streams, causing fires, which lead to great costs and impacts on the health and safety of the personnel in the waste management industry.

FEAD appreciates the efforts of the Commission and the JRC to update the European List of Waste entries relevant to batteries. However, we strongly believe that **a longer transition period, greater clarity and careful consideration of the objectives of the Green Deal are essential** to ensure successful and sustainable implementation. We look forward to continued dialogue and cooperation with all stakeholders to achieve these objectives.

***FEAD is the European Waste Management Association, representing the private waste and resource management industry across Europe**, including 19 national waste management federations and 3,000 waste management companies. Private waste management companies operate in 60% of municipal waste markets in Europe and in 75% of industrial and commercial waste. This means more than 320,000 local jobs, fuelling €5 billion of investments into the economy every year.*

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