

04 June 2024

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 proposed amendments to the European List of Waste entries relevant to batteries. However, the proposed changes to the List of Waste will have a significant impact on our industry and we are therefore seriously **concerned about the proposed transition period** for the implementation of the new codes, which is not sufficient. In addition, FEAD stresses the need to ensure coherence between the changes in the List of Waste and the objectives of **the Critical Raw Materials (CRM) Act** to streamline permitting procedures and shipments of waste containing CRM.

Need for longer transition period

We have **serious concerns about the proposed 12-month transition period** for the implementation of the new waste codes, particularly for those batteries that have been reclassified as hazardous, such as Zn-C and alkaline chemistries.

The process of amending waste permits and **obtaining new permits is lengthy and complex**, 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 addition to this permit processing time, 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. An **additional period of at least 1 year should be foreseen** for the assessment and implementation of such structural and operational changes.

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.

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 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.

FEAD Secretariat

info@fead.be