



EUROPEAN
COMMISSION

Brussels, XXX
[...] (2026) XXX draft

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

supplementing Regulation (EU) 2023/1542 of the European Parliament and of the Council by establishing the methodology for the calculation and verification of cobalt, nickel, lithium and lead recycled content in certain batteries, and the format for the documentation of such recycled content

(Text with EEA relevance)

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Batteries are one of the key enablers for sustainable development, green transport, clean energy and climate neutrality. The Regulation on Batteries and Waste Batteries¹ (the “Regulation”) creates a harmonised regulatory framework covering the entire life cycle of batteries that are placed on the market in the Union, including requirements on the life cycle carbon footprint of batteries. The Commission is tasked with developing the methodology for the calculation and verification of the recycled content of nickel, lithium, cobalt and lead in several categories of batteries.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

This delegated act is based on a report by the Joint Research Centre (JRC) of the Commission entitled ‘JRC study on harmonised rules for the calculation and verification of recycled content in batteries’². The report was developed in consultation with stakeholders, including two workshops and a dedicated stakeholder consultation. Subsequently, the expert group on waste was consulted on 15 October 2025 in its formation including Member States representatives as well as representative of businesses and civil society, and on [date] in its formation including only Member States representatives on the draft delegated act.

The draft delegated act was published for public feedback on the Better Regulation Portal from [date] to [date] 2026. It was notified to the World Trade Organization Committee on Technical Barriers to Trade for feedback from [date] to [date] 2026.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The delegated act is adopted pursuant to Article 8(1), third subparagraph, of the Regulation, which empowers the Commission to adopt a delegated act establishing the methodology for the calculation and verification of the percentage share of cobalt, lithium, and nickel that is present in active materials and that has been recovered from battery manufacturing waste or post-consumer waste, and the percentage share of lead that is present in the battery and that has been recovered from waste, and the format for the documentation.

¹ Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ L 191, 28.7.2023, p. 1.)

² <https://publications.jrc.ec.europa.eu/repository/handle/JRC146717>

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC³, and in particular Article 8(1), third subparagraph, thereof,

Whereas:

- (1) Article 8(1) of Regulation (EU) 2023/1542 requires manufacturers to declare the recycled content of cobalt, lithium, nickel and lead in industrial batteries, electric vehicle batteries and SLI batteries. That requirement will start to apply on 18 August 2028 or 24 months after the entry into force of this Regulation, whichever is later. Article 8(2) and (3) of Regulation (EU) 2023/1542 also requires manufacturers to meet mandatory targets for the recycled content of those metals in such batteries, which will be applicable from 18 August 2031 and 18 August 2033 respectively. The corresponding requirements for LMT batteries will be applicable from 18 August 2033 (declaration of recycled content) and 18 August 2026 (mandatory targets for recycled content). The Commission is to establish the methodology for the calculation and verification of the percentage share of cobalt, lithium or nickel that is present in active materials and that has been recovered from battery manufacturing waste or post-consumer waste, and the percentage share of lead that is present in the battery and that has been recovered from waste, and the format for the documentation containing the data necessary to calculate and verify the recycled content of those metals.
- (2) Batteries play a central role in the transition from fossil fuels to clean energy. Electrification across multiple sectors will drive demand for batteries over the coming years, and batteries will play an increasing role in the resilience of Europe's energy and transport systems. In this context, dependencies, or even full reliance, on third countries for the supply of raw materials or components critical to battery manufacturing pose a serious threat to the security and resilience of the Union's energy and transport systems. Global demand for batteries continues to grow and is expected to increase further, given their central role in the green transition, notably for use in electric vehicles and battery energy storage systems. The associated increase in battery production has driven up demand for critical minerals such as lithium, nickel,

³ OJ L 191, 28.7.2023, pp. 1–117

cobalt and graphite⁴, intensifying competition for access to those materials. At the same time, natural sources of those materials are very limited in the Union. Current extraction capacities are practically non-existent⁵, leaving the Union highly dependent on imports from a small number of non-EU suppliers. This dependence has driven import reliance for critical battery raw materials to strikingly high level: 81% for cobalt, 75% for nickel and 100% for lithium⁶. Battery raw materials have been subject to export restrictions in producer countries which add uncertainty and deprive access to feedstock. In a context of geopolitical tensions, that dependency creates a significant risk of supply disruptions, thereby putting at risk the security and resilience of the Union's energy and transport systems.

- (3) Against this background, battery recycling presents a major opportunity to increase the production of secondary raw materials and thereby reduce existing dependencies on imports from third countries and strengthen the resilience and security of supply of the Union battery value chain.
- (4) Global recycling capacities for battery materials are concentrated in a limited number of third countries where recovered materials are retained and reintegrated within local integrated industrial ecosystems, thereby remaining unavailable to the Union. That concentration creates a risk of insufficient availability of recycled battery materials for the Union battery value chain and exposes the Union to external decisions, market disruptions and possible export restrictions. As noted in the ResourceEU Communication⁷, supply chains for critical raw materials are fragile, and in recent years third countries have adopted a series of export control measures covering critical raw materials, including inputs vital for battery production. In such circumstances, dependence on imported primary raw materials may be compounded by dependence on imported secondary raw materials, thereby further undermining both the resilience of the Union battery value chain and the security and resilience of the Union's energy and transport systems.
- (5) Recycled battery materials are of strategic importance for the Union battery value chain, which is itself essential to the Union's climate objectives, energy resilience, economic security and strategic autonomy. In the current market circumstances, the high concentration of battery production and recycling capacities at global level, creates a serious risk of insufficient availability of recycled battery materials within the Union. That risk undermines the resilience and security of supply of the Union battery value chain and poses a serious threat to the security and resilience of the Union's energy and transport systems. Insufficient availability of such materials in the Union could prevent the timely manufacture, replacement or deployment of batteries required for the functioning of essential services and adversely affect human health and safety, in particular where reliable electricity supply, heating, cooling, emergency response or access to healthcare is impaired. In order to address that risk, it is therefore appropriate to provide for a temporary correction factor for recycled materials recovered through recycling operations carried out in the Union.

⁴ IEA Global EV Outlook 2026 - <https://iea.blob.core.windows.net/assets/857aa690-2a43-453f-9f12-147cc8f0a1dd/GlobalEVO Outlook2026.pdf>

⁵ WWF Mining, recycling and trust – report March 2026 -<https://www.wwf.de/fileadmin/fm-wwf/Publicationen-PDF/Politik/Battery-Report-2026.pdf>

⁶ <https://op.europa.eu/en/publication-detail/-/publication/57318397-fdd4-11ed-a05c-01aa75ed71a1>

⁷ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS RESourceEU Action Plan Accelerating our critical raw materials strategy to adapt to a new reality COM/2025/945 final

- (6) That correction factor should be limited to what is necessary to address those risks and should therefore be temporary, targeted and proportionate. It should apply only for as long as the relevant conditions persist, namely insufficient supply of recycled content in the Union to ensure the resilience and security of supply of the Union battery value chain and the security and resilience of the Union's energy and transport systems. It should not have the effect of excluding recycled materials recovered through recycling operations carried out outside the Union from contributing to compliance with the recycled-content targets laid down in Regulation (EU) 2023/1542.
- (7) Regulation (EU) 2023/1542 contains conformity assessment procedures, including general rules for requiring notified bodies to assess whether the manufacturer has complied with its obligations, including those on recycled content. It is appropriate to detail in the methodology for verification of the recycled content which assessments notified bodies are to carry out as a minimum. It is also appropriate to specify the details for the study supporting the recycled content share that manufacturers are required to provide as part of the technical documentation, as well as the data and documentation that battery manufacturers and other economic operators at different steps of the value chain are required to gather, in order to ensure that notified bodies and market surveillance authorities receive the information necessary to verify compliance with the requirement set out in Article 8 of Regulation (EU) 2023/1542.
- (8) In order to ensure consistency in the information provided and to facilitate verification of compliance, this Regulation should lay down the format for the documentation that battery manufacturers and other economic operators are to draw up in order to provide the data and calculations demonstrating the percentage share of recycled cobalt, lithium, nickel and lead in batteries placed on the Union market.

HAS ADOPTED THIS REGULATION:

Article 1

The methodology for the calculation and verification of the recycled content of nickel, cobalt, lithium and lead in industrial batteries with a capacity greater than 2 kWh, except those with exclusively external storage, electric vehicle batteries, SLI batteries and LMT batteries shall be as set out in sections 1, 2 and 3 of the Annex.

The format for the documentation demonstrating the share of recycled content of nickel, cobalt, lithium and lead in the batteries referred to in the first paragraph shall be as set out in section 4 of the Annex.

Article 2

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

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

Done at Brussels,

For the Commission
The President
Ursula von der Leyen