



EUROPEAN
COMMISSION

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

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of XXX

laying down rules for the application of Regulation (EU) 2023/1542 of the European Parliament and of the Council as regards access to and use of certain information in the battery passport

(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.

COMMISSION IMPLEMENTING REGULATION (EU) .../...

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laying down rules for the application of Regulation (EU) 2023/1542 of the European Parliament and of the Council as regards access to and use of certain information in the battery passport

(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/EC¹, and in particular Article 77(9) thereof,

Whereas:

- (1) Regulation (EU) 2023/1542 provides that LMT batteries, industrial batteries with a capacity greater than 2 kWh and electric vehicle batteries placed on the market or put into service are to have a battery passport, except when such batteries are designed for defence purposes. While certain information in the battery passport is publicly accessible, access to other information is restricted to specified actors or to persons with a legitimate interest. Article 77(2), third subparagraph, point (a), of Regulation (EU) 2023/1542 identifies repairers, remanufacturers, second-life operators and recyclers as persons that may have a legitimate interest in accessing information relating to the battery model. Key second-life operators are repurposers of batteries and vocational training centres for battery repair, repurposing and remanufacturing. It is therefore appropriate to specifically identify such repurposers and centres as persons with a legitimate interest and to specify the information to which they are to have access.
- (2) Pursuant to Article 77(7) of Regulation (EU) 2023/1542, where the status of a battery changes to that of a waste battery, responsibility for ensuring that the information in the battery passport is accurate, complete and up to date is transferred to the producer, the producer responsibility organisation, where appointed, or the waste management operator selected in accordance with Article 57(8) of that Regulation. Those persons can modify the information contained in the battery passport as necessary and have access to the full content of the battery passport. They therefore do not need to be specifically identified as persons with a legitimate interest for the purposes of this Regulation. However, certain waste management operators carrying out treatment and recyclers may need access to certain parts of a battery passport even though the responsibility does not lie with them when they handle the battery. It is therefore appropriate to identify those operators and recyclers as persons with a legitimate interest and to specify the information to which they are to have access.

¹ OJ L 191, 28.7.2023, p. 1, ELI: <http://data.europa.eu/eli/reg/2023/1542/oj>.

- (3) Information on safety measures is not commercially sensitive and is essential to a broad range of operators, including treatment facilities for end-of-life vehicles and for waste electrical and electronic equipment. It is therefore appropriate to identify those facilities as persons with a legitimate interest in this information and to allow sharing and publication of this information without restriction.
- (4) Article 77(2), third subparagraph, point (b), of Regulation (EU) 2023/1542 identifies purchasers of the battery and parties acting on their behalf as persons that may have a legitimate interest in accessing information concerning individual batteries for the purpose specified in that provision. In case of resale of the battery, it is important that they can share this information with potential buyers. In addition, the purchaser of the battery has a legitimate interest in information on the part numbers for components and contact details of sources for replacement spares, including for cases of simple in-house repair.
- (5) Given that information restricted to persons with a legitimate interest, other than information on safety measures, could be commercially sensitive, persons with a legitimate interest should be able to download and use such information only for specific purposes and not be allowed to share or publish it unless specifically authorised to do so. As an exception, for reasons of health and safety, it should be allowed to share information with emergency services and poison centres. An exception should also apply to the sharing of information with authorities responsible for enforcing Regulation (EU) 2023/1542 so that they can, among other things, evaluate the status of the battery.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 39 of Directive 2008/98/EC of the European Parliament and of the Council²,

HAS ADOPTED THIS REGULATION:

Article 1

1. The following natural or legal persons shall be considered persons with a legitimate interest for the purposes of Article 77(2), point (c), of Regulation (EU) 2023/1542 and shall have access to the information referred to in point 2(a) and (c) of Annex XIII to that Regulation:
 - (a) repairers of batteries;
 - (b) remanufacturers of batteries;
 - (c) any natural or legal person carrying out repurposing of batteries;
 - (d) waste management operators carrying out treatment;
 - (e) recyclers;
 - (f) vocational training centres for battery repair, repurposing or remanufacturing.
2. The following natural or legal persons shall be considered persons with a legitimate interest for the purposes of Article 77(2), point (c), of Regulation (EU) 2023/1542 and shall have access to the information referred to in point 2(b) of Annex XIII to that Regulation:

² Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3, ELI: <http://data.europa.eu/eli/dir/2008/98/oj>).

- (a) repairers of batteries;
 - (b) remanufacturers of batteries;
 - (c) any natural or legal person carrying out repurposing of batteries;
 - (d) the purchaser of the battery.
3. The following natural or legal persons shall be considered a person with a legitimate interest for the purposes of Article 77(2), point (c), of Regulation (EU) 2023/1542 and shall have access to the information and data referred to in point 2(d) of Annex XIII to that Regulation:
- (a) any natural or legal person referred to in paragraphs 1 and 2;
 - (b) any establishment or undertaking that is permitted in accordance with Article 23 of Directive 2008/98/EC and Article 6(2), first subparagraph, of Directive 2000/53/EC of the European Parliament and of the Council³ to carry out treatment operations on end-of-life vehicles;
 - (c) treatment facilities of waste from electrical and electronic equipment.
4. The following natural or legal persons shall be considered persons with a legitimate interest for the purposes of Article 77(2), point (c), of Regulation (EU) 2023/1542 and shall have access to the information referred to in point 4 of Annex XIII to that Regulation:
- (a) the purchaser of the battery;
 - (b) any third party acting on behalf of a person referred to in point (a).

Article 2

1. The persons referred to in Article 1(1), (2) and (4), shall have access to the information referred to in point 2(a) to (c) and point 4 of Annex XIII to Regulation (EU) 2023/1542 only for the purposes of the following activities:
- (a) evaluating the status and residual value of the battery and its capability for further use; and
 - (b) repair, preparation for re-use, preparation for repurposing, repurposing, remanufacturing or recycling of the battery, or choosing between those operations.
2. By way of exception to paragraph 1, the persons referred to in Article 1(4) shall have access to the information referred to in point 4 of Annex XIII to Regulation (EU) 2023/1542 also for the purpose of making the battery available to independent aggregators or market participants.
3. The persons referred to in paragraphs 1 and 2 may download and use the information they have access to. They shall keep downloaded information no longer than is necessary for the purposes referred to those paragraphs.
4. The persons referred to in Article 1(1), (2) and (4) shall not share or publish the information referred to in point 2(a) to (c) and point 4 of Annex XIII to Regulation (EU) 2023/1542, with the following exceptions:

³ Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles (OJ L 269, 21.10.2000, p. 34, ELI <http://data.europa.eu/eli/dir/2000/53/oj>).

- (a) The persons referred to in Article 1(1) and (4) may share the information referred to in point 2(a), 2(c) and point 4 of Annex XIII to Regulation (EU) 2023/1542 with emergency services;
 - (b) The persons referred to in Article 1(1) may share the information referred to in point 2(a) of Annex XIII to Regulation (EU) 2023/1542 with poison centres;
 - (c) The persons referred to in Article 1(4) may share the information referred to point 4 of Annex XIII to Regulation (EU) 2023/1542 with prospective purchasers of the battery, with the market surveillance authorities and with the competent authorities responsible for the obligations under Chapter VIII of Regulation (EU) 2023/1542;
 - (d) The persons referred to in Article 1(1), (2) and (4) may share the information referred to in point 2(a) to (c) and point 4 of Annex XIII to Regulation (EU) 2023/1542 with the customs authorities as defined in Article 5, point 1, of Regulation (EU) No 952/2013 of the European Parliament and of the Council⁴;
 - (e) The economic operator placing the battery on the market may authorise the persons referred to in Article 1(1), (2) and (4) to share or publish the information referred to in point 2(a) to (c) and point 4 of Annex XIII to Regulation (EU) 2023/1542.
5. The persons referred to in Article 1(3) may use, download, share, publish, and re-use the information referred to in point 2(d) of Annex XIII to Regulation (EU) 2023/1542 without restriction.

Article 3

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

⁴ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1, ELI: <http://data.europa.eu/eli/reg/2013/952/oj>).