

Batteries and Waste Batteries (Delegated Act): Carbon Footprint Performance Classes

STATUS:
● FUTURE INITIATIVE

3 Sep 2025

Batteries and Waste Batteries (Carbon Footprint Performance Classes): Delegated Act Delayed

Work on the expected Delegated Act establishing the carbon footprint performance classes to be indicated on batteries has been delayed, and it is only expected to be presented after issues are resolved with a similar delegated act on electric vehicle batteries.

LATEST

- Executive Vice-President Séjourné made a statement concerning carbon footprinting methodologies for electric vehicle batteries on 11 July 2025.
- The delegated act was not presented by the deadline of 18 February 2025 set out in [Regulation \(EC\) 2023/1542](#).

ANALYSIS

Article 7(2) of [Regulation \(EU\) 2023/154](#) requires (i) electric vehicle batteries, (ii) rechargeable industrial batteries with a capacity greater than 2 kWh, (iii) light means of transport (LMT) batteries and (iv) rechargeable industrial batteries with external storage, to bear a label indicating their carbon footprint as well as their carbon footprint performance class.

The Commission is required to adopt a Delegated act by:

- (i) 18 February 2025 for electric vehicle batteries,
- (ii) 18 August 2026 for rechargeable industrial batteries except those with exclusively external storage
- (iii) 18 August 2028 for light mean of transport (LMT) batteries
- (iv) 18 August 2030 for rechargeable industrial batteries with external storage.

While the obligation set out in the Regulation under Article 7(2) suggests that the Commission will come out with separate delegated acts for each battery type, the Commission has chosen to develop its complementary [implementing act](#) for the formats for the labelling and the format for the declaration on the carbon footprint performance class for each battery model into a single instrument.

At the time of writing, the Commission has been unable to clarify whether it will develop separate delegated acts for each battery type or a single delegated act with separate annexes covering the different battery types.

The Commission is already experiencing delays in adopting the delegated and implementing acts pursuant to Article 7(1) of Regulation (EU) 2023/154. Therefore, the delegated act establishing carbon footprint performance classes pursuant to Article 7(2) is expected to be delayed until issues are resolved with the related delegated act establishing the carbon footprint methodology.

The Commission was required to develop delegated acts establishing the carbon footprint declaration according to each battery model pursuant to Article 7(1) of Regulation (EU) 2023/1542, with the first delegated act applicable to electric vehicle batteries due in 2024, followed by the delegated act for rechargeable industrial batteries in 2025, then the delegated act for LMT batteries in 2027, finally followed by the delegated act on industrial batteries with external storage in 2029.

The delegated acts in this series would define the methodology for the calculation and verification of the carbon footprint, whereas a complementary implementing act would define the reporting format for the declaration.

The draft Delegated Regulation for electric vehicle batteries was presented on 30 April 2024, however, the public consultation on the draft measure saw stakeholders asking for amendments to the text in terms of allowing contractual instruments to incentivise investments in clean electricity generation for battery production.

After expert group discussions found the draft insufficient on 11 July 2024, the Commission revised and presented it for discussions once more. This revised text has not yet been made publicly available. Although the new version showed improvements, Member State experts had additional concerns about the text, particularly in relation to electricity modelling, and preferences for prioritising larger batteries.

This and the change in the Commission in 2024, as well as its new legislative priorities, including Regulation (EU) 2025/1561 postponing the applications of several provisions of Regulation (EU) 2023/1542 for economic operators, have all contributed to work being delayed.

Executive Vice-President Séjourné made a statement on 11 July 2025 announcing that feedback on the footprinting methodologies for electric vehicles was still being examined, and the Commission is still deciding on a way forward regarding the text. As currently there is no clear indication for a timeline regarding this measure.

As a result, work on the carbon footprint performance classes delegated act is expected to be delayed until the delegated act on electric vehicle batteries is finalised.

NEXT STEPS

The expected measure would follow the procedure for “ Delegated acts” under the Lisbon Treaty.

The Commission is expected to prioritise the methodology for electric vehicle batteries before it develops the delegated act on carbon footprint performance classes.

The Commission has been unable to provide an indicative date for when it will develop the measure, but it is assumed that the delay could be for 18 months or more given the similar developmental challenges for electric vehicle batteries.

The Commission will present an eventual draft measure establishing the carbon footprint performance classes to be indicated on batteries to Member States experts of the Expert Group on Waste as well as launching a public consultation to gather stakeholder's feedback.

Following the consultation, the Commission is expected to adopt the measure. Once adopted, it would be communicated to the European Parliament and the Council. The two institutions will have a two-month "objection period" (extendable by two more months) during which they can decide that the measure should be amended.

If one of the institutions objects to the measure, it will not enter into force. If no objections are raised, the measure will be published in the Official Journal and become law.

BACKGROUND

Article 7(2)(4)(a) of [Regulation \(EC\) 2023/1542](#) requires the Commission to establish carbon footprint performance classes to be indicated for each battery model. The types of batteries include: electric vehicle batteries, rechargeable industrial batteries with a capacity greater than 2 kWh, industrial batteries with external storage, and light means of transport (LMT) batteries.

Therefore, the Commission is required to adopt a Delegated act by:

- (i) 18 February 2025 for electric vehicle batteries,
- (ii) 18 August 2026 for rechargeable industrial batteries except those with exclusively external storage,
- (iii) 18 August 2028 for light mean of transport (LMT) batteries,
- (iv) 18 August 2030 for rechargeable industrial batteries with external storage.

It is not yet certain whether the Commission would present a measure covering all battery types or a Delegated act per each battery type.

According to Article 7(2)(4)(b), the Commission is also required to adopt an implementing act establishing the formats for the labelling and the format for the declaration on the carbon footprint performance class for each battery model. However, the Commission is likely to adopt one single measure covering all battery types.

Commission Regulation (EC) 2023/1542 regulates batteries throughout their life cycle to promote a circular economy, through targets for producers to collect waste, mandatory minimum levels of recycled content and recycling efficiency targets.

KEY PLAYERS

Commissioner for the Environment, Water Resilience and a Competitive Circular Economy: Jessika Roswall

Full title

Expected Commission Delegated act supplementing Commission Regulation (EC) 2023/1542 establishing the carbon footprint performance classes to be indicated on batteries

Contents

The expected Commission Delegated act would supplement [Commission Regulation \(EC\) 2023/1542](#) establishing the carbon footprint performance classes to be indicated on electric vehicle batteries, rechargeable industrial batteries with a capacity greater than 2 kWh and light mean of transport (LMT) batteries.

Procedure

Comitology

Legal Basis

Article 7(2) of Commission Regulation (EC) 2023/1542