

To: Frans Timmermans, EU Executive Vice-President for Green New Deal; Maroš Šefčovič, Vice President for Strategic Foresight; Virginijus Sinkevičius, Commissioner for Environment; Thierry Breton, Commissioner for Internal Market

Dear Executive Vice President Frans Timmermans, Vice President Maroš Šefčovič; Commissioner Virginijus Sinkevičius; Commissioner Thierry Breton,

On behalf of Europe's full batteries and metals value chain, we write to express our deep concern about the European Chemicals Agency's Risk Assessment Committee proposal to classify three lithium compounds as Category 1A reprotoxic, including those critical for electric vehicle batteries.

In our view, the scientific evidence is too weak and does not justify such a severe classification, which would have a major impact on Europe's industrial goals for electric vehicles, batteries, and critical raw materials. We request that the European Commission refrains from taking-up a Category 1A classification for the three lithium salts and calls for a re-evaluation at the scientific level.

Europe is at a critical period in its energy transition, needing to stimulate new investment into a full Electric Vehicle battery value chain. This European Commission can be proud of real industrial success in already mobilising high levels of investment into new battery gigafactories. Its looming challenge is now to secure the battery metals that will be in very short supply over the next 15 years.

This is a race where Europe is playing catch-up to China, which is already over a decade ahead, now controlling most global processing for lithium and other battery metals. You are rightly prioritising "the capacity to separate, refine, and recycle raw materials" in your forthcoming EU raw materials legislation. Europe has a narrowing window of opportunity to attract the investments needed, and lithium is a central material to our success.

An unjustified lithium salts classification will be a red flag that brings great uncertainty to companies looking to make long-term investments into European refining and recycling capacity, risking delays or different investment decisions towards competing markets. It will:

- Make the lithium salts eligible as EU Substances of Very High concern, facing a trend towards restriction, authorisation, and phase-out
- Provide the industries located in countries not submitted to the REACH regulation a competitive advantage for producing and using these lithium salts, due to less ambitious health and environment protection requirements, and open the door to new risk management measures with new requirements not faced in competing regions
- Result in the stigmatisation of lithium, with a negative effect on acceptance for new projects in the EU

Our industries are committed to safely manage hazardous materials, and we engage constructively in the EU's classification and REACH processes. But in this case, we have serious concerns about shortcomings in the scientific evidence used to justify ECHA's Risk Assessment Committee opinion. In

our view it is based on weak and incomplete evidence from studies, not conducted according to recent guidelines and missing key evidence.

Today's discussion is also an example of wider need for coordination between Europe's raw materials goals and its chemicals legislation. Most metals needed in Europe's batteries and wider energy transition either have some direct hazardous properties or are alloyed with other hazardous materials. It's imperative that the upcoming REACH and CLP Review better aligns Europe's raw materials and chemicals goals. We would be pleased to discuss our proposals with you.

Yours sincerely,



About

EBRA, the European Battery Recycling Association, represents the interests of actors involved with sorting, treating and recycling consumer, industrial or automotive spent batteries, whatever the type or chemistry, apart from Lead-Acid automotive batteries, but including E-mobility and stationary batteries. www.ebra-recycling.org

EGEC, the European Geothermal Energy Council, is a not-for-profit organisation promoting all aspects of the geothermal industry. It was founded in 1998 to facilitate awareness and expansion of geothermal applications in Europe and worldwide by shaping policy, improving investment conditions and steering research. Over 150 members from 28 countries, including developers, equipment manufacturers, electricity providers, national associations, consultants, research centres, geological surveys, and public authorities gives EGEN the ability to represent the entire geothermal sector. EGEN is listed in the European Transparency Register No. 11458103335-07 For more information visit www.egec.org

EUROBAT is the leading association of European automotive and industrial battery manufacturers, covering all battery technologies, and has more than 50 members. The members and staff work with all policymakers, industry stakeholders, NGOs and media to highlight the important role batteries play for decarbonised mobility and energy systems as well as all other numerous applications. www.eurobat.org

EUROMETAUX is an industry association representing the collective European non-ferrous metals industry, including miners, smelters, refiners, fabricators and recyclers. With 500,000 employees and an annual turnover of €120bn, our members represent an essential industry for European society that businesses in almost every sector depend on. Together, we are leading Europe towards a more circular future through the endlessly recyclable potential of metals. www.eurometaux.be

Euromines, the European Association of Mining, Metal Ores & Industrial Minerals, represents large and small companies and subsidiaries in Europe and in other parts of the world which provide jobs to more than 350,000 people. Through the activities and operations of these members, more than 42 different metals and minerals are produced. Their sustainable exploitation can increase Europe's supply of mineral resources, help ease imports from third countries usually applying lower environmental, corporate and social standards and foster the socio-economic growth of Europe's Regions. The European mineral raw materials industry plays a crucial role in the EU ability to nurture sustainable growth including access to and supply of raw materials, providing over 30 million jobs and playing a key role in the development of modern environmentally friendly technologies. More information on www.euromines.org

ILiA, the International Lithium Association, was established in 2021 to be the representative global body for the lithium value chain. Our members produce around 75% of the total global supply of lithium. The Association's mission is to be the voice of the lithium industry and its key objectives are to represent, engage, educate and grow the lithium industry and maintain its standing as a champion of sustainable and responsible supply. <https://lithium.org/>

RECHARGE is the European industry association for advanced rechargeable and lithium batteries. Founded in 1998, it is our mission to promote advanced rechargeable batteries as a key technology that will contribute to a more empowered, sustainable and circular economy. RECHARGE's unique membership covers all aspects of the advanced rechargeable battery value chain in Europe: from suppliers of primary and secondary raw materials, to battery, equipment and original equipment manufacturers (OEMs), to logistic partners and battery recyclers. www.rechargebatteries.org