

Director Aurel Ciobanu-Dordea

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Also sent to:

Executive Vice-President Maroš Šefčovič, EU Green Deal, Interinstitutional Relations & Foresight

Vice-President Vera Jourova steering & coordinating 'A Europe Fit for the Digital Age'

Commissioner Thierry Breton for Internal Market

Commissioner Adina Vălean for Transport

Commissioner Kadri Simson for Energy

DG ENER, DG GROW & DG MOVE

Brussels, 09 November 2023

Subject: Request to exclude batteries from the PFAS restriction proposal scope

Dear Director Aurel Ciobanu-Dordea,

With the attached position paper, RECHARGE respectfully asks the Commission for a swift decision on the PFAS restriction proposal to exclude batteries from the restriction, and thereby protect investments in the EU Batteries Industry.

We would also like to request a meeting with you and your colleagues at the earliest opportunity to discuss our position paper and how we can achieve such a swift decision.

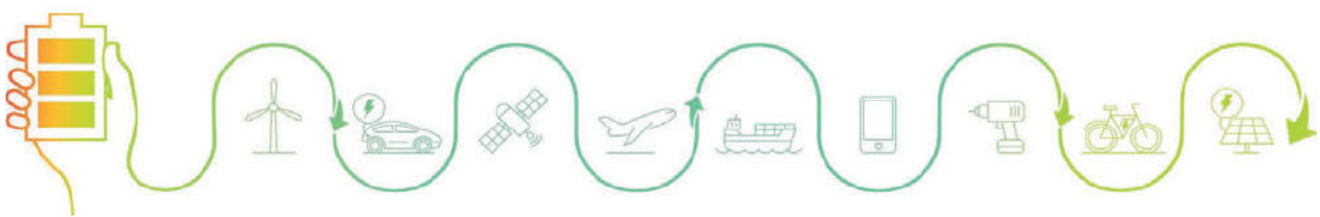
Please see the attached RECHARGE position paper describing the current battery value chain concerns on the impact of the PFAS restriction proposal on our industry and society, as well as the need for an urgent decision.

Yours sincerely



RECHARGE

att.



The batteries value chain is essential to the EU and an alternative to the PFAS restriction proposal

The batteries industry urgently requires a decision by the Commission to exclude batteries from the ECHA PFAS restriction process due to the essential use of batteries in reaching Green Deal targets and for the functioning of society. The batteries industry is concerned the length of the ECHA PFAS restriction proposal is detrimentally impacting the industry.

Batteries are essential

Batteries are essential – they are critical to the functioning of society. Batteries are a main enabler for the transition towards low-emission mobility, decarbonised energy generation and digitalisation. Batteries power a wide range of general public applications such as smartphones, tablets, power tools, hearing aids, defibrillators and provide many services to industry such as back-up power for mission critical industrial assets such as nuclear power plants and internet data centres. Battery storage helps renewable generators reliably integrate with existing grids by storing the excess generation and by smoothing the energy distribution. Batteries also provide power to an increasing number of mobility solutions such as electric vehicles, e-bikes and e-scooters. They generate significant economic growth and provide jobs for millions of people. Batteries are essential to ensure the sustainable development of society and provide critical environmental and social benefits.

PFAS in batteries are essential – there are no commercially feasible alternatives today. Their unique properties are critical and irreplaceable to the functioning of batteries - they are repellent (to water, oil and dirt); durable (under extreme conditions) and provide electrical and thermal insulation. As a result of their chemical resistance and tolerance to a high range of working temperatures, PFAS are present in key components for all high performance and lithium battery technologies.

RECHARGE has provided an [in-depth analysis](#) with supporting evidence to the ECHA PFAS restriction consultation. RECHARGE has clearly outlined why PFAS are used in batteries, where there are different types of PFAS and whether there are any non-PFAS alternatives.

Exclusion of batteries from the restriction is safe

RECHARGE understands the concern behind the regulatory action and supports efforts to restrict PFAS posing unacceptable risk to human health or the environment, at EU wide level.

Specific to batteries, there are no uncontrolled or unintended PFAS emissions during battery manufacturing, normal use and during recycling. For example, analysis shows that PFAS emissions during battery manufacturing are negligible (wastewater samples analysed during battery manufacturing confirm there is no detectable emission of PFAS to the environment).

PFAS management should be more coherent with other non-EU approaches, such as the UK RMOA¹ or the US EPA's PFAS Framework². These approaches are much more relevant when it comes to

¹ Analysis of the most appropriate regulatory management options (RMOA). Substance name: Poly- and perfluoroalkyl substances (PFAS) (March 2023). <https://www.hse.gov.uk/reach/assets/docs/PFAS-rmoa.pdf>

² Framework for Addressing New PFAS and New Uses of PFAS. <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/framework-addressing-new-pfas-and>



focusing on the real sources of risks. As demonstrated in RECHARGE's in-depth analysis to the ECHA PFAS consultation, the risk of dispersion of PFAS during the battery life cycle is low. All battery manufacturing and recycling operations are conducted in facilities which are permitted by the competent authority within each Member State, where any release of emissions is controlled and must be below regulation threshold limits. These limits include those set by the Industrial Emissions Directive (IED) (2010/75/EU) which sets limits on preventing and limiting levels of pollution. Under the EU Green Deal (EGD) this Directive is in the process of being amended with a proposal released last year (COM(2022) 156 final/3), which not only addresses PFAS limits but also clarifies requirements for reviewing and updating permits to comply with environmental quality standards, measures under the water legislation permits as well as reducing emissions of pollutants and greenhouse gases emissions. The proposed IED specifically addresses the importance of the sustainable growth of batteries outlining all EU legislations in alignment to make this happen. In addition, the Chemicals Strategy for Sustainability Towards a Toxic-Free Environment directly addresses the production of safe and sustainable chemicals for batteries.

In addition, the new Batteries Regulation ((EU) 2023/1542) aims to make batteries placed on the EU market sustainable and safe along their entire life cycle whilst allowing industry to scale up activities for the EU to have higher battery sovereignty and to become a global competitor. The new Regulation addresses the different environmental impacts of batteries in one regulation. Specifically, Article 6 will identify the substances of concern. Work by ECHA will begin next year and will be an ideal opportunity for the batteries industry to input how to continue to make safer and sustainable batteries.

Decision urgency

The EU is projected to become the world's second biggest battery cell manufacturer by the end of the decade³. As a direct effect, this will require 800,000 workers by 2025⁴. The installation and maintenance of batteries as well as end of life recycling could potentially create between 3-4 million jobs by 2025⁵. However, the ECHA PFAS restriction proposal itself is creating high uncertainty for the battery value chain industry. Under current circumstances such as the US IRA proposal, a number of investors along the battery value chain are diverting investment away from the EU.

Forecasted growth (which does not factor in the ECHA PFAS restriction proposal) is now in direct jeopardy. Therefore, it is a matter of urgency to make a swift decision on excluding batteries from the current ECHA PFAS restriction scope. The current SEAC and RAC committees process of discussing consultation comments sector by sector should be accelerated to avoid further threatening the battery value chain industry investment decision.

To conclude, for the EU to upscale its current production and recycling capacities in order to meet demand, **batteries must be outside of the ECHA PFAS restriction scope. A decision must be made swiftly to avoid further investment being diverted away from the EU and to stay on track to meet Green Deal targets.**

³ A European Response to the US Inflation Reduction Act, T&E report January 2023, <https://www.transportenvironment.org/discover/a-european-response-to-us-inflation-reduction-act/>

⁴ Commission Staff Working Document. Accompanying the document, Report from the Commission to the European Parliament and the Council. Progress on competitiveness of clean energy technologies. 1- Macroeconomic. SWD (2021) 307 final. October 2021. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=SWD:2021:307:FIN#footnote114>

⁵ Entwicklung und Umsetzung eines Monitoringsystems zur Analyse der Akteursstruktur bei Freiflächen-Photovoltaik und der Windenergie an Land. https://www.umweltbundesamt.de/sites/default/files/medien/5750/publikationen/2021-06-28_cc_49-2021_monitoringsystem_akteursstruktur_wind_pv.pdf

