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EU Transparency Reg. 673674011803-02

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Commissioner Virginijus Sinkevičius for Environment, Oceans & Fisheries
DG ENER

Brussels, 8 March 2024

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

Dear Commissioner Thierry Breton,

I am writing to follow up on our previous communication (dated from 09 November 2023) and kindly request a meeting to discuss the consequences of the lack of planning concerning the ECHA review of the consultation feedback from the batteries sector. The absence of a decision is having a detrimental impact on the EU battery value chain.

While many stakeholders, including ourselves, were anticipating indications from ECHA regarding a workplan timeline for each sector, it appears this is not the case due to the unprecedented number of consultation responses received.

We would like to emphasise the lack of a timely decision is causing levels of uncertainty to heighten and lack of visibility to grow. This prolonged state of uncertainty due to no decision-making is diverting investments away from the EU and jeopardising the EU in achieving its Green Deal objectives. We



respectfully request the Commission and ECHA to consider the critical importance of PFAS for batteries, and decide swiftly on a workplan timeline where the batteries industry is prioritised for the upcoming ECHA Committee meetings. We know for this month, the sectors have been decided but not for the following meetings of the year.

Please note, the EU battery industry holds significant importance to the EU:

- Two out of five Important Projects of Common European Interest (IPCEI) are dedicated to batteries ([COM \(2023\) 62 final](#)).
- Batteries are one of only three clean energy technologies deemed of highly strategic importance, alongside solar and wind ([ENTEC report on supply chain risks in the EU's clean energy technologies](#)).
- *'the new EU regulatory framework for batteries is a crucial element in the EU's transition to a climate neutral economy, by securing competitive and resilient value chains for battery production, reuse and recycling in the EU'* (page 5, [COM \(2023\) 62 final](#)).

We kindly request a meeting at your earliest convenience to discuss this matter further. Your attention to this issue is greatly appreciated.

Please see in Annex to this letter the RECHARGE position paper describing the current battery value chain industry 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

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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 – 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.

Emerging non PFAS battery technologies – RECHARGE welcomes organisations that are exploring and/or have developed non-PFAS alternatives in batteries. However, it is crucial to note these batteries cater to lower performance applications such as some stationary energy storage markets, which represent a minority in the battery industry. Any global transition is expected to take longer than the derogation limits set out in the ECHA PFAS Restriction proposal¹.

¹ A RECHARGE paper on alternatives will be released soon



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 RMOA² or the US EPA's PFAS Framework³. These approaches are much more relevant when it comes to 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

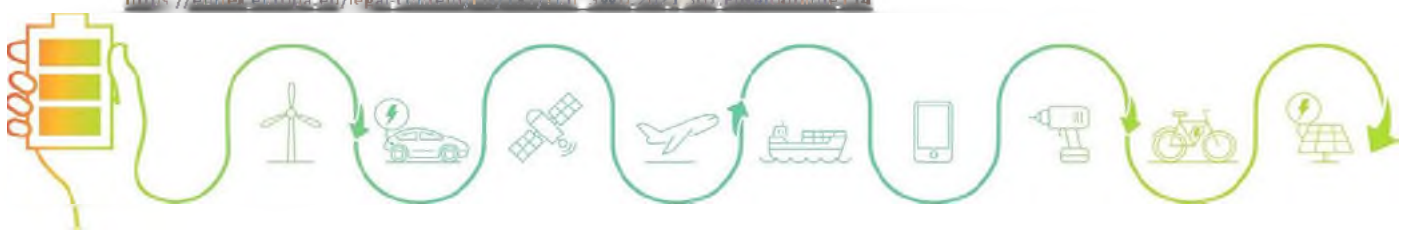
The EU is projected to become the world's second biggest battery cell manufacturer by the end of the decade⁴. As a direct effect, this will require 800,000 workers by 2025⁵. The installation and maintenance of batteries as well as end of life recycling could potentially create between 3-4 million

² Analysis of the most appropriate regulatory management options (RMOA). Substance names: Poly- and perfluoroalkyl substances (PFAS) (March 2023). <https://www.hse.gov.uk/research/assets/docs/PFAS-rmra.pdf>

³ Framework for Addressing New PFAS and New Uses of PFAS. <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tasca/framework-addressing-new-pfas-and>

⁴ 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/>

⁵ 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/TEXT/?uri=SWD:2021:307:FIN#footnote114>



jobs by 2025⁶. 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.

⁶ 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_winc_pv.pdf

