



# Europe's metals & battery industries call for a coherent regulatory approach to chemicals management, to ensure the EU Battery Alliance's success

## Introduction

Europe's metals and batteries industries strongly support the European Commission's Battery Alliance objectives. Our sectors are integral to supplying, producing and recycling Europe's battery technologies. We are committed to establish world-leading batteries value chains in Europe.

To support that ambition, we encourage the European Commission to ensure its Batteries Alliance and Chemicals Management objectives are aligned. Several metals (including cobalt salts, lead and lead compounds, cadmium and cadmium compounds etc) used in batteries are subject to review under the EU REACH Regulation (EC 1907/2006), due to their hazardous properties. We are concerned that options to further restrict or even prohibit these substances would disrupt Europe's battery value chains, without added environmental protection.

**In this paper, we recommend that the Commission considers upfront all different risk management options for strategic battery materials (& not only REACH authorisation). We believe that more targeted risk management measures – such as occupational exposure limits or sectorial restrictions – will allow EU producers to maintain access to battery materials, while better guaranteeing protection of the environment and human health.**

## Our Call: Adopt a complementary strategy focussing on batteries growth and a high level of chemicals management

Eurometaux, EUROBAT and RECHARGE call upon the European Commission to adopt an integrated strategy for establishing the EU as a global leader in advanced battery technologies.

Demand for all battery technologies in e-mobility and energy storage applications will increase significantly in the next decade. Europe's chemicals policy must find the right balance to support this demand while ensuring there is no risk to human health or the environment from battery materials.

Our industries consider that restricting strategically important battery materials - or for example targeting their substitution through REACH authorisation - would run counter to the EU's low-carbon, circular economy & competitiveness objectives. Other more targeted risk management measures will be more effective to prevent harmful exposure from battery materials in the workplace whilst maintaining access to these strategic raw materials for EU battery manufacturers.

**We therefore recommend that EU policymakers implement a process to reflect on the full range of potential risk management measures (for example through a Risk Management Option analysis – RMOA). Measures can then be selected which best balance the EU's competitiveness with their effectiveness to assure human health protection and environmental goals.**

## Why is potential exposure from battery metals largely limited to the workplace?

The majority of currently available battery chemistries contain hazardous substances in some form that could ultimately be considered relevant for REACH candidate listing as an SVHC. However, we emphasise that these substances are contained in the battery article within sealed units, and are not intended to be released during normal or reasonably foreseeable conditions of use.

Risks from battery materials are therefore largely limited to the workplace. Here, our industries already promote high standards of worker and environmental protection. World-leading European recyclers also work to ensure that battery materials are safely treated and recovered at their end-of-life, both for existing and new battery types.

We recommend that EU measures to control risk from battery materials focus on workplace exposure and other potential uses that may result in wide dispersive emissions, without impeding their safe use within the battery article.

**A Risk Management strategy based only on REACH Candidate Listing and Authorisation will be to the detriment of industrial growth and investment in battery manufacturing in the EU and could hinder the further development of a globally competitive EU batteries value chain, while not providing an effective higher level of environmental and human health protection.**

## Occupational Safety and Health (OSH) Legislation as an alternative to REACH Authorisation

The Government Group of the REFIT Platform has previously advised the European Commission that REACH authorisation may not be necessary where OSH legislation is shown to provide an appropriate, targeted, proportionate and mandatory regulatory control of risks.

The Group had further advised that this should be decided based on defined criteria. Although the Commission had planned to issue a Common Understanding explaining the interface between REACH and OSH in the course of 2017, no (draft) criteria have been put forward yet. We note that the Common Understanding Paper is now re-scheduled for 2019. We hope that the Commission will define appropriate criteria in that paper.

Notwithstanding, our associations recognise the European Commission's progress in proposing Occupational Exposure Limit Values (OELVs) under OSH. Scientifically robust OELVs will strengthen the implementation of adequate risk management measures during the manufacturing and recycling phase of batteries.

Adding a REACH authorisation requirement on top of workplace legislation – and existing battery-specific requirements – would not provide improved protection of workers or other environment benefits. On the contrary, it would prevent investment certainty due to its exclusive focus on substitution.

Most importantly, placing REACH authorisation requirements on EU battery manufacturers to use certain substances places them at a competitive disadvantage as it does not apply to imported batteries that themselves may contain or use the same substances in their manufacture outside the EU.

**We call upon the European Commission to prioritise work to develop and maintain scientifically robust Occupational Exposure Limit Values under OSH for SVHC metals used in batteries. Strengthened & enforced OSH legislation will be a more effective alternative to REACH authorisation to ensure that risks associated with workplace exposure to hazardous substances in battery manufacturing & recycling are appropriately managed.**

## Case Study: Chemicals Management of Cobalt

***We provide a practical case study to illustrate how more effective risk management could be applied. Whilst it is restricted to management of cobalt, which is a critical raw material in lithium ion battery chemistry, it could equally apply to the management of other hazardous substances that are essential to manufacturing rechargeable batteries in the EU.***

Cobalt compounds play a key role in powering rechargeable batteries, because the commercially available lithium-ion cathode materials contain cobalt (and other metals such as nickel and manganese).

The establishment of an EU Battery Alliance provides incentives for enhancing European capability to manufacture cobalt components for lithium ion battery cells and EU cobalt recycling activities. This will potentially lead to new investments and offers an opportunity to build state-of-the-art processes.

Five cobalt salts are already in the REACH candidate list and a recent proposal for harmonized classification and labelling of cobalt metal may result in this too being included. This is supported by scientific evidence demonstrating cobalt metal and certain Cobalt salts having properties that meet the criteria for consideration as SVHC.

However, including these substances in the REACH Candidate List, which is considered as the first step to authorisation and ultimately substitution, should not be proposed without due consideration of the most proportionate risk management option (RMO), including an assessment on the adverse effects such an action would have on the goal to enhance Europe's ability to manufacture lithium ion cells in future.

The potential risks associated with battery use of cobalt (salts) is largely limited to the workplace, through the manufacturing and recycling stages of the articles life. More proportionate regulatory routes are available to manage potential risk, instead of REACH candidate listing.

A more proportionate RMO would better align with the EU's economic growth and environmental protection strategies associated with advancing Member State capability in manufacturing lithium ion battery cells, without stigmatising the use of a critical raw material that is essential for delivering these objectives.

***This principle equally applies to the use of other strategically important metals that form the basis of all existing rechargeable battery chemistries.***

Together, our associations represent European battery producers and the key materials suppliers and recyclers of all battery technologies.

**About Eurometaux:** Eurometaux is the decisive voice of non-ferrous metals producers and recyclers in Europe. 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. We supply metals for all battery technologies, and are at the forefront of establishing an effective battery recycling infrastructure.

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**About EUROBAT:** EUROBAT is the association for the European manufacturers automotive, industrial and energy storage batteries. EUROBAT has 53 members from across the continent comprising more than 90% of the automotive and industrial battery industry in Europe. The members and staff work with all stakeholders, such as battery users, governmental organisations and media, to develop new battery solutions in areas of hybrid and electro-mobility as well as grid flexibility and renewable energy storage.

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**About RECHARGE:** RECHARGE aisbl is the Advanced Rechargeable and Lithium Battery Association. RECHARGE is representing the specific interests of the Rechargeable Battery Industry in Europe. RECHARGE's mission is to promote the value of rechargeable batteries through their life cycle. RECHARGE's Membership includes Rechargeable Battery Manufacturers, Original Equipment Manufacturers, Rechargeable Batteries Recyclers & Raw materials suppliers

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