



Energy Storage Europe Reply to Public Consultation

**Delegated Regulation on Recycled Content Methodology for
Batteries**

September, 2026

INTRODUCTION

The European Commission published its draft Delegated Regulation supplementing Regulation (EU) 2023/1542 (Batteries Regulation), setting the methodology for the calculation and verification of cobalt, nickel, lithium and lead recycled content.

The Batteries Regulation sets targets for recycled content of lithium, cobalt, nickel and lead in batteries sold in the European market that will become mandatory for industrial batteries in 2031, and increase in 2036.

Consultation Questions:

General comment (4000-character(s) maximum):

Energy Storage Europe welcomes the draft delegated regulation. It provides workable methodological flexibility while preserving traceability integrity. We support its overall direction and offer the following targeted comments.

1. Eligible contractual agreements

Energy Storage Europe strongly supports broadening the credit-allocation route from a toll-treatment mechanism alone to **eligible contractual agreements**, now covering toll-treatment, multi-party agreements, and other agreements where a third party demonstrably delivers recycled material on an actor's behalf (Section 2.2.2). We equally welcome the provision allowing **producer responsibility organisations** to conclude such agreements on behalf of their producers, which is particularly valuable for smaller members.

2. EU recycling correction factor

We support the intent of the temporary **correction factor of 1,3** for lithium, nickel and cobalt recycled in the Union until **31 December 2036** (Section 2.2.5), which rightly rewards EU circularity. To ensure it works in practice, we ask the Commission to:

- **Clarify mixed chains.** As drafted, the factor applies only where all recycling steps occur in the Union; actors with mixed EU/third-country recycling chains receive no benefit. Guidance on the treatment of partial-EU chains would prevent unintended penalisation of legitimate cross-border operations.
- **Address the 2036 cliff-edge.** A model's documented recycled content could fall abruptly in 2037 with no change in actual material composition. We invite the Commission to consider a phase-out or review mechanism to avoid a discontinuity.
- **Keep origin-tracking proportionate.** The new Union-origin data field (Section 2.3.2) and the additional Table 3 column create real documentation burden; requirements should remain proportionate and, where possible, aligned with existing traceability records.

3. Loss of credit carryover

The final text adopts proportional allocation with **no credit carryover** between accounting periods (Section 2.2.3). We ask the Commission to confirm this is the intended design and to consider whether limited carryover of positive credits would better accommodate legitimate production and supply-chain fluctuations, without compromising anti-double-counting safeguards.

Conclusion

Energy Storage Europe supports the draft and considers it an improvement on earlier versions, particularly on allocation flexibility and EU recycling incentives. The clarifications above would strengthen legal certainty and ensure the methodology is workable across the diversity of energy-storage supply chains.

About Energy Storage Europe

Energy Storage Europe (previously EASE) is the voice of the energy storage community, actively promoting the use of energy storage in Europe and worldwide. It supports the deployment of energy storage as an indispensable instrument within the framework of the European energy and climate policy to deliver services to, and improve the flexibility of, the European energy system. Energy Storage Europe seeks to build a European platform for sharing and disseminating energy storage-related information and supports the transition towards a sustainable, flexible and stable energy system in Europe.

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Disclaimer

This response was elaborated by Energy Storage Europe and reflects a consolidated view of its members from an energy storage point of view. Individual Energy Storage Europe members may adopt different positions on certain topics from their corporate standpoint.

Contact: Secretariat | info@energystorageeurope.eu