Meeting of the Expert Group on Waste related to the Batteries Regulation

Call for applications for derogations in Article 11 of Regulation (EU) 2023/1542 – Outcome of the technical assessment

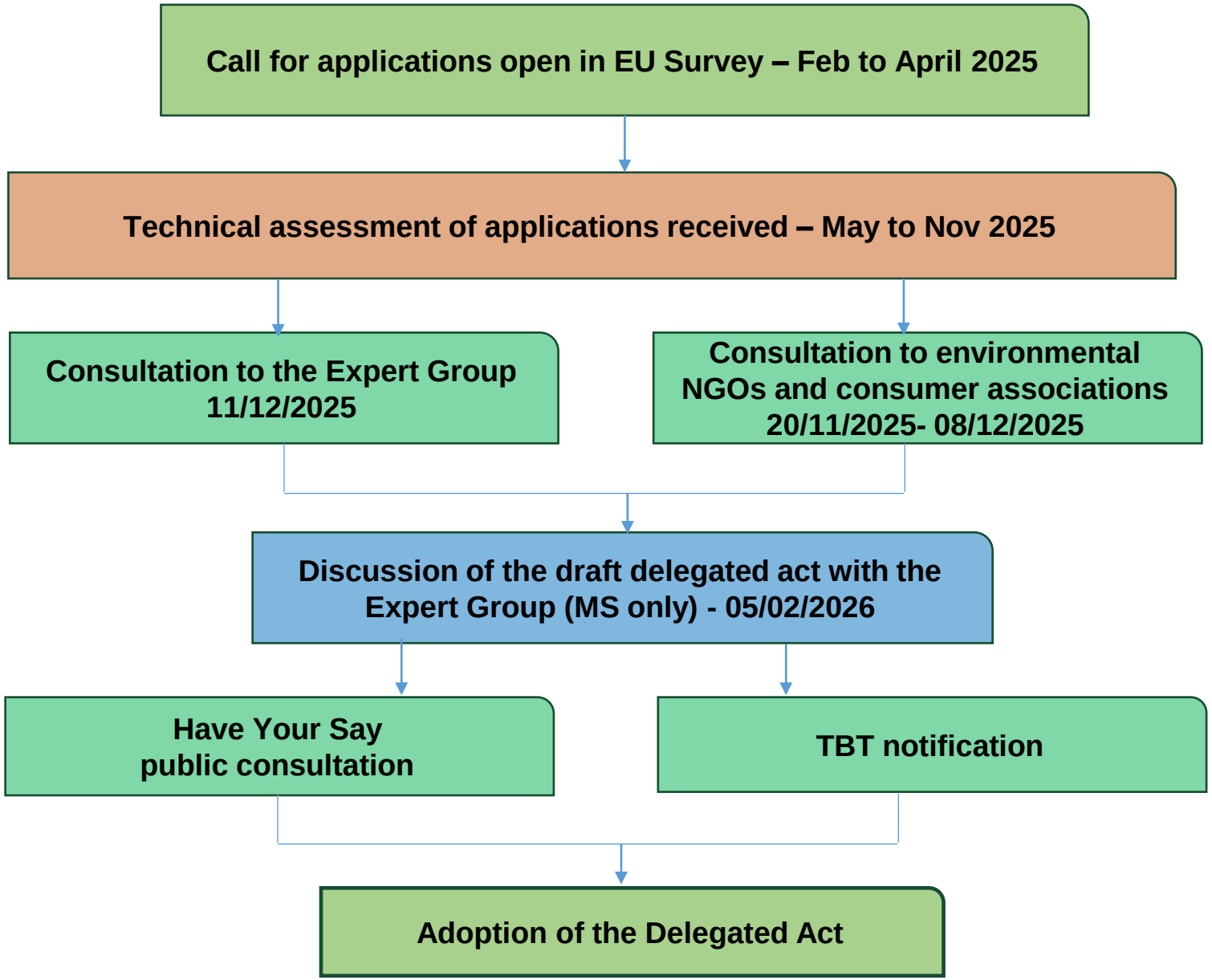
11/12/2025

European Commission

Agenda

1. Welcome and adoption of the agenda
2. Explanation of the outcome of the call for applications and next steps
3. Presentation of the draft final report by the external consultants
4. Preliminary conclusions of the assessment of applications
5. Any other business

Overview of the call for application procedure



Technical assessment (Oeko Institut) - 1/5

- The **call for applications** for derogations was launched in February 2025 and ran until the end of April.
- A total of **81 applications** received, some addressing multiple products →101 products.

Step one:

- An initial review was performed with the objective of:
  - Identifying applications considered **non-permissible**:
    - Insufficient detail of application;
    - E-cigarettes or vapes;
    - Article 11(1) does not apply (LMT or SLI batteries).
  - **Clustering** the remaining applications in cases where:
    - Similar products addressed;
    - Similar argumentation for justification of request.

- Remaining applications clustered into **16 groups**. Each assessed by one evaluator:
  - joint assessment of cluster (e.g., wearable devices);
  - Individual assessment of applications in cluster (e.g., medical devices).

Technical assessment (Oeko Institut) - 2/5

The following table presents the clusters:

Cluster	Number of applications	Comments on the assessment
NOT IN SCOPE	5	No assessment
E-CIGARETTES	2	No assessment
INDIVIDUEL CASES	10	Assessment of the individual products
ATEX	11	Assessment of the cluster
TOYS	4	Assessment of the cluster
MEDICAL DEVICES	4	Assessment of the individual products
ARTICLE 11(2)(a)	4	Assessment of the individual products
WEARABLE DEVICES	10 (+1 as one application covered two products from different clusters)	Assessment of the cluster
WATCHES	7	Assessment of the cluster
EARBUDS	10	Assessment of the cluster
AUTOMOTIVE APPLICATIONS	4	Assessment of individual products
SENSORS	1	Assessment of the individual products
SHOKZ - CHARGING CASE,	1	Assessment of the individual products
XIAOMI - POWER BANK	1	
VEHICLE BATTERY JUMP STARTER	2	SLI batteries, no further assessment necessary
PORTABLE RESP: WIRELESS DEVICES	5	Assessment of the cluster

Technical assessment (Oeko Institut) - 3/5

Step two:
At the on-set of the assessment a **methodology** was developed for the assessment as well as a **report template** to ensure a harmonised approach:

- Summary of the applications (applicant's arguments and info);
- Assessment (based on Article 11(4) criteria and Commission Notice C/2025/214):
  - Relevance of existing derogations under Article 11(2);
  - Relevance of existing derogation under Article 11(3);
  - Criteria of Article 11(4):
    - Safety of end-users removing the battery;
    - Product safety requirements;
    - Additional arguments pertaining to safety
  - Conclusions and recommendation (including derogation formulation where applicable)

- The methodology was applied to 4 first cases and results were discussed with the EC to ensure suitability before assessing the remaining applications and clusters.

Technical assessment (Oeko Institut) - 4/5

Step 3:

- After completion of each set of assessments, the reports were shared with the EC and the approach taken in each case was discussed by the EC and the evaluators.
- Enabled some fine-tuning in certain cases + ensured a concise approach among evaluators (e.g., indicators for applicability of derogation 11(2)(a)).
- A few general aspects formulated to ensure harmonised application:
  - Miniaturisation: **Products** that are **too small for redesigning** the battery integration and interface;
  - Products in which battery replaceability would pose a **risk of swallowing and choking** for **children**;
  - Products with a relatively **short lifetime or single use** products;
  - **Inexpensive products** and the likelihood of battery replacement by professionals.

Technical assessment (Oeko Institut) - 5/5

Step 4:
Consultation with the applicants to identify misunderstandings + confidential data

Finalisation and publication of first public draft: Technical support to the adoption of delegated acts and Commission reports related to the new Batteries Regulation between 2024 and 2027 – Task 1 Report;

Consultation with environmental and consumer NGOs:

- European Environmental Bureau (EEB);
- Environmental coalition on Standards (ECOS);
- iFixit - an e-commerce and how-to website that publishes free wiki-like online repair guides;
- The European Consumer organisation (BEUC);

Expert Group meeting

Categorisation of applications – 1/2

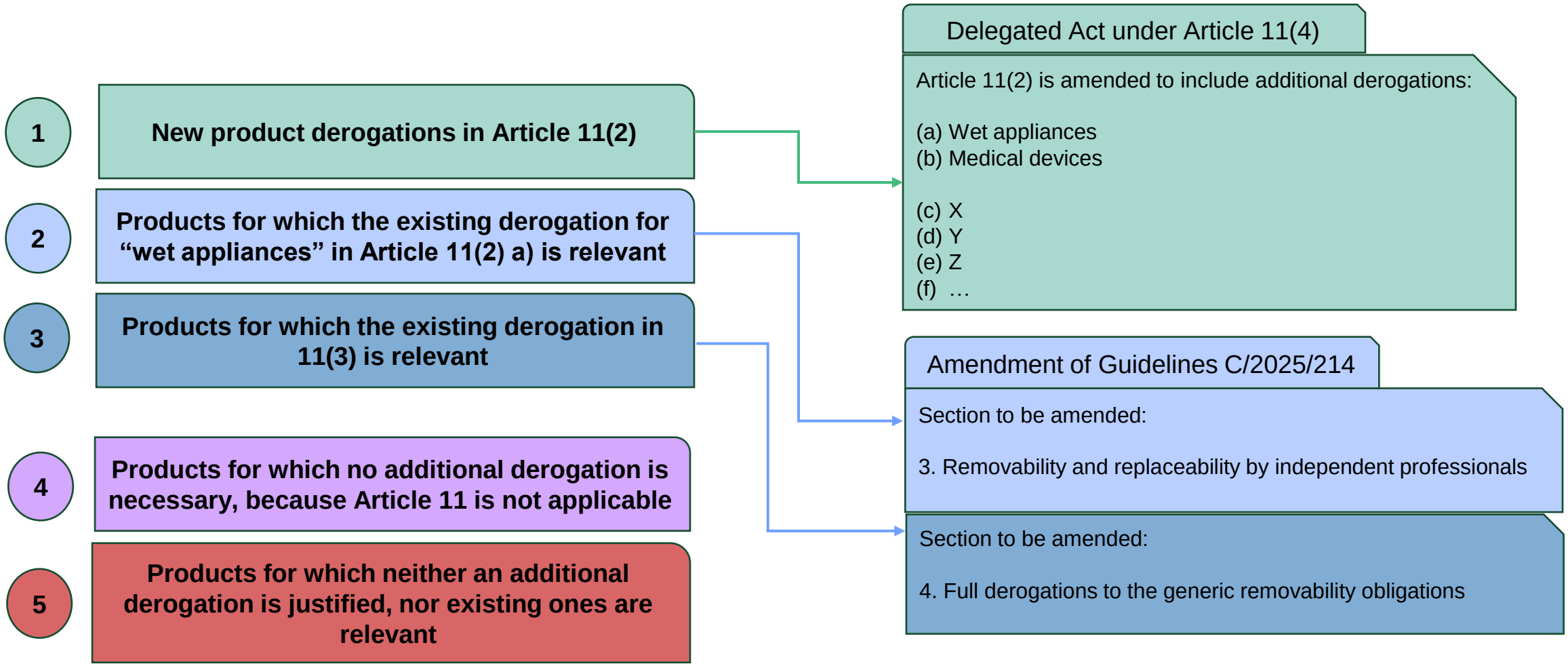
- The assessment of the admissible applications has revealed a **more complex landscape** than anticipated. Existing derogations in Article 11(2) and 11(3) turn out to be relevant for a significant number of the applications submitted.

- The Commission is empowered to add **new product derogations** in Article 11(2), but not to touch existing ones in 11(2) or add anything to 11(3).

- Therefore, admissible applications can be categorised in 5 groups, as follows:

1. Products for which a new derogation in Article 11(2) is justified
2. Products for which the existing derogation for “wet appliances” in 11(2) a) is relevant
3. Products for which the existing derogation in 11(3) is relevant
4. Products for which no additional derogation is necessary, because Article 11 is not applicable
5. Products for which neither an additional derogation is justified, nor existing ones are relevant

Categorisation of applications – 2/2



1 New product derogations in Article 11(2)

- (c) wearable devices, such as wireless earbuds, heart rate monitor straps, smart glasses, or watches, intended to be worn on the head, wrist, chest or hand, which meet the five criteria set out in section 3 of Commission Notice C/2025/214 for appliances specifically designed to operate in a wet environment;

- (d) other wearable devices that are considered to be too small to allow the end-user to properly and safely handle a battery replacement, and/or that rely on compact, sealed construction to maintain functional integrity, including protection against water, dust, and shock, and where end-user access to the battery may compromise the safety, durability, or water resistance of the device;

- (e) electric toys that incorporate batteries that constitute small parts when due to the nature, size or form of the toy this would be required to ensure the safety of the toy, as set out in Article 10(2) of Directive 2009/48/EC *[to be replaced by the corresponding Article in the new Toy Safety Regulation, once published in the OJEU].*

- (f) Charging casings comprising a rechargeable battery, circuitry, and housing, specifically designed to power wireless earbuds, provided that their maximum battery capacity does not exceed 600 mAh;

- (g) wireless thermometer probes specifically designed for food contact during food preparation processes;

- (h) products in the scope of Article 1 of Directive 2014/34/EU of the European Parliament and of the Council (ATEX Directive);

- (i) on-body delivery systems specifically designed for the subcutaneous administration of medicinal products;

- (j) Direct Control Units (DCUs) of telematics modules intended for installation on the exterior of agricultural machinery.

1 New product derogations still under discussion

- **High-performance computer peripherals, such as mice, keyboards, headsets and gaming devices, equipped with soft-pack lithium-ion batteries**, where it can be demonstrated that end-user battery removability and replaceability is not possible without compromising the safety, performance and durability of these products.

2

Products for which the existing derogation for “wet appliances” in Article 11(2) a) is relevant

- Pleasure gadgets specifically designed to be in contact with intimate areas of the human body
- Water flossers for oral hygiene
- Floor washing appliances

3 Products for which the existing derogation in Article 11(3) is relevant – 1/2

Products for which the derogation in Article 11(3) is relevant on the grounds of **safety of the user and of the appliance:**

- **eCall systems** in vehicles
- **Tyre pressure monitoring systems** in vehicles
- **Anti-theft alarm systems** in vehicles
- **Battery temperature warning systems** in vehicles
- **Intelligent Speed Assistance (ISA)** systems in vehicles
- **Tachographs in vehicles**
- **Event Data Recorders (EDRs)** in vehicles
- **Surgical utensils and endoscope washer disinfectors** intended to be used in operation rooms

3 Products for which the existing derogation in Article 11(3) is relevant – 2/2

Products for which the derogation in Article 11(3) is relevant on the grounds of **data integrity:**

- **Quantum Key Distribution systems** for secure telecommunications
- **Temperature and humidity sensors** where continuous data collection is critical for the storage and transport of temperature-sensitive goods, including refrigerated transport, storage containers, warehouses and incubators
- **Veterinary in vitro diagnostic medical devices** that are intended to be plugged into an electricity socket and use button cell batteries to support a Real Time Clock (RTC).
- **On-body wearable glucose biosensor systems**

4 Products for which no additional derogation is necessary, because Article 11 is not applicable

- **Rechargeable power banks** intended to be used as a portable power source for mobile electronics, such as smartphones, tablets, wireless earphones and other devices. These devices are not placed on the market incorporated into other products and therefore the removability/replaceability obligations in Article 11 are not applicable.

- **Vehicle battery jump starters** operating at 12V or 24V, whose primary function is to deliver a short burst of very high current to jump-start vehicles with depleted ignition batteries. Some of these products also include the possibility to operate as power banks. If they are sealed and weight less than 5 kgs, it is debatable whether they should be classified as portable or SLI batteries. In any case:

    - if they are placed on the market as SLI batteries, then Article 11 is not applicable, by definition.
    - if they are considered portable batteries but are placed on the market not incorporated into other products, then the removability/replaceability obligations in Article 11 are not applicable.

5 Products for which neither an additional derogation is justified, nor existing ones are relevant

- For the rest of the applications where the products in question are not mentioned in any of the previous groups, the technical and regulatory analysis has concluded that an additional derogation in Article 11(2) is not justified and that existing derogations in Article 11(2) and Article 11(3) are not relevant.

- While the burden of proof to determine if a specific derogation is applicable or not relies ultimately with the economic operator placing on the market products incorporating batteries, it follows reasonably from the analysis carried out that, as of 18.02.2027, the portable batteries incorporated into those products will need to be removable and replaceable by the end-user at any time throughout the lifetime of the product.

Next steps

1. Deadline for submission of comments from the Expert Group – 08.01.2026 – please write to: ENV-WASTE-BATTERIES@EC.EUROPA.EU
2. Draft Delegated Act - Meeting of the Expert Group (Member States only) – 05.02.2026 am
3. Commission’s inter-service consultation
4. Have Your Say consultation
5. TBT notification
6. Adoption of the Delegated Act planned for Q2-2026