European Compliance Organisations for Batteries

11 February 2026
Brussels

Implementation of Chapter VIII of the Batteries Regulation

Overview of Application in Member States

I. Introduction

EUCOBAT Members - the national collection schemes for waste batteries - are committed that all waste batteries are collected and recycled in an ecological sound way and contribute to a better environment. However, EUCOBAT is highly concerned with the practical implementation of Chapter VIII – Management of Waste Batteries of the Batteries Regulation (EU) 2023/1542.

The Batteries Regulation establishes a legal framework for Extended Producer Responsibility (EPR), fully applicable since **18 August 2025**. The Regulation mandates that producers and Producer Responsibility Organisations (PROs) are now responsible for financing and managing the collection, take back and treatment of waste batteries. Key obligations include:

- registration and authorisation of producers and PROs by Member States,
- mandatory collection, take-back and treatment,
- information and reporting duties to Member State bodies, and
- compliance with harmonised EU-wide calculation methods for recycling efficiency and material recovery.

Member States cannot amend, postpone, or advance the starting date of Chapter VIII obligations — 18 August 2025 remains binding across the EU.

II. Readiness in Member States

In most Member States, however, national legislation implementing Chapter VIII is still under preparation or not yet finalised, creating major uncertainty for producers and PROs regarding practical implementation. According to a recent EUCOBAT Members survey, October 2025 – January 2026 (Annex), only a few Member States are currently fully prepared to apply the new rules as set out in the Batteries Regulation.

This fragmented situation leads to market confusion and undermines the level playing field that the Regulation seeks to ensure.

a. State of Play Across Member States

i. Early Implementers (Aligned or Advanced)

Belgium, France, Luxembourg, Portugal, Sweden (partly), Netherlands (procedurally advanced):

- Applications submitted and in several cases approved.
- Portugal brought forward application to 1 January 2025.
- Luxembourg and France granted approvals around August 2025.
- Belgium approved at regional level, though Walloon legislation still pending.
- Sweden in final approval phase but experiencing interim "grey zone."
- Netherlands has application procedure in place but enforcement delayed pending legal designation.

These Member States demonstrate that timely implementation is feasible, though not always legally consolidated.

ii. Member States with Delays or Legal Uncertainty

Finland, Greece, Italy, Ireland, Romania, Slovakia, Norway. Common issues include:

- National decrees not yet adopted
- Standstill under TRIS procedure (Finland)
- Draft decrees pending political or ministerial approval (Italy, Romania)
- Awaiting EEA incorporation (Norway)
- Application procedures unclear or informal (Greece, Slovakia)

In some cases, PROs are preparing applications without a clear legal framework or updated registry categories.

iii. Divergent Institutional Setups

Germany presents a structurally different implementation model:

- Sovereign tasks transferred to Stiftung EAR.
- Very short implementation deadlines.
- Automatic deletion of unregistered producers.
- Significant additional reporting obligations.
- High financial security deposits.
- Collection obligations coordinated by designated authority rather than PROs.

This reflects national "gold plating" beyond the Batteries Regulation requirements.

Similarly:

- Netherlands: authority designation still legally incomplete.
- Romania: split competence between two ministries.
- Greece: outdated ministerial decisions governing EPR schemes.

iv. Divergence in Deadlines and Entry into Force

Entry into force varies significantly:

- 1 January 2025 (Portugal)
- 18 August 2025 (several MS)
- 1 January 2026 (Germany, Greece expected, Sweden)
- Possibly 2027 (Slovakia)

This results in a staggered and inconsistent start of obligations across the EU.

b. What are the Implementation Challenges?

i. Legal Uncertainty

In several Member States:

- National legislation transposing Directive 2006/66 remains in force.
- Updated implementing measures for Regulation 2023/1542 are pending.
- Authorities are applying informal arrangements pending formal adoption.

This creates uncertainty regarding:

- Validity of approvals
- Applicable reporting categories
- Enforcement competence

ii. New Battery Categories Not Fully Operational

In some Member States:

- Registries have not yet been updated to reflect the five new categories.
- Producers continue reporting under the old categorisation.
- Authorities have agreed on new categories but not formally adopted them.

This risks inconsistent reporting and potential double adjustments later.

iii. Gold Plating and Disproportionate Requirements

Examples include:

- Excessively high financial guarantees.
- Additional reporting obligations beyond EU requirements.

- Mandatory structural changes to PRO governance.
- Centralised coordination mechanisms not foreseen at EU level.

These measures risk:

- Increasing compliance costs,
- Creating competitive distortion,
- Undermining harmonisation objectives of the Regulation.

iv. Enforcement and Competence Gaps

Several Member States have:

- Not yet formally designated competent authorities.
- Delayed delegation of enforcement powers.
- No sanctions during transitional period.

This creates asymmetry between Member States enforcing strictly and those in administrative standstill.

III. Key Observations

Based on Member feedback, EUCOBAT identifies five key issues:

1. **Emerging fragmentation**

Implementation timelines and requirements differ substantially, risking internal market distortions.

2. **Uneven legal certainty**

In several Member States, legal frameworks are incomplete or still under revision.

3. **Gold plating**

Certain national measures go beyond Chapter VIII, increasing costs without clear added environmental value.

4. **Lack of institutional clarity in some Member States**

Competent authority designation and enforcement competence are not always clearly established.

5. **Insufficient transnational coordination**

There is no structured EU-level overview or guidance to ensure aligned implementation.

IV. Conclusion

Given the current lack of readiness, producers and PROs operating in the EU cannot fully comply with Chapter VIII requirements until all national frameworks are aligned and operational.

EUCOBAT recommends that the effective implementation of Chapter VIII should only be enforced once all Member States are ready to apply the full set of rules consistently.

The implementation date should be postponed to 1 January 2027, to ensure a harmonised and workable transition for all Member States. This timeline would allow Member States to complete national legislation and prevent market fragmentation. Also, it will provide clarity for producers and PROs to adapt systems effectively.

A harmonised application is indispensable — only through consistent implementation across the EU can the Regulation achieve its objectives of fair competition, environmental protection, and effective waste management.

Nevertheless, in the interest of environmental waste management and citizens of the Member States, the members of EUCOBAT are committed to meanwhile continue with the collection and recycling of waste batteries under the current system in their Member States.

About EUCOBAT

EUCOBAT is the European association of national compliance schemes for waste batteries. Representing not-for-profit organizations, EUCOBAT supports sustainable battery use, ensures proper recycling, and promotes environmental protection through efficient collection networks.

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