FEM position paper on COM's draft implementing regulation on harmonised battery labelling requirements

Brussels, 26 January 2026

Executive summary

This position paper responds to the European Commission's consultation on the draft implementing regulation and its annexes laying down rules as regards format and harmonised specifications for certain labelling requirements, pursuant to Article 13 of Regulation (EU) 2023/1542, henceforth the Batteries Regulation.

FEM welcomes the Commission's opportunity to comment on this important piece of secondary legislation. This draft is a valuable step forward the harmonisation objectives enshrined in the Batteries Regulation and their crucial role in strengthening the single market. In this document, FEM highlights the most impactful aspects affecting the material handling industry and presents their suggestions for improvement. In particular, this position paper focuses on the potential constraints derived from the proposed label design and language requirements and the impracticability of the rules on substances reporting.

FEM's recommendations

Label design, size, and font

- The proposed new provisions on the label design introduce strict criteria concerning the minimum sizes for all mandatory information elements listed in Annex III, Part A, in addition to the visual ones such as icons. Specific limitations are also in place for margins and spacings, while the typeface of the label would be subject to both minimum and maximum size requirements as well as obligations to use open-source fonts. In the event of the necessity to split information across multiple labels or between the packaging/accompanying document due to insufficient space – following the criteria of Article 1 (2)-(3) –, manufacturers would have to comply with the priority order established in Article 1(7). The implementation of these rigid measurements would significantly undermine manufacturers' choices and flexibility in designing and adopting the most appropriate label format in terms of functionality, safety, and brand identity. As a practical example, the labels of industrial batteries used in the material handling industry bear crucial safety instructions addressed to end customers, technicians, and other professionals. Labels normally also include the CE marking, the traceability barcode, the temperature storage, and any icon or marking required by national legislation. **With the introduction of a pre-fixed order for information reporting, essential**

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industry-relevant information would be displayed in the accompanying document or the packaging and could potentially be lost.

- **Some typefaces are an integral part of the brand's signature**. Manufacturers should retain the possibility to use the licensed typefaces that they prefer.
- In Article 2(2), the requirement to ensure that the label covers at least 5% of the largest engravable or printable surface might lead to the development of an unnecessarily excessive label in the largest industrial batteries. Since the proposed calculation is based on size proportions, in certain products a label could take up the same size of an A4 paper sheet. **Complying with such a strict methodology would imply additional efforts in producing a variety of labels for batteries with minimal size differences**. In this context, manufacturers would be forced to strive to reduce burden by adjusting to one fixed value that can be applicable to most batteries. This process would require extra risk analysis, particularly in light of the fact that manufacturers' design labels to fit batteries, rather than the other way around.

What FEM recommends:

- To reduce the potential administrative and operational burden explained above, **we recommend the removal of paragraphs 1, 2, ad 3 of Article 2, paragraph 7 of Article 1, and the numerical indications for font sizes, margins, and spacing and typefaces requirements listed under the section "Whereby:" of Part B to the Annexes I, II, and III.**
- A viable compromise would be to **maintain the rules of the minimum font size only, while guaranteeing flexibility regarding the design and size of the label and the icons therein**. This solution would successfully strike a balance between companies' need for autonomy and Implementing Regulation's requirements for label readability, visibility, and durability.

Marking and labelling of restricted hazardous substances

- Article 4(2) of the draft Implementing Regulation extends the scope of the substances subject to mandatory reporting and labelling requirements to the hazardous substances defined as such in accordance with Article 3 of the Regulation 1272/2008 on the classification, labelling and packaging of substances and mixtures, henceforth the CLP Regulation. This framework includes all the substances fulfilling the hazard classes criteria laid down in Annex I to the same Regulation. Concretely, this would mean that **manufacturers would be required to label a disproportionately high number of substances contained in batteries, including those not harmonised under Annex VI to the CLP Regulation**. The substances identified as hazardous based on Annex I criteria represent thousands of entries and the evidence of their presence in the batteries can be challenging to retrieve.
- The list of hazardous substances present in the battery must be made available via the QR code giving access to the Battery Passport, as established under Annex XIII, Part 1, point (b) of the Batteries Regulation. As a result, the implementation of the provisions of Article 4(2) of this draft implementing act could lead to a situation of double reporting. **The information on chemical names and identification numbers of the substances contained in batteries is of greater interest to end-of-life treatment professionals rather than the general public. For this reason, it would be ideal to opt for a digital solution.**

- Article 4(1) states that batteries must be marked with the chemical name of the substances (other than mercury, cadmium, and lead) listed in Annex I to the Batteries Regulation, in a concentration *lower* than the threshold indicated therein. **These provisions are in contradiction both with the exact Annex I to the Batteries Regulation referred to as the legal basis, which mandates restrictions for substances contained in batteries above specific concentration limits, and the approach established under Regulation 1907/2006, also known as REACH, which triggers the reporting of the presence of substances in articles when these are contained above the concentration limit of 0,1 % weight by weight.**
- Lastly, the **wording "*marking*"** appears only in Article 4(1), is not accompanied by a clear definition, and does recur in the list of labelling information of Annex III, Part A, point VIII of this draft implementing act.

What FEM recommends:

- The scope of the labelling requirements for hazardous substances should be narrowed down to one single framework. Specifically, **FEM calls for replacing Article 3 of the Batteries Regulation with the substances identified as Substances of Very High Concern in accordance with the process described in Article 59 of REACH**.
- The Implementing Regulation should guarantee the possibility to **give access to the full list of labelled substances via the QR Code** mentioned in Article 1 of this draft act and the Battery Passport described in Article 77 of the Batteries Regulation, whenever it is applicable to the battery categories concerned. This option should be available also for reporting the presence of **critical raw materials** in accordance with Annex III, Part A, point X of this draft Implementing Regulation.
- All requirements for reporting the presence of substances in batteries should specify the **applicable concentration limit of above 0,1 % weight by weight (w/w), in line with Article 33(1) of REACH**. Article 4 (1) and (2) of this draft Implementing Regulation should be rewritten accordingly.
- The term "*marking*", wherever it is used with reference to hazardous substances, should be **deleted and substituted with "labelling"** to ensure consistency within this act.

Language requirements

- The statement that labels must be written in a language that can "*easily understood by end-users*", provided in Article 6(1), is too vague and might lead to serious operational challenges. FEM members sell their products across all EU Member States; however, they are not always aware of the first country of placing on the market or put into service. As a consequence, they would need to translate the label content into multiple languages, if not all EU official languages. **This is practically unfeasible and would result both in an excessive burden for manufacturers and in a significant decrease in the label's readability for end-users.** Moreover, it would be virtually impossible to label all the general textual information of Annex III, Part A, thus **making information repartition the general rule, instead of the exception.**
- Additionally, the phrase "*as determined by the Member State in which the battery is to be placed on the market or put into service*" **runs counter to the harmonisation objectives**

of the Batteries Regulation. Such a provision would grant each EU Member State unlimited discretion to impose requirements at any time and poses barriers to the single market.

What FEM recommends:

- The draft Implementing Regulation should be amended so as to adopt an **approach based on language neutrality.**
- Alternatively, **manufacturers should be allowed the option to resort to an icon-based label**, under the condition that the pictograms used are recognised under international or European standard frameworks. A visual label would effectively minimise space use and overcome linguistic barriers across Member States. Therefore, the relevant provisions included in this Implementing Regulation should be amended accordingly.
- **Translations could be made accessible digitally via the QR Code regardless of the existence of the conditions laid down in Article 6(2)**.

QR Code

- The draft Implementing Regulation does not oblige to display a QR code in the label except when the conditions under Article 1 (2) and (3) and Article 6 (2) are met. However, industrial batteries are required to implement a battery passport by the deadline of 18 February 2027 as established in Article 77(1) of the Batteries Regulation, which must be accessible via the QR Code. **The proposed provisions of this draft fail to unify the use of the QR Code for both the Battery Passport functions and the requirements above mentioned.**

What FEM recommends:

- The Implementing Regulation should ensure that, for industrial batteries and batteries for light means of transport, manufacturers can integrate the requirements established herein as well as those derived from the battery passport reporting rules **through the use of one single QR code**. This should prevent from implementing different QR Codes for the same battery.

Mass and weight

- The Annexes I, II, and III, Part A, point V of this draft Implementing Regulation uses the word “mass”. **FEM considers that this word can be misleading as the mass expresses a different physical concept than the weight.**

What FEM recommends:

- The draft Annexes should be amended to **replace the word “mass” with “weight”** to align the wording used in the proposed label design as well as in Annex VI to the Batteries Regulation.

European materials handling federation

About FEM

The European Materials Handling Federation has represented European manufacturers of materials handling, lifting and storage equipment since it was founded in 1953.
FEM currently consists of 15 members, 13 from the EU, as well as UK and Türkiye. They are the driving forces in promoting a common vision for FEM industries and in maintaining the European materials handling, lifting and storage industry's position of leader on the world market. In total, FEM represents more than 1,000 companies with about 160,000 employees, covering around 80% of all eligible European companies. It thus accounts for more than half of the world's total production.

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