COMMITTEE FOR EUROPEAN CONSTRUCTION EQUIPMENT

European Garden Machinery Federation

European materials handling federation

Brussels, 13/11/2026

Joint Industry Position on draft Implementing Act on the access to and use of certain information in the Battery Passport under Regulation (EU) 2023/1542

The undersigned associations, CECE, EGMF, and FEM, support the objectives of Regulation (EU) 2023/1542 on batteries and waste batteries, henceforth the Batteries Regulation, and recognise the important role that the battery passport can play in improving sustainability, transparency, traceability, and circularity throughout the battery value chain. A well-functioning battery passport can facilitate informed decision-making, uphold the transition to a circular economy, and strengthen the reliability of battery-related information across the supply chain.

At the same time, we are concerned that certain provisions of the draft Commission's Implementing Regulation on access to and use of battery passport information may create legal uncertainty and expose machinery manufacturers to disproportionate risks relating to safety, intellectual property protection, and the confidentiality of commercially sensitive information. Clarifications and targeted amendments to the current draft are therefore necessary to ensure that the implementing framework is both effective and proportionate.

Industry key concerns

The main concerns of the non-road mobile machinery sector relate to the scope and governance of access rights within the battery passport framework. In particular, the co-signatories consider that the current draft creates **significant legal uncertainty regarding the concept of the "purchaser of the battery"** and the categories of third parties that may legitimately act on the purchaser's behalf.

In addition, the proposed access regime appears to grant **overly broad access and download rights to sensitive battery information**, potentially creating risks related to safety, confidentiality, and the protection of intellectual property. The undersigned associations are also concerned that the draft does not provide sufficient safeguards to ensure that **spare parts and dismantling information is accessed only by appropriately qualified professional operators**.

Recommendations for the European Commission

1. Provide greater clarity regarding the definition of "purchaser of the battery"

The main concern for CECE relates to the notion of the "purchaser of the battery" and the access rights granted to persons acting on behalf of that purchaser. **The associations therefore call on the European Commission to provide a clearer definition of "purchaser" and to complement it with**

practical examples illustrating which actors may benefit from access rights during the battery life cycle.

The draft Implementing Regulation does not sufficiently clarify who should be identified as a purchaser within complex industrial supply chains. According to CECE, EGMF, and FEM, a distinction between end-users and business customers appears to be particularly relevant in B2B contexts, such as is the case of rechargeable industrial batteries.

In addition, access to information related to spare parts and dismantling instructions should be limited to appropriately qualified professional operators – including in the context of vocational training –, while at the same time clarifying the distinction between access rights and download rights.

This ambiguity is particularly relevant in the sectors of construction, material handling, and gardening equipment, where batteries are typically integrated into machinery that is subsequently distributed through dealers, leasing or rental companies, service providers, fleet operators, and professional end-users. Without further clarification, it remains uncertain whether the purchaser refers to and may encompass the manufacturer of the final product who purchases the battery, the distributor who sells the final product, or the importer who purchases the battery from a third country.

2. Provide appropriate safeguards to access rights

The co-signatories fully recognise the importance of making certain battery passport information available to actors who require it for legitimate operational, safety, maintenance, repurposing, repair or recycling purposes. However, the draft Implementing Regulation on the access to and use of certain information in the Battery Passport should clearly **distinguish between the right to access information and the right to download and retain it**.

Therefore, we call on the European Commission to:

2.1. Delete Article 2(3) of the draft Implementing Regulation

The unrestricted availability of downloaded information raises significant concerns from both safety and competitiveness perspectives, particularly where the information concerned contains proprietary design solutions, sensitive battery composition data, or detailed dismantling and repair instructions. Such information often reflects substantial investments in research, development, and innovation and may constitute commercially valuable intellectual property.

These concerns are further reinforced by **Article 2(3) of the draft Implementing Regulation**, which provides that persons having access to battery passport information may download and use that information, provided that it is not retained longer than necessary for the relevant purpose. In our view, this provision does not guarantee protection against the loss, leakage, or misappropriation of intellectual property. If the persons with legitimate interest are entitled to download the relevant data and are merely required to delete it once it is no longer needed, there is no practical mechanism to ensure that such deletion actually occurs. In reality, downloaded information can remain stored on local devices, company servers, cloud environments, backups, or shared databases long after its intended use has ended, creating a lasting risk of unauthorized reuse, redistribution, or unintended disclosure.

For this reason, **CECE, EGMF, and FEM believe that access rights and download rights should be treated separately**. While certain information may legitimately be consulted by persons with a legitimate interest, this should not automatically imply a right to download, store, reproduce, or

indistinctly redistribute it. Access through controlled digital environments would provide a more balanced approach by ensuring transparency while maintaining safeguards against unauthorised use and dissemination.

As a consequence, **we recommend deleting Article 2(3) of the draft Implementing Regulation**. Access to information should be ensured through secure and controlled environments rather than through unrestricted download rights, which offer limited additional benefits to users while creating significant risks for economic operators and the protection of intellectual property.

2.2. Limit the scope of Article 1(1)(c) to professional repurposing and repair

Our associations are concerned by the wording of Article 1(1), point (c), which grants access rights to "any natural or legal person carrying out repurposing of batteries".

The use of the word "any" appears excessively broad. While we support access to information for legitimate repurposing and repair activities, such activities are not necessarily confined to professional environments. Under Article 3(31) of Regulation (EU) 2023/1542, repurposing is defined in an extensive way and may cover a wide range of applications beyond the battery's original intended use.

Granting access to dismantling information without requiring any professional qualification or demonstration of competence could create unintended safety risks. Dismantling operations involve technical and safety considerations that should be handled by appropriately trained operators. Extending access beyond such actors may facilitate unsafe practices such as do-it-by-yourself repair and increase liability risks across the value chain, especially since this is specifically dealing with high-power, high-capacity batteries.

CECE, EGMF, and FEM therefore urge the Commission to limit the scope of Article 1(1)(c) to natural or legal persons carrying out repurposing activities on a professional basis as well as deleting Article 1(1)(f) identifying vocational training centres for battery repair, repurposing or remanufacturing as persons with legitimate interest.

Such an amendment would better align access to confidential information with the necessary level of expertise, responsibility, and regulatory oversight, by preventing the disclosure of sensitive technical documentation to recipients whose identity and competence cannot be verified.

Concluding remarks

The three undersigned associations remain committed to supporting the objectives of the Batteries Regulation and the successful implementation of the battery passport. However, the access framework established by the Implementing Regulation must strike an appropriate balance between transparency principles and the protection of safety, intellectual property, and confidential business information.

To achieve this balance, the Commission should: **(i)** clarify the concept of the purchaser of the battery, **(ii)** better recognise the needs of B2B operations, **(iii)** distinguish access rights from download rights, and **(iv)** ensure that sensitive dismantling, repair, and technical information is made available only to qualified professional actors.

We remain available to engage further with the European Commission and other stakeholders to support the development of a practical, secure, and proportionate framework for the access to battery passport information.

About CECE

The Committee for European Construction Equipment (CECE) represents the interests of European construction equipment manufacturers. Through its national member associations, CECE speaks on behalf of an industry comprising approximately 1,200 companies, employing around 300,000 people and generating an annual turnover of €60 billion. www.cece.eu

About EGMF

The European Garden Machinery Federation (EGMF) represents large and small manufacturers of garden, landscaping, forestry, and lawn maintenance equipment and is registered in Europe since 1977. Through its 37 member bodies – 7 national associations and 30 companies – EGMF represents about 20,5 million cordless and corded units placed on the European market every year, accounting for around 80% of garden machinery, and EGMF members employ over 120,000 people in the EU. www.egmf.org

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. www.fem-eur.com