

## V Questions and Answers Presented at the Battery Regulation Webinar on 3 June 2025

The answers have been prepared in cooperation with the speakers of the webinar. The answers were compiled in June 2025 and reflect the situation at that time. The answers are not legally binding as such. The approach may still change when further national legislation is issued. The Court of Justice of the European Union has exclusive competence to interpret EU legislation in a legally binding manner.

- **“Does this apply to a Finnish subsidiary that does not meet the size requirements?”**
  - *According to the Battery Regulation, due diligence obligations apply to companies with a turnover exceeding EUR 40 million or companies that are part of a group consisting of parent and subsidiary companies whose combined turnover exceeds EUR 40 million and who place batteries on the market or put them into service.*

*[According to the Omnibus IV proposal \(COM\(2025\) 501 final\)](#), it has been proposed that the turnover threshold be increased to EUR 150 million.*

- **“Does the DD turnover threshold apply to the total turnover? Or only to the share related to batteries?”**

**Example 1: A company imports devices containing button cells, thereby placing batteries on the EU market. Turnover is over EUR 150 million but the battery share is very small.**

**Example 2: The group’s turnover is over EUR 150 million but the turnover share related to batteries is only EUR 30 million.”**

- *The turnover refers to the company’s total turnover, not just the share related to batteries.*
- **“If I understood correctly, the Omnibus limits the DD requirements mainly to direct suppliers and not the entire supply chain. How does this affect DD activities in practice?”**
  - *The Omnibus IV regulations propose to amend the entry into force of the due diligence obligations under the Battery Regulation, the turnover threshold at which obligations apply, and the frequency of reporting. The due diligence obligations of the Battery Regulation apply to economic operators who place batteries on the market and exceed the turnover threshold. If a Finnish company imports batteries from outside the EU and places them on the market, the Finnish company is then considered an importer and is subject to the due diligence obligations if its turnover exceeds the threshold (current Battery Regulation: EUR 40 million; Omnibus IV proposal: EUR 150 million).*

- **“Our Chinese supplier also uses small, standard button cells approved and sold in the EU in our products, which they deliver directly to Finland from China. The batteries account for a very small share of the product weight. Does Due Diligence also apply in this case?”**

**If we were to supply the button cells ourselves from Finland to the supplier in China, and they used these batteries in our products, would this prevent due diligence from applying, since it would not be new batteries being brought into the EU?”**

- *The Battery Regulation and its due diligence obligations also apply to products containing batteries. The due diligence obligations apply to any economic operator placing batteries (including products containing batteries) on the market and whose turnover exceeds the threshold (current Battery Regulation: EUR 40 million; Omnibus IV proposal: EUR 150 million).*
- **“How will recycling efficiency and material recovery affect battery packs sold for energy storage? Does the responsibility differ for business or consumer customers?”**
  - *According to the Battery Regulation definitions, an energy storage system is an industrial battery with internal storage (Article 3.1.15). Such batteries are subject to the requirements for industrial batteries, such as recycled content (Article 8). Manufacturers and importers of industrial batteries sold for energy storage must join a producer responsibility organisation, which is obliged to arrange the collection and recycling of end-of-life batteries, including material recovery and reuse (Articles 61, 70, and 71). The responsibility applies to all batteries, regardless of whether the end user is a business or a consumer.*
- **“Is it possible (or realistic) for companies to have time to prepare for the legal requirements/create the necessary processes and documentation within this timeframe (given that the guidance was delayed by 4 months)?”**
  - *Although the Omnibus IV proposals postpone the entry into force of the due diligence obligations, it is advisable to start working on due diligence obligations immediately, as the process of identifying and managing risks related to the ethical sourcing and handling of battery materials (lithium, cobalt, nickel, and natural graphite) takes time.*
- **“What certificates should be obtained from, for example, Chinese battery suppliers to ensure that batteries can be purchased from them in the future?”**
  - *It is advisable to ask battery manufacturers, importers, and other operators for reports on their due diligence policies. According to Article 52.2 of the Battery Regulation, the economic operator must make its due diligence policy information available to its immediate buyers in the supply chain. Once the verification system is in place, it is especially recommended to use reports assessed by a notified body to evaluate the*

*due diligence practices of a battery supplier.*

- **“The EU’s promised guidelines were not published in February and there is no notified body yet. While waiting, does each company have to decide for itself how to comply with the DD requirements?”**
  - *Chapter VII of the Battery Regulation sets out the due diligence obligations and they are a good starting point for an economic operator’s due diligence policy. The Omnibus IV proposal postpones the entry into force of the due diligence obligations to 18 August 2027 and the provision of guidance to July 2026, but companies should not wait for these and should start working immediately, as the process of identifying and managing risks related to the ethical sourcing and handling of battery materials (lithium, cobalt, nickel, and natural graphite) takes time.*
- **“What documentation must be obtained from battery manufacturers at a minimum to comply with the law?”**
  - *It is advisable to ask battery manufacturers, importers, and other operators for reports on their due diligence policies. According to Article 52.2 of the Battery Regulation, the economic operator must make its due diligence policy information available to its immediate buyers in the supply chain. Once the verification system is in place, it is especially recommended to use reports assessed by a notified body to evaluate the due diligence practices of a battery supplier.*
- **“What are the key similarities and differences between the Battery Regulation and the CSDDD due diligence obligations?”**
  - *The due diligence obligations under the Battery Regulation are targeted, focusing specifically on the responsible sourcing of raw materials (lithium, cobalt, nickel, and natural graphite) used in battery manufacturing and minimising adverse impacts. The CSDDD is broader and more general in scope, aiming to include human rights and environmental aspects in all of a company’s activities and its wider value chain.*
- **“If a company is subject to both regulations, can the requirements be combined or optimised in practice?”**
  - *Yes, a company’s due diligence policy can cover both regulations. It must be noted that due diligence policies under the Battery Regulation require third-party verification (by a notified body).*
- **“Could the Commission’s Omnibus packages lead to changes in the content or timetable of the Battery Regulation’s due diligence requirements?”**
  - *Yes. The Omnibus IV proposals suggest changing the application date of the Battery Regulation’s due diligence obligations by two years (Battery Regulation: 18 August 2025; Omnibus IV proposal: 18 August 2027) as well as the turnover threshold for economic operators (Battery Regulation: EUR 40 million; Omnibus IV proposal: EUR 150 million).*

- **“Is there any additional information about the timetable or content of the Commission’s guidance?”**
  - *According to the Omnibus IV proposal, the guidance pursuant to Article 48.5 of the Battery Regulation will be published by 26 July 2026.*
- **“How should the start of work be scheduled if the guidance is not ready in time?”**
  - *It is advisable to start working on the due diligence obligations immediately, as the process of identifying and managing risks related to the ethical sourcing and handling of battery materials (lithium, cobalt, nickel, and natural graphite) takes time.*
- **“How must the policies, traceability system, and risk management measures be documented, and when must they be ready? / What documentation must be obtained from battery manufacturers at a minimum to comply with the law?”**
  - *Once the economic operator has prepared its due diligence policy under the Battery Regulation, it must be verified by a notified body. To date, no notified bodies have yet been approved, as the accreditation method is missing. The due diligence policy must be reported and published online (in practice, on the company’s website) annually under Article 48.3 of the Battery Regulation, but according to the Omnibus IV proposal, this is proposed to be reduced to once every three years.*
- **“Who in the supply chain is subject to the obligations? What is the responsibility of an importer if the manufacturer or brand is located outside the EU?”**
  - *The due diligence obligations of the Battery Regulation apply to economic operators who exceed the turnover threshold and who place batteries on the market or put them into service. If a Finnish company imports batteries from outside the EU and places them on the market, the Finnish company is then considered an importer and is subject to the due diligence obligations if its turnover exceeds the threshold (current Battery Regulation: EUR 40 million; Omnibus IV proposal: EUR 150 million).*
- **“Who within the company should understand and participate in preparing and implementing the due diligence policies (e.g. procurement, legal, sustainability, management)?”**
  - *The due diligence policy must be prepared so that the responsibility for monitoring it lies with top management. In addition to management, it is advisable to involve other company functions such as procurement, legal, sustainability, etc. in the preparation and implementation of due diligence policies. The due diligence policy must include all company processes related to battery raw materials (lithium, cobalt, nickel, and natural graphite).*

- **“Should due diligence policies already be included in supplier contracts, or only by the deadline?”**
  - *Work to include due diligence policies in supplier contracts should start immediately.*