

EN

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Answer given by Ms Roswall
on behalf of the European Commission
(11.3.2025)

The empowerment conferred to the Commission in the Batteries Regulation¹ is meant to make more flexible the generic provision² requiring that portable batteries incorporated into products be removable and replaceable by the end-user. Instead, it sets a number of situations where those batteries should be made removable and replaceable by independent professionals³, as it is already the case with products listed in Article 11(2).

The Commission will launch³ a call for applications for further derogations to be added to those already in Article 11(2) notably to ensure the safety of the user and the appliance. If justified, additional products will be added in Article 11(2) via a delegated act.

It is also important to note that according to the Toy Safety Directive⁴ and harmonised standard EN 62115⁵, small batteries in electric toys and parts of electric toys containing small batteries shall not be removable/accessible without the aid of a tool.

The safety of button batteries⁶ is not addressed in any sectorial EU legislation, except for button batteries used in toys, and therefore falls under the General Product Safety Regulation (GPSR)⁷. The GPSR is reinforcing product safety obligations for economic operators.

There are no standards cited in the Official Journal of the EU covering the safety of button batteries on the risk of ingestion by children, except for toys. Businesses and authorities therefore often rely on standard EN IEC 60086-4:2019⁸, requiring that lithium button cells with a diameter greater than/equal to 16mm to be packaged in child-resistant packaging. Also, the EU Safety Gate Portal provides information on risks posed by button batteries⁹.

¹ Article 11(4) of Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC, OJ L 191, 28.7.2023, p. 1–117.

² In paragraph 1 of the same Article.

³ Following the adoption of the Guidelines Commission guidelines to facilitate the harmonised application of provisions on the removability and replaceability of portable batteries and LMT batteries in Regulation (EU) 2023/1542 - https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C_202500214

⁴ Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys, OJ L 170, 30.6.2009, p. 1–37.

⁵ Electric Toys – Safety - supporting the safety requirements of the Directive.

⁶ Especially the risk of ingestion by children.

⁷ Applicable since December 2024, Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC, OJ L 135, 23.5.2023, p. 1–51.

⁸ This standard is not cited in the Official Journal of the European Union (OJEU) and therefore it does not grant presumption of safety under the GPSR but can serve as element to prove safety of button batteries.

⁹ <https://ec.europa.eu/safety-gate/#/screen/pages/buttonBattery>