

Feedback on the EU Commission proposal (COM(2025)258) as regards the postponement of battery due diligence obligations for economic operators



With the proposal – being part of the fourth omnibus package – to amend the Batteries Regulation, the European Commission plans to postpone the start of the due diligence obligations for battery manufacturers and importers provided for in Article 48(1) by two years: From 18 August 2025 to 18 August 2027. Likewise, the deadline for the publication of the associated guidelines in accordance with Article 48(5) is proposed to be extended to 18 February 2026. As justification, the Commission refers, among other things, to the lack of availability of notified bodies as a key instrument for implementing the due diligence obligations. So far, only about half of the Member States have appointed their notifying authority in charge of assessment and notification of conformity assessment bodies.

Designation of notifying authorities as a structural bottleneck

The TÜV Association shares the Commission's view that a timely application of the due diligence obligations is not realistic under the current framework conditions. However, the reasons for this do not stem from the due diligence obligations themselves, but rather from an implementation deficit at Member State level.

For example, no notifying authority has yet been designated in Germany, although the Battery Regulation was legally published already two years ago. The current draft of the national transposition law only stipulates that the designation should take place 'by 18 August 2025 at the latest' – a date that is too late to initiate the necessary notification procedures for conformity assessment bodies in due time. As a result, conformity assessment bodies that have already comprehensively prepared themselves in both organisational and personnel terms to act as a notified body under the Batteries Regulation will not be able to offer such a service. This not only leads to considerable planning uncertainty for companies and potential notified bodies, but also to an uneven level playing field on the European market. The TÜV Association has repeatedly addressed this issue at both national and European level.

Establishing regulatory certainty: Set binding designation deadlines at EU level

In order to avoid similar delays in the implementation of regulatory requirements, the TÜV Association recommends setting binding deadlines for the designation of notifying authorities by EU Member States in future EU legislation. These deadlines should be at least 12 to 18 months before the respective legal requirements enter into force. A reliable, Europe-wide harmonised timeframe is needed in order to:

- > create planning security for companies, notified bodies and notifying authorities,
- > avoid distortions of competition caused by asynchronous national notifications, and
- > ensure the timely operational readiness of notified bodies

The introduction of binding designation deadlines not only strengthens the efficiency of practical implementation, but also business confidence in the quality of European harmonisation legislation. It therefore significantly contributes to improving the regulatory framework and the New Legislative Framework in particular. Only if all system elements – including functioning accreditation and notification structures – are available in due time can an efficient and unbureaucratic implementation of the legislative requirements be ensured.

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