

Brussels, 1 October 2026

To: Members of the ENVI Committee of the European Parliament

Keeping Europe's Existing EV Fleet Repairable: A Targeted Clarification for Legacy EV Service Batteries

Dear Members of the ENVI Committee of the European Parliament,

We are writing to express our concern that certain requirements of the Batteries Regulation¹ could unintentionally prevent the replacement of traction batteries for electric vehicles that were type-approved and placed on the EU market before its entry into force in 2023².

To prevent this from happening, we ask that the Environmental Omnibus clarify that Articles 7, 8, 14, the dynamic data requirements of Annex XIII(4) and the due diligence requirements of Chapter VII do not apply to legacy EV service batteries, as:

- the battery was originally approved as part of a vehicle under the EU type-approval framework³ before the relevant Batteries Regulation requirements applied; and
- it is placed on the market exclusively as a replacement battery for vehicles already in circulation and no longer in production.

Legacy EVs were produced and type-approved before the technical requirements of the Batteries Regulation were introduced. Their battery and vehicle control systems were not designed to provide the digital functionality now envisaged by Article 14 and Annex XIII(4)⁴. Their chemical composition was also determined without specific restrictions on carbon footprint or recycled content in mind, and the historic supply chain data necessary to comply with due diligence requirements might be impossible to collect. Applying these requirements today can require extensive software and hardware redesign, cybersecurity work and revalidation, as well as needing information from a supply chain established years before the Batteries Regulation existed. For instance, the original refiner, smelter or mine may no longer be identifiable, and historic contractual arrangements may never have required this information to be passed downstream.

¹ <https://eur-lex.europa.eu/eli/reg/2023/1542/oj/eng>

² The Batteries Regulation treats batteries as stand-alone products placed on the market in their own right, while vehicle legislation treats propulsion batteries as integral components of a vehicle system that has already been assessed, validated and approved under the EU type-approval framework. This creates a specific issue for legacy electric vehicles and their service batteries. The same battery may be subject to different compliance requirements depending on how it is placed on the market, even though its design, function and safety characteristics remain unchanged, thereby hindering repair and leading to early retirement.

³ <https://eur-lex.europa.eu/eli/reg/2018/858/oj/eng>

⁴ Article 14 and the dynamic data requirements under Annex XIII(4) reflect a modern battery management system concept that can expose state-of-health and related information, and support software resets, as part of a designed-in, secure vehicle architecture. That is not how first-generation battery-electric vehicles were built. On many legacy platforms, energy management logic is tightly integrated into central vehicle control units, memory and processing capacity are fully allocated, and cybersecurity concepts rely on closed, non-reconfigurable interfaces.

The unintended consequence is that a vehicle that is otherwise safe and fully functional could become impossible to repair because a compliant replacement battery can no longer be supplied. This is not a marginal issue. According to Eurostat, 7.6 million battery-electric and plug-in hybrid vehicles registered between 2017 and 2023 are now on European roads⁵. Even assuming a replacement rate of just 1–3% per year, this could represent around 80,000–240,000 vehicles annually.

Making these vehicles difficult or impossible to repair would undermine EU objectives on vehicle longevity, reparability, resource efficiency and circularity. It is also a competitiveness issue. Requiring manufacturers and suppliers to redesign and revalidate legacy vehicle systems simply to continue supplying spare parts can make long-term product support economically unviable. This risks reducing aftermarket competition, increasing repair costs and weakening the business case for European repair and refurbishment.

Our proposal is deliberately narrow: it would not affect the wider environmental obligations applicable to the vast majority of EV batteries, including waste management, recycling, recycled content and responsible sourcing, while vehicle safety would still be governed by the applicable type-approval framework.

The Environmental Omnibus is an opportunity to fix this unintended regulatory disconnect before it translates into unnecessary vehicle scrappage, higher repair costs and lost circularity. We therefore urge you to support this targeted clarification and ensure that the Batteries Regulation supports, rather than unintentionally undermines, the reparability and longevity of Europe's existing EV fleet.

We would be pleased to provide further technical evidence and concrete vehicle examples.

Yours sincerely,

The undersigned organisations



⁵ https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Passenger_cars_in_the_EU