
JRC Recycled content calculation and verification rules (Article 8 of Regulation (EU) 2023/1542)

Joint position of DUH, EEB, ECOS and ZWE on stakeholder workshop on 3rd April 2025

The Environmental NGOs DUH, EEB, ECOS and ZWE welcome the initiative of the Joint Research Center to develop recommendations for the methodology for the calculation and verification of the percentage share of recycled cobalt, lithium and nickel present in active materials (and lead) of industrial batteries, electric vehicle batteries, LMT batteries and SLI batteries as mandated by Article 8 of Regulation (EU) 2023/1542. The usage of recycled materials to produce batteries is crucial to reduce social and environmental impacts in mining countries. Additionally, recycled content targets may become an effective tool to support collection infrastructure and the recycling sector by creating market demand. For this policy measure to be effective, it is important to establish reliable and transparent rules that exclude fraud during calculation and reporting. The signing organisations seek to emphasize that especially the newly introduced three mass balance approaches with credit methods bear considerable risks of jeopardizing consumer confidence, the effectiveness of recycled content targets as a whole and the coherence between legislative initiatives.

Allowance of mass balance with credit methods jeopardizes consumer confidence and renders the instrument of recycled content targets ineffective

An effective circular economy relies on trustworthy calculation and verification rules for recycled content in products and a transparent execution. The undersigning organisations are deeply concerned that the JRC is planning to allow mass balance approaches with non-proportional allocation and credit methods for the calculation of recycled content in batteries and thus follows proposals from industry actors. Credit methods are a chain of custody model with very low level of traceability because physical traceability is lost. Therefore, they are difficult to control and may jeopardize consumer confidence in the recycling industry by incentivizing misleading claims. **We therefore propose to only allow the methods segregation and, in case needed, controlled blending** (see Fig.1) as proposed by the JRC in option 1a for all supply chain actors in the JRC draft recommendations in November 2024.

Allowing credit-based methods undermines the goals of transparency and trust in claims regarding the recycled content. It weakens the effectiveness of the Batteries Regulation and creates a loophole, enabling **manufacturers to falsely present themselves as environmentally responsible** by indicating shares of recycled content that is not actually present in the purchased battery model. A clear distinction between genuinely innovative recycling processes—particularly those using high contents of post-consumer waste inputs—and less sustainable approaches is crucial for transparency and for driving environmental progress in industry practices. Innovation is necessary towards processes that produce battery-grade ma-

material from high shares of battery waste. It is crucial that innovative processes become visible on the market that do not simply “dilute” impurities. The options proposed by the JRC make such distinctions impossible.

The method must also be **harmonized with the Green Claims Directive (GCD)**¹, currently under trilogue negotiations. The initiative is key to the EU's efforts to combat greenwashing and boost consumer trust in environmental claims. It has the aim to ensure that voluntary claims by manufacturers are transparent, verifiable and reliable. The presented three options lead to the opposite: they will prevent consumers from receiving information about which production processes can actually handle high amounts of waste. They will only reward producers that are able to purchase high amounts of waste on the market which is likely to be mainly post-industrial waste. It should not be allowed to make claims such as “made from 100 percent recycled materials” when in reality the product only contains little recycled content.

We **demand that the calculation method for recycled content is based on the weight of recycled material that is actually present in the final product**. This has also been recognized in the US by the Environmental Protection Agency with its [Safer Choice Standards](#), which states: “Allowing producers to advertise that a product contains “recycled content” based on the amount of recycled material purchased is deceptive” [in its comments to the U.S. Federal Trade Commission in April 2023](#). In addition, allowing for transfers of green claims from one product to another produces misleading sustainability claims on recycled content. This has been the case in the clothing sector. The [Dutch Authority for Consumers and Markets](#) criticised H&M and Decathlon for their misleading claims.

A credit-based calculation **sets wrong incentives**: We do not consider the argument made by industry actors that the recycled content calculation needs to set incentives for producers to collect high amounts of battery waste for recycling as comprehensive. Such an approach would incentivize producers to collect mainly post-industrial waste from their own processes. Instead, **there should be an incentive to use high amounts of post-consumer waste in battery production and to develop production processes that can handle high amounts of waste inputs**. These developments can only be incentivized if the calculation method reflects the real recycled content in the final product. Collecting high amounts of post-consumer batteries should be a responsibility of the producer responsibility organisations in which producers have to participate according to the Batteries Regulation.

In addition to the above feedback on the newly proposed options 3 (a to c), we would like to reiterate some important points from our last statement:

We also believe that such calculation methods (book and claim, mass balance with flexible allocation, options 1b, 2, and 3) are not in line with the legal requirement of Article 8 defining that the documented share of recovered materials reported by the battery manufacturer has to be “present” in the active materials or the battery, respectively.

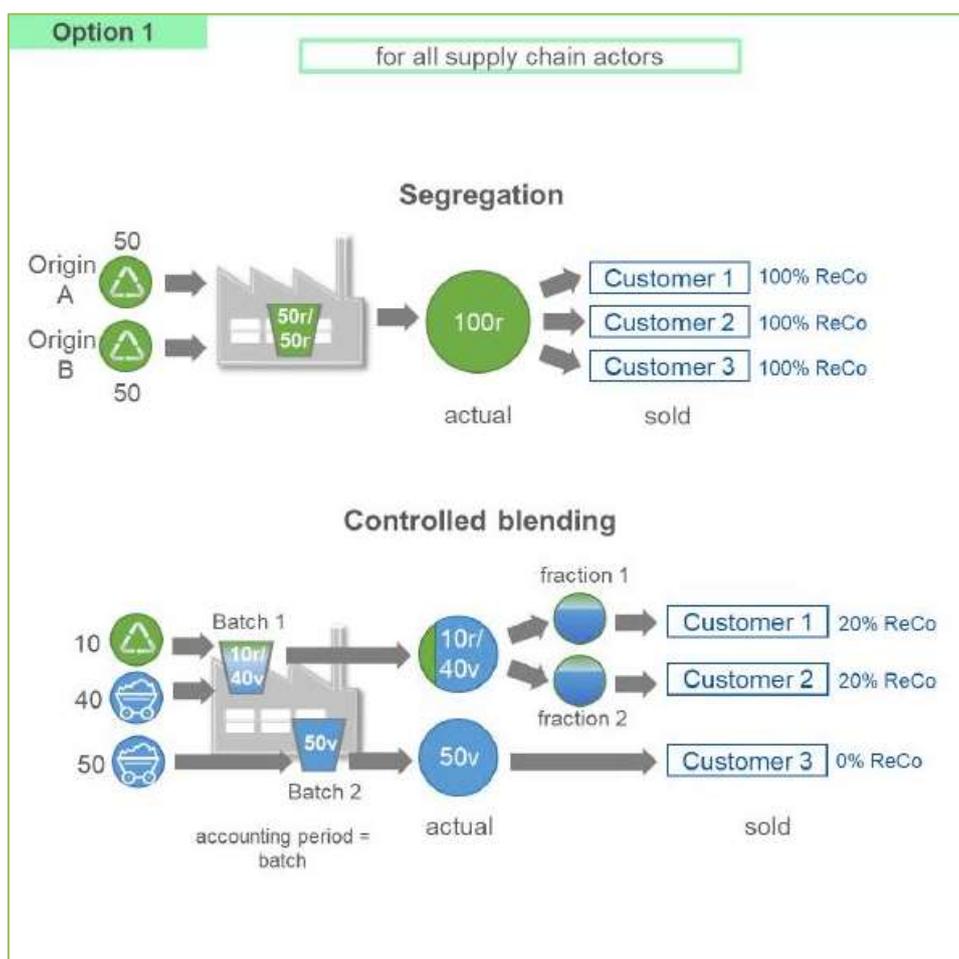
Furthermore, allowing mass balance with flexible allocation (or allocation on product line level) is **not necessary to fulfil the recycling targets** set in the EU-Batteries Regulation: Often it is argued that producers exporting BEV to non-EU countries have a disadvantage without flexible allocation. Therefore, these producers opt for flexible allocation and would label the exported batteries with 0% recycled content and allocate all recycled content to the batteries placed on the EU market. Considering the low net export share of passenger vehicles of 4.4% for the period 2018 – 2021² we do not see relevant additional challenges to achieve the target without flexible allocation (or allocation on product line level). Furthermore, EU-producers not exporting to non-EU would have a disadvantage to those exporting to non-EU. And, last but not least, non-EU producers with a limited share of their production directed to the EU would have a huge advantage and could achieve the recycled content target with only very little recycled material.

All plants producing batteries for the European Market should fulfil the recycled content targets set in Article 8 or keep their production lines for different markets separated. This is the only way to ensure that

the use of recyclates becomes the standard in Europe and to exploit the potential of recycling. This is also an important measure to create a stable economic situation for the recycling industry by maintaining a high demand for recyclates. We also like to note in this context that recycling plants are still able to sell/confirm the character as recyclate to their suppliers of battery wastes, since the discussed allocation method within mass balance only refers to the production of batteries and not to recycling.

Finally, we like to note that it is important that the recent proposal within the context of the Single Use Plastics Directive (SUPD) must not become a blueprint for the calculation of recycled content for all other products. Many Environmental NGOs as well as economic actors in the recycling sector oppose the use of mass balance with flexible allocation (called “fuel use exempt model”) within the SUPD framework.^{3,4} Although the situation is not exactly the same between different products and materials, a harmonized method with the highest possible degree of transparency and traceability should be aimed at. **We therefore propose that mass balance with proportional allocation at product level (controlled blending) should become such a standard method.**

Fig. 1: Segregation and Controlled blending as chain of custody models, mentioned in the statement above



Source: Presentation by JRC team on battery recycled content, presented on the 3rd April 2025

Contacts

About DUH

Environmental Action Germany (Deutsche Umwelthilfe – DUH) is a recognized German environmental and consumer protection organization, which has been campaigning for resource conservation and consumer interests since 1975. DUH is politically independent, non-profit and it campaigns on a national and European level. It is for example renowned for its role in uncovering the Diesel Scandal and in establishing a deposit system for non-refillable beverage containers in Germany. Within its Department Circular Economy, DUH promotes waste prevention, responsible consumption and a sustainable economy. For more information, please visit: www.duh.de/englisch

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About EEB

European Environmental Bureau (EEB): The European Environmental Bureau (EEB) is Europe’s largest network of environmental citizens’ organisations, standing for environmental justice, sustainable development and participatory democracy. It represents over 180 members in over 38 countries: www.eeb.org

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About ECOS

ECOS - Environmental Coalition on Standards is an international NGO with a network of members and experts advocating for environmentally friendly technical standards, policies, and laws. We ensure the environmental voice is heard when they are developed and drive change by providing expertise to policymakers and industry players, leading to the implementation of strong environmental principles. For more information visit: www.ecostandard.org

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About ZWE

Zero Waste Europe (ZWE) is the European network of communities, local leaders, experts, and change agents working towards a better use of resources and the elimination of waste in our society. We advocate for sustainable systems; for the redesign of our relationship with resources; and for a global shift towards environmental justice, accelerating a just transition towards zero waste for the benefit of people and the planet. www.zerowasteurope.eu

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¹ COM(2023)166 final: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52023PC0166>

² Eurostat, detailed data on international trade in goods (Comext), accessed the 2 May 2024

³ Joint statement calling for a transparent and reliable policy framework defining recycled content in plastic, July 2023, https://zerowasteurope.eu/wp-content/uploads/2023/07/Joint_letter_recycled_content_methodology_SUPD-1.pdf

⁴ Business-NGO Coalition supports the motion objecting to the Commission’s draft Implementing Act on the calculation of recycled content in single-use plastic beverage bottles, April 2024, <https://fead.be/position/ngo-business-coalition-supports-the-objection-to-the-draft-implementing-act-for-the-calculation-of-recycled-plastic-content-in-single-use-plastic-beverage-bottles/>