

Call for action

Request for Partial Exemption procedure under Article 11 of Regulation (EU) 2023/1542 – 13 March 2026

Introduction

On 28th July 2023 Regulation (EU) 2023/1542 was published in the Official Journal, following signature by the European Parliament and Council, concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC.

Regulation (EU) 2023/1542 sets out a clear requirement in Article 11(1): portable batteries must be removable and replaceable by end-users throughout the product's lifetime. This obligation aims to reduce waste and promote sustainability by preventing premature disposal of products due to battery failure.

However, **Article 11(3) provides for exemptions where a permanent battery connection is necessary for safety, performance, or design integrity.** This demonstrates the legislator's intent to balance environmental objectives with technical feasibility and user safety.

In addition, the European Commission published the Commission Notice (C/2025/214), Guidelines to facilitate the harmonised application of provisions on the removability and replaceability of portable batteries and LMT batteries in Regulation (EU) 2023/1542 in January 2025 with aim to facilitate the harmonized application of the provisions on the removability and replaceability of portable batteries and light means of transport (LMT) batteries.

This notice empowers the application of partial derogations according to art. 11 (2) which establishes derogations from the removability and replaceability requirements set out in art.11 (1).

For example, the Notice included the reference to the exemption applicable to smoke alarm batteries: *"Therefore, in smoke alarms which are designed for at least 10 years of uninterrupted operation matched by a battery with the same service life, and where continuity of power supply and a permanent connection between the product and the respective portable battery is required to ensure the safety of the user and the appliance, it is considered that the portable battery does not need to be removable and replaceable by the end-user"*.

In addition to that first review of potential derogations done by that Notice, the same Notice recognizes that the Commission is empowered to adopt further delegated acts by adding other products to be exempted from the removability and replaceability requirements lay down in Article 11.

1. Proposal to open the procedure foreseen in C/2025/214 to receive derogation requests according to article 11(4) of the Directive

By this document, Euralarm wants to make a call to the Commission to activate once again this possibility, so the following proposal can be assessed and consequently the products mentioned in this document can be also exempted from the removability and replaceability requirements laid down in Article 11(1).

The possibility of exempting certain types of equipment from the application of Article 11, in light of their

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functionality and use, should be provided for from the outset and not postponed to a later stage, to avoid such equipment being subject to obligations that would subsequently be lifted. For this reason, Euralarm **believes that a new window should be opened during the first half of 2026 to apply for an exemption from the application of Article 11 for those items of equipment that may present characteristics making it advisable not to apply the obligations set out in that article.**

The possibility of reviewing the application of additional derogation included in the Commission notice C/2025/214 should be open at least once before the entering into force of art. 11 (1), and in general terms be more flexible and be open on regular basis, at least **once per year**, to enable the assessment of devices to be granted with this derogation as was the case for smoke detectors.

2. Request to Extend the Current Deadline under Article 11

Article 11(2) of Regulation (EU) 2023/1542 (the Batteries Regulation) sets out specific derogations from the general requirement established in Article 11(1), under which products incorporate portable batteries must be designed to ensure that such batteries are readily removable and replaceable by end-users. Under the derogations provided in Article 11(2), certain products may instead be designed so that batteries are removable and replaceable only by independent professionals.

Furthermore, pursuant to Article 11(4), the European Commission is empowered to adopt delegated acts to amend Article 11(2) by introducing additional derogations where justified.

In this context, the European Commission launched a call for applications for derogations at the beginning of 2025, inviting stakeholders to submit reasoned requests for specific products. The deadline for submission was set for the end of April 2025. In total, 81 applications were submitted, several of which covered multiple product categories.

However, the assessment of these applications remains ongoing, and no final decisions have yet been adopted. This situation creates significant legal and operational uncertainty for manufacturers whose products are subject to pending derogation requests.

Considering the above, **we respectfully request that the current compliance deadline foreseen under Article 11 be extended, in line with the approach previously adopted for obligations imposed on battery manufacturers under the Regulation.**

Should a derogation request ultimately be rejected, product manufacturers will require a minimum transitional period of two years to redesign and adapt the manufacture of the affected devices to ensure compliance. The redesign of products, reconfiguration of production processes, adaptation of supply chains, and conformity assessment procedures necessitate substantial technical and financial resources, as well as sufficient lead time.

An extension of the current deadline would therefore ensure legal certainty, preserve proportionality, and allow economic operators to comply effectively with the Regulation without incurring disproportionate disruption or unintended market consequences.

Conclusion

Euralarm urges the Commission:

1. To open, at least in the first half of 2026, the procedure foreseen in C/2025/214 to receive new derogation requests pursuant to Article 11(4), thereby upholding the Regulation's objectives while avoiding disproportionate requirements.

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In cases where the exemption provided for in Article 11(4) may be applicable, it should be possible to assess and apply such exemption prior to the entry into application of the relevant obligations. This would prevent unjustified economic impacts, as manufacturers would otherwise be required to redesign and modify equipment to comply with requirements that, following a proper assessment, might ultimately be deemed inapplicable.

2. Next to this, considering that 81 derogation applications were submitted in April 2025 and that their assessment remains ongoing, Euralarm respectfully requests that the current compliance deadline¹ under Article 11 be extended accordingly. Manufacturers require a minimum transitional period of two years to redesign and adapt to the manufacture of devices if a requested exemption is rejected. Without such an extension, companies face significant legal uncertainty and the risk of disproportionate economic burden.

By recognizing scenarios where replaceability does not effectively advance sustainability objectives, the Commission can ensure that Regulation (EU) 2023/1542 remains both effective and pragmatic.

This proposal is fully consistent with the spirit of Article 11 and the overarching goals of the Batteries Regulation: reducing environmental impact, promoting resource efficiency, ensuring proportionality, and safeguarding user safety.

About Euralarm

Euralarm represents the fire safety and security industry, providing leadership and expertise for industry, market, policy makers and standards bodies. Our members make society safer and secure through systems and services for fire detection and extinguishing, intrusion detection, access control, video monitoring, alarm transmission and alarm receiving centres. Founded in 1970, Euralarm represents over 5000 companies within the fire safety and security industry valued at 67 billion Euros. Euralarm members are national associations and individual companies from across Europe.

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Note: The English version of this document is the approved Euralarm reference document.

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