



RIGHT TO
REPAIR



Deutsche Umwelthilfe

Right to Repair Feedback on Battery Regulation Article 11 Derogations

Brussels, December 2025

The [Right to Repair Europe](#) coalition represents over 180 organisations from 30 European countries. It includes environmental NGOs and repair actors such as community repair groups, social economy actors, spare parts distributors, self-repairers, repair and refurbishing businesses, and any citizen who would like to advocate for their right to repair. This is a rapidly growing movement, with the objective to make repair affordable, accessible and mainstream. Browse all our member organisations by country [here](#).

Introduction

Article 11 of the so-called Batteries Regulation (EU 2023/1542)¹ sets requirements for portable batteries and for the batteries of light means of transport (such as e-bikes and e-scooters), to be removable without the use of specialised tools, heat or solvents, from February 2027 onwards.

Some products benefit from a full derogation from these rules, such as life-sustaining or safety-critical products like implantable active medical devices or smoke detectors, or products continuously collecting data. Partial derogations from the requirements are also possible, among others for products designed to operate primarily in a wet environment. The European Commission has provided guidelines regarding the criteria that must be met for such derogations to be given, in which case batteries only have to be replaceable by an independent professional, not by an end-user. The Right to Repair campaign has previously provided feedback on these guidelines.²

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

² Right to repair Europe, ECOS & EEB, *Feedback on the draft Commission's guidelines on Article 11 of the Batteries Regulation* (Brussels, March 2024) (<https://repair.eu/wp-content/uploads/2024/04/R2R-Europe-Feedback-on-the-draft-Commission-s-guidelines-on-Article-11-of-the-Batteries-Regulation-pdf>).

The European Commission published a call for applications for derogations at the beginning of 2025. In total, 81 applications were submitted requesting derogations. The European Commission has requested consultants Oeko-Institut and Ramboll Germany to provide technical guidance on the evaluation of these requests. The result of this assessment was published in November 2025.³ This paper provides feedback on the said assessment report and the proposed treatment of the requests for derogations.

Right to Repair Europe Feedback

The Right to Repair Europe campaign, ECOS, iFixit and DUH applaud the intent and effort to clarify the precise meaning of the derogations to battery replaceability in Regulation (EU) 2023/1542 of the European Parliament and of the Council concerning batteries and waste batteries.

We are particularly reassured by the confirmation that all five indicators for the partial derogation for appliances designed to operate in a wet environment have to be met, limiting the scope of the products that can actually benefit from the derogation. We therefore **agree with the suggested amendment to the article** (addition in italics): “appliances specifically designed to operate primarily in an environment that is regularly subject to splashing water, water streams or water immersion, and that are intended to be washable or rinseable, *provided that the indicators (i-v) specified under Commission Notice C/2025/214, for appliances specifically designed to operate in a wet environment are fulfilled*”.

However, we notice that certain products that fail to demonstrate compliance with the 4th and 5th indicators, “(iv) ‘compromising safety’” and “(v) no way to redesign”, have nonetheless been proposed to be identified as benefiting from the derogation. As a reminder, this indicator stipulates that products can benefit from the derogation if “there is evidence in the product documentation when placing the product on the market that there is no way to redesign the appliance with the current state of the art technology, without severely affecting the health and safety of the end-user or the performance and functionality of the product”.

³ Yifaat Baron, Katja Moch, Carl-Otto Gensch, Frederick Adjei, Andreas Köhler, Mercedes Küffner, Valentina Romagnoli, Thomas Berlinghof, Rebecca Bliklen, *Technical support to the adoption of delegated acts and Commission reports related to the new Batteries Regulation between 2024 and 2027 – Task 1 Report* (Brussels, November 2025) (https://environment.ec.europa.eu/document/download/21b9a660-a240-4f97-a755-847d6f74df0e_en?filename=Task1_Report_Final_Public_1st_Edition.pdf)

We particularly identified **two cases in which eligibility for derogation was suggested, even though not all criteria had been met:**

1. Water flossers

The applicant Waterpik Healthcare requested a derogation for their water flossers running on rechargeable batteries, based on the fact that the welding process applied for the sealed enclosure cannot be replicated by consumers or third parties using commercial tools. However, **the same brand also sells [water flossers running on replaceable batteries](#)**, clearly indicating that there is indeed a way to design these products in a way that combines water-proofing and user-replaceable batteries. The ‘(v) no way to redesign’ condition is therefore not met, and **neither this particular product nor other similar products should benefit from the Article 11(2)(a) derogation.**

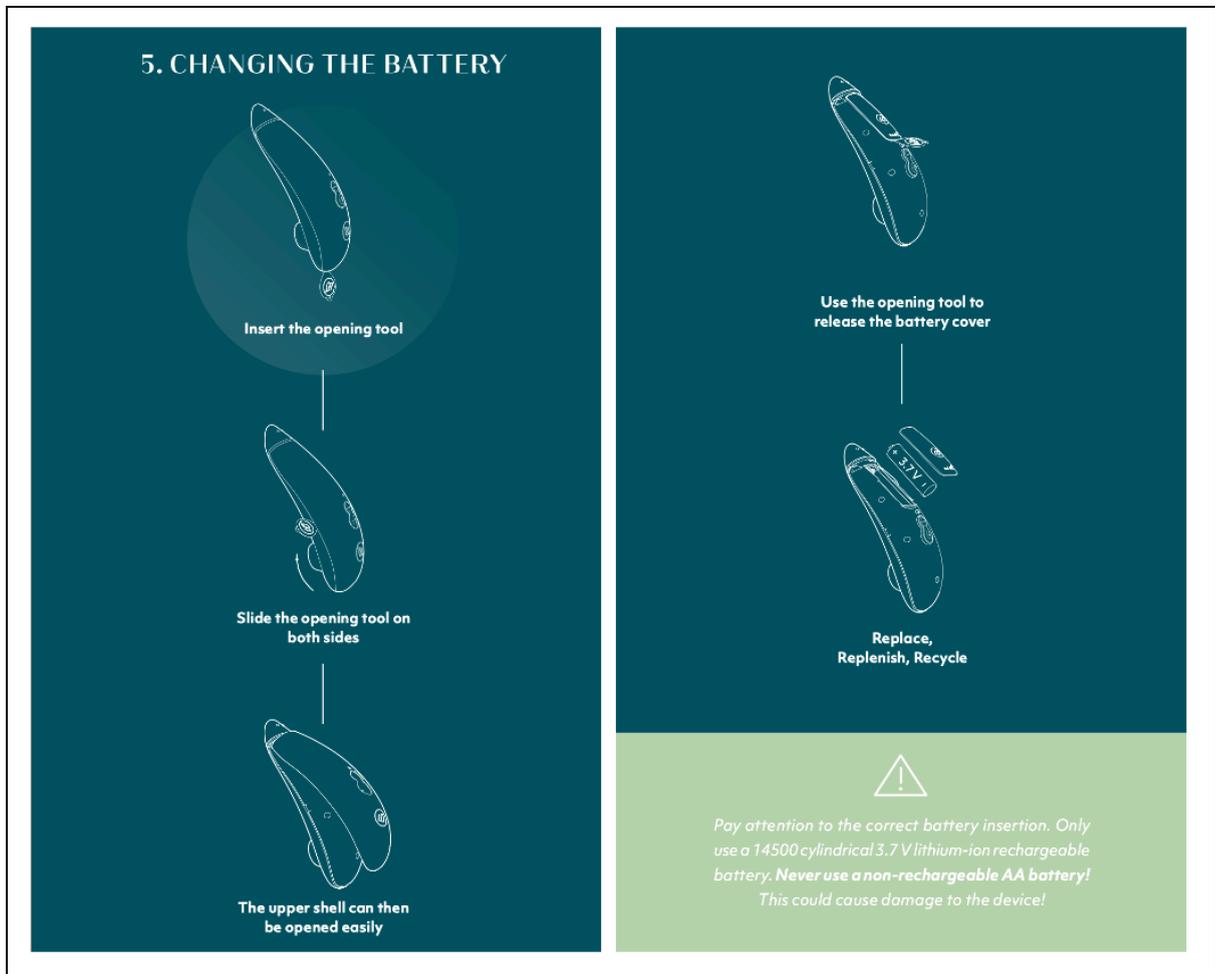
2. Pleasure gadgets

Following a request for derogation on behalf of Reckitt Benckiser Healthcare concerning Durex pleasure gadgets, it is suggested that this category should benefit from a derogation under Article 11(2)(a), based on the study of a small selection of products. However, neither the criterion “(iv) ‘compromising safety’” nor “(v) no way to redesign” seems to be met.

The criterion “(iv) ‘compromising safety’” is considered by the consultants to be met based on the fact that the battery in the device under consideration is connected through soldering. This is, however, a design choice that is not intrinsically linked to the type of product - in fact, **based on such an application of the criterion, any product could be exempted from the requirements if the manufacturer happened to opt for a soldered-in battery.** We have made the point before⁴ that in such cases, both soldered and clip-in designs are possible and, therefore, the battery replaceability does not intrinsically endanger the user but rather a certain embodiment chosen by the manufacturer, which in turn does not meet the “(v) no way to redesign” criterion. Therefore, we consider the **soldered-in battery insufficient evidence for the criterion “(iv) ‘compromising safety’”** to be met by the particular device under examination.

⁴ See our point on a similar situation with toothbrushes with either soldered or clip-in batteries in *Feedback from Right to Repair Europe on the JRC Study for the guidelines on removability and replaceability of portable and LMT batteries* (November 2023), p. 3. (https://repair.eu/wp-content/uploads/2023/11/R2R-EU-Feedback-on-JRC-Study-for-guidelines-on-removability-of-batteries_final.pdf)

Regarding a derogation for the complete product category of pleasure gadgets under 11(2)(a), as suggested by the consultants, research online shows that **certain pleasure gadgets do run on replaceable and rechargeable batteries**, as can be seen from the illustration below.



Battery replacement guidelines from the instruction manual for a Womanizer Premium Eco pleasure gadget,⁵ which uses an interchangeable 14500 format 3,7V lithium-ion battery.

The ability to replace the batteries of such devices may depend on their size and form factor. We do not assume that all pleasure gadgets would fail the '(v) no way to redesign' criterion, but we can certainly assume that many of them could.

⁵ WOW Tech Europe GmbH, Womanizer Premium Eco Manual, p. 13-14 (https://www.womanizer.com/media/premiumeco-how-to/06-04-21_Womanizer_Premium_eco_Manual_English.pdf)

Overall, we believe that **clearer guidelines should be established for demonstrating failure to meet the ‘(v) no way to redesign’ indicator**. If a single example can be found of a product within the same product category and providing the same functionality, that has a replaceable battery whilst being compliant with all legal requirements, this proves that it is in fact possible to design this type of product with replaceable batteries. Therefore, such a single example should suffice to deny a request for derogation based on the ‘no way to redesign’ rationale. Guidance making this principle explicit would be very welcome.

Conversely, there is also no clarity as to how fulfilling this indicator should be demonstrated by the product documentation when placing the product on the market. If the burden of proof is on the manufacturer or importer, the absence of a counterexample is not a very useful criterion as one cannot assume that the economic operators placing the products on the market would diligently search for proof of the invalidity of their own request for a derogation. We suggest that this research be done by the European Commission, or by independent consultants mandated by the Commission, every time a demand for derogation is made. The search for comparable products with replaceable batteries, which could invalidate the request for a derogation, should be a mandatory part of the assessment of any derogation.

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