

EU BATTERY PASSPORT & CRITICAL RAW MATERIALS

Battery Passport Application Fixed at 131 Days; Due Diligence Postponed to August 2027 Under Regulation 2025/1561

Timestamp: 2026-10-10_1403 UTC
Risk Posture: HIGH

Telemetry Hash: 3c1868d82663d12de86bf2b2...
Engine Version: 2.5.7

PRIMARY LIABILITY DRIVER: With exactly 131 calendar days remaining until the 18 February 2027 application date under Article 77 of Regulation (EU) 2023/1542, placing in-scope EV, LMT, or industrial batteries (>2 kWh) on the Union market without a conforming Battery Passport authorizes national market surveillance authorities to initiate formal non-compliance proceedings under Article 83, requiring corrective measures prior to progressive market restrictions.

EXECUTIVE SUMMARY

As of 10 October 2026, economic operators placing electric vehicle (EV) batteries, light means of transport (LMT) batteries, and industrial batteries with a capacity greater than 2 kWh on the EU market operate within a strict 131-day countdown to 18 February 2027. Pursuant to Article 77 and Annex XIII of Regulation (EU) 2023/1542, each individual in-scope battery must possess an electronic Battery Passport accessible via a durable, indelible QR code marked in accordance with Article 13(6) and ISO/IEC 15459 standards. Under Amending Regulation (EU) 2025/1561, the statutory supply chain due diligence obligations codified in Article 48(1) were formally deferred to 18 August 2027, decoupling initial technical passport launch readiness from independent due diligence third-party audits under Article 51.

Technical architecture requires implementing the three-tier access model under Article 77(2): public accessibility (basic performance, durability, and chemistry identifiers), legitimate-interest access (commercial actors, recyclers, and repairers), and supervisory access (notified bodies and market surveillance authorities). Notably, the Commission implementing act specifying legitimate-interest verification credentials remains pending, requiring adaptive role-based access architecture. Enforcement operates under Article 83, which establishes a structured administrative procedure: authorities first issue a formal notice requiring the economic operator to remedy the non-compliance within a reasonable timeframe before escalating to sales restrictions, product quarantine, or commercial recalls under Article 83(2)-(3). Concurrently, under Critical Raw Materials Act (Regulation (EU) 2024/1252) Article 24, triennial supply chain risk assessments apply strictly to qualifying large undertakings formally identified by Member States operating in strategic sectors (including battery manufacture for energy storage and e-mobility), while Chapter 1 benchmarks operate as non-binding Union macro targets.

1. AUDITED STATUTORY MILESTONES & PRIMARY SOURCE VERIFICATION

Statutory Instrument / Citation	Gate	Legal & Operational Impact
Regulation (EU) 2023/1542, Article 77 & Annex XIII Status: ADOPTED (COMMENCING 2027-02-18)	2027-02-18	Mandatory operational availability of the digital Battery Passport for in-scope EV, LMT, and industrial batteries (>2 kWh) placed on the market, enforcing tiered data access across public, legitimate-interest, and competent authority stakeholders.
Regulation (EU) 2023/1542, Article 13(6) & Annex VI Part C Status: ADOPTED (COMMENCING 2027-02-18)	2027-02-18	Mandatory physical affixation of durable, indelible, and legible QR codes linking directly to the unique identifier compliant with the ISO/IEC 15459 series.
Regulation (EU) 2023/1542, Article 48(1) (as amended by Regulation (EU) 2025/1561) Status: ADOPTED (COMMENCING 2027-08-18)	2027-08-18	Deferred statutory application date for supply chain due diligence policy implementation, chain-of-custody controls, and Article 51 third-party verification for cobalt, natural graphite, lithium, and nickel.

Regulation (EU) 2023/1542, Article 83 Status: ENACTED / PROCEDURAL FRAMEWORK	2027-02-18	Authorizes market surveillance authorities to initiate formal non-compliance procedures for deficient passports or markings, requiring remedial compliance within an administrative notice window prior to ordering progressive market restrictions.
Regulation (EU) 2023/1542, Article 84 Status: ADOPTED (COMMENCING 2027-08-18)	2027-08-18	Statutory enforcement framework governing non-compliance with supply chain due diligence duties under Article 48, activating concurrently with the deferred due diligence application date.
Regulation (EU) 2024/1252, Article 24 Status: ENACTED / TRIENNIAL CYCLE	RECURRING (3-YEAR CADENCE)	Mandatory triennial supply chain risk assessment applying strictly to qualifying large undertakings in strategic sectors formally identified by Member States.

2. GENERAL COUNSEL ACTION MATRIX & WORKSTREAMS

Priority & Classification	Required Operational Action	Owner	Gate
[CRITICAL] LEGAL REQUIREMENT	Audit Battery Passport data pipelines against Annex XIII to enforce tiered access boundaries between public, legitimate-interest, and supervisory datasets. Anchor: Regulation (EU) 2023/1542, Article 77(2) & Annex XIII	Chief Technology Officer	2026-11-30
[HIGH] LEGAL REQUIREMENT	Validate physical labeling specifications across assembly lines to certify ISO/IEC 15459 identifier compliance and durability under industrial conditions. Anchor: Regulation (EU) 2023/1542, Article 13(6) & Annex VI Part C	Chief Operating Officer	2026-12-15
[HIGH] RECOMMENDED CONTROL	Amend cell supplier master agreements to mandate machine-readable data feeds across mandatory Annex XIII parameters ahead of the February 2027 live cutover. Anchor: Regulation (EU) 2023/1542, Article 77(3) & Annex XIII	Chief Procurement Officer	2027-01-15
[MEDIUM] REGULATORY EXPECTATION	Verify whether enterprise has been formally identified by Member States under CRMA Article 24 criteria prior to establishing triennial risk assessment workflows. Anchor: Regulation (EU) 2024/1252, Article 24	General Counsel	2027-02-01

3. 90-DAY EXPOSURE & CAPITAL ALLOCATION PROFILE

Modeled 90-Day Budget Range: €450,000 - €850,000 (Model Total: €650,000) Estimation Basis: Illustrative enterprise scenario: assumes manufacturing footprint across 2 production lines, 8 tier-1 battery suppliers, integration with European DPP registry node, and independent conformity review. • Digital Product Passport (DPP) API middleware & access control: €210,000 • External technical & legal data conformity audit (Annex XIII): €160,000 • Production line labeling calibration & ISO/IEC 15459 durability testing: €110,000 • Upstream bill-of-materials data extraction & legal review: €95,000 • Regulatory inspection contingency reserve: €75,000 Primary Liability Vector: National market surveillance remediation notices under Article 83 of Regulation (EU) 2023/1542. Failure to remedy formal deficiencies within the prescribed administrative window authorizes progressive restrictions, including prohibition of market availability, product quarantine, or commercial withdrawal. Affected Population: All economic operators (manufacturers, importers, authorized representatives) placing electric vehicle (EV) batteries, light means of transport (LMT) batteries, or industrial batteries exceeding 2 kWh on the EU single market.

4. DECISIONS REQUIRED THIS QUARTER (BOARD AUDIT COMMITTEE)

1. DECISION: Authorize technical DPP middleware capital expenditure (modeled at €210,000 for 2 production lines) contingent on architecture validation.
2. DECISION: Authorize Chief Procurement Officer to execute mandatory Annex XIII data disclosure covenants across battery cell supply contracts, with closure verified upon receipt of signed supplier addenda.
3. DECISION: Instruct Quality Assurance to establish formal Article 83 audit response protocols for market surveillance authorities prior to 18 February 2027, closed by executive SOP sign-off.