

CCIA Europe Position Paper on the Draft Delegated Act on Derogations for the Removability and Replaceability of Portable Batteries

Safeguarding the EU's leadership in wearable technology under the Batteries Regulation

May 2026

The Computer & Communications Industry Association (CCIA Europe) welcomes the opportunity to provide feedback on the European Commission's draft delegated act introducing derogations from the removability and replaceability requirements for portable batteries under the Batteries Regulation (EU 2023/1542). CCIA Europe commends the Commission and DG ENV for recognising the unique technical constraints of the wearables market. However, the Association considers that a partial derogation remains insufficient to address the specific challenges faced by the wearables sector. Against this background, CCIA Europe sets out the following four recommendations to close the remaining gaps.

I. Ensuring legal certainty through consistency with the forthcoming guidelines

To safeguard the European Union's global leadership in wearable technology, manufacturers need a stable and predictable regulatory environment. This requires clear definitions and coherent guidance that are aligned with technical and market realities.

Recommendations:

1. Close the guidelines gap
2. Adopt clear, internationally recognised standards and improve definitions

II. Securing feasible implementation of Article 11

Aligning the EU's competitiveness and Green Deal objectives requires regulatory timelines that reflect the actual research and development cycles of complex wearable products. True leadership depends on ensuring regulation does not inadvertently drive innovation and investment to non-EU jurisdictions.

Recommendations:

3. Reassess the technological feasibility of Article 11
4. Reflect R&D cycles in Article 11's entry into force

Introduction

The Computer & Communications Industry Association (CCIA Europe) welcomes the opportunity to provide feedback on the European Commission's draft delegated act introducing derogations from the removability and replaceability requirements for portable batteries under the Batteries Regulation (EU 2023/1542).

CCIA Europe commends the Commission and DG ENV for recognising the unique technical constraints of the wearables market. The proposed targeted derogations represent a constructive step towards ensuring that the EU remains attractive for high-tech innovation.

However, despite this progress, significant uncertainty remains. A 'one-size-fits-all' approach to battery replaceability continues to threaten the structural integrity of high-tech devices and risks creating a fragmented market where innovative products are either delayed or not placed on the EU market due to the unintended consequences of Article 11.

To protect the EU's global leadership in design and technology, the implementation of Article 11 must move away from prescriptive do-it-yourself mandates and instead anchor itself in safety, professional reparability or exemptions, and realistic R&D timelines. To that end, the delegated act must reflect the following two priorities:

- I. Ensuring legal certainty through consistency with the forthcoming guidelines
- II. Securing feasible implementation of Article 11

I. Ensuring legal certainty through consistency with the forthcoming guidelines

To safeguard the European Union's global leadership in wearable technology, manufacturers need a stable and predictable regulatory environment. This requires clear definitions and coherent guidance that are aligned with technical and market realities.

1. Close the guidelines gap

The current draft of the Commission's Delegated Regulation supplementing the Batteries Regulation regarding derogations for the removability and replaceability of portable batteries represents a significant improvement. While the original text of Article 11(2) did not include wearables in the list of products benefiting from a partial derogation, the Commission has since recognised the unique nature of these devices. Following exchanges also within the Waste Expert Group (Batteries), **CCIA Europe appreciates that the Commission has acknowledged the unintended consequences that strict removability obligations have on the wearables and smart devices market.**

Under the current draft, CCIA Europe understands that wearable devices will benefit from a partial derogation in two specific scenarios:

1. If they are specifically designed to operate primarily in a wet environment.
2. If battery replacement would negatively impact safety, durability, or water resistance due to the device's size or form, or if the device relies on a compact, sealed enclosure to maintain protection against dust and shock.

While the text can still be improved these derogations demonstrate that the Commission understands the practical stakes for maintaining the competitiveness and growth of the wearables sector in Europe. In light of the critical importance of these derogations for maintaining the competitiveness and safety of the European wearables industry, CCIA Europe **urges the co-legislators – the European Parliament and the Council – to support a swift scrutiny process once the Delegated Regulation is formally put forward, providing the market with timely regulatory certainty.** Blocking this act would only prolong the current legal vacuum and stifle industrial planning.

Furthermore, the practical effectiveness of this Delegated Regulation is inextricably linked to the forthcoming update to the guidelines on Article 11¹. The wearables industry currently faces significant uncertainty regarding the five criteria the Commission will use to define thresholds for ‘protection against water,’ as well as how internationally recognised standards will be integrated.

For this reason, CCIA Europe **urges the Commission to publish the guidelines as soon as possible.** Simultaneous access to both the guidelines and the Delegated Regulation is the only way to provide the legal certainty needed to maintain the competitiveness and safety of the wearables sector in Europe. Without this synchronisation, the Delegated Regulation remains an empty shell, as industry cannot verify if specific hermetic sealing techniques or structural safety protocols will meet the Commission’s eventual interpretation of the law.

2. Adopt clear, internationally recognised standards and improve definitions

The draft Delegated Regulation’s extension of the ‘wet environment’ partial derogation to a specific subset of wearables² is a welcome development. However, the five criteria currently outlined in the guidelines³ remain highly subjective.

There is a significant risk that regulators, manufacturers, and market surveillance authorities (MSAs) will interpret these criteria inconsistently and differently. Such a lack of clarity could lead to fragmented enforcement across Member States – i.e. the very outcome the European Commission seeks to avoid.

To mitigate this, CCIA Europe **strongly recommends that the guidelines move away from providing only vague descriptors. Instead, they should confirm that compliance with established international standards,** such as IEC 60529 (e.g. IPx5), automatically constitutes compliance with the ‘wet environment’ criteria. Aligning the derogation with global engineering standards would provide the necessary legal certainty and significantly alleviate the technical burden on market surveillance authorities during compliance checks.

Given the nature of wearable devices and the way that they are powered and sold to end consumers, CCIA Europe recommends refining the current definition of wearable devices to also include accessory components that enable such functionality.

¹ Commission Notice – Commission guidelines to facilitate the harmonised application of provisions on the removability and replaceability of portable batteries and LMT batteries in Regulation (EU) 2023/1542, available [here](#).

² Those designed to operate primarily in such an environment.

³ ‘Specifically,’ ‘primarily,’ washable or rinseable,’ ‘compromising safety,’ and ‘no way to redesign’

II. Securing feasible implementation of Article 11

Aligning the EU's competitiveness and Green Deal objectives requires regulatory timelines that reflect the actual research and development cycles of complex wearable products. True leadership depends on ensuring regulation does not inadvertently drive innovation and investment to non-EU jurisdictions.

3. Reassess the technological feasibility of Article 11

As wearable devices are evolving into sophisticated electronic stacks, the traditional concept of modularity becomes technically obsolete. Modern wearables utilise extreme engineering, such as flexible printed circuit boards, [3D component stacking](#), and [advanced heat management](#), where every millimetre of space is optimised for thermal management and structural durability. Unlike traditional electronics, the batteries in these products are often custom-shaped and deeply integrated into the device's very architecture to maximise the efficiency and design of the product. Attempting to force a 'removable' design – both end-user replaceable, or by independent professionals – onto such integrated systems is antithetical to the trend of miniaturisation and sleek design, where the European market currently excels.

As a general principle, prying open a hermetically sealed enclosure risks damaging delicate, non-modular internals. The consequences of a thermal event are dramatically amplified for such devices: [smart glasses](#) sit millimetres from the eyes, earbuds are inserted into the ear canal, and smart rings and [wrist-worn wearables](#) encircle fingers. Any compromise to battery integrity creates safety risks in direct proximity to the most sensitive areas of the human body. For these reasons, CCIA Europe argues that Article 11 is increasingly unworkable for current wearables, let alone the frontier technologies of the next decade.

While the partial derogation under Article 11(2) acknowledges the specificities of certain product categories, it does not provide meaningful engineering relief for wearable devices where any form of replaceability would compromise device safety, structural integrity, or functionality. Given the limitations of the current delegated act process, CCIA **encourages the Commission and co-legislators to consider how a full exemption for such devices could be addressed through appropriate legislative channels**, including the ongoing Environmental Omnibus⁴.

4. Reflect R&D cycles in Article 11's entry into force

Should a full exemption not be granted at this stage, CCIA Europe **calls at a minimum for a three-year postponement of Article 11's entry into application to February 2030 for all products covered by the delegated act**. This would allow for an evidence-based reassessment of the regulation's proportionality and future-proofness for this rapidly evolving market. It is not merely about giving industry time to comply, but rather about providing regulators with the time needed to conduct an evidence-based assessment of whether Article 11's replaceability requirements are proportionate for miniaturised wearable devices.

⁴ Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2023/1542 and Regulation (EU) 2024/1244 as regards simplification of some requirements and reduction of administrative burden, available [here](#).

Paradoxically, imposing replaceability requirements on miniaturised wearable devices may undermine the Regulation's own environmental objectives. Designing for battery access compromises structural integrity, water resistance, and drop resilience, leading to shorter device lifespans and more electronic waste; directly contradicting the Regulation's goal of preventing premature obsolescence.

Aside from a regulatory reflection, the postponement would also better align the implementation of Article 11 with research and development (R&D) cycles. For hardware products, this typically spans between 18 months and four years, depending on the complexity of the product and the market maturity. It requires substantial investment in both time and technical resources. Given that final clarity regarding these partial derogations is not expected, in the best-case scenario, until after the summer of 2026 (just months before the February 2027 application date of Article 11), manufacturers of products that may or may not qualify face an impossible timeline.

Attempting to fundamentally redesign complex hardware while the rules of engagement are still being drafted creates immense business uncertainty and risks, including sunk costs for manufacturers operating in Europe.

Conclusion

CCIA Europe remains a committed partner in reconciling the EU's environmental ambitions with innovation and economic competitiveness. We applaud the Commission for the progress made in this draft Delegated Regulation, which demonstrates an understanding of the unique technical constraints faced by the wearables sector.

However, true leadership means ensuring EU laws are the smartest, not just the strictest. As the partial derogation under Article 11(2) provides little engineering relief, CCIA Europe considers that a full exemption from Article 11 for wearable devices, where any form of replaceability would compromise device safety, structural integrity, or functionality, remains necessary and should be pursued through the appropriate legislative instruments.

Should a full exemption not be granted at this stage, CCIA Europe calls at a minimum for a three-year postponement to February 2030, and strongly urges co-legislators not to object to this act but rather to use the Environmental Omnibus to reassess whether it is future proof. Adopting these recommendations will ensure that Europe's green transition is powered by world-leading innovation, rather than unworkable mandates.

About CCIA Europe

The Computer & Communications Industry Association (CCIA) is an international, not-for-profit association representing a broad cross section of computer, communications, and internet industry firms.

As an advocate for a thriving European digital economy, CCIA Europe has been actively contributing to EU policy making since 2009. CCIA's Brussels-based team seeks to improve understanding of our industry and share the tech sector's collective expertise, with a view to fostering balanced and well-informed policy making in Europe.

Visit ccianet.eu, x.com/CCIAEurope, or linkedin.com/showcase/cciaeurope to learn more.

For more information, please contact:

CCIA Europe's Head of Communications, Kasper Peters: kpeters@ccianet.org