

Name  
Organisation

Comment number	Article	Original text	Proposed text	Explanatory Notes
1	1	...in accordance with Article 15 of Commission Delegated Regulation (EU) 2019/856.	...in accordance with Article 15(1) of Commission Delegated Regulation (EU) 2019/856.	PowerCo assumes that the Battery Booster Facility will only be based on and refer to Article 15 (1) of Commission Delegated Regulation (EU) 2019/856
2	2	(a) 'battery', 'battery cell', 'battery module' and 'battery manufacturer' means, as defined in Regulation (EU) 2023/1542;		Definition of "battery manufacturer" remains unclear in reference to Regulation (EU) 2023/1542, which defines "manufacturer". PowerCo assumes that this also encompasses battery cell manufacturers, [REDACTED]. A corresponding clarification in the Commission Decision would be welcome
3	2	(b) 'ramp-up phase' means the transitional period of a production site for electric vehicle battery cells, or parts thereof, starting with the conclusion of the production part approval process	(b) 'ramp-up phase' means the transitional period of a production site for electric vehicle battery cells, or parts thereof, starting with the conclusion of the 0-series production part approval process	During the ramp-up phase, there are several PPAP milestones. To conclude the series-PPAP, a manufacturer must already have concluded a significant ramp-up in its facility and would have incurred considerable ramp-up costs, with low yields, high scrap, etc. Those are the exact costs the Battery Booster Facility aims to target. Thus, PowerCo asks to consider the option "conclusion of 0-series PPAP" as the start milestone for the ramp-up phase.
4	4			PowerCo suggests to add a provision for the case in which not all available budget is fully disbursed through the Battery Booster Facility in the call(s) announced for 2026 and for funds not awarded in the "Innovation Fund 2024 Battery call (IF24 Battery)". All these funds (EUR 3 bn in total) have been earmarked for the battery value chain in 2023. The Battery Booster Facility should open up a pathway for another or extended call(s) in the future under the relevant eligibility criteria, in line with its originally intended use.
5	5			PowerCo suggests for the Commission to clarify the eligibility of costs incurred or to be incurred before and/or after the ramp-up phase. PowerCo suggests for the Commission to clarify how the time restrictions laid out in Art. 5 (4) will be applied if the beginning of the ramp-up phase precedes the opening of the call and / or if the ramp-up phase concludes later than 36 months following the signing of the loan agreement.
6	5	Estimated eligible costs may include personnel costs, costs of materials, energy and supplies, contracted works, and capital expenditures within the production site.	Estimated eligible costs may include personnel costs, costs of materials, energy and supplies, contracted works, capital expenditures within the production site and costs of the acquisition of technology, including know-how as well as licenses to such technology and know-how.	.

7	6	Entities shall be eligible for support from the Facility ('eligible entities') if they are established in the EEA.		PowerCo assumes that the definitions of "eligible entities" (as reflected in Art. 6 (1)) and of the "eligible final recipient" (as reflected in Art. 7 (1)) are intended to also cover group structures [REDACTED]
8	6	d. At the time of application, the project is the first full commercial scale production of electric vehicle battery cells, at global level, of the final recipient or any related parent companies, subsidiaries and entities under common control ('eligible final recipient').		The reference to "common control" for the purpose of determining whether an applicant's project qualifies as the "first full commercial scale production" relies on a term that is not further defined in the Draft Commission Decision. In the absence of such a definition, PowerCo understands "common control" in its ordinary and generally accepted corporate law sense, i.e. as a situation of direct or indirect control or decisive influence over an entity, and not as encompassing mere direct or indirect minority shareholdings below 50% that do not confer control rights. This interpretation appears consistent with the Commission's objective of promoting and industrialization of battery cell production in Europe by European entities.
9	6	d. At the time of application, the project is the first full commercial scale production of electric vehicle battery cells, at global level, of the final recipient or any related parent companies, subsidiaries and entities under common control ('eligible final recipient').		The requirement that an eligible project must constitute the "first full commercial scale production" may require clarification in cases where an ultimate owner of an applicant is already engaged in other battery manufacturing activities, including through joint ventures or parallel industrialisation projects. In particular, large scale industrial players may pursue the ramp up of more than one production site in Europe in parallel, each of which may represent a distinct first full commercial scale deployment at site level. Against this background, PowerCo suggests that the eligibility criterion should be interpreted in a manner that allows for the combination of, or separate applications for, multiple European projects within the same corporate group, provided that each project independently fulfils the requirements of first full commercial scale production.
10	7	b. the entity submitting the proposal is in a suboptimal investment situation;		On the term "suboptimal investment situation" in Art. 7 (2) lit. b: PowerCo understands and suggests clarifying that the typical interpretation of such term applies and that the assessment of the suboptimal investment situation depends on the individual situation of the applicant [REDACTED]
11	7	c. the entity submitting the proposal is economically viable according to internationally accepted standards at the time of the support from the Facility;		On the term "economically viable" in Art. 7 (2) lit. c: PowerCo understands and suggests clarifying that the typical interpretation of such term applies and the project must be able to show that its business case is financially sustainable and able to generate sufficient revenue to cover its costs and produce a return in the long-term.
12	8	(1)c. "Contribution and added value for the European economy, including (...)		Several conditions set out in Article 8(1)c. are being met or actively addressed by EU battery cell producers. However, given the current stage of market development, not all aspects can yet be fully implemented or evidenced. When defining the relevant criteria, it would therefore be important to take into account the differing levels of maturity in the commercialisation and industrialisation of components and manufacturing equipment.

13	9			The Battery Booster Facility should not impose stricter requirements than loans from private sector and take into account the overall individual financing structure of the project. The application process and administrative workload after execution of the Battery Booster Facility should: be simpler than those of the Innovation Fund, remain comparable to standard private debt administration.
14	9			If the Battery Booster Facility allows disbursement in stages or tranches linked to milestone achievements, PowerCo recommends: that milestones may be defined individually by the applicant (taking into account particularities and actual cash-flow need of individual projects), allowing for higher initial payments for the first milestones in line with the usual cash-flow needs of the industrial ramp-up, which will consequently result in later-stage tranches being proportionally smaller.
15	9		“During the term of the loan agreement, changes to intra-company-agreements [as reflected in ...] or the conclusion of additional such agreements within the group of companies related to the applicant or, as the case may be, with third parties, remain possible provided they are conducive to the operation of the eligible project.”	PowerCo suggests the insertion of the additional clause into Art. 9, in order to ensure operational flexibility during the implementation period of the foreseen project.
16	10			Reporting should be in line with reporting agreed with senior lenders from the private sector and not include additional reporting obligations
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