

Address Conflict of Laws and Facilitate Digital Product Passports in Value Chains



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White Paper on Digital Product Passports and Critical Raw Materials for Batteries: Legal **Conflicts and Principles for Cross-Border** Cooperation

This White Paper identifies and analyses the critical legal challenges associated with implementing Digital Product Passports (DPPs) in the global value chains of Critical Raw Materials (CRMs)—specifically cobalt, copper, lithium, and nickel. These materials are fundamental to clean energy technologies, notably electric vehicle batteries. However, tracing their journey from mines, through markets, to recycling is legally complex and globally inconsistent, hindering efforts towards sustainability and circularity.

This paper helps policymakers and businesses better navigate the complex, multinational legal fragmentation and potential principles for cooperation in CRM-Battery value chains.

Downloads

English

WhitePaper_DPP-CRM4Batteries.pdf

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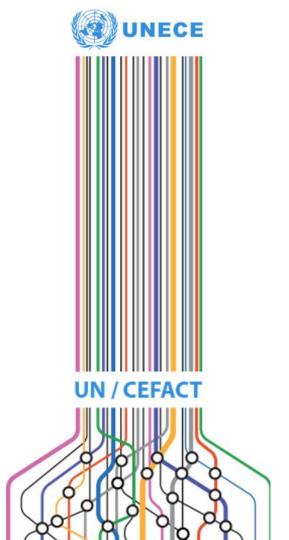
The University of Sydney Page 2



1. Key Findings

Digital Product Passports should be designed to facilitate the easy tracking of products/production and the sharing of information across international and multi-sector value chains.

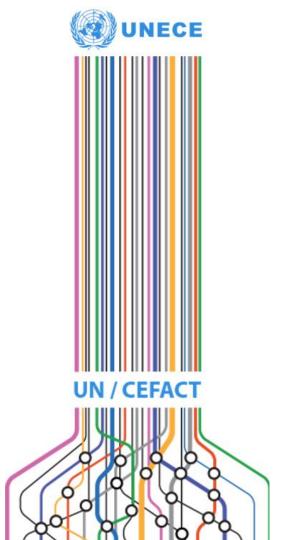
- Not a trade barrier
- Sustainability, circularity, anti-dumping, tariff, sanctions, etc



2. Key Findings

Different DPPs and traceability systems in the EU, China, the US, and the Global South countries lack interoperability.

 Create confusion and increase costs in business compliance.



3. Key Findings-Preliminary Solutions

Leverage existing legal framework and develop international law for digital traceability

- Trade
- Transportation
- Finance and others



3. Key Findings-Preliminary Solutions

For private entities:

- Respect mandatory laws and public policy exceptions
- Maintain certainty and predictability

THE WORLD Lithium Mineral Resources Law (2024 Revision) **Environmental Impact Assessment Law** 2018 Lithium-ion Battery Industry Rules Labour Law China Compulsory Certification system Personal Information Protection Law Data Security Law Cybersecurity Law EU Battery Regulation (2023/1542) Waste Framework Directive (2008/98/EC) REACH Regulation (EC 1907/2006) Corporate Sustainability Due Diligence Directive General Data Protection Regulation (2016/679) Data Governance Act (2022/868) Inflation Reduction Act 2022 Toxic Substances Control Act · = Tariff Act 1930 • Private Contractual Safeguards • = 2023 EU-US Data Privacy Framework etc · Environment Protection and **Biodiversity Conservation Act 1999** Mative Title Act 1993 = up to middle stream Modern Slavery Act 2018 = middle to downstream Privacy Act 1988 =Recycle

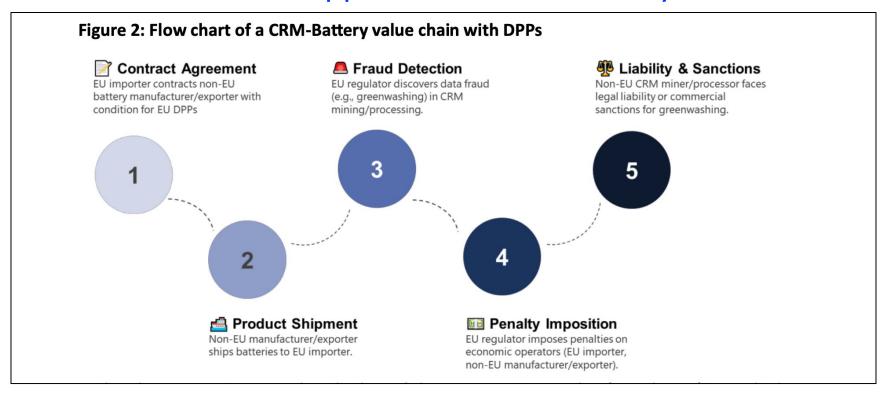
=Process/Refine

· etc

Micro Perspective

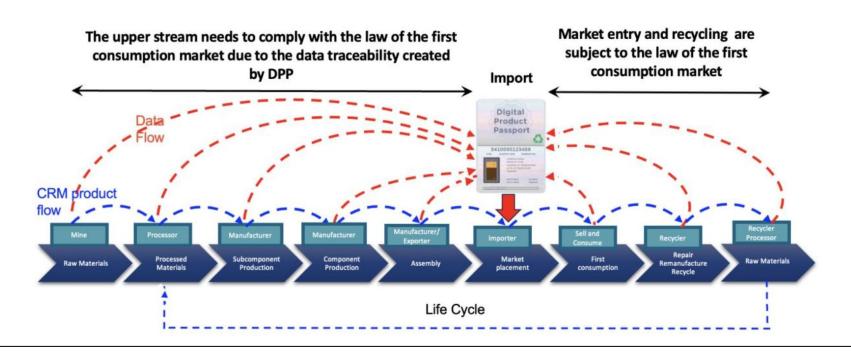


Which law should be applied to the CRM-Battery value?



Macro Perspective

Figure 3: Value Chain with DPPs – applying the law of the consumption market to the entire value chain





3. Key Findings-Preliminary Solutions

For domestic and international policy makers:

- Ensure inclusivity and support for SMEs and developing countries
- Achieve mutual recognition of regulatory outcomes across jurisdictions

4. Next Step



- SMEs
- Manufacturers
- DPP service providers
- Domestic policy makers
- International organisations and universities

The University of Sydney Page 11