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Tuesday, 21 October 2025

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Dear Commission

**BATTERY STEWARDSHIP COUNCIL (BSC)  
APPLICATION FOR AUTHORISATION AA1000694 - B-CYCLE 2.0**

We refer to the Draft Determination issued by the ACCC in relation to Application AA1000694 issued on 28 August 2025, and the BSC's submissions provided to the ACCC on 22 September 2025 and 13 October 2025.

Please find below the response from BSC to the further information the Commission has sought:

**1 EcoCycle's complaints regarding confidentiality breaches**

- 1.1 The Commission has requested the BSC please further information in related to the nature and circumstances of the confidentiality breaches alleged by Ecocycle.
- 1.2 On 4 September 2025, Ecocycle raised with BSC two concerns about breaches of confidentiality, arising from two emails being accidentally sent to an unintended recipient instead of Ecocycle:
  - (a) the unauthorised disclosure of Ecocycle's Processing Claim Verification (audit) Report to an external party; and
  - (b) a letter being sent to an unintended recipient, being that same external party.
- 1.3 Upon becoming aware of the incident, BSC CEO immediately acknowledged and apologised for the error, which resulted in an unintended recipient with the same first name being sent material due to Outlook auto-completing the email address. In responding to this incident, BSC CEO:
  - (a) notified the BSC Data Security representative, who undertook a full review of the incident to identify the cause and corrective action; and
  - (b) called the unintended recipient to explain the error and the seriousness of the situation. That person confirmed in writing that he deleted both emails and the associated documents from his inbox and from his deleted items, and no copies of the emails or attachments remained on his computer.

- 1.4 BSC has taken responsibility for the error and immediately took all actions available to rectify the error and protect the confidentiality of the information in the emails and attachments. BSC does not consider this incident to be a failure in the BSC systems or confidentiality procedures, but rather a case of human error and failure to double check the email recipient prior to sending the emails.

## 2 Current industry participation in the Scheme and battery market

- 2.1 The Commission has requested clarification regarding the level of battery importer/manufacture participation in the Scheme. In particular, the Commission would like to better understand what the stated 90% industry participation in the loose battery market and 60% industry participation in power tool market are based on. For example, do these figures include battery imports with consumer electronics, vehicles, toys, medical devices, industrial equipment/end-user, specialty batteries and promotional items.

### 2.2 Identifying the Market Size

- (a) The BSC has commissioned independent research on 3 occasions in 2020, 2023, and most recently in 2025 to identify the market size and import volumes for the entire battery market. This is essential as there is currently no central data set detailing the total volume of batteries imported into Australia.
- (b) The research includes all batteries manufactured or imported as standalone batteries and all batteries manufacturer or imported with a product. The products and batteries listed within the reports range from small handheld batteries (eg AA batteries) up to Energy Storage Systems and Electric Vehicles. The research is based on data derived from the HS Codes of battery imports whether they are standalone or with product and the reports include insight into the battery's chemistry type, weight, and product application, amongst other data.
- (c) The 2020 and 2023 Reports are publicly available on the B-cycle website. The 2025 Report is currently being finalised and is due for release shortly. Links to the two available reports are as follows:
- (i) 2020 Report: [BSC-Australian-battery-market-analysis-Project-report-2020.pdf](#)
- (ii) 2023 Report: [Battery-MA-Report-FINAL-20230927.pdf](#)

### 2.3 Identifying the Participation Rate

- (a) The BSC calculate the participation rate by dividing the import volume of batteries reported to the BSC by current participants over the Market Data for the relevant period for each battery application currently in scope.
- (b) The current in-scope battery categories are:
- (i) **Loose Batteries** – small handheld batteries under 5 kg that are replaceable by the consumer. Usually sold separately but can be supplied with a product. The batteries are of a standard format eg. AA, AAA, C, D, 9v, 6v lantern battery, button battery etc... Products may include toys, toothbrushes, Christmas lights etc...
- (ii) **Power Tools** – removable batteries use in drills, impact drivers, lawn mowers, hedgers, blowers, and other portable tools and outdoor equipment. These batteries are under 5kg and have a proprietary format.
- (iii) **Consumer Electronics** – product with removable batteries that are less than 5kg and are of a proprietary format. eg digital cameras, drones, cordless phones, medical equipment etc....
- (iv) **Personal Mobility** – e-bikes, e-scooter, e-skateboards and hoverboards with removable batteries under 5kg

(c) At the time of submission, the BSC used the data from the 2023 Report for the 2024/25 market data forecast and the import volume for the 2024/25 reported by participants to calculate the participation rate. The participation rate based on the above categories for the 2024/25 period is:

- (i) Loose Batteries – 90%
- (ii) Power Tools – 60%
- (iii) Consumer Electronics – 16%
- (iv) Personal Mobility – 6%

2.4 The BSC continues to recalculate the participation rate each year to account for market growth and other variances. Once the 2025 Report is finalised the BSC will calculate the participation rate for 2025/26 utilising the 2025 Market Date Report as the basis, and the importer participate volumes reported to the BSC for 2025/26 to recalculate the current years participation rate.

[Redacted]

BSC looks forward the final Determination and is available to assist the ACCC if required by way of meetings and/or further submissions.

Sincerely

[Redacted Signature]

EMILY SHOEMARK