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# Environmental Permitting Guidance The End-of-Life Vehicles Directive

For the Environmental Permitting (England and Wales)  
Regulations 2010

Updated March 2010

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Llywodraeth Cynulliad Cymru  
Welsh Assembly Government



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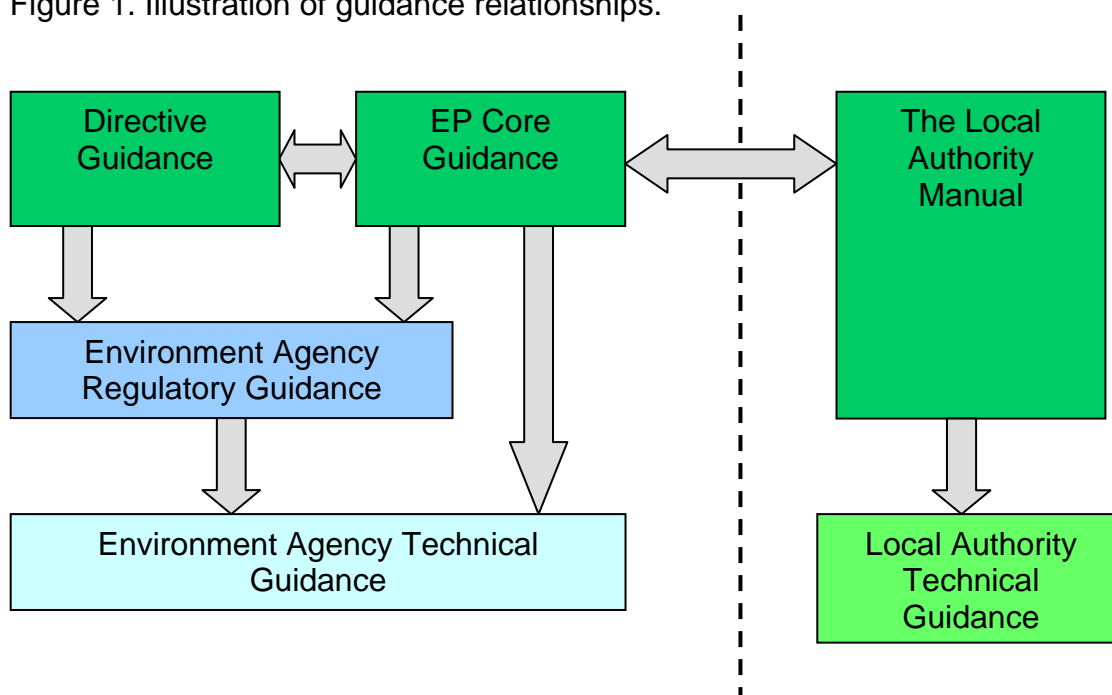
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# 1. Summary

## About this guidance

- 1.1 This guidance is aimed at helping readers understand the European Community (EC) Directive 2000/53/EC on end-of life vehicles (ELV) ('the Directive'), insofar as it relates to permitting the storage and treatment of end-of-life vehicles in England and Wales (i.e. Article 6 of and Annex I to the Directive). The End-of-Life Vehicles Regulations 2003 (SI 2003 No. 2635) apply other provisions of the Directive. The End-of-Life Vehicles (Producer Responsibility) Regulations 2005 (SI 2005 No.263) apply provisions relating to recovery and recycling.
- 1.2 This guidance is being published to help those regulating and operating sites for the storage and treatment of waste motor vehicles, but it will also be of interest to others. The guidance sets out the views of the Secretary of State for Environment, Food and Rural Affairs (Defra) and the Welsh Assembly Government (WAG) on how the Directive should be applied and how particular terms should be interpreted. However, only the national or European Courts can give a definitive interpretation of the legislation.
- 1.3 This guidance is part of a series of documents which accompany the Environmental Permitting (England and Wales) Regulations 2010 SI 2010 No.675 ('the Regulations')<sup>1</sup>.

Figure 1. Illustration of guidance relationships.



- 1.4 The series consists of the Environmental Permitting Core Guidance<sup>2</sup>, which describes the general permitting and compliance requirements, and guidance on each of the European Directives implemented through the

<sup>1</sup> Available at [www.defra.gov.uk/environment/policy/permits/guidance.htm](http://www.defra.gov.uk/environment/policy/permits/guidance.htm)

<sup>2</sup> *ibid.*

regime<sup>3</sup>. Separate guidance is available where the local authority regulates<sup>4</sup>. This is illustrated in Figure 1.

- 1.5 This guidance should be read in conjunction with the Environmental Permitting Core Guidance<sup>5</sup>. Reference should also be made to the Guidance on the Waste Framework Directive<sup>6</sup>.
- 1.6 Defra has produced technical guidance on the depollution of both large and small end-of-life vehicles. This guidance 'Depollution Guidance for End-of-Life Vehicles over 3.5 tonnes' and 'Depolluting End-of-Life Vehicles Guidance for Authorised Treatment Facilities' is available on its website<sup>7</sup>.
- 1.7 The Environment Agency has issued advice about how it interprets the technical standards, and how it will enforce them. The advice 'Guidance on the Standards for Storage and Treatment of End-of-Life Vehicles' is available from the Environment Agency on its website at [www.environment-agency.gov.uk/epr](http://www.environment-agency.gov.uk/epr) or by calling the General Enquiries number 08708 506 506. To ensure this guidance is current and up to date, from time to time this guidance will be updated. Where made, revisions can be found in the 'Revision of Guidance' section at the front of the document.
- 1.8 This guidance document is compliant with the Code of Practice on Guidance on Regulation<sup>8</sup>. If you feel this guidance breaches the code, or notice any inaccuracies within the guidance, please contact the EPP team at: [eppadministrator@defra.gsi.gov.uk](mailto:eppadministrator@defra.gsi.gov.uk)

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<sup>3</sup> *ibid.*

<sup>4</sup> Available at

[www.defra.gov.uk/environment/quality/pollution/ppc/localauth/pubs/guidance/manuals.htm](http://www.defra.gov.uk/environment/quality/pollution/ppc/localauth/pubs/guidance/manuals.htm)

<sup>5</sup> [www.defra.gov.uk/environment/policy/permits/guidance.htm](http://www.defra.gov.uk/environment/policy/permits/guidance.htm)

<sup>6</sup> *ibid.*

<sup>7</sup> *ibid.*

<sup>8</sup> See Environmental Permitting Guidance and Glossary Chapter 3 ([www.defra.gov.uk/environment/policy/permits/guidance.htm](http://www.defra.gov.uk/environment/policy/permits/guidance.htm))

## 2. Introduction

### The End-of-Life Vehicles Directive

- 2.1 The ELV Directive is a waste stream specific directive which supplements the Waste Framework Directive (2006/12/EC)<sup>9</sup>. The Directive lays down measures which aim, as a first priority, at the prevention of waste from vehicles and, in addition, at the reuse, recycling and other forms of recovery of end-of-life vehicles and their components so as to reduce the disposal of waste, as well as at the improvement in the environmental performance of all of the economic operators involved in the life cycle of vehicles and especially the operators directly involved in the treatment of end-of-life vehicles.
- 2.2 Information on the transposition of the remainder of the Directive can be found on the Department for Business, Innovation and Skills website<sup>10</sup>.
- 2.3 Schedule 11 to the Regulations (reproduced in this document as Annex 1) sets out the relevant permitting requirements from the Directive.
- 2.4 Chapter 3 provides guidance on the scope of the permitting element of the Directive. Chapter 4 describes the requirements of the Directive which will be delivered through environmental permits and sets out how the Regulations transpose the relevant parts of the Directive.
- 2.5 A copy of the Directive is provided in Annex 2.

A separate glossary of terms is available<sup>11</sup>. The glossary briefly explains the meaning of many words, phrases and acronyms used in the Regulations and Directive.

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<sup>9</sup> This will be replaced by a revised Waste Framework Directive (2008/98/EC) from 12<sup>th</sup> December 2010.

<sup>10</sup> Available at [www.berr.gov.uk/sectors/sustainability/elv/page30591.html](http://www.berr.gov.uk/sectors/sustainability/elv/page30591.html)

<sup>11</sup> Available at [www.defra.gov.uk/environment/policy/permits/guidance.htm](http://www.defra.gov.uk/environment/policy/permits/guidance.htm)

## 3. Scope of the Directive

### What is an end-of-life vehicle?

- 3.1 'Vehicle' is defined in Schedule 11, paragraph 2 as 'any motor vehicle'. An end-of-life vehicle is a motor vehicle that is waste. The Waste Framework Directive (see Waste Framework Directive guidance) defines what waste is.
- 3.2 The Regulations therefore apply to all waste motor vehicles and not just the classes of end-of-life vehicle covered by the Directive. Article 2(1) defines a vehicle as any vehicle designated M1 or N1 defined in Annex IIA to Directive 70/156/EEC – the 'Type Approval Directive' - and three wheel motor vehicles as defined in Directive 92/61/EEC (excluding motor tricycles).

### Exemptions

- 3.3 The Government has decided to give effect to the option to exempt the re-use of particular types of depolluted end-of-life vehicles and associated storage from permitting in England and Wales. This is in accordance with the derogation provided for under Article 11(1)(b) of the Waste Framework Directive. The revised Waste Framework Directive (which repeals its predecessor from 12<sup>th</sup> December 2010) includes an equivalent derogation in Article 24(b).
- 3.4 The relevant conditions for the exemption relating to end-of-life vehicles are set out in paragraph U16 of Schedule 3 to the Regulations. This exemption is narrower in scope than the previous exemption relating to end-of-life vehicles in paragraph 45 of Schedule 3 to the Environmental Permitting (England and Wales) Regulations 2007. Transitional arrangements for paragraph 45 are set out in regulation 103 of the Regulations.
- 3.5 The Environment Agency must carry out appropriate periodic inspections of establishments and undertakings carrying on these exempt waste operations (see Schedule 2, paragraph 15 to the Regulations).



## 4. Permitting Requirements

- 4.1 This chapter describes the Directive requirements that environmental permits must deliver and how the Regulations apply these requirements.
- 4.2 Schedule 11, paragraph 1 to the Regulations applies the requirements of the Schedule to waste motor vehicles (see chapter 3 of this guidance).
- 4.3 Schedule 11, paragraph 3(1) to the Regulations requires the regulator to exercise its relevant functions so as to comply with certain provisions of the Directive. A regulator exercises a relevant function when it determines an application for the grant of a permit, when it makes a regulator-initiated variation of permit conditions or when it exercises enforcement powers in relation to a permit (regulation 9 and see chapters 6, 7 and 11 of the Environmental Permitting Core Guidance).
- 4.4 The provisions of the Directive which are set out in Schedule 11, paragraph 3(1) to the Regulations are the requirements of Article 6 paragraphs 1 and 3 (see below).
- 4.5 The Environment Agency is the regulator for waste operations (regulation 32) and is responsible for ensuring that operators (Schedule 11, paragraph 3(2)) meet the relevant technical standards in the Directive.

### The technical requirements

- 4.6 The relevant technical requirements for permitting are those set out in paragraphs 1 and 3 of Article 6 which make reference to Annex I to the Directive.

### Storage

- 4.7 Paragraph 1 of Annex I to the Directive sets out the requirements for the storage of waste vehicles prior to treatment. The storage site must have impermeable surfaces for the appropriate areas and provide spillage collection facilities, decanters, and cleanser-degreasers. There must also be provision for the treatment of water (including rainwater).
- 4.8 Storage operations should avoid damaging (paragraph 5 of Annex I):
  - components which contain fluids (in order to prevent spillages); and
  - recoverable components and spare parts.

### Treatment

- 4.9 Article 6(3) of the Directive requires that waste motor vehicles should:
  - be depolluted as soon as possible;

- first be stripped in such a way as to reduce any adverse impact on the environment;
- be stripped of any components or materials that have been labelled or can be identified in accordance with Article 4(2);
- have hazardous components and materials removed and segregated, in such a way as to avoid contaminating any part of the vehicle that is subsequently to be shredded; and
- be stripped or stored in such a way that ensures that its components are suitable for reuse, recovery or, particularly, for recycling.

- 4.10 These operations must be carried out in accordance with Annex I.
- 4.11 Paragraph 3 of Annex I to the Directive sets out those treatment operations necessary for the depollution of the vehicle. These include the removal of fluids, batteries, components containing mercury and the removal or neutralisation of explosive components.
- 4.12 Annex 1, paragraph 4 sets out those treatment operations for the promotion of recycling. These include the removal of catalysts, metals, plastics and glass.
- 4.13 Annex 1, paragraph 2 contains the requirements for treatment sites. Impermeable surfaces are required for all appropriate areas with provisions for dealing with spillages.
- 4.14 Appropriate storage is required for the removed parts including batteries, fluids and oil-contaminated parts.
- 4.15 Tyre storage must be controlled to prevent a fire hazard and permit conditions should restrict the quantities of tyres that can be stored.
- 4.16 There must also be provision for the treatment of water (including rainwater).

# Annex 1 – Schedule 11 to the Environmental Permitting Regulations

## SCHEDULE 11 Waste motor vehicles

Regulation 35(2)(e)

### Application

1. This Schedule applies in relation to waste motor vehicles.

### Interpretation

- 2.—(1) In this Schedule—

“waste” means waste within the meaning of Article 1(1)(a) of the Waste Framework Directive; and

“waste motor vehicle” means a motor vehicle that is waste.

- (2) When interpreting the End-of-Life Vehicles Directive for the purposes of this Schedule—

- (a) except where otherwise defined in this paragraph, an expression that is defined in Part 1 of these Regulations has the meaning given in that Part;
- (b) “end-of-life vehicle” means waste motor vehicle;
- (c) “vehicle” means any motor vehicle;
- (d) “waste” means waste within the meaning of Article 1(1)(a) of the Waste Framework Directive.

### Exercise of relevant functions

- 3.—(1) The regulator must exercise its relevant functions so as to ensure compliance with Article 6(1) and (3) of the End-of-Life Vehicles Directive.

- (2) When interpreting the End-of-Life Vehicles Directive for the purposes of this paragraph, “establishment or undertaking” is to be read as “operator”.

## **Annex 2 – The End-of Life Vehicles Directive**

This document is meant purely as a documentation tool and the institutions do not assume any liability for its contents

► **B**      **DIRECTIVE 2000/53/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 18 September 2000**  
**on end-of life vehicles**  
(OJ L 269 , 21.10.2000, p. 34)

Amended by:

	Official Journal		
	No	page	date
► <b>M1</b> Commission Decision 2002/525/EC of 27 June 2002	L 170	81	29.6.2002
► <b>M2</b> Commission Decision 2005/63/EC of 24 January 2005	L 25	73	28.1.2005
► <b>M3</b> Commission Decision 2005/438/EC of 10 June 2005	L 152	19	15.6.2005
► <b>M4</b> Council Decision 2005/673/EC of 20 September 2005	L 254	69	30.9.2005



**DIRECTIVE 2000/53/EC OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL**

**of 18 September 2000**

**on end-of life vehicles**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Having consulted the Committee of the Regions,

Acting in accordance with the procedure referred to in Article 251 of the Treaty in the light of the joint text approved by the Conciliation Committee on 23 May 2000 <sup>(3)</sup>,

Whereas

- (1) The different national measures concerning end-of life vehicles should be harmonised in order, first, to minimise the impact of end-of life vehicles on the environment, thus contributing to the protection, preservation and improvement of the quality of the environment and energy conservation, and, second, to ensure the smooth operation of the internal market and avoid distortions of competition in the Community.
- (2) A Community-wide framework is necessary in order to ensure coherence between national approaches in attaining the objectives stated above, particularly with a view to the design of vehicles for recycling and recovery, to the requirements for collection and treatment facilities, and to the attainment of the targets for reuse, recycling and recovery, taking into account the principle of subsidiarity and the polluter-pays principle.
- (3) Every year end-of life vehicles in the Community generate between 8 and 9 million tonnes of waste, which must be managed correctly.
- (4) In order to implement the precautionary and preventive principles and in line with the Community strategy for waste management, the generation of waste must be avoided as much as possible.
- (5) It is a further fundamental principle that waste should be reused and recovered, and that preference be given to reuse and recycling.
- (6) Member States should take measures to ensure that economic operators set up systems for the collection, treatment and recovery of end-of life vehicles.
- (7) Member States should ensure that the last holder and/or owner can deliver the end-of life vehicle to an authorised treatment facility without any cost as a result of the vehicle having no or a negative, market value. Member States should ensure that producers meet all, or a significant part of, the costs of the implementation of these measures; the normal functioning of market forces should not be hindered.

<sup>(1)</sup> OJ C 337, 7.11.1997, p. 3, and OJ C 156, 3.6.1999, p. 5.

<sup>(2)</sup> OJ C 129, 27.4.1998, p. 44.

<sup>(3)</sup> Opinion of the European Parliament of 11 February 1999 (OJ C 150, 28.5.1999, p. 420), Council Common Position of 29 July 1999 (OJ C 317, 4.11.1999, p. 19) and Decision of the European Parliament of 3 February 2000 (not yet published in the Official Journal). Council Decision of 20 July 2000 and Decision of the European Parliament of 7 September 2000.

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- (8) This Directive should cover vehicles and end-of life vehicles, including their components and materials, as well as spare and replacement parts, without prejudice to safety standards, air emissions and noise control.
- (9) This Directive should be understood as having borrowed, where appropriate, the terminology used by several existing directives, namely Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances <sup>(1)</sup>, Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers <sup>(2)</sup>, and Council Directive 75/442/EEC of 15 July 1975 on waste <sup>(3)</sup>.
- (10) Vintage vehicles, meaning historic vehicles or vehicles of value to collectors or intended for museums, kept in a proper and environmentally sound manner, either ready for use or stripped into parts, are not covered by the definition of waste laid down by Directive 75/442/EEC and do not fall within the scope of this Directive.
- (11) It is important that preventive measures be applied from the conception phase of the vehicle onwards and take the form, in particular, of reduction and control of hazardous substances in vehicles, in order to prevent their release into the environment, to facilitate recycling and to avoid the disposal of hazardous waste. In particular the use of lead, mercury, cadmium and hexavalent chromium should be prohibited. These heavy metals should only be used in certain applications according to a list which will be regularly reviewed. This will help to ensure that certain materials and components do not become shredder residues, and are not incinerated or disposed of in landfills.
- (12) The recycling of all plastics from end-of life vehicles should be continuously improved. The Commission is currently examining the environmental impacts of PVC. The Commission will, on the basis of this work, make proposals as appropriate as to the use of PVC including considerations for vehicles.
- (13) The requirements for dismantling, reuse and recycling of end-of life vehicles and their components should be integrated in the design and production of new vehicles.
- (14) The development of markets for recycled materials should be encouraged.
- (15) In order to ensure that end-of life vehicles are discarded without endangering the environment, appropriate collection systems should be set up.
- (16) A certificate of destruction, to be used as a condition for the de-registration of end-of life vehicles, should be introduced. Member States without a de-registration system should set up a system according to which a certificate of destruction is notified to the relevant competent authority when the end-of life vehicle is transferred to a treatment facility.
- (17) This Directive does not prevent Member States from granting, where appropriate, temporary deregistrations of vehicles.
- (18) Collection and treatment operators should be allowed to operate only when they have received a permit or, in case a registration is used instead of a permit, specific conditions have been complied with.

<sup>(1)</sup> OJ 196, 16.8.1967, p. 1. Directive as last amended by Commission Directive 98/98/EC (OJ L 355, 30.12.1998, p. 1 ).

<sup>(2)</sup> OJ L 42, 23.2.1970, p. 1. Directive as last amended by Directive 98/91/EC of the European Parliament and of the Council (OJ L 11, 16.1.1999, p. 25).

<sup>(3)</sup> OJ L 194, 25.7.1975, p. 39. Directive as last amended by Commission Decision 96/350/EC (OJ L 135, 6.6.1996, p. 32).

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- (19) The recyclability and recoverability of vehicles should be promoted.
- (20) It is important to lay down requirements for storage and treatment operations in order to prevent negative impacts on the environment and to avoid the emergence of distortions in trade and competition.
- (21) In order to achieve results in the short term and to give operators, consumers and public authorities the necessary perspective for the longer term, quantified targets for reuse, recycling and recovery to be achieved by economic operators should be set.
- (22) Producers should ensure that vehicles are designed and manufactured in such a way as to allow the quantified targets for reuse, recycling and recovery to be achieved. To this end the Commission will promote the preparation of European standards and will take the other necessary measures in order to amend the pertinent European vehicle type-approval legislation.
- (23) Member States should ensure that in implementing the provisions of this Directive competition is preserved, in particular as regards the access of small and medium-sized enterprises to the collection, dismantling, treatment and recycling market.
- (24) In order to facilitate the dismantling and recovery, in particular recycling of end-of life vehicles, vehicle manufacturers should provide authorised treatment facilities with all requisite dismantling information, in particular for hazardous materials.
- (25) The preparation of European standards, where appropriate, should be promoted. Vehicle manufacturers and material producers should use component and material coding standards, to be established by the Commission assisted by the relevant committee. In the preparation of these standards the Commission will take account, as appropriate, of the work going on in this area in the relevant international forums.
- (26) Community-wide data on end-of life vehicles are needed in order to monitor the implementation of the objectives of this Directive.
- (27) Consumers have to be adequately informed in order to adjust their behaviour and attitudes; to this end information should be made available by the relevant economic operators.
- (28) Member States may choose to implement certain provisions by means of agreements with the economic sector concerned, provided that certain conditions are met.
- (29) The adaptation to scientific and technical progress of the requirements for treatment facilities and for the use of hazardous substances and, as well as the adoption of minimum standards for the certificate of destruction, the formats for the database and the implementation measures necessary to control compliance with the quantified targets should be effected by the Commission under a Committee procedure.
- (30) The measures to be taken for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>.
- (31) Member States may apply the provisions of this Directive in advance of the date set out therein, provided such measures are compatible with the Treaty,

HAVE ADOPTED THIS DIRECTIVE:

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.





### *Article 1*

#### **Objectives**

This Directive lays down measures which aim, as a first priority, at the prevention of waste from vehicles and, in addition, at the reuse, recycling and other forms of recovery of end-of life vehicles and their components so as to reduce the disposal of waste, as well as at the improvement in the environmental performance of all of the economic operators involved in the life cycle of vehicles and especially the operators directly involved in the treatment of end-of life vehicles.

### *Article 2*

#### **Definitions**

For the purposes of this Directive:

1. 'vehicle' means any vehicle designated as category M<sub>1</sub> or N<sub>1</sub> defined in Annex IIA to Directive 70/156/EEC, and three wheel motor vehicles as defined in Directive 92/61/EEC, but excluding motor tricycles;
2. 'end-of life vehicle' means a vehicle which is waste within the meaning of Article 1(a) of Directive 75/442/EEC;
3. 'producer' means the vehicle manufacturer or the professional importer of a vehicle into a Member State;
4. 'prevention' means measures aiming at the reduction of the quantity and the harmfulness for the environment of end-of life vehicles, their materials and substances;
5. 'treatment' means any activity after the end-of life vehicle has been handed over to a facility for depollution, dismantling, shearing, shredding, recovery or preparation for disposal of the shredder wastes, and any other operation carried out for the recovery and/or disposal of the end-of life vehicle and its components;
6. 'reuse' means any operation by which components of end-of life vehicles are used for the same purpose for which they were conceived;
7. 'recycling' means the reprocessing in a production process of the waste materials for the original purpose or for other purposes but excluding energy recovery. Energy recovery means the use of combustible waste as a means to generate energy through direct incineration with or without other waste but with recovery of the heat;
8. 'recovery' means any of the applicable operations provided for in Annex IIB to Directive 75/442/EEC;
9. 'disposal' means any of the applicable operations provided for in Annex IIA to Directive 75/442/EEC;
10. 'economic operators' means producers, distributors, collectors, motor vehicle insurance companies, dismantlers, shredders, recoverers, recyclers and other treatment operators of end-of life vehicles, including their components and materials;
11. 'hazardous substance' means any substance which is considered to be dangerous under Directive 67/548/EEC;
12. 'shredder' means any device used for tearing into pieces or fragmenting end-of life vehicles, including for the purpose of obtaining directly reusable metal scrap;
13. 'dismantling information' means all information required for the correct and environmentally sound treatment of end-of life vehicles. It shall be made available to authorised treatment facilities by vehicle manufacturers and component producers in the form of manuals or by means of electronic media (e.g. CD-ROM, on-line services).



### Article 3

#### Scope

1. This Directive shall cover vehicles and end-of life vehicles, including their components and materials. Without prejudice to Article 5 (4), third subparagraph, this shall apply irrespective of how the vehicle has been serviced or repaired during use and irrespective of whether it is equipped with components supplied by the producer or with other components whose fitting as spare or replacement parts accords with the appropriate Community provisions or domestic provisions.
2. This Directive shall apply without prejudice to existing Community legislation and relevant national legislation, in particular as regards safety standards, air emissions and noise controls and the protection of soil and water.
3. Where a producer only makes or imports vehicles that are exempt from Directive 70/156/EEC by virtue of Article 8(2)(a) thereof, Member States may exempt that producer and his vehicles from Articles 7(4), 8 and 9 of this Directive.
4. Special-purpose vehicles as defined in the second indent of Article 4(1)(a) of Directive 70/156/EEC shall be excluded from the provisions of Article 7 of this Directive.
5. For three-wheel motor vehicles only Articles 5(1), 5(2) and 6 of this Directive shall apply.

### Article 4

#### Prevention

1. In order to promote the prevention of waste Member States shall encourage, in particular:
  - (a) vehicle manufacturers, in liaison with material and equipment manufacturers, to limit the use of hazardous substances in vehicles and to reduce them as far as possible from the conception of the vehicle onwards, so as in particular to prevent their release into the environment, make recycling easier, and avoid the need to dispose of hazardous waste;
  - (b) the design and production of new vehicles which take into full account and facilitate the dismantling, reuse and recovery, in particular the recycling, of end-of life vehicles, their components and materials;
  - (c) vehicle manufacturers, in liaison with material and equipment manufacturers, to integrate an increasing quantity of recycled material in vehicles and other products, in order to develop the markets for recycled materials.
2. (a) Member States shall ensure that materials and components of vehicles put on the market after 1 July 2003 do not contain lead, mercury, cadmium or hexavalent chromium other than in cases listed in Annex II under the conditions specified therein;
- (b) in accordance with the procedure laid down in Article 11 the Commission shall on a regular basis, according to technical and scientific progress, amend Annex II, in order to:
  - (i) as necessary, establish maximum concentration values up to which the existence of the substances referred to in subparagraph (a) in specific materials and components of vehicles shall be tolerated;
  - (ii) exempt certain materials and components of vehicles from the provisions of subparagraph (a) if the use of these substances is unavoidable;
  - (iii) delete materials and components of vehicles from Annex II if the use of these substances is avoidable;

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- (iv) under points (i) and (ii) designate those materials and components of vehicles that can be stripped before further treatment; they shall be labelled or made identifiable by other appropriate means;
- (c) the Commission shall amend Annex II for the first time not later than 21 October 2001. In any case none of the exemptions listed therein shall be deleted from the Annex before 1 January 2003.

*Article 5***Collection**

1. Member States shall take the necessary measures to ensure:
  - that economic operators set up systems for the collection of all end-of life vehicles and, as far as technically feasible, of waste used parts removed when passenger cars are repaired,
  - the adequate availability of collection facilities within their territory.
2. Member States shall also take the necessary measures to ensure that all end-of life vehicles are transferred to authorised treatment facilities.
3. Member States shall set up a system according to which the presentation of a certificate of destruction is a condition for deregistration of the end-of life vehicle. This certificate shall be issued to the holder and/or owner when the end-of life vehicle is transferred to a treatment facility. Treatment facilities, which have obtained a permit in accordance with Article 6, shall be permitted to issue a certificate of destruction. Member States may permit producers, dealers and collectors on behalf of an authorised treatment facility to issue certificates of destruction provided that they guarantee that the end-of life vehicle is transferred to an authorised treatment facility and provided that they are registered with public authorities.

Issuing the certificate of destruction by treatment facilities or dealers or collectors on behalf of an authorised treatment facility does not entitle them to claim any financial reimbursement, except in cases where this has been explicitly arranged by Member States.

Member States which do not have a deregistration system at the date of entry into force of this Directive shall set up a system according to which a certificate of destruction is notified to the relevant competent authority when the end-of life vehicle is transferred to a treatment facility and shall otherwise comply with the terms of this paragraph. Member States making use of this subparagraph shall inform the Commission of the reasons thereof.

4. Member States shall take the necessary measures to ensure that the delivery of the vehicle to an authorised treatment facility in accordance with paragraph 3 occurs without any cost for the last holder and/or owner as a result of the vehicle's having no or a negative market value.

Member States shall take the necessary measures to ensure that producers meet all, or a significant part of, the costs of the implementation of this measure and/or take back end-of life vehicles under the same conditions as referred to in the first subparagraph.

Member States may provide that the delivery of end-of life vehicles is not fully free of charge if the end-of life vehicle does not contain the essential components of a vehicle, in particular the engine and the coachwork, or contains waste which has been added to the end-of life vehicle.

The Commission shall regularly monitor the implementation of the first subparagraph to ensure that it does not result in market distortions, and if necessary shall propose to the European Parliament and the Council an amendment thereto.

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5. Member States shall take the necessary measures to ensure that competent authorities mutually recognise and accept the certificates of destruction issued in other Member States in accordance with paragraph 3. To this end, the Commission shall draw up, not later than 21 October 2001 the minimum requirements for the certificate of destruction.

*Article 6***Treatment**

1. Member States shall take the necessary measures to ensure that all end-of life vehicles are stored (even temporarily) and treated in accordance with the general requirements laid down in Article 4 of Directive 75/442/EEC, and in compliance with the minimum technical requirements set out in Annex I to this Directive, without prejudice to national regulations on health and environment.

2. Member States shall take the necessary measures to ensure that any establishment or undertaking carrying out treatment operations obtains a permit from or be registered with the competent authorities, in compliance with Articles 9, 10 and 11 of Directive 75/442/EEC.

The derogation from the permit requirement referred to in Article 11(1) (b) of Directive 75/442/EEC may apply to recovery operations concerning waste of end-of life vehicles after they have been treated according to Annex 1(3) to this Directive if there is an inspection by the competent authorities before the registration. This inspection shall verify:

- (a) type and quantities of waste to be treated;
- (b) general technical requirements to be complied with;
- (c) safety precautions to be taken,

in order to achieve the objectives referred to in Article 4 of Directive 75/442/EEC. This inspection shall take place once a year. Member States using the derogation shall send the results to the Commission.

3. Member States shall take the necessary measures to ensure that any establishment or undertaking carrying out treatment operations fulfils at least the following obligations in accordance with Annex I:

- (a) end-of life vehicles shall be stripped before further treatment or other equivalent arrangements are made in order to reduce any adverse impact on the environment. Components or materials labelled or otherwise made identifiable in accordance with Article 4(2) shall be stripped before further treatment;
- (b) hazardous materials and components shall be removed and segregated in a selective way so as not to contaminate subsequent shredder waste from end-of life vehicles;
- (c) stripping operations and storage shall be carried out in such a way as to ensure the suitability of vehicle components for reuse and recovery, and in particular for recycling.

Treatment operations for depollution of end-of life vehicles as referred to in Annex I(3) shall be carried out as soon as possible.

4. Member States shall take the necessary measures to ensure that the permit or registration referred to in paragraph 2 includes all conditions necessary for compliance with the requirements of paragraphs 1, 2 and 3.

5. Member States shall encourage establishments or undertakings, which carry out treatment operations to introduce, certified environmental management systems.

*Article 7***Reuse and recovery**

1. Member States shall take the necessary measures to encourage the reuse of components which are suitable for reuse, the recovery of components which cannot be reused and the giving of preference to

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recycling when environmentally viable, without prejudice to requirements regarding the safety of vehicles and environmental requirements such as air emissions and noise control.

2. Member States shall take the necessary measures to ensure that the following targets are attained by economic operators:

- (a) no later than 1 January 2006, for all end-of life vehicles, the reuse and recovery shall be increased to a minimum of 85 % by an average weight per vehicle and year. Within the same time limit the reuse and recycling shall be increased to a minimum of 80 % by an average weight per vehicle and year;

for vehicles produced before 1 January 1980, Member States may lay down lower targets, but not lower than 75 % for reuse and recovery and not lower than 70 % for reuse and recycling. Member States making use of this subparagraph shall inform the Commission and the other Member States of the reasons therefor;

- (b) no later than 1 January 2015, for all end-of life vehicles, the reuse and recovery shall be increased to a minimum of 95 % by an average weight per vehicle and year. Within the same time limit, the re-use and recycling shall be increased to a minimum of 85 % by an average weight per vehicle and year.

By 31 December 2005 at the latest the European Parliament and the Council shall re-examine the targets referred to in paragraph (b) on the basis of a report of the Commission, accompanied by a proposal. In its report the Commission shall take into account the development of the material composition of vehicles and any other relevant environmental aspects related to vehicles.

The Commission shall, in accordance with the procedure laid down in Article 11, establish the detailed rules necessary to control compliance of Member States with the targets set out in this paragraph. In doing so the Commission shall take into account all relevant factors, inter alia the availability of data and the issue of exports and imports of end-of life vehicles. The Commission shall take this measure not later than 21 October 2002.

3. On the basis of a proposal from the Commission, the European Parliament and the Council shall establish targets for reuse and recovery and for reuse and recycling for the years beyond 2015.

4. In order to prepare an amendment to Directive 70/156/EEC, the Commission shall promote the preparation of European standards relating to the dismantlability, recoverability and recyclability of vehicles. Once the standards are agreed, but in any case no later than by the end of 2001, the European Parliament and the Council, on the basis of a proposal from the Commission, shall amend Directive 70/156/EEC so that vehicles type-approved in accordance with that Directive and put on the market after three years after the amendment of the Directive 70/156/EEC are re-usable and/or recyclable to a minimum of 85 % by weight per vehicle and are re-usable and/or recoverable to a minimum of 95 % by weight per vehicle.

5. In proposing the amendment to Directive 70/156/EEC relating to the ability to be dismantled, recoverability and recyclability of vehicles, the Commission shall take into account as appropriate the need to ensure that the reuse of components does not give rise to safety or environmental hazards.

*Article 8*

**Coding standards/dismantling information**

1. Member States shall take the necessary measures to ensure that producers, in concert with material and equipment manufacturers, use component and material coding standards, in particular to facilitate the identification of those components and materials which are suitable for reuse and recovery.

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2. Not later than 21 October 2001 the Commission shall, in accordance with the procedure laid down in Article 11 establish the standards referred to in paragraph 1 of this Article. In so doing, the Commission shall take account of the work going on in this area in the relevant international forums and contribute to this work as appropriate.

3. Member States shall take the necessary measures to ensure that producers provide dismantling information for each type of new vehicle put on the market within six months after the vehicle is put on the market. This information shall identify, as far as it is needed by treatment facilities in order to comply with the provisions of this Directive, the different vehicle components and materials, and the location of all hazardous substances in the vehicles, in particular with a view to the achievement of the objectives laid down in Article 7.

4. Without prejudice to commercial and industrial confidentiality, Member States shall take the necessary measures to ensure that manufacturers of components used in vehicles make available to authorised treatment facilities, as far as it is requested by these facilities, appropriate information concerning dismantling, storage and testing of components which can be reused.

*Article 9***Reporting and information**

1. At three-year intervals Member States shall send a report to the Commission on the implementation of this Directive. The report shall be drawn up on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Article 6 of Directive 91/692/EEC <sup>(1)</sup> with a view to establishing databases on end-of life vehicles and their treatment. The report shall contain relevant information on possible changes in the structure of motor vehicle dealing and of the collection, dismantling, shredding, recovery and recycling industries, leading to any distortion of competition between or within Member States. The questionnaire or outline shall be sent to the Member States six months before the start of the period covered by the report. The report shall be made to the Commission within nine months of the end of the three-year period covered by it.

The first report shall cover the period of three years from 21 April 2002.

Based on the above information, the Commission shall publish a report on the implementation of this Directive within nine months of receiving the reports from the Member States.

2. Member States shall require in each case the relevant economic operators to publish information on:

- the design of vehicles and their components with a view to their recoverability and recyclability,
- the environmentally sound treatment of end-of life vehicles, in particular the removal of all fluids and dismantling,
- the development and optimisation of ways to reuse, recycle and recover end-of life vehicles and their components,
- the progress achieved with regard to recovery and recycling to reduce the waste to be disposed of and to increase the recovery and recycling rates.

The producer must make this information accessible to the prospective buyers of vehicles. It shall be included in promotional literature used in the marketing of the new vehicle.

*Article 10***Implementation**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 21 April 2002. They shall immediately inform the Commission thereof.

<sup>(1)</sup> OJ L 377, 31.12.1991, p. 48.

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When Member States adopt these measures, these shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of domestic law, which they adopt in the field governed by this Directive.

3. Provided that the objectives set out in this Directive are achieved, Member States may transpose the provisions set out in Articles 4(1), 5(1), 7(1), 8(1), 8(3) and 9(2) and specify the detailed rules of implementation of Article 5(4) by means of agreements between the competent authorities and the economic sectors concerned. Such agreements shall meet the following requirements

- (a) agreements shall be enforceable;
- (b) agreements need to specify objectives with the corresponding deadlines;
- (c) agreements shall be published in the national official journal or an official document equally accessible to the public and transmitted to the Commission;
- (d) the results achieved under an agreement shall be monitored regularly, reported to the competent authorities and to the Commission and made available to the public under the conditions set out in the agreement;
- (e) the competent authorities shall make provisions to examine the progress reached under an agreement;
- (f) in case of non-compliance with an agreement Member States must implement the relevant provisions of this Directive by legislative, regulatory or administrative measures.

#### *Article 11*

##### **Committee procedure**

1. The Commission shall be assisted by the committee established by Article 18 of Directive 75/442/EEC, hereinafter referred to as 'the Committee'.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

4. The Commission, according to the procedure laid down in this Article, shall adopt:

- (a) the minimum requirements, as referred to in Article 5(5), for the certificate of destruction;
- (b) the detailed rules referred to in Article 7(2), third subparagraph;
- (c) the formats relating to the database system referred to in Article 9;
- (d) the amendments necessary for adapting the Annexes to this Directive to scientific and technical progress.

#### *Article 12*

##### **Entry into force**

1. This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

2. Article 5(4) shall apply:

- as from 1 July 2002 for vehicles put on the market as from this date,
- as from 1 January 2007 for vehicles put on the market before the date referred to in the first indent.

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3. Member States may apply Article 5(4) in advance of the dates set out in paragraph 2.

*Article 13*

**Addressees**

This Directive is addressed to the Member States.





## ANNEX I

**Minimum technical requirements for treatment in accordance with Article 6 (1) and (3)**

1. Sites for storage (including temporary storage) of end-of-life vehicles prior to their treatment:
  - impermeable surfaces for appropriate areas with the provision of spillage collection facilities, decanters and cleanser-degreasers,
  - equipment for the treatment of water, including rainwater, in compliance with health and environmental regulations.
2. Sites for treatment:
  - impermeable surfaces for appropriate areas with the provision of spillage collection facilities, decanters and cleanser-degreasers,
  - appropriate storage for dismantled spare parts, including impermeable storage for oil-contaminated spare parts,
  - appropriate containers for storage of batteries (with electrolyte neutralisation on site or elsewhere), filters and PCB/PCT-containing condensers,
  - appropriate storage tanks for the segregated storage of end-of-life vehicle fluids: fuel, motor oil, gearbox oil, transmission oil, hydraulic oil, cooling liquids, antifreeze, brake fluids, battery acids, air-conditioning system fluids and any other fluid contained in the end-of-life vehicle,
  - equipment for the treatment of water, including rainwater, in compliance with health and environmental regulations,
  - appropriate storage for used tyres, including the prevention of fire hazards and excessive stockpiling.
3. Treatment operations for depollution of end-of-life vehicles:
  - removal of batteries and liquified gas tanks,
  - removal or neutralisation of potential explosive components, (e.g. air bags),
  - removal and separate collection and storage of fuel, motor oil, transmission oil, gearbox oil, hydraulic oil, cooling liquids, antifreeze, brake fluids, air-conditioning system fluids and any other fluid contained in the end-of-life vehicle, unless they are necessary for the re-use of the parts concerned,
  - removal, as far as feasible, of all components identified as containing mercury.
4. Treatment operations in order to promote recycling:
  - removal of catalysts,
  - removal of metal components containing copper, aluminium and magnesium if these metals are not segregated in the shredding process,
  - removal of tyres and large plastic components (bumpers, dashboard, fluid containers, etc), if these materials are not segregated in the shredding process in such a way that they can be effectively recycled as materials,
  - removal of glass.
5. Storage operations are to be carried out avoiding damage to components containing fluids or to recoverable components and spare parts.

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## ANNEX II

## Materials and components exempt from Article 4(2)(a)

Materials and components	Scope and expiry date of the exemption	To be labelled or made identifiable in accordance with Article 4(2)(b)(iv)
<i>Lead as an alloying element</i>		
1. Steel for machining purposes and galvanised steel containing up to 0,35 % lead by weight		
2(a). Aluminium for machining purposes with a lead content up to 1,5 % by weight	1 July 2008	
2(b). Aluminium for machining purposes with a lead content up to 0,4 % by weight		
3. Copper alloy containing up to 4 % lead by weight		
4. Bearing shells and bushes	1 July 2008	
<i>Lead and lead compounds in components</i>		
5. Batteries		X
6. Vibration dampers		X
7(a). Vulcanising agents and stabilisers for elastomers in fluid handling and powertrain applications containing up to 0,5 % lead by weight	1 July 2006	
7(b). Bonding agents for elastomers in powertrain applications containing up to 0,5 % lead by weight		
8. Solder in electronic circuit boards and other electric applications		X (1)
9. Copper in friction materials of brake linings containing more than 0,4 % lead by weight	1 July 2007	X
10. Valve seats	Engine types developed before 1 July 2003: 1 July 2007	
11. Electrical components which contain lead in a glass or ceramic matrix compound except glass in bulbs and glaze of spark plugs		X (2) (for components other than piezo in engines)
12. Pyrotechnic initiators	Vehicles type-approved before 1 July 2006 and replacement initiators for these vehicles	
<i>Hexavalent chromium</i>		
13(a). Corrosion preventive coatings	1 July 2007	
13(b). Corrosion preventive coatings related to bolt and nut assemblies for chassis applications	1 July 2008	
14. Absorption refrigerators in motorcaravans		X
<i>Mercury</i>		
15. Discharge lamps and instrument panel displays		X
<i>Cadmium</i>		
16. Thick film pastes	1 July 2006	

▼ **M4**

Materials and components	Scope and expiry date of the exemption	To be labelled or made identifiable in accordance with Article 4(2)(b)(iv)
17. Batteries for electrical vehicles	After 31 December 2008, the placing on the market of NiCd batteries shall only be allowed as replacement parts for vehicles put on the market before this date	X
18. Optical components in glass matrixes used for Driver Assistance Systems	1 July 2007	X

(<sup>f</sup>) Dismantling if, in correlation with entry 11, an average threshold of 60 grams per vehicle is exceeded. For the application of this clause, electronic devices not installed by the manufacturer on the production line shall not be taken into account.

(<sup>g</sup>) Dismantling if, in correlation with entry 8, an average threshold of 60 grams per vehicle is exceeded. For the application of this clause, electronic devices not installed by the manufacturer on the production line shall not be taken into account.

*Notes:*

- A maximum concentration value up to 0,1 % by weight and per homogeneous material, for lead, hexavalent chromium and mercury and up to 0,01 % by weight per homogeneous material for cadmium shall be tolerated.
- The re-use of parts of vehicles which were already on the market at the date of expiry of an exemption is allowed without limitation since it is not covered by Article 4(2)(a).

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- spare parts put on the market after 1 July 2003 which are used for vehicles put on the market before 1 July 2003 are exempted from the provisions of Article 4(2)(a) (<sup>1</sup>)

(<sup>1</sup>) This clause does not apply to wheel balance weights, carbon brushes for electric motors and brake linings as these components are covered by specific entries.