



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.04.1999
COM(1999)176 final

97/0194 (SYN)

Amended proposal for a

COUNCIL DIRECTIVE

on end of life vehicles

(presented by the Commission pursuant to Article 189 A
paragraph 2 of the EC Treaty)

EXPLANATORY MEMORANDUM

Pursuant to Article 189(a) paragraph 2 of the EC Treaty, the Commission submits an amended Proposal for a Council Directive on end of life vehicles. The amended Proposal takes account of a number of amendments from the European Parliament which were adopted at its Plenary Session on 8-12 February 1999.

43 of the 61 amendments tabled were adopted at the Plenary Session. The Commission can agree in principle to amendments 3 (second part), 6, 11 (second part), 12, 16, 17 (first part), 24, 28, 29, 32, 36 (first and third parts), 37, 38, 40, 41, 43 and 44 (partly). The Commission position on the amendments is explained hereafter.

Amendments 1 to 7 and 9 to 12 represent proposals for new recitals, whereas amendments 13 to 18, 20, 22 to 45 and 56 relate to the Articles or Annex of the Proposal.

The Commission considers that amendment 1 as it is formulated does not fit in the Proposal. Amendment 2 deals mainly with workers skills in treatment centres and therefore it falls outside of the scope of the Proposal.

Amendment 3 can be accepted only in its second part, which clarifies the scope of the Proposal by mentioning the definition given in Annex II(a) to Directive 70/156/EEC as amended by Directive 98/14/EC. Also amendment 17 (first part), clarifying that the Proposal applies irrespective of how vehicles have been serviced or repaired, as long as the repair parts comply with the relevant legislation, can be accepted. However, the Commission considers unnecessary the extension of the scope to spare and replacement parts (amendment 3, first part and 22) since these components would *de facto* be covered anyway by the infrastructures to be set up in accordance with this Proposal.

The Commission considers that the Proposal should apply to M1 and N1 vehicles as defined in Annex II(a) to Directive 70/156/EEC as amended by Directive 98/14/EC and therefore cannot accept amendments 4, 5, 9, 10 and 18. In particular, concerning amendments 5, 9, 10 and 18, the Commission has already introduced in its original Proposal an exclusion of two and three wheeled vehicles from Articles 4 and 7 of the Proposal and the Commission believes there is no need for further derogations.

Amendments 14 and 17 (second part) cannot be accepted since the Commission considers that 'historic' vehicles intended to be stored in museums are not covered by the scope of the Proposal since they do not fall under the definition of waste.

Amendment 6 recalls the quantity of waste generated by end of life vehicles and can be accepted.

Amendments 7, 20, 27, 30, 45 and 56 deal with the restrictions on lead, mercury, hexavalent chromium and cadmium in new vehicles. The Commission proposed that these heavy metals contained in vehicles put on the market after 2003 be separated from waste vehicles prior to shredding and be not incinerated or landfilled. Amendment 20 follows a similar approach but applies the obligation to remove the substance from 2001 and only in relation to mercury, whereas it is established that lead, cadmium and hexavalent chromium shall not be landfilled. The Commission

considers that it would be difficult to apply this measure to vehicles which have not been designed with a view to their dismantling, therefore cannot accept this amendment. For the same reason the Commission cannot accept amendment 30 (last phrase). In addition, amendment 56 contains a prohibition to use cadmium after 2005 and establishes that lead, mercury and hexavalent chromium can only be used in applications listed in an Annex to the Proposal (contained in amendment 45) and within the limits stated therein. The Commission has doubts both about the approach and the number of derogations and therefore cannot accept the amendments relating to Article 4(2).

As a consequence to the non-acceptance of amendments 20 and 45, the Commission cannot accept amendment 27 which changes the title of the Annex into "Annex I".

Amendment 12 adds the word "authorised" and replaces the terms "dismantling manuals" with "all requisite dismantling information". The Commission can accept these useful modifications to its original Proposal. For the same reason the Commission accepts amendments 16, 37 and 38.

The Commission cannot accept amendment 13, since it considers that waste prevention, environmentally sound treatment, reuse and recovery are already meant to prevent the diffuse emission of pollutants into the environment.

Amendment 15 replaces the definition of "recycling" proposed by the Commission with the definition contained in Directive 94/62/EC on packaging and packaging waste. The reason why the Commission had proposed a different definition of recycling than the one contained in Directive 94/62/EC lies with the necessity to clarify that the burning of fuels obtained by chemically recycling plastic components is not to be considered a form of recycling. Although the Commission interprets also the definition under Directive 94/62/EC in this sense, its wording is not sufficiently clear to prevent different interpretations. For this reason the Commission maintains its position and cannot accept amendment 15.

Amendment 23 adds the words 'or to the producer' to Article 5(2). The Commission considers that end of life vehicles should be transferred to treatment centres and therefore cannot accept this amendment. However producers are free to set up treatment centres, therefore the amendment is unnecessary. On the contrary, the Commission considers it useful to add the words "collection point" in relation to Article 5(3) and can therefore accept amendment 24 (first two parts). The third part of amendment 24 is also acceptable as allowing temporary deregistration, on condition that evidence of environmentally sound storage is provided, is in line with the objectives of the Proposal.

Amendment 25 changes significantly the contents of Article 5(4) by ensuring that vehicles can be discarded free of charge for the last holder/owner, but by deleting the responsibility of producers for the costs of this measure. Since producer responsibility is a major element of the Proposal, the Commission cannot accept this amendment. Amendment 11 can be accepted in its part which adds the word "possibly" to end of life vehicles "having negative value".

Amendment 26 requires the Commission to draw up every three years a report on competition distortions, in particular focusing on the collection, dismantling,

shredding, recycling and recovery industries. Rules to ensure that competition is not distorted exist in the Treaty. Furthermore, the Commission believes that such reports would not be covered by the scope of the present Proposal. Therefore amendment 26 cannot be accepted.

Amendment 43 changes the date of entry into force of Article 5(4). This change is considered useful and the amendment can therefore be accepted.

Amendment 28 establishes that in addition to the obligations arising for treatment operators under Articles 9 and 10 of Directive 75/442/EEC on waste, all undertakings taking back end of life vehicles, including collection points, shall be registered with the competent authorities. This addition is considered in line with the objectives of the Proposal and can be accepted. Amendment 29 extends the obligations set out in Article 6(3) to collection points which carry out treatment operations. This amendment can also be accepted.

Amendment 31 requires stripping and storage operations to be carried out according to approved procedures and in such a way as to ensure the suitability of components primarily for re-use and secondarily for recovery. This amendment cannot be accepted since it is not clear what "approved procedures" refers to *in concreto*. Furthermore, the hierarchy of principles (first re-use, second recycling, third recovery) is better reflected by the original text. The Commission does not consider necessary amendment 30, first two parts.

Amendment 32 adds "environmental requirements, in particular those relating to exhaust gases and noise" to the "safety requirements" to be complied with in applying the hierarchy of waste management principles to end of life vehicles. In addition it requires component producers to provide treatment facilities with the necessary information for dismantling, storage and testing of components. These requirements are in line with the objectives of the Proposal and therefore amendment 32 can be accepted.

Amendment 33 requires the Commission to adopt measures to ensure that the re-use of components does not give rise to safety or environmental hazards. This would not fit in the scope of this Proposal and the Commission cannot accept it.

The Commission cannot accept amendment 34 which deletes the recycling target set out in Article 7(2)(a). In addition, this amendment applies different targets according to the year of type-approval of the vehicle. The Commission considers the approach proposed in its original text preferable.

Amendment 35 requires the Commission to base its future Proposal for establishing quantified targets for the years beyond 2015 on Article 130S(1) of the Treaty. Since the legal basis can only be decided once the contents of a Proposal have been decided, this amendment cannot be accepted.

The Commission can accept amendment 36 in its parts referring to the responsibility of producers and the mentioning of the Council in relation to the amendment to Directive 70/156/EEC as modified. The Commission cannot accept the words "the industry shall initiate this development immediately" since the Directive can only address the Member States.

Amendment 39 requires Member States to set up, under the supervision of the Commission, a 'promotion and co-ordination body to monitor and report on all the actions taken'. The nature, objective and usefulness of such a body is not clear therefore the Commission cannot accept this amendment.

Amendment 40 slightly rewords Article 9(2) by adding "dismantlers" to the term "producers" and can be accepted.

Amendment 41 changes the date of compliance with the Directive from 31 March 1999 to 30 June 2001. This change can be accepted.

Amendment 42 gives Member States the possibility to implement Article 5(1) by means of Agreements with the economic operators concerned. Although it is said that the Agreements 'shall be notified and examined by the Commission', no conditions are set up with which Agreements would need to comply. Moreover, Article 5(1) establishes a legal obligation which, in the opinion of the Commission, can only be transposed by legislation.

Amendment 44 contains several useful technical additions. With the exception of part 2c and the last two entries of part 2b it can be accepted.

Amended proposal for a
COUNCIL DIRECTIVE
on end of life vehicles

ORIGINAL PROPOSAL

AMENDED PROPOSAL

Recital 6

Whereas this Directive should cover vehicles and end of life vehicles, including their components and materials, without prejudice to safety standards, air emissions and noise control;

Whereas this Directive should cover vehicles and end of life vehicles, including their components and materials, without prejudice to safety standards, air emissions and noise control; whereas the Directive is confined to vehicles and end of life vehicles of category M1 and N1 as defined in Annex II (A) to Directive 70/156/EEC and two or three wheel vehicles;

Recital 7a (new)

Whereas every year end of life vehicles in the Community generate between 8 and 9 million tons of waste, which must be managed correctly;

Recital 16

Whereas last owners and/or holders should not bear the costs arising from end of life vehicles having negative market values; whereas producers should be given incentives to increase the recyclability and recoverability of vehicles so that end of life vehicles do not have negative market values; whereas the normal functioning of market forces should not be hindered;

Whereas last owners and/or holders should not bear the costs arising from end of life vehicles possibly having negative market values; whereas producers should be given incentives to increase the recyclability and recoverability of vehicles so that end of life vehicles do not have negative market values; whereas the normal functioning of market forces should not be hindered;

Recital 21

Whereas in order to facilitate the dismantling and recycling of end of life vehicles, vehicle manufacturers should provide treatment facilities with dismantling manuals; vehicle manufacturers and material producers should use common component and material coding standards; whereas, to this end, the preparation of European standards, where appropriate, should be promoted;

Whereas in order to facilitate the dismantling and recycling of end of life vehicles, vehicle manufacturers should provide authorised treatment facilities with all requisite dismantling information; vehicle manufacturers and material producers should use common component and material coding standards; whereas, to this end, the preparation of European standards, where appropriate, should be promoted;

Article 2(12)a (new)

'Dismantling information' shall mean all information required for the correct and environmentally sound treatment of end of life vehicles. It shall be made available to authorised treatment undertakings by vehicle and component producers in the form of manuals or by means of electronic media (e.g. CD-ROM, on-line services).

Article 3(1)

This directive shall cover vehicles and end of life vehicles, including their components and materials.

This directive shall cover vehicles and end of life vehicles, including their components and materials. 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.

Article 5(3)

Member States shall set up a system according to which a certificate of destruction is a condition for deregistration of the vehicle. This certificate shall be issued to the holder and/or owner when the

Member States shall set up a system according to which a certificate of destruction is a condition for deregistration of the vehicle. This certificate shall be issued to the holder

end of life vehicle is transferred to a treatment facility. Only treatment facilities which have obtained a permit in accordance with Article 6 shall be permitted to issue a certificate of destruction.

Temporary deregistration without delivery of this certificate shall be permitted.

and/or owner when the end of life vehicle is transferred to a treatment facility, collection point or producer. Only treatment facilities, collection points and producers which have obtained a permit in accordance with Article 6 shall be permitted to issue a certificate of destruction.

Temporary deregistration without delivery of this certificate shall be permitted on condition that evidence of correct and environmentally sound storage is provided.

Article 6(2)

Member States shall take the necessary measures to ensure that any establishment or undertaking carrying out treatment operations shall obtain a permit from the competent authorities, in compliance with Articles 9 and 10 of Directive 75/442/EEC. The derogation from the permit requirement referred to in Article 11(1) of that Directive shall not apply to operations concerning end of life vehicles covered by this Directive.

Member States shall take the necessary measures to ensure that undertakings which take back end of life vehicles, even if they do not carry out treatment operations (collection points) are registered with the competent authorities. Member States shall take the necessary measures to ensure that end of life vehicle treatment facilities and undertakings which treat end of life vehicles are approved by the competent authorities in compliance with Articles 9 and 10 of Directive 75/442/EEC and regularly inspected by them pursuant to Article 13 of Directive 75/442/EEC. The derogation from the permit requirement referred to in Article 11(1) of that Directive shall not apply to treatment of end of life vehicles covered by this Directive.

Article 6(3), preamble

Member States shall take the necessary measures to ensure that any establishment or undertaking carrying out treatment operations fulfils at least the following obligations:

Member States shall take the necessary measures to ensure that any collection point or facility or undertaking treating end of life vehicles fulfils at least the following obligations:

Article 7(1)

Member States shall take the necessary measures to ensure that components suitable for re-use are re-used, that components which cannot be re-used are recovered and that preference is given to recycling when environmentally viable, without prejudice to safety requirements.

Member States shall take the necessary measures to ensure that components suitable for re-use are re-used, that components which cannot be re-used are recovered and that preference is given to recycling when environmentally viable, without prejudice to requirements regarding the safety of vehicles and environmental requirements, particularly those relating to exhaust gases and noise.

Component producers must make available to authorised treatment facilities the requisite information concerning dismantling, storage and testing of components.

Article 7(4)

In view of the responsibility of producers to ensure that vehicles are designed and manufactured in such a way as to allow the rates of re-use, recycling and recovery as set out in this Directive to be achieved by the economic operators concerned, 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 1 January 2005 are reusable and/or recyclable to a minimum of 85% by weight per vehicle and are reusable and/or recoverable to a minimum of 95% by weight per vehicle. To that end, the Commission shall promote, as appropriate, the preparation of European standards relating to the dismantlability, recoverability, and recyclability of vehicles.

As it is producers who are responsible for ensuring that vehicles are designed and manufactured in such a way as to allow the rates of re-use, recycling and recovery as set out in this Directive to be achieved by the economic operators concerned, the Council and the European Parliament, 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 after 1 January 2005 are reusable and/or recyclable to a minimum of 85% by weight per vehicle and are reusable and/or recoverable to a minimum of 95% by weight per vehicle. To that end, the Commission shall promote the preparation of European standards relating to the dismantlability, recoverability, and recyclability of vehicles.

Article 8, title

Coding standards/dismantling manuals

Coding standards/dismantling information

Article 8(3)

Member States shall take the necessary measures to ensure that producers provide dismantling manuals by 31 December 1999 which 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 vehicle.

Member States shall take the necessary measures to ensure that producers provide dismantling information by 31 December 1999 which identifies, 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 vehicle.

Article 9(2)

Member States shall require producers to publish information on the rates of re-use, recycling and recovery which have been achieved in the previous year for their vehicles and components. Such information shall be verified by Member States and made available to potential purchasers of vehicles.

Member States shall publish information on the rates of re-use, recycling and recovery which have been achieved in the previous year for vehicles and components. Such information shall be obtained from producers and dismantlers, verified by Member States and made available to potential purchasers of vehicles.

Article 11(1), first subparagraph

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 March 1999. They shall immediately inform the Commission thereof.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2001. They shall immediately inform the Commission thereof.

Article 13, second paragraph

Article 5(4) shall apply from 1 January 2003.

Deleted

Annex

Annex: Technical requirements in accordance with Article 6(1)

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-degreases

- 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-degreases

- 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), oil filters and PCB/PCT containing condensers

- Appropriate storage tanks for end of life vehicle fluids: fuel, motor oil, gear box oil, transmission oil, hydraulic oil, cooling

Annex: Technical requirements in accordance with Article 6(1)

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-degreases

- Equipment for the treatment of water, including rainwater, in compliance with health and environmental regulations, particularly light fluid separators for use in the drainage of unroofed areas.

1a. Before the removal of fluids and dismantling, end of life vehicles may be stored only in such a way as to prevent fluids from escaping and damage to components containing fluids (e.g. brake lines and oil sump) and to dismantlable components.

2. Sites for treatment:

- Impermeable surfaces for appropriate areas with the provision of spillage collection facilities, decanters and cleanser-degreases

- 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), oil filters and PCB/PCT containing condensers and other components which could endanger the environment

- Appropriate storage tanks for end of life vehicle fluids: fuel, motor oil, gear box oil, transmission oil, hydraulic oil,

liquids, antifreeze, brake fluids, battery acids, air conditioning system fluids and any other fluid contained in the end of life vehicle

- Appropriate storage for used tyres, including the prevention of fire hazards and excessive stockpiling

- Equipment for the treatment of water, including rainwater, in compliance with health and environmental regulations.

cooling liquids, antifreeze, brake fluids, battery acids, air conditioning system fluids and any other fluid contained in the end of life vehicle

- Appropriate storage for used tyres, including the prevention of fire hazards and excessive stockpiling

- Equipment for the treatment of water, including rainwater, in compliance with health and environmental regulations, particularly light fluid separators for use in the drainage of unroofed areas.

2a) Treatment operations to remove pollutants from end of life vehicles:

* removal of the battery and fluid tanks

* removal of pyrotechnical components (e.g. airbags)

* removal and separate collection and storage of fuel, motor oil, gearbox oil, transmission oil, hydraulic oil, cooling liquids, antifreeze, brake oil, fluids, battery acids and air-conditioning system fluids

2b) Treatment operations to promote recovery:

* removal of the catalytic converter

* removal of metal components containing copper, aluminium and magnesium, in so far as these metals are not separated during the subsequent shredding

* removal of tyres and large plastic components (particularly bumpers, dashboard and fuel tank)

ISSN 0254-1475

COM(1999) 176 final

DOCUMENTS

EN

07 10 02 01

Catalogue number : CB-CO-99-214-EN-C

Office for Official Publications of the European Communities

L-2985 Luxembourg