COMMISSION OF THE EUROPEAN COMMUNITIES

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REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

ON THE IMPLEMENTATION OF DIRECTIVE 2000/53/EC ON END-OF-LIFE VEHICLES

FOR THE PERIOD 2002-2005

{COM(2007) 618 final}

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1. INTRODUCTION

Directive 2000/53/EC[1] on end-of-life vehicles (ELV Directive) has as its main objective the prevention of waste from vehicles and, in addition, 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.

To this end, the Directive lays down measures aimed as a first priority, at preventing the abandonment of ELVs and, as a second step after ELV collection, their appropriate processing in authorised treatment facilities meeting high environmental standards. In order to promote environmentally and economically preferable treatment of ELVs, the Directive sets up recycling and recovery targets. It also aims to prevent the contamination of vehicle waste by banning the use of certain heavy metals in cars. Finally, the Directive encourages changes in vehicle design aiming to increase vehicle reusability, recoverability and recyclability, and promotes distribution of information necessary for sustainable and safe vehicle treatment.

These measures include, in particular:

- Prevention: elimination of the use of heavy metals, design in order to facilitate dismantling, reuse, recovery and recycling, promotion of use of recyclates (Article 4 and Annex II)

- Collection: National measures setting up appropriate collection systems, free take-back, link between deregistration and issuing of a certificate of destruction (Article 5)

- Treatment: collection systems to be set up by the Member States according to certain requirements, measures related to storage and treatment operations, national authorisation of collection and treatment facilities, minimum technical requirements for treatment (Article 6 and Annex I)

- Reuse and recovery: encouragement of reuse, recovery with a priority for recycling; targets to be achieved by economic operators (80% reuse/recycling and 85% reuse/recovery by 1 January 2006, 85% reuse/recycling and 95% reuse/recovery by 1 January 2015) (Article 7), detailed rules for monitoring compliance with the targets (Commission Decision 2005/293/EC[2])

- Component and material coding standards established by Commission Decision 2003/138/EC[3] (Article 8.1)

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1 OJ L 269, 21.10.2000, p. 34.
2 OJ L 94, 13.4.2005, p. 30.
3 OJ L 53, 28.2.2003, p. 58.

– Dismantling information to be provided by vehicle manufacturers (Article 8.3 and 8.4)

– Reporting and information requirements for Member States (Article 9.1 and Commission Decision 2001/753/EC[4]) and economic operators (Article 9.2)

No transition periods have been envisaged for the ten Member States who acceded to the European Union on 1 May 2004.

This report is based on the replies to the questionnaire adopted by Commission Decision 2001/753/EC of 17 October 2001. Where appropriate, reference is made to other available information.

The only two questions on which Member States provided some numerical data are questions 2.3 and 2.4.

2.3. Please indicate the number of vehicles collected and transferred to authorised treatment facilities in each calendar year of the reference period

2.4. Please indicate the number of treatment facilities authorised or registered in accordance with article 6

The reporting of data is very limited. A complete picture of the current situation as regards the recycling and recovery of end-of-life vehicles will be available once Member States report on the reuse/recovery and reuse/recycling targets they achieve. These reports, obligatory for data from year 2006, need to be prepared according to the detailed rules laid down in Commission Decision 2005/293/EC and sent to the Commission within 18 months of the end of the relevant year, i.e. by 30 June 2008.

2. INCORPORATION INTO NATIONAL LAW

2.1. Implementation into national law

All Member States have provided the Commission with details of their laws, regulations and administrative provisions introduced to comply with the ELV Directive.

2.2. Transposition of provisions of Article 10(3) by means of agreements between the competent authorities and the economic sector concerned

Article 10(3) states that, provided that the objectives set out in this Directive are achieved, Member States may transpose the provisions of 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 be enforceable, need to specify objectives with the corresponding deadlines, shall be published in the national official journal or an official document equally accessible to the public and transmitted to the Commission. The results achieved under an agreement shall be monitored

[4] OJ L 282, 26.10.2001, p. 77.

regularly, reported to the competent authorities and to the Commission and made available to the public under the conditions set out in the agreement. The competent authorities shall make provisions to examine the progress reached under an agreement. In case of non-compliance with an agreement Member States must implement the relevant provisions of this Directive by legislative, regulatory or administrative measures.

The following countries have used the opportunity to transpose certain provisions of the ELV Directive by means of agreements:

Belgium (Flanders):

The Flemish region of Belgium has notified to the Commission a series of Environmental Policy Agreements on End-of-Life Vehicles transposing articles 4(1), 5(1), 7(1), 8(3) and a part of Article 9(2) and specifying the way in which Article 5(4) is applied. The following agreements have been subsequently concluded:

– Environmental Policy Agreement on End-of-Life Vehicles of 19 January 1999, published in the Belgian Official Journal on 19 May 1999;

– Environmental Policy Agreement on End-of-Life Vehicles of 19 April 2005 published in the Belgian Official Journal on 1 July 2005 (succeeding Agreement of 19 January 1999).

Italy: Article 10 of the End-of-Life Vehicles Regulations (LN99/04) provides for a possibility to conclude such agreements and details the requirements which they need to meet. To date no agreements have been signed by the parties.

Luxembourg: An environmental agreement was signed on 15 March 2006.

Latvia: national law on end-of-life vehicles specifies that the Ministry of the Environment shall sign agreements with the economic operators involved in ELV management (manufacturers and importers of vehicles) concerning the development of ELV management systems. No such agreement has been communicated to the Commission.

Malta: Article 12 of the Legislative Decree 209/2003 provides for a possibility to conclude such agreements and details the requirements which they need to meet. No such agreement has been communicated to the Commission.

2.3. Infringement proceedings

Since entry into force of the Directive, the Commission has launched several legal actions against the Member States in three contexts:

– non-communication of the national transposition measures - infringements opened against 16 Member States, all of them closed.

– non-conformity of national legislation with the provisions of the Directive - infringements opened against 10 Member States: 6 of them have been resolved as a result of the Commission's action, 4 remain open (against Belgium, Spain, France, Italy) with 1 pending

before the Court (against Italy). The Commission is continuing conformity studies concerning the transposition of the ELV Directive in the Member States. 9 out of 10 conformity studies covering the EU-10 have recently been finalised and will soon be assessed internally. 5 additional conformity studies will be available by the end of 2008 (Finland, the UK, Poland, Bulgaria and Romania).

– bad application of the Directive (including actions following the reporting requirements of the Member States) - infringements opened against 9 Member States, 7 have been resolved and closed, 2 remain open (Portugal and the UK).

3. APPLICATION OF THE DIRECTIVE

3.1. Exemption of vehicles produced in small quantities from certain provisions of the ELV Directive

Article 3(3) of the ELV Directive states that 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 the ELV Directive. This exemption concerns vehicles produced in small volumes, listed in Annex XII to Directive 70/156/EEC. Member States may exempt their producers from the dismantability, recoverability and recyclability requirements laid down in Directive 2005/64/EC (Article 7(4) of the ELV Directive), from compliance of these vehicles with coding standards and dismantling information (Article 8 of the ELV Directive), and from the reporting and information requirements (Article 9 of the ELV Directive).

In order to implement **Article 7(4)** of the ELV Directive, the Commission has proposed to 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. These provisions have been laid down in Directive 2005/64/EC of 26 October 2005 on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability and amending Council Directive 70/156/EEC.

Most Member States have not provided for an exemption for vehicles produced in small volume in their national legislation. Only three Member States have used this opportunity.

Ireland has opted for an exemption of producers who make or import vehicles produced in small series into the State from the provisions of Articles 8 and 9(2) of the ELV Directive. This exemption is specified in Article 8(c) of the Waste Management Regulations on End-of-Life Vehicles from 2006.

The exemption provided for in Article 3(3) of the ELV Directive was transposed in paragraph 109 of the **Lithuanian** National Strategic Plan for Waste Management[5], which states that the producers and importers of special purpose vehicles referred to in the second indent of Article

[5] As amended by Resolution No 577 of the Government of the Republic of Lithuania of 14 May 2004.

4(1)(a) of Council Directive 70/156/EEC shall not be subject to the requirements in respect of the recovery and recycling of the collected end-of-life vehicles, their components and materials.

In the **United Kingdom**, Regulation 5 of the ELV Regulations 2003 exempts producers who only make or import vehicles which are outside the scope of Directive 70/156/EEC from the provisions of Articles 7(4), 8 and 9 of the ELV Directive.

3.2. Measures to encourage prevention

According to Article 4(1) of the ELV Directive, in order to promote the prevention of waste, Member States shall encourage, in particular:

*(a) vehicle manufacturers, in liason 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 will 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 liason 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.*

Most Member States have reported that they have introduced measures to encourage prevention. **Belgium**[6], **Germany**[7], **Malta**[8], **the Netherlands**[9] have indicated the existence of national rules specifying the details in the area covered by the question in their respective national legislation.

In **Austria**, steps undertaken to implement the prevention measures are regularly verified during the approval of collection and recycling systems in the end-of-life vehicles system.

Since there are no car manufacturers in **Denmark**, no specific measures have been taken with regard to Article 4(1) of the ELV Directive. Instead, sections 4 and 5 of the Environmental Protection Act aim to guarantee sufficient level of prevention.

Similarly, **Estonia**[10] has not adopted any specific prevention measures since there are no car manufacturers in the country. However, basic principles of prevention of waste as prescribed in the Estonian Waste Act apply to economic operators.

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6 Provisions of Article 4(1) of the ELV Directive fall within the competence of the federal government and have been transposed by Article 2 of the Royal Decree of 19 March 2004 laying down product standards for vehicles.

7 § 8(1) of the Ordinance on End-of-Life Vehicles.

8 Article 4(1) of the Maltese ELV Regulations (LN99/04)

9 Article 3 of the End-of-Life Vehicles Management Decree of 24 May 2002.

10 § 21, 22 and 24 of the Estonian Waste Act.

In **Spain**, Article 4(1)(a) of the ELV Directive was transposed in article 3(a) of the Royal Decree 1383/2002 which limits the use of hazardous substances in vehicles. The Spanish authorities admit that the task to influence the overall design of vehicles is not easy since vehicle design is a domain of the car industry. On the other hand, however, it is possible to influence the design of vehicle parts and materials which are designed and manufactured to a significant extent by Spanish firms, especially for models produced in this country.

The requirement to facilitate the dismantling, reuse and recovery of end-of-life vehicles stipulated by Article 4(1)(b) of the ELV Directive was transposed in articles 3(b) and 8.1 of the Spanish Royal Decree. Regarding the reuse of parts, the National Plan for End-of-Life Vehicles 2001-2006 (PNVFU), which is currently under review for the years 2006-2010, encourages the reuse of used parts insofar as the safety standards permit. It further includes a list of parts that are currently being reused after passing a quality control. The Plan requires that reused parts be marked accordingly. Finally, the Plan promotes the development of one or more integrated management systems (IMS) which permit voluntary affiliation by any economic operator involved in the life cycle of these parts. These IMSs target the collection and management of used parts, depending on how hazardous these parts are.

Article 4(1)(c) of the ELV Directive is not specifically transposed into Spanish legislation since Spanish manufacturers lack decision-making capacity to make a decision on integrating an increasing quantity of recycled material in vehicles and other products. Such design decisions are taken in the facilities where new models are designed, in the parent companies outside Spain.

In **Finland**, only a small number of vehicles are manufactured under a licence of international car manufacturers. The prevention provisions which apply to them include the measures of Section 4 of the Council of State Decree controlling the use of certain hazardous substances (572/2003) and Section 4 of the Waste Act (1072/1993).

In **France**, vehicle manufacturers are encouraged to undertake measures aiming at prevention by an obligation to communicate to the public (in particular in promotional publications published once a new vehicle is launched on the market) information concerning actions taken in order to limit the use of hazardous substances in cars, facilitate dismantling and depollution of ELVs, the reuse and recovery (especially recycling) of vehicle materials and components, and to limit the environmental hazardousness of waste coming form vehicles. The information provided to the public must also contain data on the percentage of recycled materials integrated into cars and actions taken to incorporate a part of such materials into vehicles[11].

Hungary implemented Article 4(1) of the ELV Directive through Article 3 of Government Decree 267/2004 on end-of-life vehicles according to which producers - in cooperation with suppliers of materials and components and using the most effective solution - are required to:

(a) design motor vehicles and carry out technological and product development with a view to reducing hazardous substances in the recovery of energy and materials, promoting the servicing and improvement of motor vehicles, the reuse of components and materials from the

[11] Article 17(1) of the ELV Decree.

dismantling of end-of-life motor vehicles, as well as the recovery and environmentally-sound disposal of waste;

(b) strive to increase the proportion of reprocessed materials used for the recovery of materials and energy and encourage suppliers of materials and components to do likewise;

(c) guarantee the marketing requirements relating to hazardous substances, labelling of components, and dismantling information as set out in separate laws.

Moreover, the Hungarian legislation requires producers to take preventive action and bans the use of lead, mercury, cadmium and hexavalent chromium. Two Ministry of Economy and Transport Decrees[12] contain rules regarding the ban on hazardous substances and exceptions thereto.

Ireland imposes an obligation on producers[13] to promote the prevention of waste by restricting the use of hazardous substances in specified vehicles, by designing and producing new vehicles having taken into account their dismantling, reuse, recovery and recycling at the end-of-life phase, and by integrating an increasing quantity of recycled material in the production of such vehicles.

In **Italy**, Article 4 of Legislative Decree 209/2003 establishes that, in order to promote the prevention of production of waste coming from an end-of-life vehicles and, in particular, to prevent the release into the environment of the hazardous substances contained in them, to facilitate reuse and recycling, and to reduce the quantity of hazardous waste that is sent for final disposal, the Ministry for the Environment and Territory, by agreement with the Ministry for Production Activities, will adopt measures to promote: a) the limitation, on the part of vehicle constructors, in collaboration with the material and equipment constructors, of the use of hazardous substances in the production of vehicles and the reduction, where at all possible, of these from the design stage onwards; b) methods of design and production of new vehicles which make it easier to dismantle, reuse, recover and, above all, recycle end-of-life vehicles and the associated components and materials, at the same time furthering the development of the technical standards in the sector; c) the use of increasing quantities of recycled materials in vehicles and in other products, for the purpose of developing the market for recycled materials. No details as to the adoption of these measures have been provided in the Italian report.

The **Lithuanian** Order[14] lays down that, in order to promote the prevention of waste generation and to reduce the harmful impact of end-of-life vehicles on the environment, producers of vehicles and manufacturers of materials and equipment shall be obliged to limit the use of hazardous substances in vehicles and from the conception phase of the new vehicle onwards must try to reduce their quantity in order to prevent their release into the environment, to facilitate recycling and to avoid the disposal of hazardous waste. The same Order further

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12 Ministry of Economy and Transport Decree 35/2004 amending Ministry of Transport, Communication and Construction Decree 6/1990 on the technical requirements for putting and keeping road transport vehicles in service and Ministry of Economy and Transport Decree 126/2005 amending Ministry of Transport, Communication and Construction Decree 6/1990 on the technical requirements for putting and keeping road transport vehicles in service.

13 Article 27 of the Waste Management Regulations 2006.

14 Order No 710 of the Minister of Environment of the Republic of Lithuania of 24 December 2003.

specifies that new vehicles shall be designed and produced taking into account the possibilities to facilitate their future dismantling, reuse, recovery and recycling. Moreover, vehicle manufacturers and producers of vehicle materials and equipment must seek the expansion of the market for recycled materials and increase the integration of recycled materials in vehicles and other products.

In **Luxembourg**, waste prevention is encouraged in the environmental agreements, as specified by Article 1(a) of the Grand Duchy Regulation of 30 May 2005.

Although there are currently no vehicle manufacturers in **Latvia** (all cars are being imported), national legislation transposing the ELV Directive contains the relevant provisions of Article 4(1) of the ELV Directive addressed to vehicle producers.

In the **Polish** legislation, the rules on the prevention of waste (including in the form of end-of-life vehicles) are contained in Article 5 of the Act of 27 April 2001 on waste[15], Article 166 of the Environmental Law Act of 27 April 2001[16], and Article 6 of the Act of 20 January 2005 on the recycling of end-of-life vehicles[17].

Portugal transposed these provisions in article 6.1 of DL 196/2003 which sets out the principles for the prevention of waste formation and the promotion of the recovery of any waste that is generated. Vehicle manufacturers, in liaison with material and equipment manufacturers, must control and reduce the use of hazardous substances in vehicles from the conception phase onwards, taking into account the need for dismantling, reuse and recovery, in particular the recycling, of ELVs and their components and materials, as well as integrating increasing quantities of recycled materials into vehicles, their components and other products, with a view to the development of the market for recycled materials.

In **Sweden**, the prevention measures are transposed in several legislative acts, including:

- Chapter 2, Section 6 of the Environmental Code (1998:808) and Chapter 14, Section 7 of the Environmental Code (1998:808) transposing Article 4(1)(a) of the ELV Directive,
- Sections 5 and 7 of the Ordinance on Producer Responsibility for Motor Vehicles (1997:788) transposing Article 4(1)(b) of the ELV Directive,
- Section 7 of the Ordinance on Producer Responsibility for Motor Vehicles (1997:788), Chapter 1 Section 1 of the Environmental Code (1998:808), Chapter 2 Section 5 of the Environmental Code (1998:808) transposing Article 4(1)(c) of the ELV Directive.

In **Slovenia**, the Rules on the Content of Dangerous Substances in Materials and Components of Motor Vehicles[18] lay down prohibitions and restrictions regarding the content of certain dangerous substances in materials and components of motor vehicles. In particular, the design

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15 Journal of Laws No 62, item 628, as amended.
16 Journal of Laws No 62, item 627, as amended.
17 Journal of Laws No 25, item 202 and No 175, item 1458.
18 Ur. list RS No. 43/2006.

and production of motor vehicles must take into full account and facilitate the dismantling, re-use and recovery, and in particular the recycling, of end-of-life vehicles and their components and materials in order to prevent the occurrence of environmental pollution. At the same time, vehicle manufacturers must, in liaison with material and equipment manufacturers, and in the design and production of motor vehicles, endeavour to integrate an increasing quantity of recyclable materials into vehicles and other products in order to develop the market for recycled materials[19].

In **Slovakia**, a vehicle manufacturer shall be required to use for the production of vehicles such materials, parts and construction elements that make it possible to reuse old vehicle parts, to recover waste from the treatment of end-of-life vehicles and to recycle end-of-life vehicles, without detriment to their quality and safety; details concerning deadlines and limits are laid down by the Slovak Government Regulation. In addition, vehicle importers can import and place on the market only those vehicles, vehicle parts and construction elements which make it possible to ensure that, during treatment, the parts are reused, waste is recovered from the treatment of end-of-life vehicles, and end-of-life vehicles are recycled in accordance with the deadlines and limits laid down by the legislation[20].

The **United Kingdom**, Regulation 6 and Schedule 1 of the ELV Regulations 2003 restrict the use of hazardous substances in vehicle manufacture, and the ELV (Producer Responsibility) Regulations 2005 provide an economic driver for manufacturers to incorporate greater quantities of recycled material, by adopting an "own marque" system through which they must comply with the take-back, treatment and recovery provisions in the Directive.

3.3. Measures to encourage prevention – heavy metal ban

*According to **Article 4(2)(a)** of the ELV Directive, 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. In the Commission's established view, this ban includes both entire vehicles and spare and replacement parts of vehicles.*

All Member States have adopted legislation which restricts the use of lead, mercury, cadmium or hexavalent chromium in vehicles and vehicle components, as well as the detailed lists of exemptions from this heavy metal ban which in most cases literally transpose the text of Annex II to the ELV Directive.

The details on the national transposition are presented in Table 8.

3.4. Collection of end-of-life vehicles (general requirements)

***Article 5(1)** provides that 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,

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[19] Article 5 of the Rules on the Management of End-of-life Motor Vehicles , Ur. list RS No. 118/2004.

[20] § 50 of Act No 223/2001 Coll. (Part Six).

-	*the adequate availability of collection facilities within their territory.*

The majority of the Member States indicated that the above provisions are reflected in their national legislation. **Belgium,** the **Czech Republic**[21]**, Germany**[22]**, Greece**[23]**, Estonia**[24]**, Malta**[25]**, Poland**[26]**, Sweden**[27]**,** have indicated the existence of national rules specifying the details in the area covered by the question in their respective national legislation. Most Member States have made vehicle manufacturers and importers responsible for setting up national collection networks (e.g. Austria, Spain, Finland, Hungary, Ireland, Italy, Lithuania, the Netherlands). Several Member States (Belgium, Ireland, Hungary, Lithuania, Slovenia) specified the geographical coverage that needs to be ensured by a network.

In **Austria**, vehicle producers and importers in particular have to provide sufficient collection facilities for the return of end-of-life vehicles of their respective brands. All importers in Austria have met this obligation. The list of available collection facilities can be consulted on the Internet website: http://www.umweltnet.at/article/articleview/29024/1/7993.

In **Cyprus**, economic operators have an obligation to ensure that the provisions on ELV collection are complied with. The Minister has a power to impose further specific obligations on economic operators that fail to comply with their general obligations related to ELV collection.

In **Denmark**, the rules on the registration and dismantling undertakings were introduced as early as 1999. Before the Directive was implemented in 2002, around 200 treatment facilities and around 400 dealers which receive end-of-life vehicles were registered. Today, the rules are laid down in Order No 480 of 19.06.2002 which also includes provisions on the collection of waste fractions from repair etc. A revised order has been issued requiring that, as from 1 January 2007, all end-of-life vehicles be returned irrespective of when they were placed on the market. This order also lays down the requirements concerning the geographical coverage of vehicle collection points.

The **Spanish** law provides that manufacturers must establish systems for the collection of vehicles and spare parts or else take charge of the vehicles in order to send them to treatment facilities and decontaminate them. So far, vehicle producers have preferred to assume responsibility individually rather than set up integrated management systems. For the collection of end-of-life vehicles, a nationwide logistics network of vehicle reception centres has been set up, which includes municipal reception centres, dealers and treatment facilities. The PNVFU addresses the need to site reception centres or treatment facilities in locations which are economically unviable either because they have a low population density or are geographically out-of-the-way. This is intended to facilitate the reception of all vehicles anywhere in the

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21 Act No 188/2004 Coll.

22 § 3(1), 3(3) and 3(6) of the Ordinance on End-of-Life Vehicles.

23 Ministerial Decision (MD) 105136 (10.6.2004) approves the setting up and operation of the collective system "Alternative Vehicle Management of Greece" (EDOE).

24 § 26 of the Waste Act.

25 Article 5(1)(a) and (b) of LN99/04.

26 Article 11 of the Act of 20 January 2005 on the recycling of end-of-life vehicles.

27 Section 2 of the Ordinance on Producer Responsibility for Motor Vehicles (1997:788) and Chapter 1 Section 1 point 5 of the Environmental Code (1998:808).

country taking into account transport optimisation in case of long distances. As far as spare parts are concerned, in the review of the PNVFU it is planned to set up one or more systems for the management of worn or damaged parts that have been replaced anywhere in the national territory.

In **Finland**, a nationwide collection network has been set up, to which the last owner of an end-of-life vehicle can return the end-of-life vehicle free of charge. Manufacturers are responsible for the operation and costs of this system. There are an adequate number of collection points within the collection network in Finland. Waste used parts from repairs on passenger vehicles are returned by and at the expense of the repairer to an appropriate waste management system.

In **Hungary**, Article 3(2)(a)(b) of the Government Decree requires producers to organise, establish and operate a collection network which ensures that end-of-life vehicles can be returned to a point within a radius of 50 km on the public highway. Waste treatment operators and dismantlers engaged in recovering used components set up a network for collection and treatment in Hungary on a commercial basis after signing contracts with individual producers. Over 150 undertakings receive end-of-life vehicles and components, and of these over 100 also carry out dismantling.

In **Ireland**, Article 9 of the Waste Management (End-of-Life Vehicles) regulations 2006 imposes an obligation on each producer to establish a national system for the collection of specified vehicles, of that producer's brand or for which that producer has responsibility, on and from 1st November 2006. A producer's national collection system shall comprise of authorised treatment facilities (ATFs) with one facility to be located in the functional area of each local authority and additional facilities to be located in those local authorities whose populations exceed 150,000 persons. It is anticipated that each producer's national collection system will comprise of at least 45 ATFs which shall have sufficient capacity to treat the actual number of ELVs that may arise in any given year of that producer's brand. ATFs, whether they form a part of a producer's national collection system or operate independently as the case may be, are required to meet the minimum site and operational standards set out in Article 14 and 15 and the Second Schedule of the regulations.

In **Italy**, Article 5 of Legislative Decree 209/2003 provides that vehicle producers organise, on an individual or collective basis, a network of collection centres for end-of-life vehicles with a suitable nationwide distribution or identify collection centres with a suitable nationwide distribution at which the free-of-charge acceptance of such vehicles is ensured.

In **Lithuania**, the producers and importers of vehicles may organise the collection, recovery and recycling of end-of-life vehicles themselves or they may use the existing waste management systems on the basis of contracts. Undertakings for the collection, recovery and recycling of end-of-life vehicles (treatment undertakings) should be spread so as to facilitate the creation of their network and they should be located at acceptable distances (preferable at about 50 kilometres) from any owner of an end-of-life vehicle. The network of treatment undertakings should ensure an effective reuse of the components of end-of-life vehicles, the recovery and, in particular, the recycling, of the materials of end-of-life components in compliance with the safety and environmental requirements. The public should be adequately informed about the risks posed by end-of-life vehicles to the environment and human health.

The law aims to ensure cooperation with municipalities in the removal of abandoned end-of-life vehicles from yards and other areas.

In **Luxembourg**, producers and importers need to notify the environmental authority of the location of collection facilities and any preferential treatment facilities within a deadline of 3 months and no longer than 6 months after the environmental agreement is signed.

According to the requirements of Law on end-of life vehicles in **Latvia**, the vehicle manufacturers' authorized representative (dealer) can sign an agreement with the Ministry of the Environment on the setting up of a system for the management of end-of life vehicles. Based on this agreement, the dealer must ensure to meet the targets for treatment of end-of-life vehicles specified in an operation plan for this dealer. A detailed report needs to be submitted to the Ministry of the Environment. As of today, the Ministry of the environment has signed agreements with eight dealers (importers). There is adequate amount of collection facilities of end-of life vehicles in the territory of Latvia.

In the **Netherlands**, the measures required in Article 5(1) are provided for through Article 8 of the End of Life Vehicles Management Decree. This Article requires manufactures and importers of cars to set up a national collection system for end of life vehicles under which end-of-life vehicles can be delivered at least free of charge.

In **Portugal**, the owners or holders of ELVs are responsible for them being conveyed to a collection centre or to a dismantling operator. Vehicle manufacturers and importers are obliged to take part in an integrated or an individual ELV management system and are responsible for ensuring the receipt of ELVs at collection centres and dismantling operators. Only vehicles of the manufacturers or importers who adopted one of these systems can be placed on the market. Manufacturers or importers can transfer their responsibility for the management of ELVs to an entity that manages an integrated system. Such an entity must organise a national network of operators for the collection, transport and treatment of ELVs. In this context, on 2 July 2004 an end-of-life vehicle management company called VALORCAR (*Sociedade de Gestão de Veículos em Fim de Vida, Lda*.) was granted a licence for the management of an integrated ELV management system in Portugal. The licence states that VALORCAR must create a national network of operators for the collection, transport and treatment of ELVs and meet the criteria for territorial coverage set out in article 11 of the Portuguese ELV law. VALORCAR has the objective of creating a collection and treatment network in which the owners/holders of ELVs can deliver them free of charge. The network is supposed to comprise a minimum of 29 collection centres or dismantling centres in mainland Portugal by 1 April 2007.

In **Slovenia**, producers of waste must deliver an end-of-life vehicle as a whole to the public service provider at the collection facility, and its components to a treatment facility. Article 7 of the Decree on the Manner, Subject of and Conditions for Performing a Public Service of the Management of End-of-life Vehicles[28] lays down a number and criteria regarding collection facilities. In particular, the concession holder must ensure the operation of a sufficient number of collection facilities distributed around the area covered by the concession, but at least one collection centre per administrative unit area covering vehicle registration markings LJ, KR, MB, GO, KP, NM, MS, KK, SG, PO and CE. A distance from the collection centre to the place

[28] Ur. list RS Nos. 18/2003, 135/2003, 32/2004, 106/2005, 32/2006 and 57/2006.

of permanent residence of a user of the service cannot be greater than 50 km by public road. The fulfilment of these conditions shall be verified during the procedure of awarding concessions.

In **Slovakia**, projects to construct treatment and collection capacity for handling end-of-life vehicles have received support from the Recycling Fund, a financial instrument established by Act No 223/2001 Coll.

The **UK** Regulation 10 of the ELV (Producer Responsibility) Regulations 2005 require producers to set up collection systems with the capacity necessary to deal with all their "own marque" of ELVs at conveniently located ATFs. Today, such producer-contracted ATFs number around 350, and are supplemented by a further 850 uncontracted ATFs.

3.5. Transfer of all end-of-life vehicles to authorised treatment facilities

*According to **Article 5(2)**, Member States shall also take the necessary steps to ensure that all end-of-life vehicles are transferred to authorised treatment facilities.*

All Member States indicated the existence of measures which ensure the transfer of all end-of-life vehicles to authorised treatment facilities. The **Czech Republic**[29], **Germany**[30], **Denmark**[31], **Estonia**[32], **Sweden**[33] have indicated the existence of national rules specifying the details in the area covered by the question in their respective national legislation.

In **Austria**, all end-of-life vehicle collectors are required to ensure that vehicles are recycled or disposed of in their entirety (transfer to authorised treatment facilities).

In **Belgium**, the transposition of this Article falls within the competence of the regions.

In **Cyprus**, there is an obligation of every person to deliver ELVs and, at the degree that it is technically feasible, also waste used parts, to either authorised treatment facilities or collection points. In case such waste is delivered to collection points, the person responsible needs to transfer it further to a treatment facility. An ELV holder or owner is entitled to deliver it to any collection point or authorised treatment facility operated by or on behalf of any relevant economic operator.

In **Spain**, if the owner of a vehicle proposes to dispose of it, he/she is obliged to deliver it to an authorised treatment facility where it must be decontaminated before being subjected to any other treatment.

In **Finland**, end-of-life vehicles are transferred via the national collection network to authorised collection points. Because of the high price of metal, vehicles may also be sent to

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29 Act No 188/2004 Coll. amending Act No 185/2001 Coll. on waste and amending certain other Acts, Article I (34) (Act No 185/2001 Coll., Section 37, paragraphs 1-6).

30 § 4(1) of the Ordinance on End-of-Life Vehicles.

31 Section 4 of Order No 480 of 19 June 2002.

32 § 3(1) and 3(2) of the Governmental Regulation No 352 (19.12.2004, as amended on 28.07.2005) and indirectly in § 4 of the Traffic Act).

33 Section 4 of the Ordinance on Producer Responsibility for Motor Vehicles (1997:788).

collection facilities other than authorised collection points, but they too end up in the same authorised treatment facilities as end-of-life vehicles from authorised collection points. When controlling the environmental permits, it is also checked that the collection centres operate in accordance with the requirements of the Waste Act and the Environmental Protection Act.

In **Greece**, all end-of-life vehicles need to be transferred to authorised treatment facilities through a national ELV management scheme EDOE. The scheme also issues the certificates of destruction.

In **Hungary**, waste treatment may only be carried out by undertakings in possession of a permit. In order for a vehicle to be permanently withdrawn from service, the last owner is required to deliver it either to an authorised waste facility or to the producer.

In **Ireland**, a producer's national collection system shall only comprise of authorised treatment facilities where end-of-life vehicles, of that producer's brand or for which that producer has responsibility, may be collected, stored and treated. The law imposes an obligation on the registered owner of an end-of-life vehicle to deposit such a vehicle at an authorised treatment facility, whether it forms a part of a producer's national collection system or operates independently, for appropriate treatment and recovery.

The law in **Italy** provides that a vehicle intended for dismantling must be delivered by its last holder to a collection centre or, in the case where the holder intends to dispose of the said vehicle in order to acquire another, may be handed over to a dealer or to a branch of a manufacturer or of the car dealer, for subsequent handover to a collection centre.

In **Lithuania**, keeping of an unused vehicle in communal areas and failure to take care of it after a written notification by the municipality is punishable by a fine of LTL 200-500 imposed on the owner of the vehicle (imposed by a police officer or an officer of any other competent institution). The same actions committed by a person who has already been punished by an administrative penalty for the violation of the ELV Law are punishable by a fine of LTL 500-1000 imposed on the owner of the vehicle with or without the confiscation of the vehicle.

Luxembourg makes it mandatory for the owners of end-of-life vehicles to take them either to a collection facility or directly to a treatment facility.

In **Latvia**, the owner of an end-of-life vehicle must ensure that any end-of life vehicle in his property is transferred to an authorized treatment facility. Additionally, vehicle importers must ensure the collection and transfer to authorized treatment facilities of the vehicle brands they import once those become end-of-life vehicles.

The **Maltese** law provides that the holders of all end-of-life vehicles shall transfer these vehicles to authorised treatment facilities.

In the **Netherlands**, two separate acts regulate the take back of ELVs depending on whether such vehicles originate from households or from companies. In any case, the ELV Management Decree designates the establishments which are authorised as a treatment facility by the competent authority and may as such accept end-of-life cars.

The owner of an end-of-life vehicle in **Poland** may send it only to a company which operates a dismantling centre or a firm operating a vehicle collection point[34], and operators of vehicle collection points are required to send end-of-life vehicles to firms which operate dismantling centres[35]. End-of-life vehicles may be collected only by vehicle collection point operators or dismantling centre operators which meet the requirements laid down by law[36].

In the context of the operation of the integrated system of ELV management in **Portugal**, the vehicle manufacturers' or importers' responsibility ceases on delivery of the ELV to an authorised treatment operator that carries on its business in accordance with the requirements set out in the law, and particularly with regard to the fulfilment of the provisions of Annex IV specifying minimum technical requirements for treatment of ELVs[37]. In the context of the licence granted to VALORCAR, all of the ELVs received at the collection centres of the VALORCAR's network of operators are processed in authorised treatment facilities that form part of the same network. This network must be developed in such a way that is covers the national territory completely[38]. As of 21 April 2005, the VALORCAR network of operators included 3 collection and treatment operators, and it is being gradually expanded.

In **Slovenia**, end-of-life motor vehicles need to be delivered to the public service provider by users of the public service. This law applies to vehicles of M1, N1 and L5 categories. The public service shall also be performed for unused or rejected components of these motor vehicles that arise as the result of the maintenance and repair of motor vehicles and are not defined as hazardous waste, with the exception of those whose management is regulated by special regulations applying to the management of end-of-life vehicle tyres, batteries and accumulators that contain hazardous substances, or waste oils. All public service providers must possess a concession to operate (acquire a permit from the ministry). Producers of waste (ELV last holders or owners) must deliver an end-of-life vehicle as a whole to the public service provider to the collection facility and its components to a treatment facility. Producers of waste must ensure that an end-of-life vehicle that cannot be sent to a collection facility is sent to a treatment facility. The abandonment or delivery of end-of-life vehicle components as municipal waste to the provider of the municipal public service of environmental protection is explicitly prohibited. Upon delivering an end-of-life vehicle, its last holder shall acquire a certificate of destruction of a vehicle from the public service provider, on the basis of which the provider confirms that the end-of-life vehicle was received and treated in accordance with the requirements of the Slovenian law[39].

In **Slovakia**, the authorisation for ELV treatment facilities is granted by the Ministry[40].

In the **UK**, ELVs may only be treated by authorised treatment facilities which meet the site and operational standards set down in the Directive and are licensed by the regulator. It is an

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34 Article 18 of the Act of 20 January 2005 on the recycling of end-of-life vehicles.

35 Article 35 of the Act of 20 January 2005 on the recycling of end-of-life vehicles.

36 Article 5(1) of the Act of 20 January 2005 on the recycling of end-of-life vehicles.

37 Article 14.11 of DL 196/2003.

38 Article 11 of DL 196/2003 and Clause 7 and Annex II part C item 6 of the Licence.

39 Decree on the Manner, Subject of an Conditions for Performing a Public Service of the Management of End-of-life Vehicles (Ur. List RS Nos. 18/2003, 135/2003, 32/2004, 106/2005, 32/2006 and 57/2006).

40 Paragraph 8(3)(d) of Act No 223/2001 Coll. (Part Six).

offence for a non-ATF to treat ELVs[41].

3.6. Collection of end-of-life vehicles – deregistration and certificates of destruction

*According to **Article 5(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.*

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.

All Member States have reported the existence of provisions setting up systems based on the link between deregistration and the issuance of a certificate of destruction. None of the Member States notified the use of the third subparagraph (applicable to Member States not having deregistration system in place at the date of entry into force of the ELV Directive). **Belgium**[42], the **Czech Republic**[43], **Germany**[44], **Denmark**[45], **Estonia**[46], **France**[47], **Malta**[48], **Sweden**[49] have indicated the existence of national rules specifying the details in the area covered by the question in their respective national legislation.

In **Austria,** each producer and each first recipient of an end-of-life vehicle must issue a certificate of destruction to the last holder or owner. A vehicle can be finally deregistered only on presentation of a certificate of destruction for that vehicle[50].

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41 Part VII of the ELV Regulations 2003 (and parallel legislation in Scotland and Northern Ireland).

42 Article 5 of the Royal Decree of 19 March 2004 on product standards for vehicles.

43 Act No 103/2004 Coll., amendment to the Railways Act and other Acts, Article IV (5) and (6); Act No 56/2001 Coll., Decree No 243/2001 Coll. of the Ministry of Transport and Communications on the registration of vehicles, as amended; Act No 188/2004 Coll. amending Act No 185/2001 Coll. on waste and amending certain other Acts, Article I (35) (Act No 185/2001 Coll., Section 37b, paragraphs 1 and 2).

44 Article 4 of the End-of-Life Vehicles Act (§ 27(a) of the Ordinance on Road Vehicle Registration), § 4(2) and 4(3) of the Ordinance on End-of-Life Vehicles.

45 Sections 7 and 8 of Order No 480 of 19 June 2002.

46 § 3 (2) of the Governmental Regulation No. 352, 19.12.2004, amended on 28.07.2005.

47 Article 6 and 13 of the ELV Decree, R 322-9 of the Code de la Route.

48 Article 5(3)(a) and (b) of the End-of-Life Vehicles Regulations (LN99/04).

49 Section 3 of the Vehicle Dismantling Act (1975:343), the Road Traffic Register Act (2001:588), Chapter 11 Section 2 of the Road Traffic Register Ordinance (2001:650), Section 12 of the Ordinance on Vehicle Dismantling (1975:348).

50 Section 43(1a) Motor Vehicles Act 1967.

The law in **Cyprus** provides for the obligation of the authorised treatment facilities to issue a certificate of destruction for each ELV they receive, and deliver or post it to the competent authority and to the last person who was in possession of the vehicle[51]. This certificate is used for deregistration of a vehicle in accordance with the Motor Vehicles and Road Traffic Laws. The latter makes the certificate of destruction a necessary and sufficient document for deregistration of a waste vehicle[52]. The format of a certificate of destruction, incorporating the minimum requirements of Commission Decision 2002/151/EC, is established in a separate legal act[53].

In **Spain**, an Order of the Ministry of the Interior[54] introduces a model certificate of destruction reflecting the content of Decision 2002/151/EC, which all the Autonomous Communities have adopted and which must be presented in order to deregister a vehicle at the end of its life with the Register of Vehicles at the Directorate-General of Traffic[55].

The **Finnish** legislation requires a certificate of destruction for deregistration of a vehicle. Manufacturers and their partners are entitled to issue certificates of destruction.

In **Greece**, EDOE provides the necessary certificates of destruction.

In **Hungary**, only authorised dismantlers issue certificates of destruction[56]. Producers or recipients may issue certificates of destruction on behalf of a dismantler. Vehicles may be definitively withdrawn from service only upon presentation of the certificate[57].

Due to a belated implementation of the Directive, the **Irish** Waste Management Regulations[58] provide for the issuance of certificates of destruction by authorised treatment facilities deposited for appropriate treatment and recovery at those facilities only on and from the 1st January 2007, without any charge for the issuance.

In **Italy**, at the time of a handover to the collection centre of a vehicle intended for dismantling, the proprietor of the centre must issue to the keeper of the vehicle, the dealer, or the management of the branch of the vehicle's manufacturer or of the car dealer a suitable certificate of destruction accompanied by a description of the state of the vehicle delivered, and has to give a commitment to immediately proceed with deregistration with the PRA (Vehicle

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51 Article 9(5) of L.157(I)/2003.

52 Amendment introduced by L.146(I)/2003.

53 "Specification of the Certificate of Destruction Decree of 2004", Number P.I.826/2004, Published in the Cyprus Government Official Journal numbered 3932, of 10.12.2004, in Annex III, Part I.

54 Order INT/249/2004.

55 Articles 4.2 and Article 5 of the Royal Decree.

56 Article 7(3) of the Government Decree and Ministry of Economy and Transport Decree 29/2004 (III.12) amending Ministry of Transport, Communication and Water Management Decree 1/1990 (IX. 29) on the personal and material requirements for the maintenance of motor vehicles.

57 Ministry of the Interior Decree 41/2005 (X. 7) amending Ministry of the Interior Decree 35/2000 (XI. 30) on public transport administrative responsibilities and the issue of withdrawal of public transport documents, and Ministry of the Interior Decree 16/2005 (IV. 4) amending Ministry of the Interior Decree 35/2000 (XI. 30) on public transport administrative responsibilities, and the issue of withdrawal of public transport documents.

58 Part III of the Waste Management (End-of-Life Vehicles) Regulations 2006.

Registration Office) if this has not already been done and to treat the vehicle[59]. With effect from the date of coming into force of Decree 209/2003, the cancellation of the PRA of the end-of-life vehicle will be performed exclusively by the proprietor of the collection centre or by the dealer or the manager of the branch of the manufacturer or of the car dealer, without any administration fee being payable by the keeper of the vehicle. To this end, within three days of the handover of the vehicle, this dealer or management or proprietor needs to return the certificate of ownership, registration document and the registration plates of the end-of-life vehicle in line with the procedure laid down by Presidential Decree No. 358 of 19 September 2000. The proprietor of the collection centre will proceed to treat the end-of-life vehicle following cancellation of the PRA for this vehicle. The details of the acknowledgement of notification and receipt of the registration plates and the documents relating to the end-of-life vehicle by the competent vehicle registration office are recorded by the proprietor of the collection centre, the dealer or the management of the manufacturer or of the car dealer in the appropriate vehicle entry and exit register[60]. The issue of the declaration of taking charge of the vehicle or the certificate of destruction releases the keeper of the end-of-life vehicle from civil, criminal and administrative responsibilities associated with ownership and correct management of the vehicle. The certificate of destruction must state and include the following items[61]: 1. name, address, signature and registration or identification number of the establishment or the company issuing the certificate; 2. name and address of the competent authority issuing the authorisation to the establishment or the company issuing the destruction certificate; 3. name, address and registration or identification number of the establishment or company issuing the certificate, in the case that the certificate is issued by a producer, by a distributor or by an operator in charge of collection on behalf of a collection centre; 4. date and time of issue of the destruction certificate and the date and time of taking charge of the vehicle by the dealership or the management of the branch of the manufacturer or of the car dealer; 5. declaration by the collection centre certifying that the vehicle has been cancelled by the vehicle registration office; 6. class, make and model of the vehicle; 7. vehicle identification number (chassis or plate number, where this exists); 8. name, place and date of birth, address, nationality, identification document details and signature of the keeper handing over the vehicle and, where the vehicle is handed over by a person other than the owner, the name, place and date of birth, address and nationality of this owner.

In **Lithuania**, after accepting an end-of-life vehicle, the authorised treatment or collection undertaking shall issue a certificate of destruction to the last owner of the vehicle (based on a standard form of a certificate of destruction). The treatment or collection undertaking shall complete three copies of the certificate of destruction: the first copy to be given to the owner of the end-of-life vehicle delivered to the collection or treatment undertaking, the second copy to be retained by the issuing undertaking, and the third copy to be presented to the Regional Environmental Department that has issued a permit for the use of natural resources or an integrated pollution prevention and control permit[62]. The rules concerning the issuing of

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59 Article 5, paragraph 6 of Legislative Decree 209/2003.

60 A register must be kept in accordance with the provisions laid down pursuant to Legislative Decree No. 285 of 30 April 1992.

61 Appendix III to Legislative Decree 209/2003.

62 § 44(6) of Order No 1V-289 of the Minister of the Interior of the Republic of Lithuania of 13 September 2004 amending Order No 260 of the Minister of the Interior of the Republic of Lithuania of 25 May 2001 adopting the Rules for the Registration of Road Vehicles.

certificates of destruction[63] stipulate that in the case of deregistration of a class M1 or N1 vehicle, a certificate of destruction needs to be issued under the requirements of the Rules on the Management of End-of-life Vehicles[64]. This provision shall not be applicable to end-of-life vehicles the use of which was terminated before the entry into force of the Rules on the Management of End-of-life Vehicles.

In **Luxembourg,** the environment authority works with the Ministry for Transport to instruct the National Body for Technical Controls that only vehicles for which a certificate of destruction has been issued are to be marked as destroyed[65]. In this context, the Authority carries out regular checks.

In **Latvia,** the rules governing the completion and issuing of certificates of destruction are contained in the "Arrangement of filling and delivery of certificates of destruction of end-of-life vehicles"[66]. This documents prescribes the rules regarding the implementation of the system of ELV deregistration based on the certificates of destruction, the requirements regarding the issuing of a certificate of destruction to the last owner of an ELV, and the cases where treatment facilities have the right to financial reimbursement. Once the treatment facility has received an end-of-life vehicle, it issues a certificate of destruction.

In the **Netherlands**, registrations and deregistrations are regulated through the Registration Numbers Regulations.

The details of the vehicle deregistration system in **Poland** are primarily laid down in the Polish Road Traffic Act[67] specifying the method of cancelling the documents of end-of-life vehicles, the models of certificates to be issued for such vehicles, the method of storing certificates and keeping records thereof.

In **Portugal**, legislation specifying the principles and procedures concerning deregistration and issuing of certificates of destruction[68] sets out that deregistration of an ELV is dependent on the presentation of a certificate of destruction issued by an authorised dismantling operator to the Highways Department (DGV). Deregistration procedure starts when an ELV is delivered to an authorised collection centre or dismantling centre. At this point, its owner or other legitimate holder must hand over the vehicle's identification document (registration document) and the ownership title and request the relevant deregistration by filling in a DGV form 1402 (which will be provided by the collection centre or the dismantling operator).

However, there are some exceptions to this procedure. In the case of abandoned vehicles that are in the possession of the municipal or police authorities, the authorities are exempt from

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63 § 12 and 13 of the Rules for the Management of End-of-life Vehicles adopted by Order No 710 of the Minister of Environment of the Republic of Lithuania of 24 December 2003.

64 Order No 710 of the Minister of Environment of 24 December 2003 (Official Gazette 2004, No 50-1676).

65 Article 8 of the draft environmental agreement.

66 As prescribed in the Law on End-of-life vehicles and in the Cabinet of the Ministers regulations Nr. 241 on "Arrangement of filling and delivery of certificates of destruction of end-of life vehicles" of 06.04.2004.

67 Article 79(1) of the Road Traffic Act of 20 June 1997 (Journal of Laws 2005, Nr 108, item 908, as amended) and Regulation of the Minister for Infrastructure of 25 March 2005.

68 Article 17 of DL 196/2003.

presenting the vehicle documentation. In the case of salvaged vehicles, the insurance company is exempt from the obligation to present the vehicle documentation, and must simply prove that it has submitted the relevant vehicle registration document to the DGV and the ownership title to the Motor Vehicle Registry (CRA). Finally, in the case of an ELV the holder of which is not supposed to have the vehicle registration document or the ownership title, he or she is exempt from presenting them, and must simply prove that the vehicle registration document has been submitted to the DGV and the ownership title to the CRA.

If the ELV is delivered to a collection centre, the centre will identify it, check the relevant documentation and hand it over to the dismantling operator along with the ELV. If the ELV is delivered to a dismantling operator, the operator will identify it, check the relevant documentation and issue a certificate of destruction, based on the legally approved template[69]. The dismantling operator must keep a copy of the certificate of destruction for a period of not less than five years, and - within a maximum of five working days from the date of receipt of the ELV - must submit: (1) the original certificate of destruction to the owner or legal holder of the ELV, (2) a copy of the certificate of destruction to VALORCAR, and (3) a copy of the certificate of destruction to the DGV, accompanied by the vehicle documentation when applicable. As soon as it receives the documentation, the DGV deregisters the vehicle and informs the CRA.

In **Slovenia**, the form and content of the certificate of destruction and the actions that must be taken concerning the issuing, completion and storing of these certificates are laid down in the Rules on the Certificate of Receipt of an End-of-life Motor Vehicle for Dismantling and on the Statement on the Location of the Vehicle[70]. The obligations of a vehicle owner under these Rules arise when any of the reasons for deregistration of vehicles under road safety regulations arise.

In **Slovakia**, when receiving end-of-life vehicles for treatment, a treatment facility shall be required to draw up an acknowledgement of receipt based on the model laid down in the implementing measure[71] and to issue one copy to the holder of the end-of-life vehicle or other person from whom he has received the end-of-life vehicle, where that obligation is not fulfilled on its behalf by the person responsible for collecting end-of-life vehicles[72].

In the **UK**, certificates of destruction may only be issued by authorised treatment facilities who may not charge for issue[73].

3.7. Institutions entitled to issue certificates of destruction

*According to **Article 5(3)**, Member States may permit producers, dealers and collectors on behalf of an authorised treatment facility to issue certificates of destruction provided that they*

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69 The template was approved by Instruction no. 9276/2004 of 16 April 2004 of the President of the Institute for Waste Management.

70 Ur. list RS No. 52/04.

71 § 68(3)(j) of Act No 223/2001 Coll. (Part Six) concerning the obligations incumbent on treatment facilities for end-of-life vehicles.

72 § 52(1)(k) of Act No 223/2001 Coll. (Part Six) concerning the obligations incumbent on treatment facilities for end-of-life vehicles.

73 Part V of the ELV Regulations introduces the Certificate of Destruction in UK.

guarantee that the end-of life vehicle is transferred to an authorised treatment facility and provided that they are registered with public authorities.

It is not permitted that producers, dealers and collectors issue certificates of destruction on behalf of authorised treatment facilities in **Belgium**, **Cyprus**, **Czech Republic**, **Denmark**, **Germany**, **Spain**, **France**, **Greece**, **Ireland**, **Luxembourg**, **Malta**, the **Netherlands**, **Portugal**, and the **United Kingdom**.

Denmark[74]**, Estonia**[75]**,** and **Sweden**[76] have indicated the existence of national rules specifying the details in the area covered by the question in their respective national legislation.

In **Austria**, certificates of destruction may be issued by collecting producers or importers and also by accepting first recipients, who are required to have the treatment carried out in facilities authorised for the purpose.

In **Finland**, issuing of certificates of destruction lies primarily with the manufacturers who may transfer this right, by means of an agreement, to dealers, collectors and treatment facilities.

In **Hungary,** vehicle recipients such as producers or dealers may issue certificates of destruction on behalf of a dismantler.

In **Italy**, a dealer or the management of a branch of a manufacturer or of a car dealer issues to the vehicle last holder a certificate of destruction in the name and on behalf of the authorised facility which will treat the vehicle, which includes the commitment to undertake the deregistration with the vehicle registration office. A dealer or the management of a branch of a manufacturer or of a car dealer will perform this deregistration prior to handing over the vehicle to the collection centre and will provide the vehicle registration office with details of the acknowledgement of notification and handover of the plates, certificate of ownership and registration document relating to the vehicle[77].

In **Lithuania,** treatment undertakings may authorise on the basis of a contract another undertaking engaged in similar activities (e.g. car repairs) to accept end-of-life vehicles and to issue certificates of destruction on its behalf. Such an undertaking accepting end-of-life vehicles must possess a registration number of waste management undertakings assigned to it, or the contract must define the conditions for the collection, temporary storage and transfer of end-of-life vehicles to the treatment undertaking. The copy of the contract must be presented to the Regional Environmental Department that has issued the permit for the use of natural resources or the permit of integrated pollution prevention and control to the treatment undertaking[78].

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74 Section 8 of Order No 480 of 19 June 2002.

75 § 3 (2) of the Governmental Regulation No 352 of 19 February 2004, as amended on 28.07.2005.

76 Section 3 of the Vehicle Dismantling Act (1975:343).

77 Rules as modified by the Legislative Decree referred to in Article 1.1.1.

78 Paragraph 10 of the Rules for the Management of End-of-life Vehicles adopted by Order No 710 of the Minister of Environment of the Republic of Lithuania of 24 December 2003

Under **Polish** law, certificates of destruction may be issued not only by firms operating dismantling centres but also by firms operating vehicle collection points[79].

In **Slovenia**, the reception facilities and collectors may issue certificates of destruction on behalf of an authorised treatment facility.

In **Slovakia,** the clause has been used to enable the collector of end-of-life vehicles to discharge that responsibility on behalf of the treatment facility.

3.8. Free take-back of end-of-life vehicles

*According to **Article 5(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.*

All Member States reported the implementation of the above provisions of the ELV Directive into their national systems. **Belgium**[80], the **Czech Republic**[81], **Germany**[82], **Denmark**[83], **Estonia**[84], **France**[85], **Greece**[86], **Sweden**[87] indicated the existence of national rules specifying the details in the area covered by the question in their national legislation.

In **Austria**, taking back end-of-life vehicles at the producers' collection facilities must be at least free of charge. An exception to this exists if major components of the vehicle are missing or if waste is added.

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79 Article 33(3) of the Act of 20 January 2005 on the recycling of end-of-life vehicles.

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81 Act No 188/2004 Coll. amending Act No 185/2001 Coll. on waste and amending certain other Acts, Article I (35) (Act No 185/2001 Coll., Section 37b, paragraph 1).

82 Paragraphs 1 and 2 have been transposed by § 3(1) of the Ordinance on End-of-Life Vehicles, paragraph 3 by § 3(4) No 3 and 4 of the Ordinance on End-of-Life Vehicles.

83 Implemented through Act No 385 of 2 June 1999 on environmental subsidies and compensation in connection with the dismantling and scrapping of cars, as amended by Act No 385 of 6 June 2002 and Order No 782 of 17 September 2002 on the collection of environmental and destruction charges and compensation in connection with the dismantling and scrapping of cars. The Act is supplemented by Sections 16-19 of Order No 1708 of 20 December 2006.

84 § 26 (4) of the Waste Act.

85 Articles 5 and 6 of the ELV Decree.

86 PD 116 (art.8, par. 4 & 5).

87 Section 2 of the Ordinance on Producer Responsibility for Motor Vehicles (1997:788). Provisions will be introduced through a new ordinance in 2006.

In **Cyprus**, the collection points or treatment facilities accepting ELVs of a negative or no value must take them back free of charge[88]. A charge may be asked if a vehicle contains waste which has been added to it or if it does not contain essential components. The condition to be met when charging a fee in such cases is that the claimed payment shall not exceed the cost of treatment minus the profit from the treated waste. The Law provides for the power to issue Regulation to further regulate this particular issue.

In **Denmark**, the Environmental Protection Act introduces the obligation for all producers/importers to take back all end-of-life cars, including cars placed on the market before 1 July 2002. This provision entered into force on 1 January 2007.

In **Spain**, delivery of the vehicle must occur without any cost for the last owner. Vehicle producers are obliged to cover the negative cost of managing vehicle waste or to take the vehicle back and manage the waste directly. In the latter case, the Royal Decree specifies that a negative cost will be deemed to exist when the costs of decontamination, reuse, shredding and recovery of the resulting materials exceed the income from reused elements and materials recovered in shredding. To implement this measure, producers and representative associations of the various sectors concerned may commission assessments by independent organisations to quantify these costs. Express provision is made for the event that an end-of-life vehicle contains no essential components, in particular the engine and the coachwork, in which case delivery will not be free of charge.

In **Finland**, the national legislation provides that the final holder and/or owner of the vehicle may deliver the vehicle to an authorised collection centre free of charge.

In **Hungary**, dismantlers and contracted recipients take over end-of-life vehicles from their owners on a commercial basis. If dismantlers or other waste treatment operators suffer verifiable losses from waste treatment, producers - by a special arrangement - will compensate them insofar as a contract has been signed with the dismantlers or other waste treatment operators. End-of-life vehicles with no market value need also be taken over from owners free of charge. As far as data is available, dismantlers also accept free of charge end-of-life vehicles missing important components as well as those manufactured before 1 July 2002, or even pay owners the market price for scrap metal.

In **Italy**, as of August 2003 (entry into force of the legislative decree) for vehicles brought onto the market after 1 July 2002, and as of 1 January 2007 for vehicles brought onto the market prior to 1 July 2002, the handover of an end-of-life vehicle to the collection point will take place without the keeper incurring any costs as a result of the zero or negative market value of the vehicle, save for the documented costs of deregistration of the vehicle by the Vehicle Registration Office (PRA), and those associated with the transport of the vehicle to the collection point[89]. These provisions do not apply if an ELV does not contain its essential components such as the engine, parts of the bodywork, the catalytic converter and electronic control units (if these were present originally), or if it contains additional waste. Where the producer does not comply with the organisation of free withdrawal on a nationwide basis, it

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88 Article 9(5) of L.157(I)/2003.

89 Article 7, paragraph 2, of Legislative Decree 209/2003.

will in any case be obliged to bear the costs of withdrawal and treatment of an end-of-life vehicle[90].

In **Lithuania**, in case the producers and importers of vehicles do not take the necessary measure for the organisation of end-of-life vehicle management systems, the introduction of a tax for environmental pollution by end-of-life vehicles should be considered[91]. While accepting end-of-life vehicles, the treatment or collection undertaking may not demand any payment for the acceptance of vehicle. The collection or treatment undertaking may refuse to accept an end-of-life vehicle free of charge, if the end-of-life vehicle was registered in Lithuania for less than three months before its delivery to the collection or treatment undertaking, it does not contain the essential components of a vehicle (in particular the engine, bodywork, etc.), or where it contains additional waste[92].

In **Luxembourg**, owners or most recent users may deposit end-of-life vehicles free of charge provided that the vehicle still contains the essential working components and does not contain additional waste[93].

In **Ireland**[94], producers are obliged to establish national collection systems, comprising of authorised treatment facilities, where end-of-life vehicles of their brand (or for which they have responsibility) may be deposited for appropriate treatment and recovery. No charge shall be imposed on the registered owner of an end-of-life vehicle in respect of the deposit of that vehicle for appropriate treatment and recovery at an authorised treatment facility that forms a part of a producer's national collection system. This provision applies from 1st November 2006 in respect of an end-of-life vehicle which was first registered on or after 1st July 2002 and from 1st January 2007 in respect of all other end-of-life vehicles. A charge can be imposed in the event that the end-of-life vehicle contains waste or is missing its essential components. A requirement is also imposed on producers to meet the costs associated with the appropriate treatment and recovery of end-of-life vehicles which have no or a negative market value. A similar obligation in relation to free take-back is imposed on authorised treatment facilities that do not form a part of a producer's national collection system.

In **Latvia**, treatment facilities must ensure that the owner of an end-of life vehicle could deliver this vehicle to the authorized treatment facility without any cost, if the vehicle does not miss the essential components (i.e. the engine, steering-gear, chassis) or contains waste which has been added to it. There is also an exception to deliver the vehicle to an ATF without any cost when the ELV vehicle is registered in the register of commerce.

In **Malta**[95], producers shall meet all, or a significant part of, the costs of free take-back. The Competent Authority may decide that the delivery of end-of-life vehicles is not fully free of

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90 Article 5, paragraph 4, of Legislative Decree 209/2003.

91 Resolution No 577 of the Government of the Republic of Lithuania of 14 May 2004 amending Resolution No 519 of the Government of the Republic of Lithuania of 12 April 2002 adopting the National Strategic Plan for Waste Management.

92 Paragraphs 15 and 16 of the Rules for the Management of End-of-life Vehicles adopted by Order No 710 of the Minister of Environment of the Republic of Lithuania of 24 December 2003.

93 Article 6(5) of the Grand Duchy Regulation of 17 March 2003.

94 Articles 9(1), 9(2) and 9(3) of the Waste Management (End-of-Life Vehicles) Regulations 2006.

95 Article 5(4) of the End-of-Life Vehicles Regulations (LN99/04).

charge if the end-of-life vehicle does not contain the essential components of a vehicle, in particular the engine, the coachwork, the catalytic converter, the gearbox and the wheels, or contains waste which has been added to the end of life vehicle.

In the **Netherlands**[96], a national system for the collection of end-of-life vehicles is established (ARN) under which end-of-life vehicles can be delivered at least free of charge. The system for collection is founded by the producers/importers of cars to fulfil their legal obligations.

In **Poland**, an operator of a dismantling centre is required to accept all end-of-life vehicles free of charge, except in certain situations (where a vehicle is incomplete or contains waste which does not come from that vehicle)[97]. Moreover, producers and importers of vehicles are required to ensure the existence of a vehicle collection network and thereby also the financing for the establishment of such a network[98].

In **Portugal**, the delivery of an ELV to a collection centre or a dismantling operator named by the vehicle manufacturer or importer or by the managing entity takes place at no cost to the owner or holder, as a result of the ELV having no or a negative market value[99]:

a) as of 1 July 2002 in relation to vehicles placed on the market after that date;

b) as of 1 January 2007 in relation to vehicles placed on the market before 1 July 2002.

With regard to the financial responsibility of producers, vehicle manufacturers or importers will bear the cost of the transport operations from the collection centre and the treatment of the ELVs and their components and materials, as a result of the ELV having no or a negative market value[100]. Delivery of an ELV to a collection centre or a dismantling operator is not, however, free of charge if the ELV in question was originally equipped with an engine, transmission shafts, gearbox, catalysers, electronic control units and coachwork, but does not contain some of these components; or waste has been added to the ELV in question[101].

The **Slovenian** law specifies that users of the public service/last owners shall be entitled to deliver an end-of-life motor vehicle to a collection or treatment facility free-of-charge[102].

In **Slovakia**, facilities treating end-of-life vehicles are required to pay the holder of the end-of-life vehicle or another person who has delivered the end-of-life vehicle for treatment a fee, irrespective of the market value of the vehicle, over and above the purchase price; this responsibility may be delegated to the collector. The holder of the end-of-life vehicle who

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96 Article 8(b) and (c) of the End-of-Life Vehicles Management Decree.

97 Article 23 of the Act of 20 January 2005 on the recycling of end-of-life vehicles.

98 Article 11 of the Act of 20 January 2005 on the recycling of end-of-life vehicles.

99 Article 14.7 of DL 196/2003.

100 Article 14.8 of DL 196/2003.

101 Article 14.10 of DL 196/2003.

102 Article 30 of the Decree on the Manner, Subject of and Conditions for Performing a Public Service of the Management of End-of-life Vehicles (Ur. list RS Nos. 18/2003, 135/2003, 32/2004, 106/2005, 32/2006 and 57/2006).

takes or transfers it at his own expense and delivers it to a treatment facility for end-of-life vehicles shall be entitled to the payment of a fee of SKK 1000[103].

In **the UK**, the ELV (Producer Responsibility) Regulations 2005 require producers to set up networks of conveniently located ATFs into which last owners can deliver their ELVs free of charge, even when those ELVs have no or negative value. Free take-back may not be available in these networks in the event of an ELV being significantly incomplete (as defined in the Regulations) or containing extraneous waste.

3.9. Mutual recognition of certificates of destruction

*According to **Article 5(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.*

The minimum requirements for the certificate of destruction were drawn up by the Commission in Commission Decision 2002/151/EC[104]. Most Member States reported acceptance of certificates of destruction meeting the minimum criteria specified by this Decision and accepted in the issuing Member States.

Austria has only drawn up the minimum requirements for certificates of destruction, without prescribing a specific form for them. All certificates of destruction which would correspond to that are accepted.

In **Belgium**, the measures concerning the minimum requirements for the certificate of destruction come within the competence of the regions. The issue of the mutual recognition of certificates of destruction from various Member States is a matter for the federal government.

In **Cyprus**, certificates of destruction issued by other Member States in accordance with their national laws transposing the requirements of the ELV Directive are accepted[105].

In **Germany** and **Greece**[106], all certificates of destruction meeting the requirements in Commission Decision 2002/151/ are recognised, including those issued in another Member State.

In **Spain**, certificates of destruction that have been validly issued by other Member States of the European Union will have the same effects as if they had been issued by authorised facilities in this country[107]. For purposes of definitive deregistration of such vehicles, vehicle owners or their representatives must complete the formalities specified in the Spanish General Vehicle Regulation at the appropriate Provincial Traffic Office.

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103 § 52 (paragraphs 2 and 3) of Act No 223/2001 Coll. (Part Six).
104 OJ L 50, 21.2.2002, p. 94.
105 Article 9(5) of L. 157(I)/2003.
106 EEL 50/94/21.2.2002.
107 Article 5.4 and Annex IV of the Royal Decree.

Certificates of destruction in **Finland** are translated into English. The Vehicle Administration Centre must approve certificates of destruction containing the required information issued in other EU Member States[108].

In **Hungary**, certificates of destruction issued in one of the EEA countries must be accepted for vehicles' definitive withdrawal[109].

In **Ireland**, provision is made to recognise the legitimacy of a certificate of destruction issued by an authorised treatment facility in another Member State or a certificate of destruction issued by a producer, dealer or collector where permitted by a competent authority in another Member State[110].

In **Luxembourg**, certificates of destruction issued in another Member State are recognised and accepted[111]. The National Body of Technical Controls holds a list of duly authorised facilities in Luxembourg and bordering regions. The environment authority is immediately notified when a certificate for a new foreign facility is received. The environment authority then checks whether this facility is duly authorised to issue certificates of destruction.

In **Poland**, one of the conditions for deregistration of a vehicle is the presentation of a certificate of destruction of the vehicle or an equivalent document issued in another Member State[112].

In **Portugal**, the Institute for Waste Management sets out the template for the ELV certificate of destruction transposing the requirements of Commission Decision 2002/151/EC into Portuguese law[113]. Certificates of destruction issued by other Member States of the European Union that contain all of the information required by this template are valid for deregistration purposes in Portugal[114].

In **Slovakia**, if the holder of an ELV has not transferred it to another holder for use as a motor vehicle or does not wish to keep it, he shall be required to submit, together with a request for the ELV to be deregistered under specific regulations of the regional transport inspectorate, an acknowledgement of receipt of the ELV drawn up by the treatment facility or a person authorised to treat ELVs in another Member State of the European Union; in that case, the holder of the ELV shall also submit an officially certified translation thereof[115]. The model acknowledgement of receipt for end-of-life vehicles is contained in Annex 2 to Slovak Ministry of the Environment Decree No 125/2004 Coll.

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108 Section 7(3) of the Council of State Decree on end-of-life vehicles (581/2004).

109 Article 6(6) of Ministry of the Interior Decree 16/2005 (IV. 4) amending Ministry of the Interior Decree 35/2000 (XI. 30) on public transport administrative responsibilities, and the issue and withdrawal of public transport documents.

110 Article 20 of the Waste Management (End-of-Life Vehicles) Regulations 2006.

111 Article 6(3) of Grand Duchy Regulation of 17 March 2003.

112 Article 79(1)(1) of the Road Traffic Law Act of 20 June 1997 (Journal of Laws 2005, No 108, item 908, as amended).

113 Instruction no. 9276/2004 of 16 April 2004, published in the Official Gazette on 10 May 2004.

114 Article 17.12 of DL 196/2003.

115 Paragraph 51 of Act No 223/2001 Coll. (Part Six).

The **Czech Republic**[116], **Denmark**[117], **Estonia**[118], **Italy**[119], **Lithuania**[120], **Latvia**[121], **Malta**[122], **the Netherlands**[123], **Sweden**[124], and the **United Kingdom**[125] indicated the existence of national rules specifying the details in their national legislation regulating the issue of mutual recognition of certificates of destruction.

Slovenia reported that it has not taken measures pursuant to Article 5(5) of the ELV Directive. The mutual recognition of certificates of destruction is not separately regulated in the Slovenian law. There have up to now been no cases where mutual recognition was necessary. If they occur, it is envisaged that a case-by-case approach will be taken. Mutual recognition is possible on the basis of direct application of the provisions of the Directive.

3.10. Minimum requirements for storage and treatment of end-of-life vehicles

*According to **Article 6(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.*

Austria[126]**, Belgium** (the Flemish Region), **Cyprus**[127], **the Czech Republic**[128], **Germany**[129], **Greece**[130], **Denmark**[131], **Estonia**[132], **Spain**[133], **Ireland**[134], **Italy**[135], **Lithuania**[136], **Malta**[137], **the**

116 Act No 103/2004 Coll., amendment to the Railways Act and other Acts, Article IV(5) and (6).
117 Section 12 of Order No 782 of 17 September 2002 on the collection of environmental and destruction charges and compensation in connection with the dismantling and scrapping of cars.
118 Regulation of Minister of Economic Affairs and Communications No. 175 (24.08.2004) (https://www.riigiteataja.ee/ert/act.jsp?id=793962, in Estonian) § 7 (2) (2) and Annex 2.
119 Article 5, paragraph 13 of the Legislative Decree 209/2003.
120 Paragraph 14 of the Rules for the Management of end-of-life vehicles adopted by Order No 710 of the Minister of Environment of the Republic of Lithuania of 24 December 2003.
121 Cabinet of the Ministers Regulations No 243 "Requirements for recycling of end-of-life vehicles and environmental requirements for treatment facilities" (adopted 06.04.2004).
122 Article 5 (5) of the End-of-Life Vehicles Regulations (LN99/04).
123 The Registration Numbers Regulations.
124 Chapter 11 Section 1 of the Road Traffic Ordinance (2001:650).
125 Part V of the ELV Regulations 2005 (regulation 33 recognises the legitimacy of CoDs issued in other Member States.
126 Section 1(3) of the Waste Management Act 2002 in conjunction with Section 15 of the Waste Management Act 2002.
127 Articles 7(1) and 7(2) of L. 157(I)/2003.
128 Act No 188/2004 Coll. amending Act No 185/2001 Coll. on waste and amending certain other Acts, Article I (35) (Act No 185/2001 Coll., Section 37b, paragraph 1, and Section 37c, paragraph 1 and (34) (Act No 185/2001 Coll., Section 37, paragraph 9).
129 § 5(2) of the Ordinance on End-of-Life Vehicles and by the Annex to the AltfzV.
130 MD 15393/2332/02.
131 Section 9 of Order No 480 of 19 June 2002.
132 Regulation of Environmental Minister No. 89 (08.07.2004, amendments added 29.03.2005) (https://www.riigiteataja.ee/ert/act.jsp?id=886742, in Estonian) § 3.
133 Article 8.2 of the Royal Decree, which provides that treatment facilities must meet the technical requirements indicated in Annex I and must carry out the operations specified in Annex III of the said Royal Decree.

Netherlands, **Sweden**[138], **Slovakia**[139], **France**[140], and **the United Kingdom**[141] indicated the existence of national provisions specifying the conditions for ELV storage and treatment in accordance with the requirements of Article 6(1) of the ELV Directive.

In **Finland**, the Council of State Decree on end-of-life vehicles (581/2004) contains provisions on the storage and treatment of end-of-life vehicles: anyone operating commercially in the treatment and storage of end-of-life vehicles must have the environment permit referred to in Section 28(2)(4) of the Environmental Protection Act (86/2000) and commercial collectors must be registered in the waste register in accordance with Section 49 a of the Waste Act and, when drawing up agreements with pre-treatment facilities, the manufacturer must give preference to facilities which have introduced a certified environmental management system. The Decree also provides for minimum technical requirements for storage and other treatment.

In **Hungary**, the Government Decree[142] and Annex thereto set out the requirements for storage and treatment. It is also necessary to apply the rules on the treatment of hazardous waste[143] and on the personal and material requirements for the maintenance of motor vehicles[144]. These rules transpose the general requirements contained in Article 4 of Directive 75/442/EEC.

In **Luxembourg**, all storage sites (even temporary) are subject to authorisation by the Ministry of the Environment. A Ministerial order sets the storage conditions and use of the site.

In **Latvia**, each treatment facility has to ensure the storage and treatment of ELVs in the safe way in terms of health and environmental protection. In order to carry out ELV storage, dismantling and/or treatment, treatment facilities have to take action in accordance with the requirements of the national law transposing Directive 75/442/EC.

In **Poland**, end-of-life vehicles may be dismantled exclusively at dismantling centres, whereas end-of-life vehicles may be collected only by firms operating vehicle collection points or firms operating dismantling centres[145]. Firms operating dismantling centres are obliged to ensure that the treatment of end-of-life vehicles is such that it does not damage the environment or public health, and, in accordance with Article 32 of the ELV Act, firms operating vehicle collection points are to ensure that end-of-life vehicles are collected in ways which do not damage the

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134 Articles 14(1)(b), 15(1), 15(2) of the Waste Management (End-of-Life Vehicles) Regulations 2006, and the Second Schedule thereof transposing the requirements of Annex I to the ELV Directive.

135 Article 6, paragraph 1 and Appendix I of the ELV Legislative Decree specifies the equipment of collection and treatment facilities, Appendix I, point 4 identifies precisely the criteria for storage.

136 Paragraphs 11 and 18-26 of the Rules for the Management of End-of-life Vehicles adopted by Order No 710 of the Minister of Environment of the Republic of Lithuania of 24 December 2003.

137 Article 6(1) of the End-of-Life Vehicles Regulations (LN99/04).

138 Chapter 2 Section 3 of the Environmental Code, Sections 7-9 of the Swedish Environmental Protection Agency's Regulations and General Guidelines on vehicle dismantling operations (NFS 2002:2).

139 Slovak Ministry of the Environment Decree No 125/2004 Coll., §§ 2-11.

140 Article 11 and 12 of the ELV Decree.

141 Part VII of the ELV Regulations 2003 (and parallel legislation in Scotland and Northern Ireland).

142 Article 7(1) and (3) to (6) of the Decree.

143 Government Decree 98/2001 (VI. 15).

144 Ministry of Economy and Transport Decree 29/2004 (III.12) amending Ministry of Transport, Communication and Water Management Decree 1/1990 (IX. 29).

145 Article 5 of the Act of 20 January 2005 on the recycling of end-of-life vehicles.

environment or public health[146]. The requirements contained in the Act were developed in greater detail in the Regulation of the Minister for Economic Affairs and Labour of 28 July 2005 laying down minimum requirements for dismantling centres and the method of dismantling end-of-life vehicles[147] and in Regulation of the Minister for Economic Affairs and Labour[148].

In **Portugal**, the legal obligations set out in DL 196/2003 are reflected in the licence granted to VALORCAR. Thus, this Managing Entity, with the aim of creating the national network of ELV management operators, has defined specifications for the collection centres and the dismantling and shredding operators that intend to join the aforementioned network of operators, which set out minimum requirements relating amongst other things to the operations and facilities. VALORCAR thus needs to guarantee that the requirements set out in DL 196/2003 will be fulfilled in the selection process for the collection centres and management operators.

In **Slovenia**, the recovery and disposal of motor vehicle components that are acquired after the dismantling of motor vehicles at treatment facilities and that are compressed or shredded and sorted for recycling, crushing, or sent directly for reprocessing or disposal, may only be performed in facilities for which a permit for reprocessing or disposal has been granted under the regulations governing waste management[149].

3.11. Permits for establishments carrying out ELV treatment operations

*According to **Article 6(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 2006/12/EC (previously 75/442/EEC).*

The derogation from the permit requirement referred to in Article 11(1)(b) of Directive 2006/12/EC 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 2006/12/EC. This inspection shall take place once a year. Member States using the derogation shall send the results to the Commission.

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146 with Article 21 of the Act of 20 January 2005 on the recycling of end-of-life vehicles.

147 Journal of Laws No 143, item 1206.

148 Regulation of 12 October 2005 laying down requirements to be met by end-of-life vehicle collection points, Journal of Laws No 214, item 1806.

149 Article 10(2) of the Rules on the Management of End-of-life Motor Vehicles.

According to Article 6(4), Member States shall take the necessary measures to ensure that the abovementioned permit or registration includes all conditions necessary for compliance with the requirements of paragraphs 1, 2 and 3 (see the points above and below).

All Member States have indicated the existence of national provisions specifying the obligation for establishments carrying out ELV treatment operations to obtain permits from or be registered with the competent authorities. Member States have also reported the existence of measures ensuring that the permits for ELV treatment facilities include all conditions necessary for compliance with the legislative requirements. The **Czech Republic**[150], **Denmark**[151], **Estonia**[152], **France**[153], **Malta**[154], **Sweden**[155] and the **United Kingdom**[156] reported the existence of national provisions concerning permitting.

In **Austria**, undertakings collecting or carrying out treatment operations on end-of life vehicles require a permit for doing so under Section 25 Waste Management Act 2002. Facilities for recycling end-of-life vehicles are as a rule subject to licensing requirements[157]. Specific requirements relating to the treatment of ELVs are laid down in Section 10 End-of-Life Vehicles Ordinance and are mandatory for firms engaged in collecting or carrying out treatment operations of ELVs. Collecting and treatment firms and treatment facilities are inspected regularly (at least once every five years in the case of hazardous waste).

In **Cyprus**, the law requires owners of facilities which perform treatment of relevant waste to have licence, in accordance with the "Solid and Hazardous Waste Law of 2002", which harmonized Cyprus legislation with Directive 2006/12/EC[158].

In **Germany**, this obligation is transposed by permit requirements under the Federal Immission Control Act (BImSchG) in conjunction with the Fourth Ordinance on Implementation of the Federal Immission Control Act (BImSchV 4). The competent Länder authorities are responsible for implementing both these acts as regards the permits for establishments and undertakings.

In **Spain**, the Royal Decree repeatedly stresses the need for treatment facilities to be duly authorised by the relevant Autonomous Community[159]. Since the power to authorise these facilities lies with the Autonomous Communities, criteria have been harmonised among them to avoid market distortions due to geographical variations and to facilitate the establishment of

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150 Act No 188/2004 Coll. amending Act No 185/2001 Coll. on waste and amending certain other Acts, Article I (35) (Act No 185/2001 Coll., Section 37b, § 1, and Section 37c, § 1), Section 14, § 1, of Act No 185/2001 Coll. on waste and amending certain other Acts.

151 Sections 6 and 7 of Order No 480 of 19 June 2002.

152 § 1(2) of Regulation of Environmental Minister No 89 of 8 July 2004.

153 Point 9 I and entry No 286 into the nomenclature of installations classified for environmental protection (ICPE).

154 Article 6 of the LN 99/04 and the Waste Management (Permit and Control) Regulations (LN 337/01).

155 Section 21 of the Ordinance concerning Environmentally Hazardous Activities and the Protection of Public Health (1998:899) and 90.008-1 Annex to the Ordinance concerning Environmentally Hazardous Activities and the Protection of Public Health (1998:899).

156 Part VII of the ELV Regulations 2003 (and parallel legislation in Scotland and Northern Ireland).

157 Sections 37 et seq. Waste Management Act 2002.

158 Articles 7(4) and 7(5) of L.157(I)/2003.

159 Article 4.1 of the Royal Decree.

facilities throughout the national territory. The conditions to be met by waste managers and treatment facilities must be included in the authorisations issued by the various Autonomous Communities, which in any event must conform to the provisions of the general Waste Act[160]. Conditions applying to managers and to treatment facilities are defined in the authorisation document. Special emphasis is placed on the adoption of measures to prevent or remedy soil contamination in facilities which have adapted to the Royal Decree, and on the recovery of contaminated soils in facilities which are not eligible for or have not applied for authorisation and must cease to engage in this kind of activity.

In **Finland**, the State and municipal environment authorities monitor compliance with the Environmental Protection Act which provides for an obligation to obtain the necessary permits. The permit for establishments and undertakings carrying out treatment operations is subject to the minimum treatment requirements set out in the Council of State Decree on end-of-life vehicles.

In **Greece**, all ELV treatment installations are authorised by the regional authorities[161] taking into consideration the necessary provisions provided by the Directive and the national legislation transposing the Directive.

A condition for granting the permit in **Hungary** is that the technical operations pertaining to the application are conducted in compliance with the legislative requirements and that the appropriate instruments are in place to ensure this is the case.

In **Ireland**, all authorised treatment facilities must operate under a waste permit (or a waste licence) and meet the minimum technical requirements set out in the national law (which transposes the requirements of Annex I of the ELV Directive) in relation to the site conditions for the storage (including temporary storage) and the appropriate treatment and recovery of end-of-life vehicles[162]. All existing facilities, which aspire to authorised treatment facility status, must have appropriate depollution systems in place and their existing waste permits must be revised accordingly to take account of these (both site and operational) requirements. Local authorities have been asked to take appropriate action in this matter. Each facility must hold a waste permit for the dismantling of (depolluted) vehicles. It is envisaged that waste permits of this type will specify conditions appropriate to the environmentally sound management of such depolluted vehicles.

In **Italy**, the permits to start up and operate treatment facilities are issued in accordance with the provisions of Articles 27 and 28 of Legislative Decree No. 22 of 1997. In case where, following the launching of the treatment facility, the competent Province discovers that it does not conform to the permit or that there has been a breach of the conditions established in the procedure for authorisation, the competent authority, following a warning, will suspend the permit for a maximum period of twelve months. The permit can be revoked if the proprietor of the facility does not proceed to conform, within the said period, to the conditions of the permits. The permit to perform treatment operations is issued for a period of five years and is

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160 Law 10/98.

161 MD 15393/2332/02.

162 Article 14(1) of the Waste Management (End-of-Life Vehicles) Regulations 2006.

renewable[163]. Before issuing the permit, the competent authority verifies that the candidate facilities are located in such a way that they do not drain into certain areas (such as protected natural areas or territories subject to landscape obligations). Moreover, the facilities must not be located in overflows, unstable or alluvial areas. For each location site an assessment is made of the local conditions of acceptability of the facility in respect of its distance from centres of population and from historic, artistic, archaeological and paleontological sites. The law identifies areas which have priority as ELV treatment sites. These include disused areas, areas for technological services and installations, industrial and trade areas. Regional authorities must promote the relocation of collection centres and treatment facilities located in unsuitable areas. The area pre-selected for the ELV treatment facility must be served by an urban road network and easily accessible to heavy motor vehicles.

In **Lithuania**, ELVs may be collected and treated only by undertakings in possession of a permit defining the necessary conditions for the collection and treatment of end-of-life vehicles. ELV treatment undertakings must comply with the requirements for the recovery and disposal of waste set in national legislation[164]. All applications from potential ELV treatment facilities must meet the requirements specified in the national law transposing the IPPC Directive[165]. Where an application does not meet these requirements, or there is not enough information for the evaluation of the application, the applicant is notified in writing of the missing or inadequate information and of the time limit in which he/she must eliminate the shortcomings. If the applicant fails to provide adequate information within the required time, the application is considered not to have been submitted and is returned to the applicant. The date of the submission of the application with all the shortcomings eliminated is considered as the submission date.

In **Luxembourg**, only facilities that are duly authorised under Article 10 of the Law of 17 June 1994 on waste prevention and management (transposing into national law Directive 2006/12/EC) are authorised to treat end-of-life vehicles.

In **Latvia**, any establishment or undertaking carrying out treatment operations has to obtain a "B" category permit for polluting activities in the State Environmental sector before starting of these operations [166].

In the **Netherlands**, the measures concerning permits are laid down in Article 5 of the End of Life Vehicles Management Decree. This Article has been formulated as an instruction to the Competent Authority. The reason for this is that the Environmental Management Act[167] already includes directly applicable rules on prescribing technical requirements for companies subject to licensing. This formula is conducive to clarity and uniformity.

In **Poland**, firms operating dismantling centres are required to obtain appropriate waste

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163 Article 6, paragraph 4, of Legislative Decree 209/2003.

164 Paragraphs 9 and 17 of the Rules for the Management of End-of-life Vehicles adopted by Order No 710 of the Minister of Environment of the Republic of Lithuania of 24 December 2003.

165 Order No 80 of the Minister of Environment of the Republic of Lithuania of 27 February 2002 on the Rules for the Issuance, Renewal or Cancellation of Integrated Pollution and Prevention Control Permits.

166 Cabinet of the Ministers Regulations Nr. 243 "Requirements for recycling of end-of life vehicles and environmental requirements for treatment facilities".

167 Article 8.44/8.45.

management permits for their operation[168]. A permit may be issued to a firm after the regional environmental protection inspector has checked the functioning of installations and equipment used to dismantle ELVs in accordance with the conditions contained in the national law[169].

In **Portugal**, waste storage, treatment, recovery and disposal operations are subject to prior authorisation, without prejudice to the legislation on industrial licensing, and the evaluation of the environmental impact of activities contained in the Industrial Activity Classification Table. Order 961/98 of 10 November 1998 sets out the requirements with which the process for prior authorisation of storage, treatment, recovery and disposal operations for industrial waste, municipal solid waste or other types of waste must comply, and states that such authorisation is subject to the approval process that includes inspections by the competent bodies. Inspection s are carried out by the authority competent for authorisation and by the bodies consulted. A report from the inspection is drawn up and signed by all the parties involved. This report contains information about the conformity of the facility or equipment with the authorised project, the fulfilment of the applicable technical requirements, any other conditions deemed necessary, and the deadline for compliance with these conditions. The final decision is given to the applicant within 15 working days since the report has been drawn up, indicating the imposed conditions. The entry into operation of the collection centres depends on a favourable decision from the Institute for Waste Management after the completion of an inspection at the request of the interested party, prior to the start of operations[170]. This inspection is carried out by the Institute and by the territorially competent regional coordination and development committee, and a report containing the evaluation of conformity of the facility with the minimum technical requirements is drawn up[171]. All ELV treatment operations are subject to prior authorisation in accordance with the provisions of Decree-Law no. 239/97[172] and Order no. 961/98[173], and must comply with a set of minimum technical requirements[174] without prejudice to the legislation on industrial licensing, the evaluation of environmental impacts and environmental licensing[175].

In **Slovenia**, according to the Rules on the Management of ELVs, treatment of car wrecks may only be performed in treatment facilities managed by public service providers, in accordance with the regulations governing the method, subject and conditions of performance of the public service. The recovery and disposal of vehicle components after the dismantling of vehicles at treatment facilities may only be performed in facilities to which a permit has been granted

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168 Article 40 of the Act of 20 January 2005 on the recycling of end-of-life vehicles.

169 Regulation of the Minister for Economic Affairs and Labour of 28 July 2005 laying down minimum requirements to be met by dismantling centres and the method of dismantling of end-of-life vehicles (Journal of Laws No 143, item 1206).

170 Articles 19.2 and 19.3 of DL 196/2003.

171 As set out in Annex IV of DL 196/2003.

172 DL 239/97 of 9 September 1997; This DL sets out the rules to which waste management is subject and transposes Directives 75/442/EEC and 91/689/EEC into national law. Article 8 of the DL 239/97 states that waste storage, treatment, recovery and disposal operations are subject to prior authorisation by the Ministry for the Environment; Article 10.1 (b) provides that such authorisation is requested by application to the competent authority, pursuant to article 9.

173 Order 961/98 of 10 November 1998 sets out the requirements with which the process for the prior authorisation of storage, treatment, recovery and disposal operations for industrial waste, municipal solid waste or other types of waste must comply, pursuant to DL 239/97.

174 Annex IV points 2 and 3 of DL 196/2003.

175 Article 20.1 of DL 196/2003.

under the regulations governing waste management. A public service provider must acquire a permit for the management of ELVs from the ministry. This permit allows waste collection under the regulations governing waste management. The ministry grants permits for a definite period of time, which may not exceed the period of duration of the public service concession. This permit may be extended if the conditions for granting of the permit have been met and if the public service provider's concession has likewise been extended. In the permit, the ministry shall lay down, in particular, the method to be employed to treat ELVs, sort components, separate components and materials or substances that contain hazardous substances; the method of delivering components for recovery or disposal; and the environmental protection measures that must be taken when treating ELVs.

In **Slovakia**, an authorisation to undertake treatment operations involving ELVs must be granted by the Slovak Ministry of the Environment and must be approved by the local environment office for the collection and treatment of ELVs[176].

Only two countries - **Italy** and the **United Kingdom** - provided for a possibility of derogation from the permit requirements.

In **Italy**, permit for ELV waste recovery is subject to a prior inspection by the competent Province for the territory (simplified procedure)[177]. This inspection is performed at least annually and within 60 days from the presentation of the notification of commencement of activities (in any case, it must take place before the activities begin). It determines the type and quantity of waste undergoing recovery, the conformity of the recovery activities to the technical prescriptions, and the safety measures[178]. Where the competent Province for the territory, following the inspections, finds that there has been a breach of the provisions laid down in legislation, it will prohibit, subject to giving a warning and setting a deadline for compliance, the commencement or the continuation of activities, unless the facility conforms to the legislation in force. Each year the Provinces must send the results of the inspections to the Ministry for the Environment and Territory, APAT, and the National register of companies performing waste management[179].

In the **United Kingdom**, Regulation 48 of the ELV Regulations 2003 restricts the eligibility, terms and conditions for registered exemptions from licensing. It specifies that the Environment Agency shall register a site proposing to be exempt only where it has first verified the type and quantities of waste to be treated, the general technical requirements to be complied with, and the safety precautions to be taken. These requirements are all to be judged against the background of Article 4 in the Waste Framework Directive 2006/12/EC specifying that waste must be recovered without endangering human health and without using processes or methods which could harm the environment.

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176 Act No 223/2001 Coll. (Part Six).

177 Articles 31 and 33 of Legislative Decree No. 22 of 1997.

178 Safety measures laid down in the Legislative Decree No. 22, of 5 February 1997, and the technical standards provided for by Article 31 of the same Legislative Decree No. 22 of 1997.

179 Article 6, paragraphs 5, 6 and 7 of Legislative Decree 209/2003.

3.12. Minimum technical requirements for treatment of ELVs

*According to **Article 6(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.

All Member States have indicated the existence of national provisions specifying the minimum technical requirements for treatment of ELVs. **Austria**[180], **Cyprus**[181], **the Czech Republic**[182], **Germany**[183], **Denmark**[184], **Estonia**[185], **Finland**[186], **France**[187], **Greece**, **Hungary**[188], **Latvia**[189], **Luxembourg**[190], **Malta**[191], and **Sweden**[192] reported the references to their national legislation.

In **Belgium**, the transposition of these requirements falls within the competence of the regions.

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180 Section 10 of and Annex 1 to the End-of-Life Vehicles Ordinance.

181 Article 7(3) of L.157(I)/2003.

182 Act No 188/2004 Coll. amending Act No 185/2001 Coll. on waste and amending certain other Acts, Article I (35) (Act No 185/2001 Coll., Section 37b, paragraph 1).

183 Transposed by the Annex to the Ordinance on End-of-Life Vehicles, in particular point 3.2.2. and 3.2.3. Letter (a) was transposed by point 3.2.2.1 and point 3.2.3.2 indent 5. Letter (b) was transposed by point 3.2.3.2. Letter (c) was transposed by point 3.2.3.1 and point 3.2.3.3.

184 The relevant rules are laid down in Order No 480 of 19 June 2002.

185 Paragraph 2 of Regulation of Environmental Minister No 89 of 08.07.2004, as amended on 29.03.2005, available at: https://www.riigiteataja.ee/ert/act.jsp?id=886742 (in Estonian).

186 The storage and treatment of ELVs is governed by the Council of State Decree on end-of-life vehicles (581/2004). The minimum technical requirements for storage and other treatment are in accordance with Annex 1.

187 Article 11 and 12 of the ELV Decret.

188 Article 7(4) and (5) of the ELV Government Decree and annex 2 to the Hungarian ELV law.

189 The Cabinet of the Ministers Regulations Nr. 243 "Requirements for recycling of end-of life vehicles and environmental requirements for treatment facilities".

190 Annex I to the Grand Duchy Regulation of 17 March 2003 sets the conditions for treating end-of-life vehicles. Moreover, Ministerial orders for treatment facilities set detailed conditions of use.

191 Article 6(3) of the End-of-Life Vehicles Regulations (LN99/04).

192 Section 9 of the Swedish Environmental Protection Agency's Regulations and General Guidelines on vehicle dismantling operations (NFS 2002:2).

In **Spain**[193], treatment operations at the appropriate treatment facility must be completed within 30 days.

In **Ireland**, depollution of an end-of-life vehicle must be carried out at the earliest opportunity but in any case no later than 10 days from its deposit at the authorised treatment facility. The technical details related to treatment are specified in the national law[194].

In **Italy**, treatment operations must be carried out as quickly as possible, before proceeding with the dismantling of the components from the end-of-life vehicle or other equivalent operations aimed at reducing possible toxic effects on the environment. Dismantling operations should begin with the removal of components and materials that are labelled or otherwise made identifiable, as provided for by Community legislation. Next, hazardous materials and components need to be removed and separated in order not to contaminate the subsequent shredder waste. Dismantling and storage operations must be performed in such a way that does not compromise the possibility of reuse, recycling or recovery[195]. When the treatment facility closes down, the proprietor will proceed with environmental restoration of the area used, in the ways laid down by the Region in the authorisation procedure. For the purposes of environmental restoration priority is given to the use of environmental engineering technical specifications.

In **Lithuania**, ELVs should be treated in such a way as to produce the least possible amount of waste and to enable recovery of the components of the vehicle. The waste generated must be sorted out. Each treatment facility must ensure that the ELVs and their components will not contribute to the pollution of the environment by applying the depollution operations as specified in the ELV Directive. These operations must be carried out immediately after the acceptance of an ELV or as soon as possible, in any case within 3 months of the date of the acceptance of the ELV. The operations promoting the reuse and recycling of ELVs reflect the list of operations contained in Annex I to the ELV Directive. All the above operations must be described in the technical regulations of the treatment undertaking. Dismantled parts must be stored so as not to damage components containing liquids or components suitable for recovery or spare parts[196].

In the **Netherlands**, the measures required in Article 6(3) are regulated through Article 5 of the End of Life Vehicles Management Decree with, in particular, the Annex pertaining to Article 5. This Annex contains requirements that are incorporated in licences for facilities for the storage, treatment, processing, destruction or transhipment of end of life vehicles. It also contains the minimum requirements laid down in Annex I of the ELV Directive.

In **Poland**, detailed requirements to be met by dismantling centres were set out in the Regulation of the Minister for Economic Affairs and Labour laying down minimum

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193 Article 8.1 of the ELV Royal Decree.

194 Articles 15(1), 15(2) and the Second Schedule of the Waste Management (End-of-Life Vehicles) Regulations 2006.

195 Article 2, paragraph 2, of Legislative Decree No. 22 of 5 February 1997, and the relevant prescriptions of Appendix I, as well as the obligations identified by Article 6, paragraph 2, of Legislative Decree 209/2003.

196 Paragraphs 27-34 of the Rules for the Management of End-of-life Vehicles adopted by Order No 710 of the Minister of Environment of the Republic of Lithuania of 24 December 2003.

requirements to be met by dismantling centres and the method of dismantling end-of-life vehicles[197].

In **Portugal**, there is a ban on the alteration, particularly through compacting or shredding, of the physical shape of ELVs that have not undergone the operations prescribed by law[198]. The law defines the treatment operations for the depollution of ELVs and the treatment operations in order to promote reuse and recycling[199]. In particular, it sets out the removal or neutralisation of hazardous components and materials and of all components and materials that are labelled or identified[200]. The dismantling and storage operations must be carried out in such a way as to ensure the reuse and recovery, and in particular the recycling, of the ELV components, and hazardous materials and components must be removed and segregated in a selective way so as not to contaminate the shredder waste. The placing of waste in ELVs before they undergo compacting or shredding operations is also prohibited. The law specifies the obligation for dismantling operators to perform the treatment operations for the depollution of ELVs[201] immediately after the receipt of the ELVs, and in any event within the maximum deadline of 8 working days.

In **Slovenia**, the holder of a concession for ELV treatment must have at least one facility for the treatment of ELVs in which at least the following treatment operations are performed: stripping of all equipment that could have an adverse impact on the environment when treated with the rest of ELV materials, stripping of components and materials containing heavy metals, removing materials and components that contain other hazardous substances so as not to contaminate subsequent shredder waste (this operation to be done immediately, or within 24 hours of receipt of the vehicle for treatment). The concession holder must ensure that the stripping of components from ELVs and their storage does not compromise their reuse and recovery, and in particular recycling possibilities. He must also acquire from vehicle manufacturers information on the dismantling of ELVs and the removal of materials and components[202].

In **Slovakia**, ELVs must be handled in such a way during treatment that most of the parts can be reused or recovered as secondary raw materials. Dismantled parts of ELVs that could endanger road safety may be neither designated for reuse nor reused. ELV parts shall be reused, in particular fuels and components of coolant systems. Spare parts and secondary raw materials need to be stored in such a way that they do not deteriorate. To prevent the leakage of operating fluids, ELVs may not be placed on their front, side, back or roof nor stacked in piles of more than two before drying. During storage, the parts containing operating fluids and the parts which can be suitably reused must not be deformed or damaged. Car batteries and operating fluids must be removed from ELVs before the latter are dismantled, as soon as possible after a vehicle has been put in storage. The removal of operating fluids from vehicles

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197 Regulation of 28 July 2005, Journal of Laws No 143, item 1206.

198 Article 20 of DL 196/2003.

199 Annex IV points 2.1 and 2.2 of DL 196/2003, respectively.

200 Annex I of DL 196/2003.

201 Annex IV point 2.1 of Decree-Law 196/2003 of 23 August 2003, which includes the operations mentioned in Annex I point 3 of the Directive.

202 Article 8 of the Decree on the Manner, Subject of and Conditions for Performing a Public Service of the Management of End-of-life Vehicles (Ur. list RS Nos. 18/2003, 135/2003, 32/2004, 106/2005, 32/2006 and 57/2006).

shall not apply if, in order to ensure the reuse and proper functioning of the parts containing such fluids, it is better to remove the parts in a working order (under condition of prevention of an unwanted leakage of operating fluids from such parts). In order to remove the operating fluids, equipment and methods shall be used that prevent the leakage or evaporation of removed operating fluids and guarantee the safe drying of vehicles, in particular by a combination of excessively high or low pressure for removing more viscous fluids[203].

In the **United Kingdom**, all ELVs must be stored (even temporarily) and treated in accordance with the general requirement laid down in Article 4 of Directive 2006/12/EC, and in compliance with the minimum technical requirements set out in Annex I to the ELV Directive[204].

3.13. Certified environmental management systems of ELV treatment facilities

*According to **Article 6(5),** Member States shall encourage establishments or undertaking, which carry out treatment operations to introduce **certified environmental management systems**.*

Most of the Member States indicated the encouragement of the use of EMAS or ISO systems. The systems are typically voluntary, with Member States offering a range of incentives to companies which use them. No specific provisions for ELV treatment facilities have been reported by **Luxembourg** and **Slovenia**[205], but both these countries encourage companies to use EMAS.

In the framework of **Austria's** environmental promotion efforts, there is a possibility of EMAS funding. The establishment of an EMAS environment management system or environmental audit can be promoted under the environment programme as part of domestic environmental funding. Funding can be provided to firms, in particular automotive dealers, motor vehicle repair and maintenance businesses, sewage and waste disposal firms, and other disposal undertakings. The use of EMAS is also encouraged in **Germany** and **Italy**[206].

Cyprus encourages the use of certified environmental management systems through campaigns, seminars and other awareness raising events promoting EMAS and other relevant standards (e.g. ISO 14001).

In the **Czech Republic**, the introduction of environmental management systems is encouraged, but not by means of specific legislative measures. No specific form of support, e.g. incorporation in tax rules, has been used.

In **Spain**, Article 8.4 of the Royal Decree urges Public Administrations to promote the adoption of verification and certification systems for such environmental activities as ELV

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203 Paragraphs 12, 13 and 14 of the Slovak Ministry of the Environment Decree No 125/2004 Coll.

204 Part VII of the ELV Regulations 2003 (and parallel legislation in Scotland and Northern Ireland).

205 Article 31(1) and Article 32(1) and (9) of the Environmental Protection Act (ZVO-1, UPB-1, Uradni list RS No. 39/06).

206 Article 6(8) and Article 5(6) of Legislative Decree 209/2003 provides that the financial guarantee furnished for the issue of the permit may be reduced if the collection centre and the treatment facility are registered in accordance with the EMAS Regulation (EC) 761/01.

treatment. The intention is to reinforce good environmental practices in ELV management. In addition, in the review of the PNVFU for 2006-2010, Public Administrations are urged to develop incentives to encourage economic agents to introduce environmental management systems. In fact, a significant proportion of new treatment facilities are taking steps to qualify for certification under the ISO quality and environmental standards.

The **Finnish** ELV Decree requires that manufacturers must give preference to pre-treatment operators who have introduced certified environmental management systems.

Some ELV treatment facilities in **Greece** apply ISO standards on their own initiative, as it is not a legal obligation. Certification can also be done on a voluntary basis in **Luxembourg**.

In **Hungary**, the introduction of a certified environmental management system does not replace the authorisation process, but the certified environmental management system does mean a commercial advantage for dealing with waste. Voluntary implementation of the certified environmental management system is generally governed by separate legislation which also relates to promoting waste treatment and the treatment of end-of-life vehicles.

In **Lithuania**, businesses can receive partial compensation of their expenditure related to the certification of the environmental management systems complying with the requirements of ISO 14001[207]. It is also possible for the companies to use EMAS[208].

Companies which apply certified environmental management systems in **Latvia** are obliged to provide this information to the relevant national authorities together with an annual reporting.

To date, the **Dutch** Government has encouraged the use of environmental management schemes in several ways: through extensive communication with trade and industry via guides, brochures and information meetings, through encouraging the public authorities to introduce environmental management schemes which would serve as an example for trade and industry, and by means of the Foundation for the Coordination of Certification of Environmental Management Schemes which was set up to encourage individual companies to monitor the quality of the certification process. The sectoral organisation of vehicle dismantling companies already has a certification scheme. Moreover, Auto Recycling Nederland (ARN), the organisation which on behalf of car manufacturers and importers implements the requirements of the ELV Management Decree, concludes contracts only with certified companies. Following a letter of formal notice from the Commission, the Dutch Government is now adapting the ELV Management Decree on this point to the requirements of Community legislation.

In **Poland**, the Ministry of the Environment runs programmes aimed at promoting the use of EMAS, including a pilot programme for introducing EMAS and training for businesses.

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[207] Order No 198 of the Minister of the Economy of the Republic of Lithuania of 3 June 2002 on the promotion of industry, exports and business and amending certain orders of the Minister of the Economy, and the procedure established by Order No 4-34 of 6 February 2004.

[208] Procedure for the registration, suspension of the registration, renewal of the registration and the refusal of the registration of organisations participating voluntarily in the Eco-Management and Audit Scheme of the European Community (EMAS) was adopted by Order No D1-435 of the Minister of Environment of the Republic of Lithuania of 16 August 2004.

In **Portugal**, preference is given to operators that use duly certified management systems while setting up a network of collection centres and authorised treatment operators[209]. This rule is also reflected in the licence granted to VALORCAR, which states that, when selecting the network operators, the owner must set out terms or criteria of reference, giving priority to candidates that use duly certified environmental management systems, in addition to technical quality, efficiency and economy. In this context, in the specifications for ELV dismantling and treatment operators with which contracts are to be concluded, VALORCAR mentions that when selecting entities as accredited dismantling operators it will give priority to entities that have implemented or are preparing to implement a duly certified Environmental Management System.

The Swedish Government is working through the Swedish Environmental Management Council to support and develop work on the environment in **Sweden**. Amongst other things this covers official support and registration for those who publicly declare their work on the environment. The Swedish Environmental Management Council manages tools such as EMAS.

3.14. Reuse, recovery and preference for recycling of vehicle components

*Article 7(1) foresees that 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 recycling** when environmentally viable, without prejudice to requirements regarding the safety of vehicles and environmental requirements such as air emissions and noise control.*

Austria[210], **Belgium**, **Cyprus**[211], the **Czech Republic**[212], **Denmark**[213], **Estonia**[214], **Finland**[215], **France**[216], **Ireland**[217], **Malta**[218], the **Netherlands**[219], **Poland**[220], **Sweden**[221], **Slovenia**[222], **Slovakia**[223], reported the references to their national legislation laying down the measures to encourage the reuse, recovery and recycling of vehicle components.

In **Cyprus**, the encouragement of vehicle components' reuse, recovery or recycling is done through campaigns, seminars and other promotional events.

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209 Article 11.1 a) of DL 196/2003.
210 Sections 7 and 10(2) End-of-Life Vehicles Ordinance.
211 P.I. 84/2006.
212 Section 11 of Act No 185/2001 Coll. on waste and amending certain other Acts, Act No 188/2004 Coll. amending Act No 185/2001 Coll. on waste and amending certain other Acts, Article I (35) (Act No 185/2001 Coll., Section 37c, paragraph 1).
213 Section 11 of Order No 480 of 19 June 2002.
214 § 24, § 30, § 36 of the Waste Act and Governmental Regulation No. 352 (19.12.2004, as amended).
215 The Council of State Decree on end-of-life vehicles (581/2004).
216 Article 7 of the ELV Decree.
217 Articles 14, 15, 16, 31 and the Second Schedule of the Waste Management (End-of-Life Vehicles) Regulations 2006.
218 Article 7(1) of End-of-Life Vehicles Regulations (LN99/04).
219 Article 10.4 of the Environmental Management Act.
220 Article 6 of the Act of 20 January 2005 on the recycling of end-of-life vehicles.
221 Section 6 of the Ordinance on Producer Responsibility for Motor Vehicles (1997:788).
222 Article 9 of the Rules on the Management of End-of-life Motor Vehicles (Ur. list RS No. 118/2004).
223 Paragraph 52(1)(i) of the Act **No 223/2001 Coll.** (Part Six).

In **Germany**, an Annex to the ELV Ordinance includes requirements for ELV receiving stations, collectors, dismantlers, shredders and operators of other treatment facilities including a requirement to give preference to the reuse or recovery of the components and materials obtained from the end-of-life vehicle, whilst ensuring that as many of the dismantled components as possible are reused.

In **Spain**, one of the principal measures to facilitate reuse, recycling and recovery of the various ELV components is the provision of information from manufacturers to waste managers in order to identify the different components and locate hazardous substances during dismantling. The operations for decontamination of ELVs must encourage reuse and recycling - national legislation enumerates ELV components which need to be dismantled in order to facilitate recycling (list based on Annex I to the ELV Directive). Moreover, the PNVFU review establishes an ELV waste treatment hierarchy[224] with the objective to reuse what can be reused, to recycle what cannot be reused and to recover with energy recovery anything that cannot be reused or recycled. Landfilling is considered as the least satisfactory method. One of the Plan's management principles exclusively concerns spare parts and waste management. It introduces two basic measures to promote reuse and recycling of these parts: a process of quality control and marking of parts for reuse, recycling or regeneration, and one or more integrated management systems for collection of spare parts from repair shops and dealers. The R&D and Innovation efforts envisaged in the new Plan are aimed at promoting studies on technological innovation to render recycling economically viable and at enhancing and improving knowledge of the waste situation, prevention and the search for commercial outlets and uses for these materials. At the present time, priority actions in the context of ELV management to improve the reuse or recycling of vehicle components[225]include reuse of electronic components, recycling of front and rear windscreens, recycling of plastics. There is also another series of projects aimed at finding commercial outlets and uses for materials from end-of-life tyres and developing the best technologies to treat them. Other proposed measures that will foster reuse, recovery and recycling of these kinds of waste include training for personnel of ATFs and of the administration staff, harmonisation of the reuse and recycling criteria among the Autonomous Communities, identification of competitive markets for recycled materials (e.g. the Ministry of the Environment has proposed an initiative to study the use of recycled plastic as a raw material for traffic signs or municipal furniture).

Greece reported that no measures have been put forward to implement this Article of the ELV Directive since there are no vehicle manufacturers in the country.

In **Hungary**, waste must be recovered if it is environmentally beneficial, technically possible and economically viable[226]. Producers, in cooperation with suppliers of materials and components, must strive for recovery, an increased rate of recycled materials, and the achievement of the rates of reuse, recovery and recycling prescribed in the legislation[227].

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224 Article 1 of the Waste Act, Law 10/1998.

225 Decision of the Directorate-General for Quality and Environmental Assessment of 19 April 2005 inviting applications for subsidies for environmental R&D and Innovation projects.

226 Article 5(4) of the 2000 Act XLIII on waste management.

227 Article 3(1)(b) of the Government Decree.

In **Italy**, the competent authorities, subject to the standards on safety of vehicles and control of atmospheric and noise emissions, encourage the reuse of components that can be reused, the recycling of components that cannot be reused if this is environmentally beneficial, and other forms of recovery (in particular energy recovery). In order to create markets for recycled products, the Regions, on the basis of the criteria set by the State, adopt the necessary measures so that the public bodies, offices and companies which are predominantly publicly owned (including service management companies) purchase a minimum of 30% of products and goods made from recycled materials annually[228]. Similar provisions were laid down in order to boost markets for re-treaded tyres: the State and Regional administrations, the local bodies and the public service and public and private utility managers, when acquiring replacement tyres for their car fleets (including commercial and industrial vehicles) need to acquire at least 20% of re-treaded tyres. Finally, the procedures for granting concessions for waste recovery activities represent important tools in promoting the recovery and recycling of waste and creating markets for recyclates[229].

There are specific requirements as regards the placing on the **Lithuanian** market of used car components for reuse[230]. In order to boost reuse, recycling and recovery of ELV components, support is granted under a special programme of the Environmental Investment Fund of Lithuania, the aim of which is to reduce, through financing investment projects for environmental protection in private and public sectors, the adverse impact of economic activities on the environment. Within this Fund, projects are funded by granting soft loans and subsidies (a maximum compensation of 70% of the total investment in environmental measures, or LTL 350,000 in three years to one beneficiary). In granting subsidies, priority may be given to projects related to the management of end-of-life tyres and car waste. In 2003-2005, a soft loan and a subsidy were granted to 1 project for recycling of end-of-life tyres, and subsidies were given to 2 projects (shredding of end-of-life tyres and recycling of plastic car waste).

In **Luxembourg**, waste must be managed according to a hierarchy of priorities: prevention, reduction of production and harmfulness, recovery and waste disposal. When notification of waste transfer is made, the environment authority checks compliance with this waste management hierarchy[231].

One of the objectives of the ELV Law in **Latvia** is to encourage reuse, recovery and recycling of ELVs, spare parts and materials thereof, as well as to recover or dispose this waste in a way which is safe for health and the environment.

One of the fundamental principles for the management of vehicles and ELVs in **Portugal** advocates the prevention of the production of waste originating from vehicles (particularly reducing the incorporation of hazardous substances in their manufacture) and the use of reuse or recycling systems and other forms of recovery with the aim of reducing the quantity and

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228 Law No. 448 of 28 December 2001 (finance law for 2002), and Decree No. 203/2003.

229 Articles 31 and 33 of Legislative Decree 22/97 and introduced into the national legislation through decrees of 5 February 1998 (for non-hazardous waste) and 161/2002 (for hazardous waste).

230 Order No 4-97 of the Minister of the Economy of the Republic of Lithuania of 31 March 2004 adopting the Procedure for the Provision of Car Repair Services and the Suitability of Used Car Components for Re-use and Sale.

231 Article 1 of the Law of 17 June 1994 on waste prevention and management.

danger of the waste to be disposed of. Economic operators involved in ELV management are responsible for adopting the appropriate measures to encourage the effective reuse of reusable components and the recovery of those that cannot be reused, with preference given to recycling whenever viable from an environmental point of view, without prejudice to the safety requirements and the environment, including noise and emissions control[232].

3.15. Reuse, recycling and recovery targets

*Article 7(2) lays down a set of **targets** to be attained by economic operators:*

*(a) no later than 1 January 2006, a minimum of **85% of reuse and recovery** and a minimum of **80% of reuse and recycling** for all end-of-life vehicles 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 thereof;

*(b) no later than 1 January 2015, a minimum of **95% of reuse and recovery** and a minimum of **85% of reuse and recycling** for all end-of-life vehicles by an average weight per vehicle and year.*

All Member States provided details concerning their national legislative measures transposing the 2006 and 2015 targets.

The **Czech Republic** indicated the adoption of the 2006 targets only, as at the time of transposition the 2015 targets were to be reviewed by the European Parliament and the Council.

Germany assumes that at least 70% by weight of end-of-life vehicles is recycled as a result of the reuse and mechanical recycling of the metal content. In the UK, a shredder trial has been carried out which allowed to establish an average metal content on the level of 75% by weight[233].

In **Spain**, the Royal Decree on ELVs literally reproduces the minimum targets established by the Directive for reuse/recovery and reuse/recycling to be attained in 2006 and 2015. The Spanish administration believes it is feasible to meet the targets for 2006 with the existing technical means. In order to meet the targets for 2015, it is planned to develop economically viable technological improvements for application to recycling and reuse processes. Data for 2005 are currently being gathered from authorised treatment facilities: reports from ELV waste managers must be delivered to the Autonomous Communities by 1 March each year. The latter must then forward the integrated data from all facilities in their territory to the Ministry for compilation of the national figures.

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232 Article 3 and 5.6 of DL 196/2003.

233 Review of 2015 Targets for the ELV Directive, draft report by the Department of Trade and Industry, January 2006.

Lithuania specified a set of mid-term targets leading to the levels prescribed by the Directive: 80% reuse/recovery and 75% reuse/recycling by 1 January 2005, 85% reuse/recovery and 80% reuse/recycling by 1 January 2006, 90% reuse/recovery and 83% reuse/recycling by 1 January 2010, and 95% reuse/recovery and 85% reuse/recycling by 1 January 2015[234].

In the **Netherlands**, the targets of 95% reuse/recovery and 85% reuse/recycling were to be met by 1 January 2007. This date, however, has been recently postponed until 2015.

Some Member States specified the parties responsible for meeting the targets. For instance, in **Finland** and **Hungary**, the targets are to be met by producers, if necessary, in cooperation with other economic operators. In **Cyprus**, **Italy** and **Malta** the targets are to be attained by economic operators. **Lithuania** and the **Netherlands** refer to producers and importers, while **Slovenia** to public service providers. In **Ireland**, the targets are to be met by authorised treatment facilities within their national collection systems (both those which form part of a producer's network, and those which remain outside of it).

Austria, **Belgium**, **Cyprus**, **Germany**, **Denmark**, **Estonia**, **Finland**, **France**, **Lithuania**, **Luxembourg**, the **Netherlands**, **Sweden**, **Slovenia**, have made no use of the provisions of Article 7(2)(a) second paragraph which allows laying down lower rates for reuse, recycling and recovery of vehicles produced before 1 January 1980.

On the contrary, the **Czech Republic**, **Spain**, **Greece**, **Hungary**, **Italy**, **Latvia**, **Malta**, **Poland**, **Portugal**, **Slovakia**, and the **United Kingdom** have provided for such an exemption (in each case the targets being at least 75% reuse/recovery and 70% reuse/recycling). The **Czech Republic**, **Hungary**, **Ireland**, **Italy**, **Latvia**, **Poland**, **Portugal**, and the **UK** reported that the measure has been notified to at least the Commission, and in some cases also to the other Member States. **Spain**, **Greece** and **Malta** have not yet sent the official information regarding this measure.

Member States which made use of the opportunity to lay down lower recycling and recovery targets for vehicles produced before 1980 justified this decision by the fact that the designers of vehicles put on the market prior to that date did not foresee the reusability, recyclability and recoverability requirements. As a result, dismantling of such cars is much more labour intensive and costly, reuse is more problematic because the parts are obsolete and the materials are worn or deteriorated from use and the passage of time. In the EU 10, there is a fleet of cars produced by the Soviet countries, including brands such as Lada, Trabant, Wartburg, Syrena, Warszawa, Dacia, old types of Skoda, Fiat or Volkswagen. The materials used in the manufacturing of these vehicles do not make it possible to achieve a high rate of recovery and recycling of materials. Also, manufacturing documentation is not available for determining the material composition and the components are not reusable, which means that a high level of recovery is not commercially viable.

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234 Resolution No 577 of the Government of the Republic of Lithuania of 14 May 2004 amending Resolution No 519 of the Government of the Republic of Lithuania of 12 April 2002 adopting the National Strategic Plan for Waste Management.

3.16. Coding standards and dismantling information

Pursuant to Article 8(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.*

Article 8(3) specifies that 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 the ELV 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 (reuse, recovery and recycling objectives).*

Article 8(4) further specifies that, 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 required by these facilities, appropriate ***information concerning dismantling, storage and testing of components which can be reused****.*

The standards referred to in Article 8(1) were established by Commission Decision 2003/138/EC of 27 February 2003[235].

All Member States reported to have adopted measures concerning the use of component and material coding standards. References to national legislation are presented in Table 9.

As regards the dismantling information to be provided by vehicle producers for each type of new vehicle put on the market, all Member States indicated references to their national legislation transposing this requirements of the ELV Directive. The details of national legislation are listed in Table 10.

Belgium, Cyprus, Germany, Denmark, Spain, **Finland, France, Hungary, Luxembourg**, the **Netherlands, Poland, Portugal, Slovenia, Sweden,** the **United Kingdom** indicated the use of the **IDIS system** (International Dismantling Information System, www.idis2.com) which allows access to information concerning types of vehicles put on the market, including on their dismantling. This information is available on computer media and can be supplied free of charge to ELV management facilities that have requested it. IDIS allows vehicle parts to be viewed, includes details of the location of hazardous substances, instructions and manuals for dismantling of the various models of vehicles, tools required for this, weight of vehicle parts, materials used in different components, average time taken by the operation, etc. It is regularly updated since, following the requirements of the ELV Directive and national legislation, producers are given six months from the moment when the vehicle is put on the market to provide dismantling information. The database currently contains information on approx. 1,000 vehicles of 50 brands produced by 26 automobile manufacturers. Car manufacturers that are not in the database have created their own similar solutions.

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[235] OJ L 53, 28.2.2003, p. 58

IDIS has been initially developed by the European automotive industry, and gained international angle in January 1999 since when the entire development of the system has been controlled by an international group of car manufacturers (including 25 manufacturers from Europe, Japan, Korea and the USA). Vehicle dismantlers can now access dismantling information through IDIS from all vehicle manufacturers on a DVD that contains information directly relevant for recycled materials, information on handling pyrotechnic components and relating to the pre-treatment necessary before dismantling, data concerning dismantling tools and techniques. IDIS provides for a possibility to print manuals and check sheets for components of specific models for use by the dismantling mechanics.

In **Hungary**, compliance with the requirements to provide dismantling information is monitored by the transport authority and, in the event of non-compliance, it invalidates the type-approval certificate or the permit to put the batch into service.

As regards the information concerning dismantling, storage and testing of components which can be reused to be provided by manufacturers of components used in vehicles, all Member States indicated references to their national legislation transposing this requirements of the ELV Directive. The details of national legislation are listed in Table 11.

3.17. Information for prospective buyers of vehicles to be published by economic operators

*Pursuant to Article 9(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 producers 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.

All Member States except **Latvia** indicated the existence of national provisions transposing the obligations of this Article. The list of detailed national provisions is contained in Table 12 below.

In **Finland**, the requirements linked to producer responsibility obligations are supervised by Pirkanmaa Environmental Centre. In the **Netherlands**, manufacturers / importers of vehicles should each year report the information required by the ELV Directive.

4. IMPLEMENTATION OF THE ELV DIRECTIVE

4.1. Introduction

Each time an implementation report is sent to the Commission, Member States are asked to provide certain information insofar as available, taking into account where appropriate the need to protect commercial and industrial confidentiality. It is understood that the fact that information is to be provided on non-legally binding measures contained in the Directive does not affect the legal nature of such measures.

Not all Member States provided information on the implementation of the ELV Directive requested in Part 2 of the implementation questionnaire. In many cases, information provided was fragmentary, especially in terms of the achieved recycling and recovery targets (the reporting obligation on the targets is separately regulated by Commission Decision 2005/293/EC and these data are to be reported by June 2008). As a result, at the time of drafting this report, only few and often preliminary recycling and recovery figures have been received for 2006 and years prior to 2006.

4.2. Additional new measures to encourage prevention

According to Article 4(1) of the ELV Directive, in order to promote the prevention of waste, member States shall encourage, in particular:

*(a) vehicle manufacturers, in liason with material and equipment manufacturers, to **limit the use of hazardous substance** 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 will take into full account and **facilitate the dismantling, reuse and recovery**, in particular the **recycling**, of end-of life vehicles, their components and materials.*

The implementation of this Article is covered under point 3.2 of this report. However, Member States have taken new measures to encourage prevention other than those reported above. In most countries, no new prevention measures have been taken.

Germany reported a number of actions taken by the vehicle industry in order to limit the use of hazardous substances and facilitate vehicle reuse, recovery and recycling. These measures had already been taken by German vehicle manufacturers in the years preceding this reporting period. The "*Voluntary Agreement on the environmentally friendly recovery of end-of-life cars (private cars) within the context of the Recycling and Waste Act*" entered into force in April 1998, at the same time as the Ordinance on End-of-Life Vehicles. This Voluntary Agreement was submitted to the Federal Government by the German automobile industry and by the relevant economic sectors and associations forming part of the "ARGE-Altauto" network (an end-of-life vehicles association), chaired by the Registered Association for the Automobile Industry (VDA). Its general aim was to comply with basic obligations on product responsibility. In the Agreement, automobile manufacturers and importers undertook, inter alia, to "continually improve the recovery characteristics of their products as part of their product

responsibility[236]". By 2000, vehicle manufacturers had taken a series of product-design measures with a view to enhancing recyclability:

- Designers were set binding recycling standards and guidelines, including recommendations on the design of components and vehicles and on the use of new and secondary materials;

- Dismantling analyses can be used to assess the recyclability of a vehicle and its parts. This enables measures to be developed to improve dismantling and recycling-oriented design.

- Measures were implemented to optimise design with a view to recyclability. These included reduction in the diversity of materials (e.g. in PP-EPDM bumpers, and underframes with full aluminium heat insulation rather than a "sandwich" construction), materials coding for all plastics over 100 g and all elastomers over 200 g, joining techniques with a view to repair and pre-treatment (e.g. optimised bolting for large external parts, clipped rear-lamp components).

Ongoing efforts to replace hazardous substances in vehicles also relate to requirements on health and safety at work and on chemicals legislation. Information from the ACEA indicates that all automobile manufacturers have drawn up technical specifications governing the use of heavy metals and other hazardous substances. German vehicle manufacturers use the VDA "*List of substances which must be declared in automobile construction – constituents in components and materials*". Management systems relating to quality and the environment are used to achieve compliance with these rules. According to information from the vehicle industry, all suppliers to the German automobile industry are contractually obliged to provide the vehicle manufacturer with information on the materials and unblended materials in their components for the purposes of the initial type examination.

Efforts taken by the vehicle industry as regards design which facilitates dismantling and recycling include different steps. The industry has been analysing the life-cycle implications of the solutions developed. This work is also used to resolve possible conflicting objectives, e.g. between lightweight construction (which, in the use phase, has a positive effect on fuel consumption) and recyclability, or to asses post-shredding recovery options. The vehicle industry's future focus is predominantly on developing and using post-shredding technologies (PST) to recover non-metals. It believes that the use of PST will circumvent the need to dismantle components manually. Recovery and shredder undertakings could therefore minimise their dismantling efforts, which could possibly be limited to the pre-treatment steps needed to comply with the requirements of the ELV Directive. The vehicle industry thus feels that further dismantling-specific design activities need be pursued only in respect of selected components. That approach will be considered by the Federal Government in the light of environmental and economic interests.

The ARGE-Altauto network ceased to exist once the Voluntary Agreement ended (after the amended Ordinance on End-of-Life Vehicles transposing ELV Directive 2000/53/EC entered

[236] ARGE-Altauto 2000, p. 63.

into force). As a result, information ceased to be gathered centrally (as it had been for the period 1998 to 2000) and no comprehensive data are currently available on further measures taken under Article 4(1)(a) and 4(1)(b) during the reporting period. Below are some (non-exhaustive) examples of specific action taken by the vehicle industry during the reporting period:

Example 1: Volkswagen Golf V

The Golf V has been on the market since 2003. Measures taken by the vehicle manufacturer, Volkswagen, when developing the car's technology included dismantling/recycling friendly design and prevention of waste. The measures serve to comply with the environmental objectives "Material" and "Recycling" [Volkswagen 2004]:

- Antimony-free, lead and cadmium-free brake linings,
- Reduced use of PVC by using underbody panelling and optimised wheel-house liners instead of underframe protection, PVC-free door seals,
- Securing the fuel tank by means of a clamping band to facilitate dismantling,
- Dispensing with hydraulic fluid in the case of electro-mechanical power steering; draining is no longer required.

Example 2: BMW Mini

Reducing the diversity of materials, for example by:

- Designing the moulding of the dashboard and of the lower tray as "single-material systems",
- Making the covering for the luggage-compartment sill and the seat trim from materials of one type.

Simple dismantling:

- Covering for the luggage-compartment sill is fixed only by means of an expander rivet and can therefore be dismantled quickly,
- Back panel on the front seat can be prised off via clip and rivet joints after loosening a side bolt and hence easily dismantled.

Improved details, in particular from vehicle manufacturers, are expected to be available for the next reporting period.

In the **Netherlands**, there are hardly any vehicle manufacturers. The importers operating in the Netherlands have only limited influence on these internationally operating car manufacturers. Preventive measures focus, for instance, on reducing the use of heavy metals (e.g. looking for alternative possibilities for balance weights), introducing water-based primers and solvent-free powder coating, and setting up special project teams carrying out research into e.g. simplifying separation of materials at the end of a vehicle's life.

In **Portugal**, more effective dismantling is to be achieved by granting access to IDIS to all vehicles dismantlers associated in VALORCAR.

The **Swedish** Environmental Protection Agency has initiated a formal cooperation arrangement involving those affected by the ELV Directive. This includes the authorities concerned, lorry manufacturers and recovery firms. The cooperation arrangement involves exchanging information aiming to, amongst other things, recycling more end-of-life vehicles and developing new materials to improve the conditions for recycling of new vehicles. The Swedish Environmental Protection Agency has close links with the authorities responsible for supervising companies which recycle end-of-life vehicles. The aim is to ensure high quality and minimise environmental impact.

4.3. Information on recycled materials

Article 4(1)(c), in order to promote the prevention of waste, member States shall encourage 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.*

The Implementation Questionnaire asks Member States to provide the available information on types and quantities of recycled materials in vehicles and in other products as well as on the market situation for recycled materials.

In the EU-10, this information will only be available for years starting from 2005 onwards.

Only those Member States which have national vehicle manufacturers were able to provide information regarding design changes in cars taking into account increasing incorporation of recyclates.

In **Germany**, as in the other Member States, the recovery of ELV metals (both ferrous and non-ferrous) was historically prioritised due to their high market value. The metal fraction alone accounts for a recycling rate of at least 70% of the ELV weight. The use of secondary metals in the vehicle industry depends on the level of the general proportion of scrap in the metal qualities needed in each case.

The amount of recycled content used depends largely on the technical properties of processes. In 2004, 46.4 million tonnes of crude steel were produced in Germany, of which 32.2 million tonnes were oxygen steel and 14.2 million tonnes were electric steel. The production of oxygen steel using the oxygen lance process allows up to 25% of scrap to be used in the total charge. In 2004, this involved the use of 5.9 million tonnes (approx. 18%) of steel scrap. Electric steel is produced using 100% steel scrap[237]. According to information from the vehicle industry, the cast iron most frequently used in the automobile industry contains an average of 78% of secondary material. The proportion of secondary material in aluminium production depends on the intended use of the material alloy. For cast aluminium applications, including for wheel rims, one can assume up to 100% of secondary material, depending on market availability and technical viability; for aluminium plates, 100% of primary material can be assumed. The total

[237] Stahl-Zentrum 2005.

amount of secondary metals used in vehicles can only be estimated. From the information available in this regard, it can be assumed that (depending on the model) at least 30% by weight of secondary metal content is generally used to produce each new vehicle.

There is a functioning market for metal scrap in Germany, and the marketing of scrap from old vehicles poses no problem. Prices on the metal scrap market tend to follow the market for primary metals quoted on the stock exchange. Prices for steel scrap varied quite widely in the recent years.

Information from the plastics industry indicates that approx. 3.3 million tonnes of plastics originated from recycled products in 2004 in Germany, out of which approx. 720 kt were sent for mechanical recycling, 330 kt for feedstock recycling, and 1,200 kt for energy recovery. Plastics from ELVs and disposal of garage waste contributed to around 150 kt (or 3.6%) of the waste stream (approx. 4.5% of post-consumer waste). Almost 40 kt were mechanically recovered. There are markets for plastics recyclates in all areas where plastics are used. In this context, given the applicable economic constraints in plastics recycling, Germany pointed out to a need to ensure that the new application of a recycled plastic should be less determined by the origin of the plastic waste and more by the recyclate's qualities. It is estimated that ELVs alone offer a maximum mechanical recycling capacity of approx. 12 kt/year in terms of the components explicitly listed in Annex I, and there is adequate recycling capacity in Germany. The fact that dismantled plastics components from ELVs are currently only available on a very small scale is because dismantling, sorting and logistics costs outweigh the possible returns. The automotive industry uses recycled plastics in vehicle manufacture mainly because of economic reasons and environmental reasons. It is currently not possible to provide quantitative information in this regard for German car models. The proportion of plastic recyclates can constitute above 15 % of the plastics used, depending on the manufacturer and vehicle model.

Many vehicle components are delivered to automobile manufacturers by suppliers. Manufacturers in principle allow recyclates to be used in most components, provided that the specific quality requirements are met. In practice, the proportion of recyclate in car components varies. As a rule, recyclates are used for non-visible areas, with known applications including wing skirts / wheel-house liners, cable ducts, under body panelling, rear-window shelves and insert plates in luggage compartment floors. For example, in 2001, Opel used over 30,000 tonnes/year of recyclates in new vehicles. The GM group specifies that some components destined for the European market must be made exclusively from recycled materials (e.g. wheel-house liners, bumper brackets/covers, engine valve covers). In 2005, Ford used over 250 parts containing non-metallic recycled materials in European production, with each vehicle containing approx. 30 of such parts. The recyclate content varied between 15% and 100%, depending on the product profile and availability of materials. The range of applications encompasses heating and air conditioning housings, radiator tanks, lower dashboard parts, air-filter housings, a series of air deflectors, cooler wheels and radiator frames, wheel-house panelling and battery holders, as well as parts for silencing. DaimlerChrysler uses recyclates to produce around 13 % of the total volume of plastics in the car. For example, 54 components weighing 34 kg in total are being produced using recycled plastics in the new Mercedes-Benz A-Class which equates to around 16 % of the plastics employed. In the new Mercedes-Benz S-Class, 45 components weighing 21.2 kg in total are made using high-quality recyclate (4% more than in the previous model). In the current BMW

and MINI models, up to 15% of the total weight of plastics was produced from recyclates in 2004. For example, in the BMW 5 series, the use of recyclate increased from 2.5 kg in the previous model to 24 kg in the current model. The motor caravan industry uses recycled plastics in many applications. For instance, ABS external add-ons (lamp carriers, fenders, alcove trims, etc.) were replaced with ABS regrind components, deep-draw components for shower rooms are now partly made of ABS regrind, new water tanks are made from recycled materials, base material for foil laminate deep-draw parts in the interior (dashboards, roof interior trim, door trim) was changed from virgin PS to recycled material.

The secondary plastics market is more complex as it varies in terms of the origin of used plastics (e.g. production waste, packaging, building sector, electrical appliances, vehicles), hence it is difficult to define its exact properties. The market for secondary plastics currently shows a strong demand for high-quality plastics of all kinds, including from abroad. There is a particularly high demand for production waste (by-products)[238].

Large plastic parts from vehicles (bumpers, radiator grills and wheel caps) are made mostly of PP (approx. 60%) and include also other plastics such as SMC (15%), PC/PC blends (15%), and ABS (6%). Negligible amounts of other materials are also present. In 2003, there were no markets for PC/PBT or SMC, but there was a market for PP components or PP modifications (e.g. PP/EPDM), especially unpainted materials, and for ABS. The plastics recovery undertakings paid approx. EUR 75/t for delivery of PP/EPDM bumpers. Plastics recovery operators report that, in 2005, they bought dismantled bumpers of a single type of plastic for around EUR 150/t on delivery. The advantage of this component is that the same material (PP/EPDM) is used almost universally for different models by different manufacturers. The post-processing retail price for clean PP/EPDM fluff which is technically of a single type was able to reach up to EUR 700/t in 2005 (in 2003, sorted fluff of a single type made of painted PP/EPDM T cost approx. EUR 400/t). Because of its high quality, this fluff is reused in vehicle manufacture as a recyclate (generally for non-visible applications such as bumper brackets). Demand is currently clearly exceeding supply. Application areas for the recyclates are not limited to vehicle manufacture.

Vehicle glass is manufactured using up to 28 % of scrap glass from production, mainly factory cullet. The very high quality demands for the recyclate mean that it is not yet possible to use old vehicle windscreens to make new ones. Dismantling undertakings which deliver waste glass dismantled from vehicles for recycling have to make additional payments. Waste glass processors receive approx. EUR 45-50/t on delivery for processed waste glass from vehicles. The processed cullet is used mainly to produce hollow glass and mineral fibres.

As regards tyres, less than 5% of old vehicle tyres can be used to make new ones due to quality and safety considerations. According to information from the German waste rubber sector, approx. 580,000 tonnes of used tyres arise in Germany every year, linked mainly to tyre replacement needs. In 2004, a smaller number (approx. 65,000 t/a of used tyres) derived from recovering ELVs. However, if one assumes that around 800,000 ELVs are recovered in

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238 In summer 2005, the price of PE production waste ranged between EUR 250 and 500/t; PE compound foils of 98/02 quality cost EUR 425 to 460/t, and PS production waste cost EUR 370 to 600/t. HDPE coloured hollow articles (C29) from the post-user sector hit EUR 45-145/t in September 2004, and EUR 50-100/t in June 2005 (prices ex station) [KS 2005b].

Germany annually, this results in a mass of approx. 28,000 tonnes/annum for an average tyre weight per vehicle of approx. 35 kg. Used tyres originating from both replacement of old tyres and from ELVs are disposed of in different ways. In Germany, reuse (mainly re-treading and reuse in agriculture) accounts for approx. 15 % of disposal methods. Reused tyres generally have a positive market value, whereas there is no profit in used tyres for recovery and disposal. The main recovery method is energy recovery in the cement industry, which takes almost half of the tyres. Around 20% of all used tyres (around 60% coming from ELVs) are mechanically recycled. The resulting products (granules and rubber meal) have a positive market value.

In **France**, according to information from the ferrous and non-ferrous metals industry, it is difficult to integrate more than 40% of recycled content into metals constituting vehicles due to technological and economic reasons. This level is already attained by certain vehicle models. For instance, in Laguna 2 by Renault, 31% to 43% of metal comes from the recycled material (which represents approx. 22% to 31% of vehicle mass). Nissan collects aluminium rims which are subsequently recycled in one of its factories. The received recycled aluminium is then used in the production of new cars.

One of the major opportunities for vehicle designers to incorporate recycled materials into cars lays in polymers. In this respect, Renault has an objective to integrate 50 kg of recycled polymers in each new vehicle by 2015 (constituting around 25% of all vehicle plastics). The use of recycled polymers increased: while in 1992 Renault did not use any recycled PP in its cars, today's consumption is estimated at 25,000 tonnes / year. For example, Modus contains 18 kg of recycled plastic content today, out of which 4,5 kg is incorporated into the dashboard. One of the major obstacles to the use of recycled PP lies in the supply: today’s production capacity is relatively small in comparison to the targets envisaged by vehicle manufacturers. Dependence of large car manufacturers on small and not well structured markets is particularly risky. In order to complement their targets, manufacturers have put in place information systems allowing their subcontractors to find information concerning parts sold and assuring traceability of material content in each car. These information systems allow manufacturers to identify quickly the level of the recycled content in their vehicles (e.g. system MACSI allows to determine the exact content of recycled material in model 207) and to compare different offers against a given function (a tool IRF used by Renault allows to carry out the classification of offers in respect of 11 criteria; Renault offers training to its subcontractors on how to use the tool).

Also in **Spain**, all the metals recovered from ELVs are recycled, but it is very difficult to determine the extent to which they go back into new cars or whether they are used as raw materials in other products. As regards glass, two types of automotive glass should be distinguished: from side windows (recyclable) and from front and rear windscreens (recyclable, but not accepted for use in new vehicles; this glass can be recycled into drinks containers or other products). As for plastics, it is only possible to count large parts removed during dismantling, such as engine facings, bumpers, dashboards or fuel tanks specifically for use in new models. In this reporting period, no information is available as regards the incorporation of recycled materials into vehicles.

A similar practice was reported by **Poland**, where it is a common practice to use steel, iron, aluminium and many other recycled metals in the production of vehicles. As regards plastics, the most frequently used recycled materials are thermoplasts, but they too require additional

processing. For a number of reasons, recovered plastics require a specific cleaning process before they can be used in vehicle production. Similarly to France, Poland indicated that the main barrier to further progress as regards the use of recycled polymers is the availability of secondary material having the required properties at a competitive price.

Portugal reported the existence of favourable markets for recycled metals (both ferrous and non-ferrous) which are reused as a secondary raw material in other production cycles. Shredder light fraction is difficult to recycle.

In **Sweden**, the use of recycled materials is taken into consideration when designing and producing new vehicles. Steel, iron, aluminium and a number of other metals are recycled in accordance with standardised processes. In recent years, new methods have been developed for treating mixed-quality plastics.

Market situation for recycled materials in **Ireland** is substantially reliant on foreign infrastructure for the processing of recyclable materials. 72% of materials collected for recycling in Ireland were exported for treatment in 2002, 69.1% in 2003 and 73.8% in 2004. To support the development of indigenous materials-recycling capacity in Ireland, a Market Development Group was established by the Irish authorities in 2004 with a view to identifying market opportunities for materials recovered for recycling and for promoting the use of recycled products. In this context, a Market Development Program will be published by the Group in early 2007. Plastic materials collected for recycling have been identified by the Market Development Group as a priority waste stream that requires particular attention and the forthcoming Market Development Program will set out a range of measures designed to improve the collection, recovery and recycling of waste plastics from a variety of sources.

4.4. ELVs of no or a negative market value

As regards the number of ELVs delivered to ATFs and having no or negative market value, Member States have provided very limited data in this respect. Many Member States indicated that due to high metal prices most (if not all) ELVs currently have a positive market value.

For instance in **Flanders (Belgium)** a number of the ELVs delivered to ATFs had been partly dismantled beforehand, with components having a positive market value removed (batteries, catalysers, aluminium parts, etc.). However, their share has greatly diminished from year to year (34% in 2002, 22.1% in 2003, 13.5% in 2004).

In **France**, no negative value vehicles were collected, with a price paid to the last owner ranging from €50 to €250 (depending on the car's condition).

Lithuania reported that out of 6,340 ELVs collected in 2004, 1,143 had no or a negative market value.

Sweden indicated that as much as 75% of ELVs delivered to ATFs had no or a negative market value.

4.5. Treatment establishments or undertakings with certified environmental management systems

The table below summarises the data reported by the Member States as regards the number of treatment establishments or undertakings which have introduced certified environmental management systems.

Member State	Number of certified establishments or undertakings	Type of certification
Belgium (Flanders)	3	ISO 17020
	41	Other certified environmental management systems
Denmark	212	Other certified environmental management systems
Spain	20	ISO 14001
	6	Other certified environmental management systems
Finland	25	Other certified environmental management systems
Greece	2	Other certified environmental management systems
France	414	SGS Qualicert
	10	ISO 14001
Hungary	6	Other certified environmental management systems
The Netherlands	280	KZD (Dismantling Quality Control)
Poland	2	Other certified environmental management systems
Portugal	1	ISO 14001
Sweden	55	Other certified environmental management systems

In **Flanders (Belgium)**, all ATFs must each year submit a report to OVAM (Flemish Public Waste Agency) containing the results of an audit of their business activities by an independent inspection body accredited on the basis of EN 45004. The report should indicate whether or not the authorised establishment complies with the provisions laid down by law. A negative evaluation of this annual audit report may lead to the authorisation being cancelled. It can therefore be confirmed that all authorised establishments for the depollution, dismantling and destruction of end-of-life vehicles have an environmental management system. Moreover, in 2005 three ATFs held ISO 14001 certification, which has been changed into ISO 17020.

In **Germany**, all companies which use EMAS are registered in the German EMAS register at: www.emas-register.de. So far, two dismantling / shredding facilities are registered there. It was reported that registered environmental management systems are not very widespread among ELV operators, one reason for this being the high proportion of relatively small businesses.

Since there is no central register for facilities which have an ISO 14000 certified environmental management system, no information is available in this regard.

In **Denmark**, all registered undertakings need to be certified, hence all 212 facilities have certified environmental management systems.

Spain indicated a clear tendency for ELV treatment companies to obtain certification, with over 25 facilities certified so far. A similar tendency has been observed in France, where certification takes place in the framework of SGS Qualicert (frame of reference for certification published in the French Official Journal) with 414 undertakings certified, as well as under ISO 14001.

In **the Netherlands**, companies are certified in accordance with the Dismantling Quality Control (KZD) standard. On 1 June 2006, 280 facilities have been certified.

4.6. Encouraging reuse and recovery, preference for recycling

*According to Article 7(1) of the ELV Directive, 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 recycling** when environmentally viable, without prejudice to requirements regarding the safety of vehicles and environmental requirements such as air emissions and noise control.*

In **Belgium**, the 2005 management plan for end-of-life vehicles of the Febelauto management organisation includes a specific action in which Febelauto will take steps together with the Regions to draw the attention of insurance companies and the relevant sectors to the legislation and their obligations regarding end-of-life vehicles. It is hoped that this will ensure that vehicles of public authorities and bodies treated as such and vehicles confiscated by insurance companies will eventually end up with authorised treatment facilities. It is believed that this will lead to higher levels of reuse, material recycling and recovery. Moreover, efforts will be made to identify other parties whose attention should be drawn to their responsibility in connection with ELVs.

In **Germany**, measures to increase the reuse of ELV parts are reflected in VDI (Association of German Engineers) Guidelines 4080 to 4083 on the quality of used vehicle parts. The VDI is a private legal entity and works with experts from the relevant sectors to prepare German guidelines and other (technical) rules setting out the recognised rules on the technical state of play for those interested. Although VDI Guidelines are not formally binding, they are highly respected and accepted by industry and trade. The VDI has so far written / is in the process of writing four guidelines on the quality of used car parts, including:

- VDI guideline 4080 on automobile recovery – quality of used vehicle parts (July 2005). This guideline lays down the minimum criteria on the qualitative description and handling of used vehicle components from private cars, utility vehicles and motorcycles. It defines different concepts such as "original spare part" and "replacement part". Verifiable criteria are described for different vehicle components in order to assess the quality of used parts. These criteria allow the parts to be categorised under quality classes A, B or C. VDI guideline 4083 (see below) can be seen as taking the quality assessment of used parts one

step further. Of interest under these guidelines are the quality assessment and the quality seal (e.g. for workshops) as, inter alia, these can increase confidence and acceptability among those buying used parts. The possibility of using suitable used parts of known quality also leads the insurance sector to expect improvements when it comes to repairing vehicles in accordance with fair value.

– VDI guideline 4081 on automobile recovery – description of vehicle, used part list and electronic data processing interfaces (March 2004). This guideline lays down the definitions for used vehicle parts and defines EDP interfaces for uniform classification using EDP. It aims to enable storage systems to exchange data and to support internet trading in used parts.

– VDI guideline 4082 (draft) on automobile recovery – draining and preparation of vehicles for stripping/dismantling (draft July 2005). This guideline describes all the technical processes and associated organisational measures in an automobile recovery establishment.

– VDI guideline 4083 (in preparation) on quality seal for used vehicle spare parts. A VDI guideline committee was set up in 2005 to draft this guideline (the work has not yet been finalised).

In the last two years in **Spain**, the Ministry of the Environment has been inviting applications for assistance to finance R&D and Innovation projects whose content conforms to the guidelines laid down by the National Plan for the Recovery of Contaminated Soils and other national plans involving waste. The lines of action eligible for finance under the relevant Orders expressly include the prevention and management of waste from ELVs, and more specifically projects whose purpose is to improve the reuse or recycling of vehicle components. In addition, priority is awarded to the financing of projects relating to the recycling of automobile plastics and the recycling of glass from vehicles, particularly the hardened glass used in front windscreens and that used in rear windscreens (which normally contains heating elements for demisting). These lines further include the reuse of components, especially electronic vehicle components. Out of all the projects accepted, three relating to vehicle waste management were financed for a total of € 297,000 in the first year, and six projects for a total of € 243,000 in the second year. It is planned to announce shortly the third invitation for applications for this kind of assistance, in which priority will again be awarded to the financing of projects along these lines of R&D.

In **Malta**, applications for authorisation coming from ELV treatment facilities are assessed in light of the provisions stipulated in Article 7(1) of the ELV Directive.

In **Portugal**, the Institute for Waste Management uses its resources to increase awareness and provide information to the entities involved in the ELV management. At the same time, VALORCAR promotes public awareness and information about the procedures to be adopted in terms of the management of ELVs, their components and materials, as well as about the hazards of the uncontrolled disposal of such waste. VALORCAR has taken the necessary measures to stimulate the principles in question by means of updating its web site, participation in themed events, the design of literature, the public presentations, seminars, technical inspections and direct contact with the entities involved in the ELV management. A percentage

of the annual income of VALORCAR has been set that corresponds to expenditure on R&D, awareness raising and information.

4.7. Structure of motor vehicle dealing and ELV treatment industry, competition distortions

Article 9(1) of the ELV Directive asks Member States to provide relevant information on possible changes in the structure motor vehicle dealing and of the collection, dismantling, shredding, recovery and recycling industries. Member States shall indicate in particular if any competition distortion between or within Member States has been identified.

Most Member States which have provided information in this respect reported no major changes in the structure of motor vehicle dealing or in the ELV treatment sector, and no competition distortions.

Belgium (Flanders) indicated that the export of (second-hand) vehicles to Africa, the Middle East and the new Member States of the EU remains problematic. As a result, a part of the current potential depollution capacity remains unused and this export might also lead to problems in connection with treatment capacity in the new Member States.

Cyprus reported problems faced by the collection/dismantling sector resulting from the fact that licensing of treatment operators requires relocation of sites (requirement related to national legislation).

In **Germany**, the Ordinance on End-of-Life Vehicles entered into force in July 2002. Its precursor was the German Ordinance on End-of-Life Cars, which entered into force in 1998 and imposed special specific environmental requirements on recovery undertakings. As a result, the dismantling establishments (previously estimated as numbering over 3,000) were rationalised and their number dropped in 2000 to 1,115 ATFs. After entry into force of the ELV Directive and during the reporting period 2002-2005, the number of authorised dismantling facilities remained roughly the same: as of 1 November 2005, there were approx. 1,100 dismantling establishments. The network of acceptance and collection facilities already had comprehensive coverage in 2000. The German Ordinance on End-of-Life Vehicles provides that coverage is sufficient if the distance from the last holder's residence to the collection facility (or to the dismantling facility designated for this purpose by a manufacturer) does not exceed 50 km. In recent years, the number of ELVs recovered in German dismantling and shredding facilities has fallen. In 2004, only 700,000 - 900,000 vehicles were sent for recovery out of approx. 3 million withdrawn. This is increasingly having an economic impact on vehicle-recovery and shredding facilities. The main reason why recovery facilities are receiving fewer ELVs is that increasing numbers of used cars are exported. No information is available on whether this development is due to the requirements under the ELV Directive or, for example, to changed economic conditions in Europe (e.g. as a result of EU enlargement to the East) or in other importing states.

In **Estonia**, ELV collection schemes are still developing. Dismantlers have taken ELVs for years. The newly introduced systems can bring about changes in the existing structures, but it is hard to foresee into which direction these changes may develop. This will only be seen once all producers register with the National Register of Products of Concern.

Spain made an inquiry among the vehicle dealing employers organisation which shown there has been no change in the structure of vehicle dealing as a consequence of the entry into force of the ELV Royal Decree. As regards the recycling and recovery industry, the most appreciable effect has been that all those facilities that cannot be authorised in the short or medium term must cease their activity, since they cannot issue certificates of destruction and hence will no longer receive ELVs.

In **France**, the entry into force of the ELV legislation obliges dismantlers and shredders to obtain an approval of the competent regional authority (prefecture). This approval imposes additional measures on authorisation issued by prefectures, aiming at the reduction of environmental impacts from ELV treatment activities. In addition, agreed ATFs need to deliver to the administration an annual attestation of conformity with different measures arrangements related to their activity. Observance of all these requirements has lead to the restructuring of the ELV treatment network, with ATFs forced to make investments necessary to obtain the prefectorial approval. As a result, there used to be around 1,200 installations allowed to deal with ELVs before the new legislation, while today their number decreased to 1,000 ATFs with a valid prefectorial approval (and thus allowed to continue their activity).

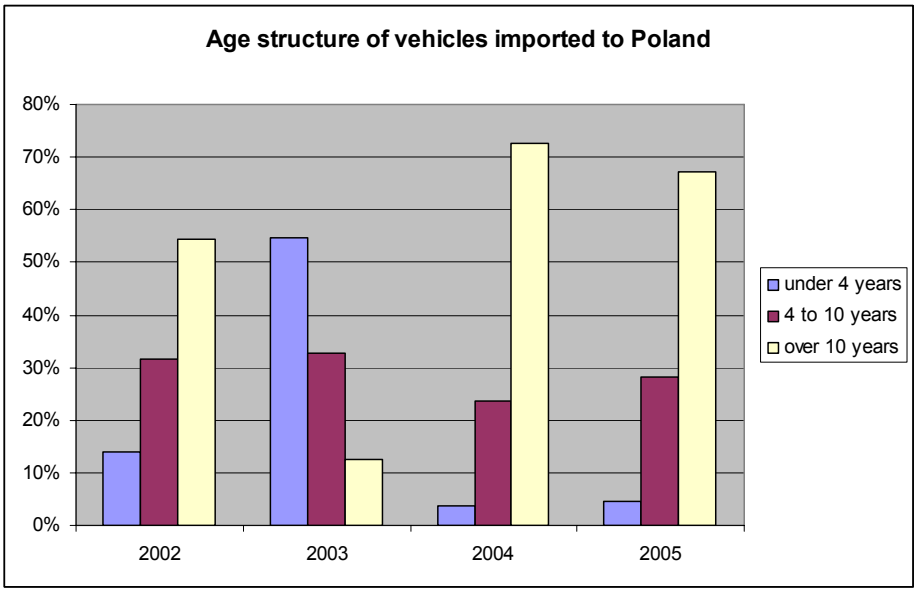
Italy indicated that as a result of the new legislation producers have been setting up networks for the collection of ELVs, including via agreements signed with the collection centres and the treatment facilities. According to Italy, this operation will clearly have a rationalising effect on the system as a whole, the concrete effects of which it is not yet possible to assess in full.

Latvia reported a plan to set up a modern shredder facility to treat ELVs. Additionally, in order to effectively manage post-consumer tyres and find alternative solutions to their incineration, a development of the treatment and recycling infrastructure for post-consumer tyres is planned.

The only market trend identified by the **Netherlands** is an increased export of used cars (not ELVs) to the countries of Eastern Europe, which has a clear impact on the number of ELVs to be treated in the Netherlands.

The same issue but from another perspective was reported by **Poland**. In 2002, about 310,000 new vehicles were sold in Poland and about 180,000 used vehicles were imported from other Member States or from outside the European Union. In 2003, the number of new vehicles sold rose to about 350,000, whereas the number of imported used vehicles fell to about 36,000. However, in 2004 the number of new vehicles sold fell to about 320,000, whereas the number of imported used vehicles increased to about 830,000. In 2005, the number of new vehicles sold fell drastically, i.e. to about 240,000, and the number of used vehicles imported continued to rise and was about 850,000. Press reports demonstrate that this tendency have reversed in 2006, with 817,000 used cars imported (6.2% less than in the preceding year)[239].

[239] Zmienia sie trend w sprowadzaniu aut do Polaski, PAP, pr/11.01.2007, godz. 17:40, at http://biznes.onet.pl.



During the period from 2002 to 30 June 2005, the number of operators engaged in the collection and dismantling of ELVs in Poland fluctuated between 700 and 750. As of 31 December 2005, there were 371 dismantling centres and 52 collection points operating in Poland, i.e. a total of about 425 operators engaged in the collection and dismantling of ELVs. There were no major changes in the number of operators engaged in the shredding, recovery and recycling of waste in the form of ELVs in the 2002–2005 period.

4.8. Conclusions

Directive 2000/53/EC on end-of-life vehicles has been implemented by all Member States, although the actual state of enforcement differs. In the Member States which already had functioning ELV management systems before the implementation of the Directive, these systems continue to operate and bring about effective ELV collection and treatment. On the other hand, in the EU-10, the ELV management structures are relatively new and not always fully in place. As a result, their actual functioning is hard to evaluate. This situation demonstrates that the correct implementation of the Directive requires time and experience.

At the time of drafting this report, the recycling and recovery rates have not yet been available in most the Member States. These figures, which are important to have a complete picture of situation, are to be reported to the Commission in mid-2008. Given a significant number of infringement cases which followed the first wave of conformity assessments, it can be expected that proper transposition of the Directive can still be an issue in some member States. It is therefore crucial to carefully monitor the implementation of the Directive and the actual enforcement of its provisions in order to garner the full scope of environmental benefits it can bring about.

Tables and Figures related to ELV data in the Member States

Figure 1: Number of authorised or registered treatment facilities in accordance with Article 6.

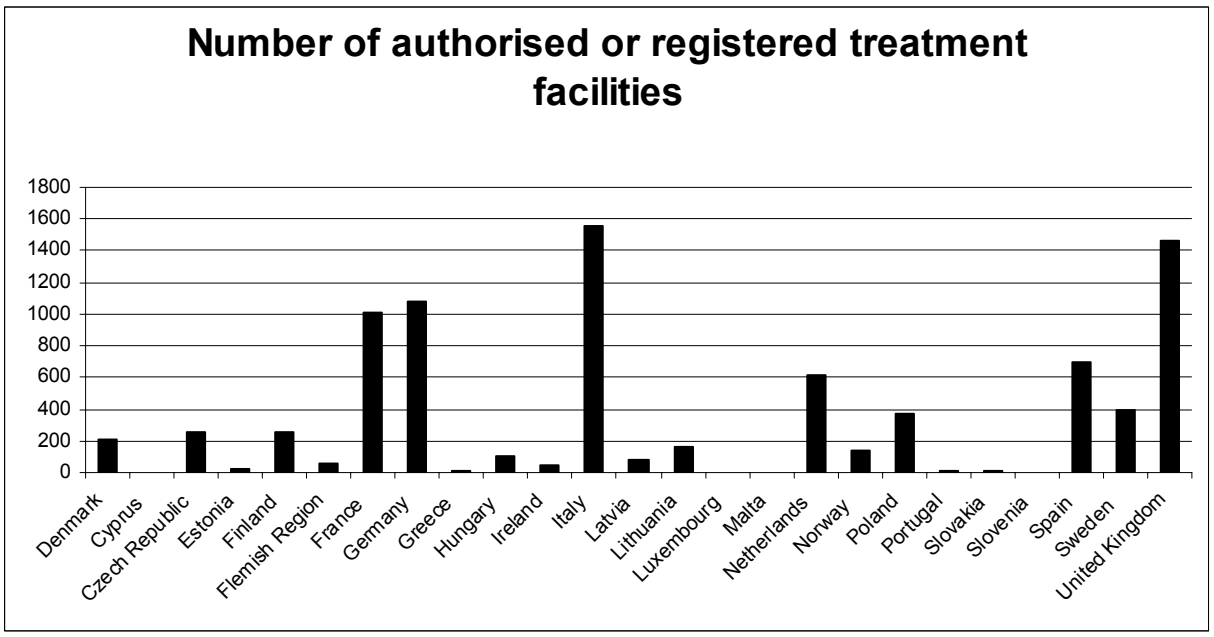


Table 1: Number of authorised or registered treatment facilities in accordance with Article 6.

	Number of ATFs
Denmark	210
Cyprus	1
Czech Republic	257
Estonia	25
Finland	250
Flemish Region	60
France	1005
Germany	1083
Greece	9
Hungary	105
Ireland	50
Italy	1558
Latvia	85
Lithuania	166
Luxembourg	1
Malta	0
Netherlands	619
Norway	134
Poland	370
Portugal	8
Slovakia	12
Slovenia	4
Spain	691
United Kingdom	1466

Figure 2: Average number of deregistered vehicles per authorised treatment facility.

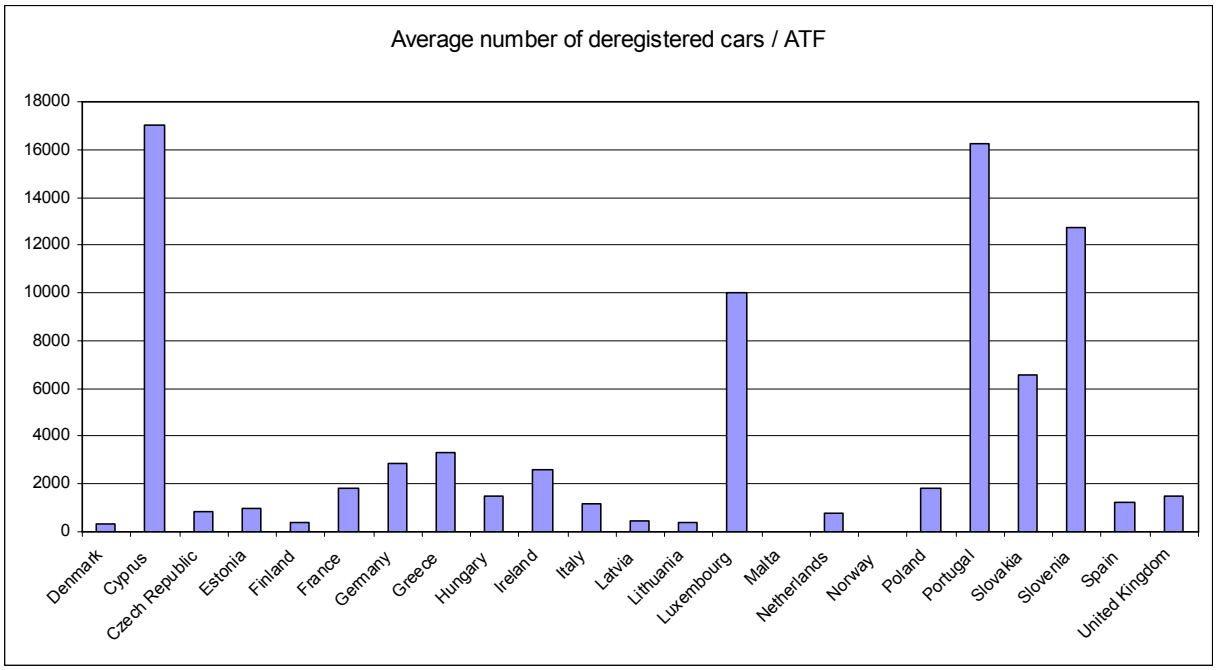


Table 2: Average number of deregistered vehicles per authorised treatment facility.

	Number of ATFs in 2004	Number of vehicles deregistered in 2004	Average number of deregistered cars / ATF
Denmark	210	*73 000	348
Cyprus	1	**17 000	17 000
Czech Republic	257	**215 000	836
Estonia	25	**25 000	1 000
Finland	250	*105 000	420
Flemish Region	41		
France	1005	*1 800 000	1 791
Germany	1083	*3 068 000	2 833
Greece	9	*30 000	3 333
Hungary	105	**159 000	1 514
Ireland	50	*130 000	2 600
Italy	1558	*1 830 000	1 174
Latvia	85	**36 000	423
Lithuania	166	**65 000	391
Luxembourg	1	*10 000	10 000
Malta	0	**12 000	0
Netherlands	619	*473 000	764
Norway	134		
Poland	370	**682 000	1 843
Portugal	8	*130 000	16 250
Slovakia	12	**79 000	6 583
Slovenia	4	**51 000	12 750
Spain	691	*850 000	1 230
United Kingdom	1466	*2 200 000	1 500

* Source of data: ACEA.

** Based on GHK / BIOIS report at: http://ec.europa.eu/environment/waste/elv_study.htm.

Figure 3: Number of vehicles collected and transferred to authorised treatment facilities in 2002, 2003 and 2004.

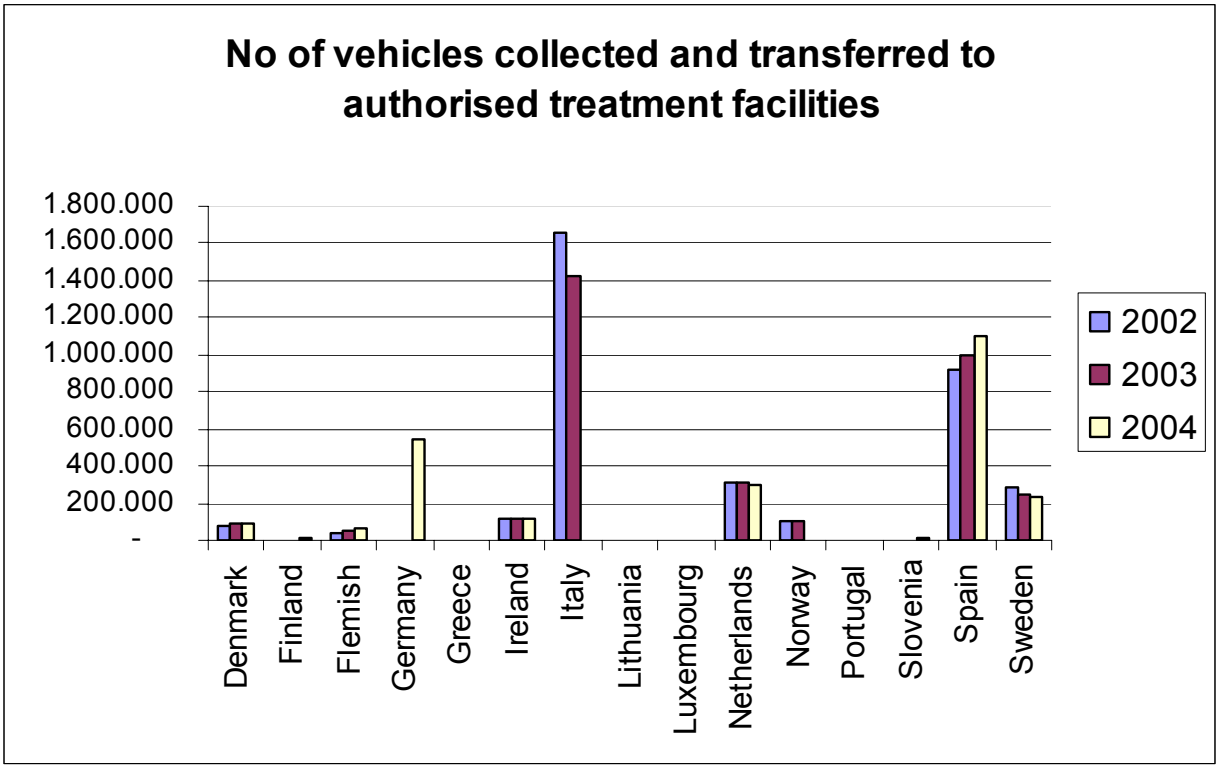


Table 3: Number of vehicles collected and transferred to authorised treatment facilities.

	2002	**2003**	**2004**
Denmark	80.019	86.261	92.837
Finland	n/a	n/a	12.495
Flemish Region	38.822	47.628	61.521
Germany	n/a	n/a	540.000
Greece	n/a	n/a	1.080
Ireland	116.157	111.648	113.235
Italy	1.651.097	1.423.759	n/a
Lithuania	n/a	n/a	6.340
Luxembourg	4.700	4.373	4.800
Netherlands	313.309	309.811	292.863
Norway	106.498	102.341	n/a
Portugal	83	2.049	5.185
Slovenia	n/a	n/a	11.267
Spain	924.507	1.002.248	1.096.655

Table 4: Recycling and recovery rates achieved in some Member States.

2004	recycling + reuse	recovery + reuse	other forms of disposal
Austria	77,5	0,5	22
Belgium (Flemish Region)	80	1	19
Belgium (Waloon Region)	80	1	19
Denmark	83	2	15
Germany	77	3	20
Lithuania	76	3	21
Netherlands	83	2	15
Norway	83		17
Slovenia	75	5	20
Spain	75	2	23
Sweden	84	1	15
United Kingdom	79	2	19

Figure 4: Reuse, recycling and recovery rates of ELVs in some Member States

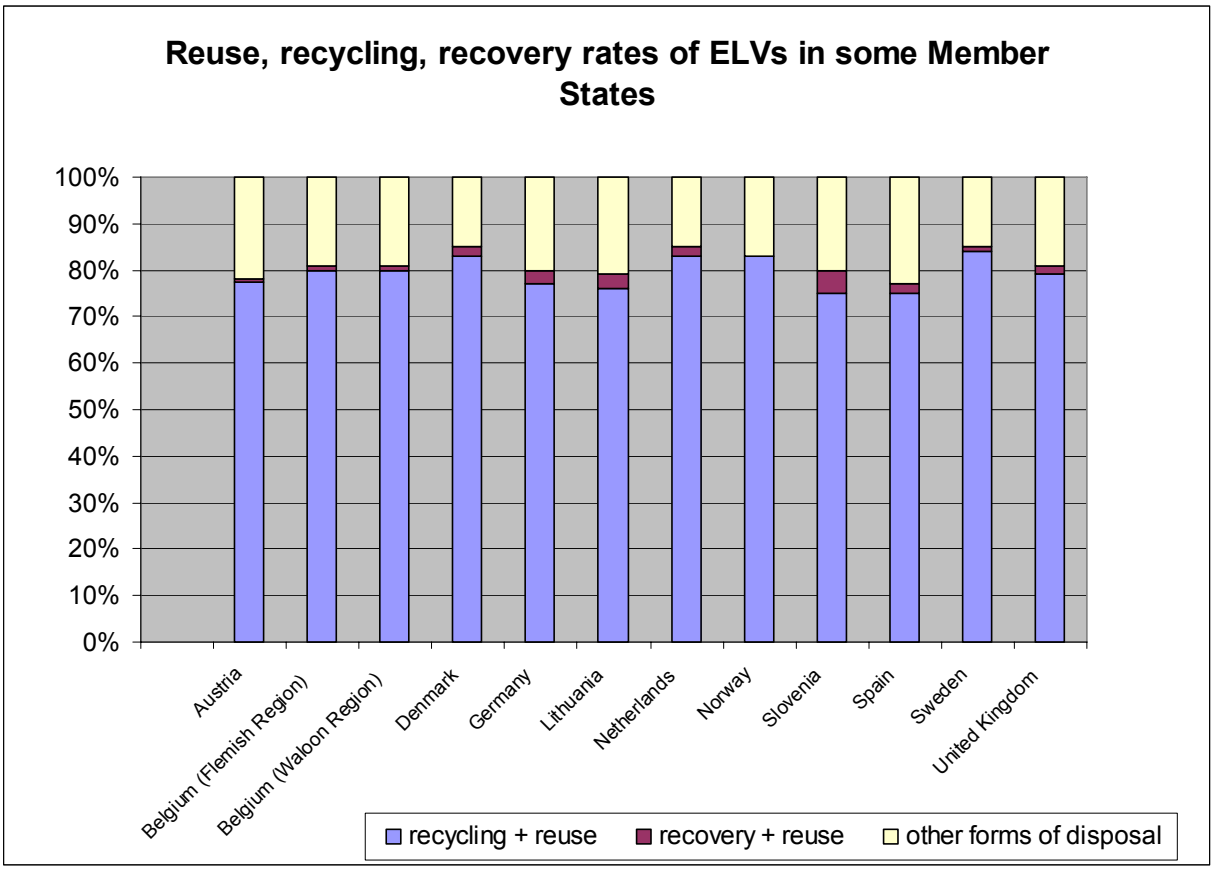


Table 5: Main national measures implementing Directive 2000/53/EC (state of play as of May 2007).

AT	Waste Management Act 2002 (Abfallwirtschaftsgesetz 2002, AWG 2002, BGBl. (Federal Law Gazette) I No 102/2002 and in particular by the amendment contained therein of Section 43 Motor Vehicles Act 1967; End-of-Life Vehicles Ordinance (Altfahrzeugeverordnung, BGBl. II No 407/2002);
BE	Royal Decree of 19 March 2004 on product standards for vehicles; Royal Decree on 20 July 2001 on the registration of vehicles;
CY	End-of-Life Vehicles Law of 2003 no L.157(I)/2003, published in the Cyprus Government Official Journal no 3758, of 03.10.2003, Annex I, Part I; Motor Vehicles and Road Traffic (amending Law of 2003) no L.146(I)/2003, published in the Cyprus Government Official Journal no 3758 of 03.10.2003, Annex I, Part I;
CZ	Act No 185/2001 Coll. on waste and amending certain other Acts (amended by Act No 188/2004 Coll.); Act No 56/2001 Coll. laying down conditions for the operation of vehicles on roads; Decree No 341/2002 Coll. of the Ministry of Transport and Communications (as amended by Decree No 100/2004 Coll. on technical roadworthiness approval and technical conditions for the operation of vehicles on roads);
DE	Ordinance on End-of-Life Vehicles (Altfahrzeug-Verordnung - AltfzV), BGBl no 407 Teil II of 05/11/2002, p. 2887;
DK	Act No 385 of 2 June 1999 on environmental charges and compensation in connection with the dismantling and scrapping of cars, as amended by Act No 385 of 6 June 2002; Order No 480 of 19 June 2002 on the management of waste in the form of motor vehicles and waste fractions thereof; Order No 570 of 23 June 2003 on the import and sale of cars and commercial vehicles, etc. containing certain hazardous substances; Order No 782 of 17 September 2002 on the collection of environmental and destruction charges and compensation in connection with the dismantling and scrapping of cars; Act No 508 of 7 June 2006. Act No 508 amends the Environmental Protection Act and introduces producer liability for all cars. It entered into force on 1 January 2007; Order No 480 of 19 June is replaced by Order No 1708 of 20 December 2006. This Order lays down further additional rules on producer liability for all cars;
EE	Waste Act, Governmental Regulation No. 158 of 29.04.2004 (repealed and replaced with Governmental Regulation No 154, 06.07.2006 (amended on 21.06.2007, with the same § numbers), Governmental Regulation No. 352 of 19.12.2004 (amended on 28.07.2005), Regulation of Minister of Economic Affairs and Communications No. 175 of 24.08.2004, Regulation of Environmental Minister No. 89 of 08.07.2004 (amended on 29.03.2005);
ES	Royal Decree 1383/2002 of 20 December on management of end-of-life vehicles. This Royal Decree further incorporated Decision 2002/151/EC of 19 February 2002 on certification of destruction into national law.

FI	Council of State Decree No 581/2004 on end-of-life vehicles, the Act amending the Waste Act (452/2004) and the Council of State Decree controlling the use of certain hazardous substances (572/2003);
FR	Decree no 2003-727 of 01/08/2003, JORF of 05/08/2003, p. 13487;
GR	Presidential Decree (PD) 116/2004;
HU	Ministry of Economy and Transport Decree 34/2004 (III.30) amending Ministry of Transport, Communications and Construction Decree 5/1990 (IV.12) on the technical testing of road transport vehicles; Ministry of Economy and Transport Decree 35/2004 (III.30) amending Ministry of Transport, Communication and Construction Decree 6/1990 (IV. 12) on the technical requirements for putting and keeping road transport vehicles in service; Ministry of Economy and Transport Decree 29/2004 (III.12) amending Ministry of Transport, Communication and Water Management Decree 1/1990 (IX. 29) on the personal and material requirements for the maintenance of motor vehicles; Ministry of the Interior Decree 16/2005 (IV. 4) amending Ministry of the Interior Decree 35/2000 (XI. 30) on public transport administrative responsibilities, and the issue and withdrawal of public transport documents;
IE	The Protection of the Environment Act 2003 (No. 27 of 2003) inserting a new Part VA into the Waste Management Acts 1996 and 2001 (No. 10 of 1996 and No. 36 of 2001 respectively) The Waste Management (End-of-Life Vehicles) Regulations 2006 (Statutory Instrument No. 282 of 2006)
IT	Legislative Decree No. 209/2003 (Official Journal of the Republic of Italy G.U. No. 128/L, General Series, of 7 August 2003);
LT	Order No 55 of the Minister of Environment of the Republic of Lithuania of 24 March 1998 adopting Provisional Rules LAND 23-1998 for the Installation of Sites for Dismantling Road Vehicles; Order No 710 of the Minister of Environment of the Republic of Lithuania of 24 December 2003 adopting the Rules for the Management of End-of-life Vehicles; Order No 1V-374 of the Minister of the Interior of the Republic of Lithuania of 15 October 2003 amending Order No 260 of the Minister of the Interior of 25 May 2001 adopting the Rules for the Registration of Road Vehicles and Order No 184 of the Minister of the Interior of 3 March 1994 on the reorganisation of the National Examinations and Transport Registration Units; Act No IX-2214 of the Republic of Lithuania amending Articles 1, 2, 4, 5, 6, 8, 10, 11, 12 and 30 of the Waste Management Act and the annexes to that Act, and adding Section Eight (1), Article 34(1) and Annex 5 to that Act; Resolution No 577 of the Government of the Republic of Lithuania of 14 May 2004 amending Resolution No 519 of the Government of the Republic of Lithuania of 12 April 202 adopting the National Strategic Plan for Waste Management; Order No 1V-289 of the Minister of the Interior of the Republic of Lithuania of 13 September 2004 amending Order No 260 of the Minister of the Interior of the Republic of Lithuania of 25 May 2001 adopting the Rules for the Registration of Road Vehicles; Order No V-258 of the Minister of Health of the Republic of Lithuania amending Order No 239 of the Minister of Health of the Republic of Lithuania of 27 May 2002 adopting Lithuanian Hygiene Standard HN 36:2002 “Banned and Restricted Substances”;

LU	Grand Duchy Regulation of 17 March 2003 on end-of-life vehicles; Grand Duchy Regulation of 30 May 2005 amending the amended Grand Duchy Regulation of 17 March 2003 on end-of-life vehicles; Grand Duchy Regulation of 7July 2003 amending the Regulation of the Grand Duchy of 17 March 2003 on end-of-life vehicles;
LV	Law on end-of life vehicles (29.01.2004); Cabinet of the Ministers regulations Nr. 241 "Arrangement of filling and delivery of certificate of destruction of end-of life vehicles" (06.04.2004); Regulations of Cabinet of Ministers Nr.242 "Regulations on materials and components, those can contain lead, mercury, cadmium and hexavalent chromium" (06.04.2004); Cabinet of the Ministers Regulations Nr. 243 "Requirements for recycling of end-of life vehicles and environmental requirements for treatment facilities" (06.04.2004);
MT	End-of-Life Vehicles Regulations (LN99/04); Waste Management (Permit and Control) Regulations (LN337/01);
NL	End of Life Vehicles Management Decree (Bull. 259 of 4 June 2002); Amendment of the Registration Numbers Regulations (Bull. 322 of 27 June 2002); Prohibition Heavy Metals in Vehicles (Exceptions) Regulations (Gov. Gaz. 118 of 25 June 2002)19 Oct. 2005 with reference 19095: Amendment End of Life Vehicles Management Regulations (Government Gazette 193 of 5 Oct. 2005); Car Tyres Management Decree (Bulletin of Acts and Decrees 564 of 29 Dec. 2003); Amendment Prohibition Heavy Metals in Vehicles (Exceptions) Regulations (Gov. Gaz. No. 119 of 25 June 2003); Prohibition Heavy Metals in Vehicles (Exceptions) Regulations 2003 (Gov. Gaz. 233 of 3 Dec. 2002);
PL	Act of 20 January 2005 on the recycling of end-of-life vehicles (Journal of Laws No 25, item 202 and No 175, item 1458); Road Traffic Act of 20 June 1997 (Journal of Laws 2005, Nr 108, item 908, as amended) and in the Regulation of the Minister for Infrastructure of 25 March 2005 laying down the method of cancelling the documents of end-of-life vehicles, the models of certificates to be issued for such vehicles, the method of storing certificates and keeping records thereof (Journal of Laws No 62, item 554);
PT	Decree-Law no. 196/2003 of 23 August 2003; Decree-Law no. 239/97 of 9 September 1997 (rules for waste management); Order no. 961/98 of 10 November 1998 (requirements for the process of authorisation of storage, treatment, recovery and disposal operations for industrial waste, municipal solid waste or other types of waste);
SE	The Environmental Code (1998:808); Ordinance on Producer Responsibility for Motor Vehicles (1997:788);

	Ordinance (2003:208) prohibiting certain metals in motor vehicles; The Vehicles Act (2002:574) and the Vehicle Dismantling Act (1975:343); Road Traffic Register Ordinance (2001:650); Ordinance concerning Environmentally Hazardous Activities and the Protection of Public Health (1998:899); Swedish Environmental Protect Agency's Regulations and General Guidelines on vehicle dismantling operations (NFS 2002:2);
SI	The Rules on the Management of End-of-life Motor Vehicles (Ur. list RS No. 118/2004); The Rules on the Content of Dangerous Substances in Materials and Components of Motor Vehicles (Ur. list RS No. 43/06); Decree on the Manner, Subject of and Conditions for Performing a Public Service of the Management of End-of-life Vehicles (Ur. list RS Nos. 18/2003, 135/2003, 32/2004, 106/2005, 32/2006 and 57/2006); The Rules on the Certificate of Receipt of an End-of-life Motor Vehicle for Dismantling and on the Statement on the Location of the Vehicle (Ur. list RS No. 52/04);
SK	Act No 223/2001 Coll. on waste, extending and amending certain laws; Government Regulation No 153/2004 Coll. laying down mandatory limits and deadlines for the degree of reuse of parts of end-of-life vehicles, of recovery of waste from the treatment of end-of-life vehicles and of recycling of end-of-life vehicles; Decree No 125/2004 Coll. of the Ministry of the Environment of the Slovak Republic laying down detailed arrangements regarding the treatment of end-of-life vehicles and certain requirements for the production of vehicles;
UK	The End-of-Life Vehicles Regulations 2003 (Statutory Instrument 2003 No.2635); The End-of-Life Vehicles (Producer Responsibility) Regulations 2005 (Statutory Instrument 2005 No.263); The End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003 (Scottish Statutory Instrument 2003 No 593); The Waste Management Licensing Regulations (Northern Ireland) 2003 (Statutory Rules of Northern Ireland 2003 No.493); The End-of-Life Vehicles Rules 2004 in respect of Gibraltar;

Table 6: Useful links related to end-of-life vehicles in some Member States.

AT	http://www.umweltnet.at/article/archive/7994/ (government) http://www.umweltnet.at/article/articleview/29024/1/7993 (ELV management)
BE	http://www.febelauto.be/ (non-government) http://www.ovam.be/jahia/Jahia/pid/401 (ELV management)
CY	http://www.economides-metal.com.cy/services_elv.htm (ELV management)
DE	http://www.bmu.de/english/waste_management/doc/3443.php (government)
DK	http://glwww.mst.dk/homepage/ (non-government)
EE	http://www.riigiteataja.ee/ert/act.jsp?id=918045 (ELV legislation) (government)
ES	http://www.sigrauto.com/redcat.html (ELV management)
FI	http://www.autopurkamoliitto.fi/inenglish.php (ELV management) http://www.finlex.fi/en/laki/kaannokset/2004/20040581 (ELV legislation)
GR	http://www.edoe.gr/ (ELV management)
HU	http://www.carrec.hu/ (ELV management)
NL	http://www.arn.nl/engels/1vogelvlucht/10.php (non-government)
PL	http://www.fors.pl/?lang=1&cat=1 (ELV management)
PT	http://www.valorcar.pt/ (ELV management)
SE	http://www.internat.naturvardsverket.se/index.php3?main=/documents/legal/vehicle/vehiclif.htm (ELV legislation)
MT	http://www.maltatransport.com/en/new/motorvehicles/scrapping.shtml (non-government) http://www.doi.gov.mt/EN/legalnotices/2004/default.asp (ELV legislation, LN99/04)

Table 7: Some national institutions and authorities competent for ELV management

MS	Authority	Scope of responsibility
AT	Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft, Lebensmisterium, Umweltbundesamt	n/a
BE	OVAM (Flemish Waste Agency)	Implementation of requirements concerning ELV treatment, permitting, monitoring
	FEBELAUTO	Registration and management of data concerning ELVs and their wastes
CZ	Ministry of the Environment of the Czech Republic	n/a
DE	Federal Ministry of the Environment, Nature Conservation and Nuclear Safety	n/a
DK	Danish Environmental Protection Agency	n/a
ES	Ministry of Environment, Directorate-General for Environmental Quality and Assessment	n/a
	SIGRAUTO	ELV collection and management
FI	Pirkanmaa Environmental Centre	Supervision of producer responsibility, collection and processing of data
	Association of Motor Vehicle Dismantlers of Finland	ELV collection and management
GR	EDOE (Alternative Vehicle Management of Greece)	ELV collection and management, monitoring, some enforcement of legislation
HU	Car-Rec	ELV collection and management, monitoring, some enforcement of legislation
NL	ARN (Auto Recycling Netherlands)	ELV collection and management, monitoring, some enforcement of legislation
MT	MEPA (Malta Environment and Planning Authority)	Implementation of the ELV Directive, permitting, requirements concerning ELV treatment, monitoring
	ADT (authority for Transport)	Requirements concerning the heavy metal ban, deregistration
PL	FORS (Vehicle Recycling Forum)	ELV collection and management
PT	VALORCAR	ELV collection and management
SE	SwEPA (Swedish Environmental Protection Agency)	Monitoring of reporting requirements of producers
	BIL Sweden	Representation of vehicle manufacturers and importers, coordinates and collects reporting from

		producers
	SBR (Swedish Car Recyclers Association)	Coordinates and collects data on CoDs and the quantity of waste generated
SI	Ministry of the Environment and Spatial Planning	n/a
SK	Ministry of the Environment	Authorisation for treatment facilities
UK	DTI (Department of Trade and Industry)	Implementation of the ELV Directive, register producer brands and vehicle declarations, assessment of producers' network plans
	DEFRA	Implementation of requirements concerning ELV treatment, permitting
	Environment Agencies (England and Wales, Scotland, Northern Ireland)	Monitoring of reporting requirements, enforcement of recovery and recycling obligations, monitoring of ATFs activities
	Autogreen, Cartakeback	ELV collection and management, monitoring, interface between ATFs and DTI (two service providers contracted by car manufacturers)
	DVLA	Issuing of certificates of destruction

Table 8: Transposition of Article 4(2)(a) banning the use of four heavy metals - overview

Member State	Transposition details
AT	Section 4 of End-of-Life Vehicles Ordinance
BE	Article 3 of the Royal Decree of 19 March 2004 on product standards for vehicles
CY	Article 8 of the Cyprus Law L.157(I)/2003)
CZ	Act No 56/2001 Coll. laying down conditions for the operation of vehicles on roads, Decree No 341/2002 Coll. of the Ministry of Transport and Communications, as amended by Decree No 100/2004 Coll. on technical roadworthiness approval and technical conditions for the operation of vehicles on roads, Annex I.
DE	§ 8(2) of the Ordinance on End-of-Life Vehicles
DK	Order No 570 of 23 June 2003
EE	§ 5 and 6 of the Governmental Regulation No 158 of 29.04.2004
ES	Article 3(a) of the Royal Decree
FI	Decree 572/2003 controlling the use of certain hazardous substances in vehicles of 18.06.2003, as amended by Decree 880/2005
FR	
HU	Article 2 of Decree 35/2004 (III.30) amending Decree 6/1990 (IV.12). The list of exemptions is contained in Annex 7A, amended by Decree 126/2005 (XII.29)
IE	Article 28 of the Waste Management (End-of-life vehicles) Regulations 2006. The list of exemptions is contained in the Fourth Schedule. Under Article 29 of the regulations, each producer is required to compile, maintain and make available such technical documentation as may be necessary to demonstrate that specified vehicles, of that producer's brand or for which that producer is responsible, comply with the provisions of Article 28 and the Fourth Schedule.
IT	Article 9 of Decree 209/2003. The list of exemptions is contained in Appendix II to the Decree.
LT	§ 49 Table 1 (Order No V-258 of the Minister of Health, amending Order No 239 adopting the Lithuanian Hygiene Standard HN 36:2002 "Banned and restricted Substances")
LU	Grand Duchy regulation
LV	Law on End-of-Life Vehicles management. . The list of exemptions is contained in the Regulations of Cabinet of Ministers No 242 "Regulations on materials and components which can contain lead, mercury, cadmium and hexavalent chromium" of 06.04.2004.
MT	End-of-Life Vehicles Regulations LN 99/04.
NL	Article 4 of the End-of-Life Vehicles Management Decree. The list of exemptions is contained in the End-of-Life Vehicles Management Regulations.
PL	Article 7 of the Act on the recycling of End-of-Life Vehicles of 20.01.2005. The list of exemptions is contained in the Regulation of the Minister for Economic Affairs and Labour of 04.10.2005 (Journal of Laws No 200, item 1653).

PT	Article 6(2) of Decree DL 196/2003. The list of exemptions is contained in Annex I to this Decree.
SE	Ordinance (2003:208) prohibiting certain metals in motor vehicles and Section 2 of the Vehicles Act (2005:574).
SI	Article 3 of the Rules on the Content of Dangerous Substance in Materials and Components of Motor Vehicles (Ur. list RS No 43/06).
SK	§ 18(3)(1) of Act No 223/2001 (Part Six). The list of exemptions is contained in Annex 4 to Decree No 125/2001 Coll. of the Slovak Ministry of Environment, as specified in § 18 (1) of this Decree.
UK	Regulation 6 and Schedule 1 of the ELV Regulations 2003.

Table 9: Transposition of Article 8(1) on coding standards and Commission Decision 2003/138/EC establishing component and material coding standards – overview by Member State

AT	Section 8 of the End-of-Life Vehicles Ordinance
BE (federal level)	Article 4 of the Royal Decree
CY	Article 11 of L.157(I)/2003
CZ	The rules on technical conditions for the operation of vehicles on roads, in particular Decree No 314/2002 Coll., Annex 1 (27)
DE	§ 9(1) of the Ordinance on End-of-Life Vehicles
DK	Section 15 of Order No 1708 of 20 December 2006
EE	§ 24 (3) of the Waste Act (https://www.riigiteataja.ee/ert/act.jsp?id=918045, in Estonian) and Regulation of Environmental Minister No. 89, 08.07.2004 (amended on 29.03.2005)
ES	Article 3 of the Royal Decree (in particular paragraph (c))
FI	Section 6(1) of the Council of State Decree controlling the use of certain hazardous substances (572/2003)
FR	Article 3 of the ELV Decree
GR	MD 116/2004 (Article 12)
HU	Article 2 of Decree 35/2004 (III.30) of the Ministry of Economy and Transport, amending Decree 6/1990 (IV.12) on the technical requirements for putting and keeping road transport vehicles in service
IE	Article 30 and the Fifth Schedule of the Waste Management (End-of-Life Vehicles) Regulations 2006
IT	Article 10(3) of Legislative Decree 209/2003
LT	Paragraph 35 of the Rules for the Management of End-of-life Vehicles adopted by Order No 710 of the Minister of Environment of the Republic of Lithuania of 24 December 2003
LU	Annex II to the Grand Dutch Regulation of 17 March 2003
LV	Legislation refers to Commission Decision 2003/138/EC
MT	Article 8(1) of the End-of-Life Vehicles Regulations (LN99/04)
NL	Article 10 of the End-of-Life Vehicles Management Decree
PL	Article 20 of the Act of 20 January 2005 on the recycling of end-of-life vehicles and the Regulation of the Minister for Economic Affairs and Labour of 28 December 2005 laying down the method of marking and the types of marking of items of vehicle equipment and vehicle components (Journal of Laws 2006, No 2, item 9)
PT	Article 7(1) of DL 196/2003 and Annex II – Coding standards for vehicles components and materials

SE	Sections 5 and 8a of the Ordinance on Producer Responsibility for Motor Vehicles (1997:788)
SI	Article 7 of the Rules on the Management of End-of-life Motor Vehicles (Ur. list RS No. 118/2004)
SK	§ 52 paragraph 3 of Act No 223/2001 Coll. (Part Six) and § 19 of the Slovak Ministry of the Environment Decree No 125/2004 Coll. Codes for vehicle parts, materials used in vehicles and equipment used in vehicles and the list of codes must meet Slovak technical norms.
UK	Part IV of the ELV Regulations 2003

Table 10: Transposition of Article 8(3) on the obligation of producers to provide dismantling information – overview by Member State

AT	Section 8 of the End-of-Life Vehicles Ordinance
BE (regional level)	Art. 3.3.5, §1 of the Royal Decree, Art 8 §6 and Art 10 of the Environmental Policy Agreement of 19 April 2005
CY	Article 6(2)(a) of L.157(I)/2003
CZ	Act No 188/2004 Coll. amending Act No 185/2001 Coll. on waste and amending certain other Acts, Article I (35) (Act No 185/2001 Coll., Section 37a, paragraph 1)
DE	§ 9(2) of the Ordinance on End-of-Life Vehicles
DK	Section 15 of Order No 570 of 23 June 2003 on the import and sale of cars and commercial vehicles, etc. containing certain hazardous substances
EE	§ 24 (4) of the Waste Act and § 6 of the Governmental Regulation No 352 of 19 February 2004, as amended on 28.07.2005
ES	Article 3(d) of the Royal Decree
FI	Section 18(c)(2) of the Act amending the Waste Act (452/2004) and Section 6(2) and (3) of the Council of State Decree controlling the use of certain hazardous substances (572/2003)
FR	Article 15 of the ELV Decree
GR	MD 116/2004 (Article 12)
HU	Ministry of Economy and Transport Decree 34/2004 (III.30) amending Ministry of Transport, Communications and Construction Decree 5/1990 (IV.12) on the technical testing of road transport vehicles
IE	Articles 31(1) and 31(2) of the Waste Management (End-of-Life Vehicles) regulations 2006
IT	Article 10(1) of Legislative Decree 209/2003, use of IDIS
LT	Paragraph 36 of the Rules for the Management of End-of-life Vehicles adopted by Order No 710 of the Minister of Environment of the Republic of Lithuania of 24 December 2003
LU	Article 10 of the Grand Dutch Regulation of 17 March 2003, use of IDIS
LV	Legislation refers to the provisions of Article 8(3) of the ELV Directive
MT	Article 8(2) of the End-of-Life Vehicles Regulations (LN99/04)
NL	Article 11(1) and (2) of the End-of-Life Vehicles Management Decree
PL	Article 9 of the Act of 20 January 2005 on the recycling of end-of-life vehicles
PT	Article 7(4) and 7(5) of DL 196/2003
SE	Sections 5 of the Ordinance on Producer Responsibility for Motor Vehicles (1997:788)
SI	Article 6 of the Rules on the Management of End-of-life Motor Vehicles (Ur. list RS No. 118/2004)

SK	§ 52 (4) of Act No 223/2001 Coll. (Part Six)
UK	Part IV of the ELV Regulations 2003

Table 11: Transposition of Article 8(4) on the obligation of manufacturers of vehicle components to provide information concerning dismantling, storage and testing of components which can be reused – overview by Member State

AT	Section 8(3) of the End-of-Life Vehicles Ordinance
BE (regional level)	Art. 3.3.5, §2 of the Royal Decree, Art 8 §6 and Art 10 of the Environmental Policy Agreement of 19 April 2005
CY	Article 6(2)(a) of L.157(I)/2003
CZ	Act No 188/2004 Coll. amending Act No 185/2001 Coll. on waste and amending certain other Acts, Article I (35) (Act No 185/2001 Coll., Section 37a, paragraph 1)
DE	§ 9(3) of the Ordinance on End-of-Life Vehicles
DK	Section 15 of Order No 570 of 23 une 2003 on the import and sale of cars and commercial vehicles, etc. containing certain hazardous substances
EE	§ 6 of the Governmental Regulation No 352 of 19 February 2004, as amended on 28.07.2005
ES	Article 3(d) of the Royal Decree
FI	Section 6(3) of the Council of State Decree controlling the use of certain hazardous substances (572/2003)
FR	Article 15 of the ELV Decree
GR	MD 116/2004 (Article 12)
HU	Ministry of Economy and Transport Decree 34/2004 (III.30) amending Ministry of Transport, Communications and Construction Decree 5/1990 (IV.12) on the technical testing of road transport vehicles, use of IDIS
IE	Article 31(3) of the Waste Management (End-of-Life Vehicles) regulations 2006
IT	Article 10(2) of Legislative Decree 209/2003, use of IDIS
LT	Paragraph 39 of the Rules for the Management of End-of-life Vehicles adopted by Order No 710 of the Minister of Environment of the Republic of Lithuania of 24 December 2003
LU	Article 10 of the Grand Dutch Regulation of 17 March 2003, use of IDIS
LV	Legislation refers to the provisions of Article 8(3) of the ELV Directive
MT	Article 8(3) of the End-of-Life Vehicles Regulations (LN99/04)
NL	Article 11(3) of the End-of-Life Vehicles Management Decree
PL	Article 9 of the Act of 20 January 2005 on the recycling of end-of-life vehicles
PT	Article 7.6 of DL 196/2003
SE	Sections 5 of the Ordinance on Producer Responsibility for Motor Vehicles (1997:788)
SI	Article 6 of the Rules on the Management of End-of-life Motor Vehicles (Ur. list RS No. 118/2004)

SK	§ 52 (5) of Act No 223/2001 Coll. (Part Six)
UK	Regulation 19 of the ELV Regulations 2003

Table 12: Transposition of Article 9(2) on information to be provided by economic operators to prospective buyers of vehicles – overview by Member State

AT	Section 9 of the End-of-Life Vehicles Ordinance
BE (partly regional, partly federal level)	Article 5 of the Royal Decree; for Flanders Article 3.3.4. of the Flemish regulations relating to Waste Prevention and Management
CY	Article 4(3)(b) and Article 6(1) of L.157(I)/2003
CZ	Act No 188/2004 Coll. amending Act No 185/2001 Coll. on waste and amending certain other Acts, Article I (35) (Act No 185/2001 Coll., Section 37a, paragraph 1)
DE	§ 10(1) and 10(2) of the Ordinance on End-of-Life Vehicles
DK	Section 10, 15 and 19 of Order No 1708 of 20 December 2006
EE	§ 26-1, § 116, § 117 of the Waste Act and Governmental Regulation No 28 of 30 January 2006 (National Register of Products of Concern)
ES	Article 3(e) of the Royal Decree
FI	Waste Act 452/2004, as amended
FR	Articles 11(e), 12(g) and 17 of the ELV Decree
GR	MD 116/2004 (Article 13)
HU	Articles 3(2)(d) and (e) and 5(5) of the Government Decree
IE	Articles 31(4) and 31(5) of the Waste Management (End-of-Life Vehicles) regulations 2006
IT	Article 11(5) of the Legislative Decree 209/2003
LT	Paragraph 37-38 of the Rules for the Management of End-of-life Vehicles adopted by Order No 710 of the Minister of Environment of the Republic of Lithuania of 24 December 2003
LU	Article 11 of the Grand Duchy Regulation of 17 March 2003 and Article 7 of the draft environmental agreement
MT	Article 9 of the End-of-Life Vehicles Regulations (LN99/04)
NL	Article 15 and 16 of the End-of-Life Vehicles Management Decree
PL	Article 167 of the Environmental Protection Law Act of 27 April 2001 (Journal of Laws No 62, item 627, as amended) - requirements concerning information on vehicles and the method of managing end-of-life vehicles; Regulation of the Minister for Economic Affairs and Labour of 28 December 2004 concerning products subject to a requirement to provide information which is essential with regard to environmental protection (Journal of Laws of 2005, No 6, item 40)
PT	Article 7.2 and 7.3 of DL 196/2003

SE	Sections 8 of the Ordinance on Producer Responsibility for Motor Vehicles (1997:788)
SI	Article 7 of the Rules on the Management of End-of-life Motor Vehicles (Ur. list RS No. 118/2004)
SK	§ 50(6), and partly § 52(4) of Act No 223/2001 Coll. (Part Six)
UK	Regulation 20 of the ELV Regulations 2003