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REPORT FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

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

FOR THE PERIOD 2002-2005

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1. INTRODUCTION

The aim of this report is to inform the other Community institutions, the Member States and the public about the implementation of Directive 2000/53/EC on end-of-life vehicles[1] over the period from 21 April 2002 to 21 April 2005 (or from 1 May 2004 to 21 April 2005 for the Member States which joined the European Community on 1 May 2004).

The report was drawn up on the basis of an implementation questionnaire established by Commission Decision 2001/753/EC[2], in accordance with the procedure laid down in Article 6 of Directive 91/692/EEC[3]. It is based on information supplied by the Member States and is accompanied by a Commission staff working document which gives more details on the information and data received from them.

All Member States have provided the Commission with their national implementation data as regards the incorporation of the Directive into national law. Incorporation of the Directive into national legislation appears satisfactory; however, a conformity check of the national implementing measures with the provisions of the Directive is still ongoing for the EU-10, which may result in new non-conformity issues.

As regards the actual implementation and enforcement of the legal provisions, since only a few Member States reported information specified in part 2 of the questionnaire (which is to be delivered insofar as available and in line with commercial and industrial confidentiality), it is difficult to have a full overview of the state of functioning of the Directive in the Member States on the basis of the national reports. Moreover, a complete picture of the current situation as regards the recycling and recovery of end-of-life vehicles will only be available once Member States report on the reuse/recovery and reuse/recycling targets they achieve. These reports, obligatory with data for 2006, need to be prepared according to the detailed rules laid down in Commission Decision 2005/293/EC[4] and sent to the Commission within 18 months of the end of the relevant year, i.e. by 30 June 2008.

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1 OJ L 269, 21.10.2000, p. 34.
2 OJ L 282, 26.10.2001, p. 77.
3 OJ L 377, 23.12.1991, p. 48.
4 OJ L 94, 12.4.2005, p. 30.

2. DIRECTIVE 2000/53/EC ON END-OF-LIFE VEHICLES

Directive 2000/53/EC lays down specific requirements for the management of end-of-life vehicles. It 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. The Directive also aims to improve the environmental performance of all economic operators involved in the life-cycle of vehicles and especially the operators directly involved in the treatment of end-of-life vehicles.

All Member States have provided the Commission with details of their **laws, regulations and administrative provisions** introduced to comply with the Directive. Currently, **infringement proceedings** are in progress against 9 Member States (Belgium, Denmark, Spain, France, Italy, France, Ireland, Portugal, and the United Kingdom).

A large majority of Member States did not **exempt vehicles produced in small volumes** from the dismantability, recoverability and recyclability requirements, compliance with coding standards and dismantling information, and from the reporting and information requirements. Only Ireland, Lithuania and the United Kingdom provided for such an exemption.

Most Member States adopted various **prevention measures** aiming to limit the use of hazardous substances in vehicles and to prevent their release to the environment, as well as to facilitate vehicle dismantling, reuse, recovery and recycling and integrate more recyclates into vehicles and other products. Vehicle design changes are encouraged by Member States which have a national car industry (France, Germany) through legal obligations and information requirements imposed on manufacturers. Other countries focus on spare parts design or substance restrictions. Belgium, Germany, Spain, Malta, and Portugal adopted new measures aimed to encourage the reuse, recycling and recovery of vehicle components, including promotion campaigns, technical guidelines, financial assistance for R&D and innovation, and permitting procedures.

All Member States have adopted legislation which **restricts the use of lead, mercury, cadmium and hexavalent chromium** in vehicles and vehicle components, as well as detailed lists of exemptions from this heavy metal ban which in most cases literally transpose the text of Annex II to Directive 2000/53/EC.

The majority of Member States indicated the adoption of measures aiming 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, as well as the adequate availability of collection facilities in their national territory. The number of authorised treatment facilities ranges from 0 in Malta to over 1,500 in Italy which demonstrates a large discrepancy in terms of treatment capacity in different Member States.

As regards the **organisational responsibility for setting up the collection network**, some Member States made all economic operators organisationally responsible (Cyprus), while others impose this responsibility on vehicle producers and importers (Austria, Spain, Finland, Hungary, Ireland, Italy, Lithuania, the Netherlands). Most Member States specify the geographical coverage that needs to be ensured by economic operators, which is either linked to population density (Ireland) or geographical distance (e.g. within a radius of 50 km in Hungary, Lithuania, and Slovenia). Latvia and Portugal provide for a possibility of joining a network managed by an independent entity, but require that all vehicle manufacturers or

importers provide evidence of association with such a network. Slovenia obliges collection facilities to ensure sufficient coverage. In some Member States, two systems operate in parallel: that of facilities contracted with producers, and that of independent facilities (Ireland, the United Kingdom).

All Member States introduced into their legislation measures which aim to ensure that **all end-of-life vehicles are transferred to authorised treatment facilities**. In most cases, these provisions introduce obligatory licensing for collection and treatment facilities and oblige vehicle last owners to dispose their end-of-life cars only in licensed collection points. Most Member States allow for vehicle delivery to dealers or manufacturers, from whom they are further transferred to authorised treatment facilities. In most Member States it is an offence to abandon vehicles instead of delivering them to authorised treatment facilities or to collect and treat vehicles without the necessary authorisation.

All Member States have reported having set up a **deregistration system** which links vehicle deregistration to the issuing of a certificate of destruction by an authorised treatment facility. A minority of Member States provided for a possibility of issuing the certificates of destruction by producers, dealers and collectors on behalf of an authorised treatment facility. In all Member States, measures have been taken that ensure the transfer of end-of-life vehicles to authorised treatment facilities.

All Member States indicated implementation of the **free take-back** provisions, according to which the take-back of an end-of-life vehicle needs to be done at least free of charge for the last vehicle holder, based on the principle of **producer responsibility**. In most cases, vehicles are accepted unless they miss essential components enumerated in legislation or contain additional waste. A vehicle has a negative value where the costs of its management exceed the income from recovered materials. In most cases, producer responsibility starts at this point; however, acceptance of negative value vehicles was reported to be a rare case with the current material prices.

Most Member States provide for **mutual recognition of certificates of destruction** issued in another Member State.

In all Member States, establishments planning to carry our end-of-life vehicle treatment operations need to obtain a **permit** or be registered with the competent national authorities. In most cases, the regional authorities are responsible for the enforcement of the permit obligations specified in the national legislation: they issue permits and monitor treatment facilities in their respective administrative regions. The time within which depollution needs to be carried out ranges from 24 hours (Slovenia) to 3 months (Lithuania).

The majority of 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. In many Member States, the practice to use certified environmental management systems is becoming increasingly widespread.

All Member States reported having adopted measures in line with the **waste hierarchy** prescribed in the Directive that promotes reuse, recycling, and recovery of vehicle components, with disposal as the last recourse. Reuse, recycling and recovery is ensured, in the first place, through measures which aim to guarantee appropriate dismantling, storage and treatment of parts and materials suitable for these treatment options. An important element of each system is the **depollution** of end-of-life vehicles. Other measures include steps to create

markets for recyclates, including recycled content targets in new products. There are also **financing schemes** available in many Member States aiming to promote environmentally favourable treatment options.

All Member States confirmed that they have set in their legislation the reuse/recovery and reuse/recycling **targets**. In most cases, national targets literally transpose those of the Directive, with the exception of the Netherlands where the target of 95% reuse/recovery and 85% reuse/recycling was to be met until 2007 (the date is currently under revision). The parties responsible for meeting the targets include producers in cooperation with other economic operators (Finland, Hungary), economic operators (Cyprus, Italy, Malta), producers and importers (Lithuania, the Netherlands), public service providers (Slovenia), and authorised treatment facilities (Ireland). The Czech Republic, Spain, Greece, Hungary, Ireland, Italy, Latvia, Malta, Poland, Portugal, Slovakia, and the United Kingdom laid down lower rates for reuse, recycling and recovery for vehicles produced before 1 January 1980, in each case being at least 75% reuse/recovery and 70% reuse/recycling. The Czech Republic, Hungary, Italy, Latvia, Poland, Portugal, and the United Kingdom reported that the measure introducing these lower targets have been notified to the Commission, and in some cases also to the other Member States. Spain, Greece and Malta have not yet sent the official notification.

Since the reporting obligation on the targets starts as of mid-2008 with data for the year 2006, only limited information on the targets achieved before 2006 is available. From those countries which have reported, in 2004 four Member States reached the 80% recycling target (Belgium, Denmark, the Netherlands, Sweden) and three met the 85% recovery target (Denmark, the Netherlands, Sweden). Austria, Germany, and the United Kingdom were also close to meeting the 85% recycling target in 2004.

All Member States adopted measures concerning the use of **component and material coding standards** reflecting those of Commission Decision 2003/138/EC[5] and obliged vehicle manufacturers to provide **dismantling information** for each type of new vehicle put on the market. Belgium, Cyprus, Germany, Denmark, Spain, Finland, France, Hungary, Luxembourg, the Netherlands, Poland, Portugal, Slovenia, and Sweden indicated the use of the **IDIS system** (International Dismantling Information System) to facilitate dismantling and reuse of vehicle parts. In all Member States, there are provisions concerning dismantling, storage and testing of components suitable for reuse. Most Member States oblige vehicle producers to publish information concerning vehicle design, environmentally sound treatment, waste prevention and increased recycling and recovery.

Since a part of information on the implementation of the Directive is to be provided insofar as available and taking into account the need to protect commercial and industrial confidentiality, not all Member States reported it to the Commission.

In most Member States, no **new prevention measures** apart from those required by the Directive have been taken. Germany, the Netherlands, and Sweden 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. As regards the design changes in cars aimed to integrate more recyclates into vehicles, only a few Member States which have national vehicle manufacturing industry (Germany, France, and Sweden) adopted such measures.

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

Poland and France indicated that the main barrier to further progress as regards the use of recycled polymers is the availability of secondary materials having the required properties at a competitive price, which confirms the need to improve markets for recyclates across the Community.

Most Member States signalled no **negative market value vehicles** due to high metal prices, with the exception of Sweden and Lithuania where such cases were reported. In the majority of cases, vehicle last holders receive a financial reimbursement for the returned end-of-life cars.

Most Member States reported **no changes** in their **end-of-life vehicle management structures** and **no competition distortions**, with several countries indicating a fall in the number of authorised treatment facilities as a result of stricter authorisation requirements.

3. CONCLUSIONS

Overall, although significant progress has been made in several Member States to transpose the Directive, implementation of this legislation cannot be considered fully satisfactory, as demonstrated by a number of infringement procedures concerning this waste stream. In some Member States, although the Directive has been almost literally transposed into national law, the end-of-life vehicles management systems might not be fully operational. Deficiencies in the effective functioning of waste management systems often result from the lack of enforcement rather than missing transposition of the Community legislation. This issue needs particular attention and increased monitoring both on the Community and national level. It is therefore important to step up implementation and enforcement efforts in certain Member States. The Commission will continue the conformity checks and regularly meet with the Member States in order to address any deficiencies in the implementation of Community legislation.