COMMON POSITION (EC) No 39/1999

adopted by the Council on 29 July 1999

with a view to adopting Directive 1999/…/EC of the European Parliament and of the Council of … on end-of-life vehicles

(1999/C 317/03)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission [1],

Having regard to the Opinion of the Economic and Social Committee [2],

Having regard to the Opinion of the Committee of Regions [3],

Acting in accordance with the procedure referred to in Article 251 of the Treaty [4],

Whereas:

(1) The different national measures concerning end-of-life vehicles should be harmonised in order, first, to minimise the impact of end-of-life vehicles on the environment, thus contributing to the protection, preservation and improvement of the quality of the environment and energy conservation, and, second, to ensure the smooth operation of the internal market and avoid distortions of competition in the Community.

(2) A Community-wide framework is necessary in order to ensure coherence between national approaches in attaining the objectives stated above, particularly with a view to the design of vehicles for recycling and recovery, to the requirements for collection and treatment facilities, and to the attainment of the targets for reuse, recycling and recovery, taking into account the principle of subsidiarity and the polluter-pays principle.

(3) Every year end-of-life vehicles in the Community generate between 8 and 9 million tonnes of waste, which must be managed correctly.

(4) In order to implement the precautionary and preventive principles and in line with the Community strategy for waste management, the generation of waste must be avoided as much as possible.

(5) It is a further fundamental principle that waste should be reused and recovered, and that preference be given to reuse and recycling.

(6) Member States should take measures to ensure that economic operators set up systems for the collection, treatment and recovery of end-of-life vehicles.

(7) Member States should take the necessary measures to ensure that the last holder and/or owner can deliver the end-of-life vehicle to an authorised treatment facility without any cost as a result of the vehicle having no or a negative market value. Member States should ensure that producers meet all, or a significant part of, the costs of the implementation of these measures; the normal functioning of market forces should not be hindered.

(8) This directive should cover vehicles and end-of-life vehicles, including their components and materials, without prejudice to safety standards, air emissions and noise control.

(9) This directive should be understood as having borrowed, where appropriate, the terminology used by several existing directives, namely Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances [5], Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers [6], and Council Directive 75/442/EEC of 15 July 1975 on waste [7].

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[1] OJ C 337, 7.11.1997, p. 3, and OJ C 156, 3.6.1999, p. 5.
[2] OJ C 129, 27.4.1998, p. 44.
[3] Opinion delivered on … (not yet published in the Official Journal).
[4] Opinion of the European Parliament of 11 February 1999 (OJ C 150, 28.5.1999, p. 420), Council Common Position of 29 July 1999 and Decision of the European Parliament of … (not yet published in the Official Journal).
[5] OJ 196, 16.8.1967, p. 1. Directive as last amended by Directive 1999/33/EC of the European Parliament and of the Council (OJ L 199, 30.7.1999, p. 57).
[6] OJ L 42, 23.2.1970, p. 1. Directive as last amended by Directive 98/91/EC of the European Parliament and of the Council (OJ L 11, 16.1.1999, p. 25).
[7] OJ L 194, 25.7.1975, p. 39. Directive as last amended by Commission Decision 96/350/EC (OJ L 135, 6.6.1996, p. 32).

(10) It is important that preventive measures be applied from the conception phase of the vehicle onwards and take the form, in particular, of reduction and control of hazardous substances in vehicles, in order to prevent their release into the environment, to facilitate recycling and to avoid the disposal of hazardous waste; in particular the use of lead, mercury, cadmium and hexavalent chromium should be prohibited; these heavy metals should only be used in certain applications according to a list which will be regularly reviewed.

(11) The recycling of all plastics from end-of-life vehicles should be continuously improved. The Commission is currently examining the environmental impacts of PVC. The Commission will, on the basis of this work, make proposals as appropriate as to the use of PVC including considerations for vehicles.

(12) The requirements for dismantling, reuse and recycling of end-of-life vehicles and their components should be integrated in the design and production of new vehicles.

(13) The development of markets for recycled materials should be encouraged.

(14) In order to ensure that end-of-life vehicles are discarded without endangering the environment, appropriate collection systems should be set up.

(15) A certificate of destruction, to be used as a condition for the deregistration of end-of-life vehicles, should be introduced. Member States without a deregistration system should set up a system according to which a certificate of destruction is notified to the relevant competent authority when the end-of-life vehicle is transferred to a treatment facility.

(16) Collection and treatment operators should be allowed to operate only when they have received a permit or, in case a registration is used instead of a permit, specific conditions have been complied with.

(17) The recyclability and recoverability of vehicles should be promoted.

(18) It is important to lay down requirements for storage and treatment operations in order to prevent negative impacts on the environment and to avoid the emergence of distortions in trade and competition.

(19) In order to achieve results in the short term and to give operators, consumers and public authorities, the necessary perspective for the longer term, quantified targets for reuse, recycling and recovery to be achieved by economic operators should be set.

(20) Producers should ensure that vehicles are designed and manufactured in such a way as to allow the quantified targets for reuse, recycling and recovery to be achieved. To this end the Commission will promote the preparation of European standards and will take the other necessary measures in order to amend the pertinent European vehicle type-approval legislation.

(21) Member States should ensure that in implementing the provisions of this directive competition is preserved, in particular as regards the access of small and medium-sized enterprises to the collection, dismantling, treatment and recycling market.

(22) In order to facilitate the dismantling and recycling of end-of-life vehicles, vehicle manufacturers should provide treatment facilities with dismantling manuals.

(23) Vehicle manufacturers and material producers should use component and material coding standards, to be established by the Commission assisted by the relevant committee. In the preparation of these standards the Commission will take account, as appropriate, of the work going on in this area in the relevant international fora.

(24) Community-wide data on end-of-life vehicles is needed in order to monitor the implementation of the objectives of this directive.

(25) Consumers have to be adequately informed in order to adjust their behaviour and attitudes. To this end information should be made available by the relevant economic operators.

(26) Member States may choose to implement certain provisions by means of agreements with the economic sector concerned, provided that certain conditions are met.

(27) The adaptation to scientific and technical progress of the requirements for treatment facilities and for the use of hazardous substances and, as well as the adoption of minimum standards for the certificate of destruction, the formats for the database and the implementation measures necessary to control compliance with the quantified targets should be effected by the Commission under a Committee procedure,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Objectives

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

Article 2

Definitions

For the purposes of this directive:

1. 'vehicle' means any vehicle designated as category m1 or n1 defined in Annex II (A) to Directive 70/156/EEC, and three-wheel motor vehicles as defined in Directive 92/61/EEC, but excluding motor tricycles;

2. 'end-of-life vehicle' means a vehicle which is waste within the meaning of Article 1(a) of Directive 75/442/EEC;

3. 'producer' means the vehicle manufacturer or the professional importer of a vehicle into a Member State;

4. 'prevention' means measures aiming at the reduction of the quantity and the harmfulness for the environment of end-of-life vehicles, their materials and substances;

5. 'treatment' means any activity after the end-of-life vehicle has been handed over to a facility for depollution, dismantling, shearing, shredding, recovery or preparation for disposal of the shredder wastes, and any other operation carried out for the recovery and/or disposal of the end-of-life vehicle and its components;

6. 'reuse' means any operation by which components of end-of-life vehicles are used for the same purpose for which they were conceived;

7. 'recycling' means the reprocessing in a production process of the waste materials for the original purpose or for other purposes but excluding energy recovery. Energy recovery means the use of combustible waste as a means to generate energy through direct incineration with or without other waste but with recovery of the heat;

8. 'recovery' means any of the applicable operations provided for in Annex II B to Directive 75/442/EEC;

9. 'disposal' means any of the applicable operations provided for in Annex II A to Directive 75/442/EEC;

10. 'economic operators' means producers, distributors, collectors, motor vehicle insurance companies, dismantlers, shredders, recoverers, recyclers and other treatment operators of end-of-life vehicles, including their components and materials;

11. 'hazardous substance' means any substance which is considered to be dangerous under Directive 67/548/EEC;

12. 'shredder' means any device used for tearing into pieces or fragmenting end-of-life vehicles, including for the purpose of obtaining directly reusable metal scrap.

Article 3

Scope

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

2. This directive shall apply without prejudice to existing Community legislation and relevant national legislation, in particular as regards safety standards, air emissions and noise controls and the protection of soil and water.

3. Where a producer only makes or imports vehicles that are exempt from Directive 70/156/EEC by virtue of Article 8(2)(a) thereof, Member States may exempt that producer and his vehicles from Articles 7(4), 8 and 9 of this directive.

4. For three-wheel motor vehicles only Articles 5(1), 5(2) and 6 of this directive shall apply.

Article 4

Prevention

1. In order to promote the prevention of waste Member States shall encourage, in particular:

(a) vehicle manufacturers, in liaison with material and equipment manufacturers, to limit the use of hazardous

substances in vehicles and to reduce them as far as possible from the conception of the vehicle onwards, so as in particular to prevent their release into the environment, make recycling easier, and avoid the need to dispose of hazardous waste;

(b) the design and production of new vehicles which take into full account and facilitate the dismantling, reuse and recovery, in particular the recycling, of end-of-life vehicles, their components and materials.

(c) vehicle manufacturers, in liaison with material and equipment manufacturers, to integrate an increasing quantity of recycled material in vehicles and other products, in order to develop the markets for recycled materials.

2. (a) Member States shall ensure that materials and components of vehicles put on the market after … (*) do not contain lead, mercury, cadmium and hexavalent chromium other than in cases listed in Annex II under the conditions specified therein;

(b) In accordance with the procedure laid down in Article 11 the Commission shall on a regular basis, according to technical and scientific progress, amend Annex II, in order to:

(i) as necessary, establish maximum concentration values up to which the existence of the substances referred to in subparagraph (a) in specific materials and components of vehicles shall be tolerated;

(ii) exempt certain materials and components of vehicles from the provisions of subparagraph (a) if the use of these substances is unavoidable;

(iii) delete materials and components of vehicles from Annex II if the use of these substances is avoidable;

(iv) under points (i) and (ii) designate those materials and components of vehicles that can be stripped before further treatment; they shall be labelled or made identifiable by other appropriate means;

(c) The Commission shall amend Annex II for the first time not later than … (**). In any case none of the exemptions listed therein shall be deleted from the annex before 1 January 2003.

(*) 18 months after the date of entry into force of this directive.
(**) 12 months after the date of entry into force of this directive.

Article 5

Collection

1. Member States shall take the necessary measures to ensure:

— that economic operators set up systems for the collection of all end-of-life vehicles,

— the adequate availability of collection facilities within their territory.

2. Member States shall also take the necessary measures to ensure that all end-of-life vehicles are transferred to authorised treatment facilities.

3. Member States shall set up a system according to which the presentation of a certificate of destruction is a condition for deregistration of the end-of-life vehicle. This certificate shall be issued to the holder and/or owner when the end-of-life vehicle is transferred to a treatment facility. Treatment facilities which have obtained a permit in accordance with Article 6 shall be permitted to issue a certificate of destruction. Member States may permit producers, dealers and collectors on behalf of an authorised treatment facility to issue certificates of destruction provided that they guarantee that the end-of-life vehicle is transferred to an authorised treatment facility.

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

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

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

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

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

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

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 … (*) the minimum requirements for the certificate of destruction.

Article 6

Treatment

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

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

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

(a) type and quantities of waste to be treated;

(b) general technical requirements to be complied with;

(c) safety precautions to be taken,

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

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

(a) End-of-life vehicles shall be stripped before further treatment or other equivalent arrangements shall be made in order to reduce any adverse impact on the environment. Components or materials labelled or otherwise made identifiable in accordance with Article 4(2) shall be stripped before further treatment;

(b) Hazardous materials and components shall be removed and segregated in a selective way so as not to contaminate subsequent shredder waste from end-of-life vehicles;

(c) Stripping operations and storage shall be carried out in such a way as to ensure the suitability of vehicle components for reuse and recovery, and in particular for recycling.

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

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

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

Article 7

Reuse and recovery

1. Member States shall take the necessary measures to encourage the reuse of components which are suitable for reuse, the recovery of components which cannot be reused and the giving of preference to recycling when environmentally viable, without prejudice to safety requirements.

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

(*) 12 months after the date of entry into force of this directive.

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

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

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

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

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

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

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

(*) 24 months after the date of entry into force of this directive.

Article 8

Coding standards/dismantling manuals

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.

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

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

Article 9

Reporting and information

1. At three-year intervals Member States shall send a report to the Commission on the implementation of this directive. The report shall be drawn up on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Article 6 of Directive 91/692/EEC [1] with a view to establishing databases on end-of-life vehicles and their treatment. The questionnaire or outline shall be sent to the Member States six months before the start of the period covered by the report. The report shall be made to the Commission within nine months of the end of the three-year period covered by it.

The first report shall cover the period of three years from … (***).

The Commission shall publish a report on the implementation of this directive within nine months of receiving the reports from the Member States.

(**) 12 months after the date of entry into force of this directive.
(***) 18 months after the date of entry into force of this directive.
[1] OJ L 377, 31.12.1991, p. 48.

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

— the design of vehicles and their components with a view to their recoverability and recyclability,

— the environmentally sound treatment of end-of-life vehicles, in particular the removal of all fluids and dismantling,

— the development and optimisation of ways to reuse, recycle and recover end-of-life vehicles and their components,

— the progress achieved with regard to recovery and recycling to reduce the waste to be disposed of and to increase the recovery and recycling rates.

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

Article 10

Implementation

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this directive by … (*). They shall immediately inform the Commission thereof.

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

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

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

(a) agreements shall be enforceable;

(b) agreements need to specify objectives with the corresponding deadlines;

(c) agreements shall be published in the national official journal or an official document equally accessible to the public and transmitted to the Commission;

(d) the results achieved under an agreement shall be monitored regularly, reported to the competent authorities and the Commission and made available to the public under the conditions set out in the agreement;

(e) the competent authorities shall make provisions to examine the progress reached under the agreement;

(f) in case of non-compliance with the agreement Member States must implement the relevant provisions of this directive by legislative, regulatory or administrative measures.

Article 11

Committee procedure

The Commission, assisted by the committee established by Article 18 of Directive 75/442/EEC, and according to the procedure laid down therein, shall adopt:

(a) the amendments necessary for adapting the Annexes to this directive to scientific and technical progress;

(b) the minimum requirements, as referred to in Article 5(5), for the certificate of destruction;

(c) the formats relating to the database system referred to in Article 9;

(d) the detailed rules referred to in Article 7(2), third subparagraph.

Article 12

Entry into force

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

(*) 18 months after the date of entry into force of this directive.

2. Article 5(4) shall apply

— as from 1 January 2001 for vehicles put on the market as from this date;

— as from 1 January 2006 for vehicles put on the market before the date referred to in the first indent.

3. In Annex II, point 11, a maximum value of 5 g per vehicle may apply until … (*).

Article 13

Addressees

This directive is addressed to the Member States.

Done at …

For the European Parliament	*For the Council*
The President	*The President*

(*) 30 months after the date of entry into force of this directive.

ANNEX I

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

1. Sites for storage (including temporary storage) of end-of-life vehicles prior to their treatment:

   — impermeable surfaces for appropriate areas with the provision of spillage collection facilities, decanters and cleanser-degreasers,

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

2. Sites for treatment:

   — impermeable surfaces for appropriate areas with the provision of spillage collection facilities, decanters and cleanser-degreasers,

   — appropriate storage for dismantled spare parts, including impermeable storage for oil-contaminated spare parts,

   — appropriate containers for storage of batteries (with electrolyte neutralisation on site or elsewhere), filters and PCB/PCT-containing condensers,

   — appropriate storage tanks for the segregated storage of end-of-life vehicle fluids: fuel, motor oil, gear box oil, transmission oil, hydraulic oil, cooling liquids, antifreeze, brake fluids, battery acids, air-conditioning system fluids and any other fluid contained in the end-of-life vehicle,

   — equipment for the treatment of water, including rainwater, in compliance with health and environmental regulations,

   — appropriate storage for used tyres, including the prevention of fire hazards and excessive stockpiling.

3. Treatment operations for depollution of end-of-life vehicles:

   — removal of batteries and liquified gas tanks,

   — removal or neutralisation of potential explosive components (e.g. air bags),

   — removal and separate collection and storage of fuel, motor oil, transmission oil, gear box oil, hydraulic oil, cooling liquids, antifreeze, brake fluids, air-conditioning system fluids and any other fluid contained in the end-of-life vehicle, unless they are necessary for the reuse of the parts concerned.

4. Treatment operations in order to promote recycling:

   — removal of catalysts,

   — removal of metal components containing copper, aluminium and magnesium if these metals are not segregated in the shredding process,

   — removal of tyres and large plastic components (bumpers, dashboard, fluid containers, etc.),

   — removal of glass.

5. Storage operations are to be carried out avoiding damage to components containing fluids or to recoverable components and spare parts.

ANNEX II

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

Materials and components	To be labelled or made identifiable in accordance with Article 4(2)(b)(iv)
Lead as an alloying element	
1. Steel containing up to 0,3% lead by weight	
2. Aluminium containing up to 0,4% lead by weight	
3. Window levers and wheel rims containing up to 4% lead by weight	x
4. Copper alloy containing up to 4% lead by weight	
Lead as a metal in components	
5. Batteries	x
6. Coating inside petrol tanks	x
7. Vibration dampers	x
8. Vulcanising agent for high pressure or fuel hoses	
9. Stabiliser in protective paints	
10. Solder in electronic circuit boards and other applications	
Hexavalent chromium	
11. Corrosion preventative coating on numerous key vehicle components (maximum 2 g per vehicle)	
Mercury	
12. Bulbs	x

STATEMENT OF THE COUNCIL'S REASONS

I. INTRODUCTION

1. The Commission forwarded to Council on 25 September 1997 a proposal for a Council directive on end-of-life vehicles, based on Article 130(s)(1) of the Treaty.

2. The European Parliament and the Economic and Social Committee delivered their opinions on 11 February 1999 and 25 February 1998 respectively. The Committee of the Regions (consulted by Council on 28 May 1999) decided not to give an opinion.

3. The Commission, on 30 April 1999, forwarded its amended proposal to Council. After the entry into force of the Amsterdam Treaty, the European Parliament confirmed its opinion on 6 May 1999.

4. The Council adopted its common position on 29 July 1999 in accordance with Article 251(2) of the Treaty.

II. OBJECTIVE

The future directive aims at the prevention of waste of vehicles and at the reuse, recycling and other forms of recovery of end-of-life vehicles and their components so as to reduce the disposal of waste, as well as the improvement of 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.

To this end the directive contains measures aimed at minimising the use of hazardous substances in vehicles, collecting and treating end-of-life vehicles in an environmentally sound manner, taking back end-of-life vehicles at no cost to the last holder or owner where vehicles have no value or negative market value.

III. ANALYSIS OF THE COMMON POSITION

General

The Council made more precise the requirements for the use of hazardous substances, adapted the scheme for free take-back in order to achieve a more practicable solution and provided for the possibility of voluntary agreements as a way to transpose several provisions.

Articles

(the reference text is the common position and the Parliament's amendments)

Article 1

The Council did not consider as an appropriate concept the European Parliament's reference (amendment 13 of the European Parliament) to diffuse emission of pollutants from end-of-life vehicles, but emphasised the improvement in the environmental performance of all the economic operators and not only of the treatment operators.

Article 2

The Council excluded in paragraph 1 in the definition of 'vehicle', and therefore from the scope of this directive, two-wheeled motor vehicles for economic and technical reasons.

The Council did not provide for the exclusion of 'historic vehicles' (see Article 3) (amendments 14 and 17 of the European Parliament) and therefore did not retain a definition of 'historic vehicles'. The Council believed that an exemption for historic vehicles was unnecessary, as the directive only deals with vehicles once they have become waste.

As for the definition of 'recycling' in paragraph 7 (amendment 15 of the European Parliament), the Council preferred retaining the Commission's approach followed in Directive 94/62/EC on packaging, as also requested by the European Parliament, but the Council deleted the reference to organic recycling (which is irrelevant in the context of vehicles).

As regards the term 'dismantling information' (amendment 16 of the European Parliament), the Council felt that a definition of such a term was unnecessary because it is not used in the subsequent Articles and Annexes. Article 8(3), which the Council clarified further, is considered as sufficient with regard to the information to be provided by producers in dismantling manuals.

Article 3

Regarding the components and materials of vehicles in paragraph 1 (amendments 17 and 18 of the European Parliament), the Council considered that the reference to service and repair and to components other than those delivered by the producer was unnecessary.

Furthermore, as already mentioned above, it considered that there was no justification to exclude 'historic vehicles' from the scope of the Directive.

As regards three-wheeled motor vehicles, the Council agreed, for reasons of practicability, to apply only Articles 5.1, 5.2 and 6 to them.

Article 4

Paragraph 2

The Council retained a more detailed and practicable solution to the text proposed by the Commission, and went, in some respect, even further than requested by the Parliament:

— materials and components of vehicles put on the market 18 months after the entry into force of the directive (and not as from January 2005) shall not contain the hazardous substances in question; a reference to shredding and landfill has therefore not been retained,

— the new Annex II gives limit values for temporary exemptions (which correspond broadly to what the Parliament requests),

— these exemptions have to be checked on a regular basis; the first check will take place earlier than the Parliament wishes; i.e. no later than one (instead of two years) after the entry into force of the directive,

— however, for hexavalent chromium a higher value may, because of technical reasons, apply until 30 months after the entry into force of the directive.

Article 5

Paragraph 1

The Council did not, for reasons of practicability and for economic reasons, include used parts in the requirement to collect end-of-life vehicles.

Paragraph 2

The Council dropped the date of 1 January 2000 as the transfer of end-of-life vehicles can only be implemented as from the implementation of the directive, i.e. 18 months after the publication of the directive (Article 11(1)).

It did not refer to the producers, as the European Parliament would have wished (amendment 23 of the European Parliament), because paragraph 1 clearly provides for the setting up of collection systems by economic operators.

Paragraph 3

As regards the issuing of certificates of destruction by instances other than the treatment facility, the Council agreed on a text which it feels provides for more clarity and practicability.

The reference to temporary deregistration was dropped here.

The Council felt that the issue of possible claims for financial reimbursement and the case of Member States not having a deregistration system at the time of adoption of the directive needed a specific provision, i.e. the last two paragraphs.

Paragraph 4

The Council agreed on a more differentiated solution, according to which:

— the delivery of the vehicle to an authorised facility occurs without any cost for the last holder and/or owner as a result of the vehicle having no value or a negative market value,

— the producer shall meet all or a significant part of the cost,

— the delivery is not fully free of charge if the end-of-life vehicle does not contain essential components,

— the free take-back is scheduled as stipulated in Article 12 (as from 2001 for new vehicles, as from 2006 for vehicles already on the market). The Council agreed on this solution after a very difficult discussion, taking account of the specific problems voiced during the final negotiations.

Article 6

Paragraph 2 (Amendment 28)

The Council agreed on a more differentiated solution which refers to permits and registration and which resolves the issue of derogations by reference to inspection by competent authorities.

Paragraph 3 (Amendments 29, 30 and 31)

The Council agreed on minimum obligations for treatment operators in particular by adding in Annex I conditions for treatment operators and conditions for the promotion of recycling, following largely the European Parliament's requests.

Article 7

Paragraph 1 (Amendments 32, 33)

The Council did not retain a specific reference to exhaust gases and noise, nor the explicit reference to information on storage and testing of components. It considered that the latter information was covered in Article 8(4) on dismantling manuals.

The issue of the reuse of components (on condition that they do not give rise to any hazards) was not addressed by Council.

Paragraph 2 (Amendment 34)

The Council agreed on the targets proposed by the Commission and supported by the European Parliament, but preferred the deadlines proposed by the Commission to those advocated by the European Parliament.

It included a provision on the re-examination of these targets in 2005 at the latest in order to take account of the development of material composition of vehicles and any other relevant environmental aspects related to vehicles by that time.

Furthermore, it strengthened the text by adding a provision on the control of compliance by Member States with the targets.

Paragraph 4 (Amendment 36)

The Council preferred distinguishing more clearly between the preparation of the amendment of Directive 70/156/EEC on type-approval and by the development of European standards. In order to avoid delays in this respect, it introduced the deadline of 2001 for the amendment of the above directive.

Article 8 (Amendment 37)

The Council agreed to a large extent on the Commission proposal and kept the concept of dismantling manuals (instead of dismantling information).

Article 9 (Amendments 39, 40)

The Council adapted the text to the usual information and reporting requirements of Member States and enlarged the information requirements for economic operators.

Article 10 (Amendment 41)

Paragraph 1

The Council preferred, as usual, to set a deadline (18 months) from the publication of the directive in the Official Journal instead of a fixed date.

Paragraph 2 (Amendment 42)

One of the major changes of the Commission proposal has been made here: the Council considered, taking account of positive national experiences, that Member States should be allowed to transpose several provisions of the directive by voluntary agreements.

It made this possibility dependent on several requirements and on the clear condition that the results required by the directive are achieved.

Article 12

For the deadline 2001/2006 see comments on Article 5(4).

For the deadlines of hexavalent chromium see comments on Article 4(2).

New Annex I

See comments on Article 6.

New Annex II

See comments on Article 4(2).

The Council adopted the preamble to the agreed text of the Articles, taking into account the interinstitutional agreements on the quality of the drafting of Community legislation (point 10).