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

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

FOR THE PERIOD 2005-2008

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1. INTRODUCTION

The main objectives of Directive 2000/53/EC on end-of life vehicles (ELV Directive)¹ are the prevention of waste from vehicles and the reuse, recycling and other forms of recovery of end-of-life vehicles and their components so as to reduce the final disposal of waste. Moreover, the environmental performance of all the economic operators involved in the life cycle of vehicles, and especially the operators directly involved in the treatment of end-of-life vehicles, shall be improved by the measures laid down in the Directive.

Article 9 of Directive 2000/53/EC obliges Member States to send a report to the Commission on the implementation of this Directive at three-year intervals on the basis of a questionnaire which was established by Commission Decision 2001/753/EC², in accordance with the procedure laid down in Article 6 of Directive 91/692/EEC³. The questionnaire consists of two parts: the first part concerns details on the incorporation of the Directive into national law, the second part information on the actual implementation of the Directive.

After the first implementation report (COM/2007/0618 final) which covered the implementation period from 21 April 2002 to 21 April 2005 (for the Member States which joined the European Community on 1 May 2004 the period from 1 May 2004 to 21 April 2005), this report covers the period from 21 April 2005 to 21 April 2008 (for the Member States which joined the European Community on 1 January 2007 from this day to 21 April 2008).

The reporting discipline was not fully satisfactory. Five Member States⁴ did not provide the Commission with information concerning the incorporation of the Directive into their national law. Many responses were missing, incomplete or unclear. The annual data on the achievement of the targets for reuse/recycling and reuse/recovery needed to be obligatorily reported in 2008, referring to 2006, according to the Commission Decision 2005/293/EC⁵. The timeliness of reporting was poor, and the quality of the reporting methodologies made the received figures questionable in some cases. The Commission took steps to help Member

¹ OJ L 269, 21.10.2000, p. 34.

² OJ L 282, 26.10.2001, p. 77.

³ OJ L 377, 31.12.1991, p. 48.

⁴ Infringement proceedings have been launched against the non-reporting Member States.

⁵ OJ L 94, 13.4.2005, p. 30.

States improve data quality and comparability by establishing an expert group to address this issue⁶.

Conformity studies run by the Commission on the national implementing measures have demonstrated that the Directive is generally well transposed, although there are some cases of non-conformity which are currently or can be subject to infringement procedures.

Concerning the actual, practical implementation and enforcement of the legal provisions, Member States were able to provide more information than for the previous reporting period, but an exhaustive assessment of the overall situation cannot be made based on the received responses.

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

Twenty two Member States provided the Commission via this report with data concerning their national laws, regulations and administrative provisions which implement Directive 2000/53/EC into national law.

Some provisions of the Directive (concerning for instance prevention, collection, reuse and recovery) may be transposed by means of agreement, but only five Member States made use of this possibility.

Only two Member States (Lithuania and the United Kingdom) exempted vehicles produced in small series and their producers from the requirements concerning reusability, recyclability and recoverability, coding standards and dismantling information as well as reporting obligations.

All respondents reported to have adopted measures encouraging vehicle manufacturers, in liaison with material and equipment manufacturers, to limit the use of hazardous substances in vehicles, to facilitate dismantling, reuse and recovery and to integrate an increasing quantity of recycled materials in vehicles. Twenty two Member States indicated that their national legislation restricts the use of lead, mercury, cadmium or hexavalent chromium for materials and components of vehicles put on the market after 1 July 2003, apart from the exemptions listed in Annex II to the Directive.

All respondents took the necessary measures to ensure that economic operators – in most cases the producers and/or importers of vehicles – set up systems for the collection of end-of-life vehicles and (as far as technically feasible) of waste used parts removed when passenger cars are repaired, and to ensure the adequate availability of collection facilities within their territory. The number of authorised treatment facilities varies from 2 in Cyprus to more than 1,600 in the United Kingdom. In all countries measures were taken to ensure that all end-of-life vehicles are transferred to authorised treatment facilities.

All Member States except Belgium reported having set up a system according to which the presentation of a certificate of destruction is a condition for deregistration of a vehicle. The Belgian case is followed by the Commission. Nine Member States used an option to allow

⁶ An expert group was set up to address this issue, including representative of the Member States, the car industry, and the Commission's Directorates General Environment and Statistics. The first meeting of the group is planned in autumn 2009.

producers, dealers or collectors to issue certificates of destruction on behalf of an authorised treatment facility provided there is a guarantee that the ELVs are transferred to authorised treatment facilities.

All respondents indicated having adopted measures to ensure that end-of-life vehicles can be delivered to authorised treatment facilities without any cost for the last holder or owner. In most Member States the delivery of an end-of-life vehicle is not free of charge if it does not contain the essential components or if it contains waste that had been added to it – an option in line with the Directive.

All Member States except Belgium against which the Commission has started an infringement proceeding ensured that certificates of destruction issued in other Member States are mutually recognised and accepted by the competent authorities. The Bulgarian response was unclear and needs further investigation.

In all responding Member States treatment establishments or undertakings must have a permit from or be registered with the competent authorities. Only Italy and the United Kingdom made use of the derogation possibility from the permit requirements as referred to in the Directive.

Nineteen respondents reported means to encourage treatment establishments or undertakings to introduce certified environmental systems. Support is provided for instance by guidance documents, information brochures on the advantages of introducing a certified environmental system, training courses or funding. Three respondents replied the certified environmental systems were voluntary and did not report any additional promotion measures.

All responding Member States indicated to have adopted measures in line with the waste hierarchy in order to promote the reuse of components which are suitable for reuse and the recovery of components which cannot be reused, with a preference for recycling.

All respondents introduced measures to ensure that the reuse/recovery and reuse/recycling targets set in the Directive are attained by the economic operators. Most Member States transposed the targets set in the Directive literally. The Netherlands adjusted their initially very ambitious date by which the targets of 95% reuse/recovery and 85% reuse/recycling have to be met from 2007 back to 2015 required by the Directive. In Bulgaria, a recovery target of 87% and a recycling target of 81% shall be attained by 31 December 2008; a gradual increase to 95% for recovery and 85% for recycling is set for 2015. The Czech Republic, Greece, Hungary, Italy, Latvia, Poland, Portugal, Romania, Slovakia and the United Kingdom made use of the possibility to set lower targets for vehicles produced before 1 January 1980.

Concerning the rates of reuse/recycling and reuse/recovery, the 2006 figures are available for all Member States except Ireland and Malta. In 2006, nineteen Member States⁷ met the reuse/recycling target of 80% (the Czech Republic and France were close to meeting the target). The reuse/recovery target of 85% was met by thirteen Member States⁸ (Spain was close to meeting the target). More figures can be found in the Commission's reports available

⁷ Belgium, Bulgaria, Denmark, Germany, Estonia, Greece, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, the Netherlands, Austria, Poland, Portugal, Slovakia, Finland, Sweden, and the United Kingdom.

⁸ Belgium, Bulgaria, the Czech Republic, Germany, Cyprus, Latvia, Lithuania, Luxembourg, the Netherlands, Austria, Poland, Portugal and Sweden.

at <http://ec.europa.eu/environment/waste/index.htm> or on the website of Eurostat: <http://epp.eurostat.ec.europa.eu/portal/page/portal/waste/introduction/>.

All responding Member States reported to have taken measures to ensure that producers, in concert with material and equipment manufacturers, use component and material coding standards and obliged manufacturers of components to make information on dismantling, storage and testing of components available to authorised treatment facilities. In all Member States producers have to provide dismantling information for each type of a new vehicle put on the market. Most Member States indicated the use of the IDIS system (International Dismantling Information System) which is regularly updated.

Nineteen Member States reported having obliged the economic operators – mostly producers – to publish information concerning vehicle design, environmentally sound treatment, waste prevention and the progress achieved with regard to recovery and recycling. In three member States this obligation is directed to vehicle producers as the relevant economic operators, not manufacturers of vehicle components. Sweden and Estonia are working on the modification of their legislation.

The Member States were asked whether any new measures concerning waste prevention were taken. Ten respondents indicated such measures but it was not clear in all cases whether they were new compared to the last reporting period. Germany reported that the automotive industry developed a list concerning the declaration of certain information about substances relevant to parts and materials supplied to automobile manufacturers and referred further to the SEES project⁹ which aims inter alia at the development of sustainable dismantling and recycling processes to increase the recovery and reuse rates. Germany also remarked that the general trend of forcing the development of post-shredder technologies in order to recover shredder residues as far as possible is still ongoing.

Concerning types and quantities of recycled materials and the market situation, France reported that the level of incorporation of recycled materials increased but signalled a dependence on the technical requirements of vehicles, on the market availability and on the price and quality level of recycled material. France also remarked that according to the specialists in the metals industry an incorporation of more than 40% of recycled metal in vehicles is difficult. The recycling of plastics remained at a lower level than the recycling of metals and manufacturers were seeking a balance between the use of recycled conventional plastics and innovative new lightweight plastics. Germany stated that changing demand for recycled scrap causes significant fluctuations in trade of this material. There is also a strong demand for high quality recycled plastics.

Only five Member States reported end-of-life vehicles with no or a negative market value delivered to authorised treatment facilities. The remaining Member States indicated no or a negligible amount of such cars due to high secondary raw material prices.

The respondents did not in general notice any competition distortions between or within the Member States, although several remarks were made in this context. Sweden referred to

⁹ Sustainable Electrical & Electronic System for the Automotive Sector, a project funded by the European Union within the SIXTH FRAMEWORK PROGRAMME PRIORITY 6.2 (Sustainable surface transport Advanced Design and Production Techniques). The project consortium brings together car manufacturers and suppliers, universities, recyclers/dismantlers, research centres and consultants. See: <http://www.sees-project.net/index.php>.

differences in the interpretation of Directive 2000/53/EC concerning the separation of glass from end-of-life vehicles resulting in more cars being exported to Member States in which glass can be legally separated after shredding. Belgium stated an intense competition among shredding facilities and between shredding and dismantling facilities. Poland remarked that the burden of treating end-of-life vehicles often does not fall on the Member State where the vehicles are placed on the market and used longest, but on the Member States into which they are imported afterwards and finish their useful lives. In this context, Germany noticed a decrease of end-of-life vehicles recovered in the country's dismantling and recycling facilities due to the fact that a large amount of used vehicles is exported to for instance Poland, Romania, the Czech Republic and Lithuania. Other Member States reported that a number of used cars were also exported to Africa or the Middle East which had an impact on the quantity of end-of-vehicles generated and treated in these Member States. The Commission is intending to discuss these issues further with the national experts in the Technical Adaptation Committee meetings.

3. CONCLUSIONS

There were no remarkable changes compared to the previous reporting period as regards the incorporation of Directive 2000/53/EC into the national legislation of the Member States. Some of the provisions of the Directive have not yet been transposed fully or correctly, which is demonstrated by the number of infringement cases: in 2009, nine non-conformity cases and six cases for non-reporting were still pending. Several Member States failed to meet their reuse/recycling/recovery targets in 2006. The Commission addressed a letter to these Member States seeking explanation for the reasons of failure and will discuss possible improvement. Overall, the implementation of the Directive should be further improved. The ongoing conformity checks and meetings with Member States will continue in order to address deficiencies in the implementation of this Community legislation.