



# **TRANSPOSITION OF THE ELV DIRECTIVE IN OTHER EU MEMBER STATES**

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*This Report forms part of the Government's response to recommendations in the Better Regulation Task Force Report, 'Environmental Regulation: Getting the message across'.*

## **TRANSPPOSITION OF THE WEEE DIRECTIVE IN OTHER EU MEMBER STATES**

The UK is in the process of transposing European Parliament and Council Directive 2000/53/EC (the 'ELV Directive') into UK law.

By way of background information, the DTI has commissioned Perchards to provide a series of short factual reports on end-of-life vehicle legislation in other member states.

The Directive lays down measures aimed at preventing waste from motor vehicles and vehicle components that have reached the end of their life-cycle and promoting vehicle reuse, recycling and other forms of recovery. It also aims to bring about an improvement in 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.

Member States should have transposed the Directive into national law by 21 April 2002, but none were able to meet this deadline. However, all have subsequently made progress in developing adequate legislation and have made commitments on the timeframe of implementation. The ten new member states should have transposed the Directive by the date of their accession, i.e. 1 May 2004.

To date, 14 of 17 member states surveyed have largely transposed the major requirements of the ELV Directive, and the remaining 3 have transposition legislation in the drafting stage.

*Perchards  
November 2004*



DIRECTIVE 2000/53/EC	AUSTRIA	BELGIUM	CZECH REPUBLIC	DENMARK
<b>Progress of transposition</b>	Transposed	Transposed except for prevention	Transposed	Transposed
<b>Key provisions in existing regulations or proposal</b>				
<b>Prevention</b> <ul style="list-style-type: none"> <li>- Limit use of hazardous substances</li> <li>- Waste prevention as design guideline</li> <li>- Increased use of recycle</li> <li>- Heavy metals ban (1/1/03)</li> </ul>	As Directive Provisions for manufacturers covered through waste management law, as no local manufacturing	Federal responsibility; not yet prepared	As Directive	Heavy metal ban Rest covered through Environmental Protection Law, as no local manufacturing
<b>Collection</b> <ul style="list-style-type: none"> <li>- Collection system to be set up by economic operators &amp; adequate availability of collection facilities</li> <li>- ELVs to be transferred to authorised treatment facilities</li> <li>- Deregistration system with Certificate of Destruction</li> <li>- Take-back free of charge for last holder unless essential components are missing</li> </ul>	As Directive, except only for vehicles registered in Austria  Take-back obligation for manufacturers, free of charge for last owner, starting on 1/1/07 for vehicles placed on the market before 1/1/02  Average distance between collection points not exceed average distance between sales points	As Directive Take-back of all vehicles from 1/1/06 based on plans presented by industry.  Details of collection system defined in an 'environmental agreement' with industry	Free take-back of vehicles placed on the market after 1 July 2002 as of 1 May 2004; for older vehicles as of 1 January 200	Owners pay annual premium (£5.45) to finance treatment and compensation (£160) to last owner of an ELV registered before 01/07/02  Manufacturer/importer pays premium per vehicles to finance treatment and compensation (£160) to last owner of an ELV registered after 30/06/02
<b>Treatment</b> <ul style="list-style-type: none"> <li>- In line with Annex I and Directive 75/442/EEC</li> <li>- Permits</li> <li>- Minimum obligations for treatment facilities</li> <li>- Introduction of certified environmental management systems</li> </ul>	Minimum technical requirements Permits for treatment facilities	As Directive Provisions set out in separate measure	As Directive	Minimum technical requirements Obligation to comply with an environmental management system
<b>Reuse &amp; Recovery</b> <ul style="list-style-type: none"> <li>- Encourage reuse, recovery and then recycling</li> <li>- Targets: 1/1/2006: reuse/recovery 85%, reuse/recycling 80% (by average weight), for ELVs produced before 1/1/2002. Targets may be lowered to 75% for reuse/recovery and 70% for reuse/recycling for vehicles made before 1/1/80</li> <li>- Targets: 1/1/2015: reuse/recovery 95%, reuse/recycling 85%</li> </ul>	As Directive	As Directive	As Directive	From 1/1/03, shredder operators to deliver 75% of ELV to reprocessor as recyclable material; dismantlers to remove 10% for reuse/recycling  From 1/1/06, shredder operators to deliver 80% of ELV for recycling, and from 1/1/15, 85% for recycling and 95% for recovery
<b>Reporting and Information</b>	Specific requirements for: manufacturers/importers, collection system, shredding operators, first holders		As Directive	Specific requirements for: insurance companies, Association of Motor Vehicle Importers, treatment facilities
<b>Implementation</b>				
<b>Recovery/Compliance Organisation</b>	Individual compliance and one joint organisation;	Joint organisation representing all ELV related operators;		

<b>DIRECTIVE 2000/53/EC</b>	<b>FINLAND</b>	<b>FRANCE</b>	<b>GERMANY</b>	<b>GREECE</b>
<b>Progress of transposition</b>	Transposed	Full transposition is expected in the first quarter of 2005	Transposed	Transposed
<b>Key provisions in existing regulations or proposal</b>				
<b>Prevention</b> <ul style="list-style-type: none"> <li>- Limit use of hazardous substances</li> <li>- Waste prevention as design guideline</li> <li>- Increased use of recycle</li> <li>- Heavy metals ban (1/1/03)</li> </ul>	As Directive	Implementing measure in preparation	As Directive	As Directive, although no local motor industry
<b>Collection</b> <ul style="list-style-type: none"> <li>- Collection system to be set up by economic operators &amp; adequate availability of collection facilities</li> <li>- ELVs to be transferred to authorised treatment facilities</li> <li>- Deregistration system with Certificate of Destruction</li> <li>- Take-back free of charge for last holder unless essential components are missing</li> </ul>	Take back obligation for all vehicles irrespective of their age;  Take back at manufacturers' approved return sites;  Government may decide to subsidise manufacturers/importers take-back & recovery obligation by up to £54 per vehicle until 1/1/07	Take-back obligation for manufacturers free of charge for last owner, starting on 1/1/07 for vehicles placed on the market before 1/1/02  Producers must compensate shredders if these run a deficit  Rest as Directive	Take-back obligation for manufacturers free of charge for last owner, starting on 1/1/07 for vehicles placed on the market before 1/1/02  Obligation to set up collection points – less than 32 miles from last owner  Provisions for take-back of cars in circulation to be tax deductible	As Directive  Take-back obligations may be met individually or collectively  Recovery system fees subject to Government approval
<b>Treatment</b> <ul style="list-style-type: none"> <li>- In line with Annex I and Directive 75/442/EEC</li> <li>- Permits</li> <li>- Minimum obligations for treatment facilities</li> <li>- Introduction of certified environmental management systems</li> </ul>	As Directive  Minimum technical requirements  Permits for treatment facilities	Producers must set up a treatment chain  Implementing measure in preparation	Minimum technical requirements  Permits for treatment facilities, procedures for annual verification of compliance	Minimum technical requirements  Permits for treatment facilities
<b>Reuse &amp; Recovery</b> <ul style="list-style-type: none"> <li>- Encourage reuse, recovery and then recycling</li> <li>- Targets: 1/1/2006: reuse/recovery 85%, reuse/recycling 80% (by average weight), for ELVs produced before 1/1/2002. Targets may be lowered to 75% for reuse/recovery and 70% for reuse/recycling for vehicles made before 1/1/80</li> <li>- Targets: 1/1/2015: reuse/recovery 95%, reuse/recycling 85%</li> </ul>	As Directive	As Directive	As Directive  By 1/1/06, dismantlers must recover annual average of 10% of weight of ELVs received, and shredding facilities must recover 5% of shredder residues  From 1/1/15, shredding facilities must recycle at least 5% of shredder residues and recover a further 10%	As Directive.  The 75% / 70% targets are applicable to vehicles produced before 1/1/80
<b>Reporting and Information</b>	Specific requirements for: manufacturers/importers	Specific requirements for: producers/importers, dismantlers, shredders  Creation of a Monitoring Commission	Specific information requirements for: manufacturers in cooperation with other economic operators	Specific requirements for importers/their collective organisation
<b>Implementation</b>				
<b>Recovery/Compliance Organisation</b>	One organisation representing all importers;		Mostly individual compliance; some joint organisation;	One organisation representing all importers;

<b>DIRECTIVE 2000/53/EC</b>	<b>IRELAND</b>	<b>HUNGARY</b>	<b>ITALY</b>	<b>LUXEMBOURG</b>
<b>Progress of transposition</b>	To be transposed by March-April 2005	Transposed	Transposed	Transposed
<b>Key provisions in existing regulations or proposal</b>				
<b>Prevention</b> <ul style="list-style-type: none"> <li>- Limit use of hazardous substances</li> <li>- Waste prevention as design guideline</li> <li>- Increased use of recycle</li> <li>- Heavy metals ban (1/1/03)</li> </ul>		As directive	As Directive	As Directive
<b>Collection</b> <ul style="list-style-type: none"> <li>- Collection system to be set up by economic operators &amp; adequate availability of collection facilities</li> <li>- ELVs to be transferred to authorised treatment facilities</li> <li>- Deregistration system with Certificate of Destruction</li> <li>- Take-back free of charge for last holder unless essential components are missing</li> </ul>	Take-back obligation free of charge to last owner only for zero or negative value vehicles	Free of charge to last owner  Producers to set up collection system;	As Directive  Producers to organise their own network of collection centres spread at regular intervals across the country  Take-back obligation for manufacturers/importers free of charge for last owner	Last owner to deliver ELV to collection point of manufacturer or to treatment centre directly;  Free take for all vehicles after 1 January 2007, if vehicle registered in Luxembourg 6 out of the past 12 months
<b>Treatment</b> <ul style="list-style-type: none"> <li>- In line with Annex I and Directive 75/442/EEC</li> <li>- Permits</li> <li>- Minimum obligations for treatment facilities</li> <li>- Introduction of certified environmental management systems</li> </ul>			As Directive	
<b>Reuse &amp; Recovery</b> <ul style="list-style-type: none"> <li>- Encourage reuse, recovery and then recycling</li> <li>- Targets: 1/1/2006: reuse/recovery 85%, reuse/recycling 80% (by average weight), for ELVs produced before 1/1/2002. Targets may be lowered to 75% for reuse/recovery and 70% for reuse/recycling for vehicles made before 1/1/80</li> <li>- Targets: 1/1/2015: reuse/recovery 95%, reuse/recycling 85%</li> </ul>		As Directive	As Directive  The 75% / 70% targets are applicable to vehicles produced before 1/1/80  Separate Decree regulates trade in spare parts	As Directive
<b>Reporting and Information</b>			Requirements for all economic operators involved	
<b>Implementation</b>				
<b>Recovery/Compliance Organisation</b>	Agreement with economic operators in preparation	Collection organisation set up by recycling firms		Individual compliance

DIRECTIVE 2000/53/EC	NETHERLANDS	POLAND	PORTUGAL	SPAIN
<b>Progress of transposition</b>	Transposed except for substance bans	Transposition expected January 2005	Transposed	Transposed, except for technical requirements relating to reception and treatment centres
<b>Key provisions in existing regulations or proposal</b>				
<b>Prevention</b> – Limit use of hazardous substances – Waste prevention as design guideline – Increased use of recycle – Heavy metals ban (1/1/03)	As Directive  Phasing out of substances as foreseen by Annex II is under discussion		As Directive	As Directive
<b>Collection</b> – Collection system to be set up by economic operators & adequate availability of collection facilities – ELVs to be transferred to authorised treatment facilities – Deregistration system with Certificate of Destruction – Take-back free of charge for last holder unless essential components are missing	Take-back obligation for manufacturers/importers to be met individually or through collective system  Free take-back whether vehicle is complete or not  Owners pay waste disposal fee (£30), to finance deficits in ELV treatment	All economic operators responsible;	By 4/07, at least 3 reception centres or dismantlers for districts with more than 700,000 registered vehicles, 1 for districts with less than 200,000; by 1/2010, 'sufficient geographical coverage'  Recovery system levies subject to Government approval. Levy to be shown as visible fee	Take back obligation for all economic operators free of charge to last owner  At least 1085 authorised reception centres/dismantlers to be set up (one per 40,000 inhabitants)
<b>Treatment</b> – In line with Annex I and Directive 75/442/EEC – Permits – Minimum obligations for treatment facilities – Introduction of certified environmental management systems	As Directive  Producers responsible for ensuring that reprocessing system set up  Technical requirements go beyond the Directive		As Directive	As Directive
<b>Reuse &amp; Recovery</b> – Encourage reuse, recovery and then recycling – Targets: 1/1/2006: reuse/recovery 85%, reuse/recycling 80% (by average weight), for ELVs produced before 1/1/2002. Targets may be lowered to 75% for reuse/recovery and 70% for reuse/recycling for vehicles made before 1/1/80 – Targets: 1/1/2015: reuse/recovery 95%, reuse/recycling 85%	Targets brought forward:  from 1/1/2003 : reuse/recovery 85%, reuse/recycling 80% (by average weight per year);  from 1/1/2007 onwards: reuse/recovery 95%, reuse/recycling 85%		The 75% / 70% targets are applicable to vehicles produced before 1/1/80	The 75% / 70% targets are applicable to vehicles produced before 1/1/80
<b>Reporting and Information</b>	By 23/9/02 manufacturers had to submit plan on how to meet obligations  Specific requirements for: manufacturers & collective organisations		Specific requirements for producers/importers or their collective organisation. Monitoring Commission set up	Treatment operators & collective systems to provide data
<b>Implementation</b>				
<b>Recovery/compliance organisations</b>	Set up by industry in 1993		Recovery organisation set up by industry in 2/04	Recovery organisations set up for ELVs and for EOL spare parts.

DIRECTIVE 2000/53/EC	SWEDEN
<b>Progress of transposition</b>	Transposed, except for provisions on free take-back of vehicles registered before 1998
<b>Key provisions in existing regulations or proposal</b>	
<b>Prevention</b> <ul style="list-style-type: none"> <li>- Limit use of hazardous substances</li> <li>- Waste prevention as design guideline</li> <li>- Increased use of recycle</li> <li>- Heavy metals ban (1/1/03)</li> </ul>	As Directive, but some aspects not covered in detail
<b>Collection</b> <ul style="list-style-type: none"> <li>- Collection system to be set up by economic operators &amp; adequate availability of collection facilities</li> <li>- ELVs to be transferred to authorised treatment facilities</li> <li>- Deregistration system with Certificate of Destruction</li> <li>- Take-back free of charge for last holder unless essential components are missing</li> </ul>	<p>Manufacturers/ importers to take back free of charge vehicles registered after 31/12/97</p> <p>Manufacturers/importers pay a disposal charge of £50 when new vehicles registered; last owners receive a scrapping premium (£50 if vehicle registered after 31/12/97, £50-£122 if older)</p>
<b>Treatment</b> <ul style="list-style-type: none"> <li>- In line with Annex I and Directive 75/442/EEC</li> <li>- Permits</li> <li>- Minimum obligations for treatment facilities</li> <li>- Introduction of certified environmental management systems</li> </ul>	As Directive
<b>Reuse &amp; Recovery</b> <ul style="list-style-type: none"> <li>- Encourage reuse, recovery and then recycling</li> <li>- Targets: 1/1/2006: reuse/recovery 85%, reuse/recycling 80% (by average weight), for ELVs produced before 1/1/2002. Targets may be lowered to 75% for reuse/recovery and 70% for reuse/recycling for vehicles made before 1/1/80</li> <li>- Targets: 1/1/2015: reuse/recovery 95%, reuse/recycling 85%</li> </ul>	Targets as in Directive, except that 85% reuse/recovery target brought forward to 2002
<b>Reporting and Information</b>	Specific require. for: producers/ importers,
<b>Implementation</b>	
<b>Recovery/compliance organisations</b>	

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## AUSTRIA

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### ***TRANSPOSITION OF THE ELV DIRECTIVE***

The Directive was transposed through the *Ordinance on End of Life Vehicles 407/2002* which entered into force on 6 November 2002. The take-back requirements took effect on that date for vehicles registered after 1 July 2002 and will take effect on 1 January 2007 for vehicles registered before July 2002. The reporting requirements came into force on 1 January 2003.

In July 2004 the EU Commission initiated summary proceedings against Austria for insufficient transposition of the ELV Directive. It claimed that the Austrian Ordinance's provision to commit importers to take back only vehicles registered in Austria discriminates against consumers in other member states. Austria rejects the claim as regards content, maintaining that all ELVs arising in Austria are taken back and treated.

### ***PROVISIONS IN DETAIL***

#### ***Prevention:***

The Ordinance:

- bans the sale of new vehicles containing lead, mercury, cadmium or hexavalent chromium after 1 July 2003;
- bans cadmium in batteries of electric vehicles placed on the market after 31 December 2005;
- limits the use of and/or requires special marking of specified compounds and components containing hazardous substances.

As Austria does not have a domestic car industry, waste prevention requirements relating to manufacturers are covered through the Law on Waste Management 2002 (§9), which prescribes waste prevention measures for producers in general and through specific delivery conditions for car importers and importers of spare parts.

#### ***Collection:***

The Ordinance imposes obligations on manufacturers/importers to take back vehicles of the marques they placed on the market, except for vehicles not registered in Austria.

##### *1) Collection systems*

Manufacturers/importers shall establish an 'adequate number of take-back facilities', i.e. the distance between collection points must not exceed the average distance between sales points in each region for that vehicle. Take-back points must be notified to the Ministry of Environment no later than 4 weeks after the Ordinance enters into force.

Manufacturers/ importers have the option of taking back ELVs themselves and bearing the costs of recovery and recycling, or joining a collective recovery system.

The fees charged by a recovery system shall be based on a clear cost calculation, according to which the costs of collection and recovery of the ELVs taken back and recovered during a given calendar year are transferred to new vehicles sold in the equivalent period.

## 2) *Financing*

The final holder of the vehicle must be able to return the vehicle to a registered take-back point or authorised recovery point 'at least free of charge'. However, if significant components are missing from the vehicle or waste has been added to the vehicle, the final holder may be charged for that loss of value. The same applies to local authorities in respect of abandoned vehicles.

## 3) *Deregistration*

The owner or holder of a returned vehicle must be issued with a Certificate of Destruction. The issuer must retain a copy of the certificate for seven years. Details (model, marque, serial number, date of return, and name and address of the former owner) of each vehicle taken back must be submitted to the Ministry of Environment each year.

## 4) *Other*

Appropriate arrangements must be made and notified to the Ministry to cover the possibility of a manufacturer or importer being liquidated.

## 5) *Obligations of first holder and other vehicle dealers*

The requirements to take back ELVs and to meet the recovery/reuse targets [see below], are the responsibility of the 'first holder' (vehicle dealer, repair workshop, secondary raw material dealer or other person) if they are not the manufacturer or importer. Thus commercial importers of used vehicles are subject to obligations. They are also responsible for reporting to the Ministry on quantities taken back and reused/recovered.

### ***Treatment:***

Vehicles must be stored and handled in accordance with the requirements of the 2002 Waste Act as well as the minimum technical requirements set out in Annex I of the Ordinance.

The authorisation procedures for treatment facilities are set out in the 2002 Waste Act.

### ***Reuse & Recovery:***

Manufacturers/importers, vehicle dealers, repair workshop owners, secondary raw material dealers, and every other person who takes back ELVs on a commercial basis must as far as possible reuse ELV components. Components that cannot be reused shall be directed to material recycling, to the extent that this is environmentally favourable and technically possible and provided the additional costs are not unreasonable compared with other processes and treatments.

Manufacturers/importers must achieve the following reuse and recovery targets based on the total number of ELVs taken back throughout a given calendar year, and provide evidence of this:

- No later than 1 January 2006, 85% by average weight per vehicle must be reused or recovered per calendar year; 80% by average weight per vehicle must be reused or recycled as material per calendar year;
- No later than 1 January 2015, 95% by average weight per vehicle must be reused or recovered per calendar year; 85% by average weight per vehicle must be reused or recycled as material per calendar year.

Manufacturers and importers must completely recover or dispose of all ELVs taken back by the end of the calendar year following take-back.

***Coding standards/dismantling information***

Manufacturers/importers must work with material and equipment manufacturers to produce component and material coding standards, to facilitate the identification of components and materials suitable for reuse and recovery.

Manufacturers/importers must prepare dismantling information for each new type of vehicle within six months of it first being placed on the market. This must include individual components and materials and must show where hazardous substances are located. Appropriate information on dismantling, storage and testing reusable components must be made available to dismantlers on request, either in the form of manuals or electronically.

***Reporting and Information:***

1) *Manufacturers/importers:*

Manufacturers and importers must make information available to potential buyers on dismantling and recovering the vehicle, including places where the vehicle may be returned.

Manufacturers and importers must inform the Ministry of Environment on an annual basis and not later than 31 March:

- Volume of reused and recovered vehicles parts as set out in Annex 5 of the Ordinance;
- Proof of meeting the recovery/recycling targets set out above;
- Facts regarding the collection, take-back, dismantling, shredding or reuse facilities which might lead to a distortion of competition within or between member states.

2) *Operators of collection and recovery systems*

The operator of a collection and/or recovery system must inform the Ministry each year of the names and addresses of its participants, including the number of vehicles each places on the market and the marques in respect of which they have joined the system; and must submit an activity report and an annual report including detailed annual accounts.

The operator of a recovery system shall publish its statutes and must notify the Ministry of any planned amendment.

All recovery operators must inform the Ministry on the marque and model taken back, date of take-back and last owner as well as the volume of waste categories recovered or reused.

3) *Shredder operators*

Same information and reporting obligations as operators of collection and recovery systems.

In addition they have to inform the Ministry of Environment on the total volume of ELVs received as well as on the average volume recovered or reused per car.

4) *Obligation of last holders.*

Final holders must inform the Ministry of Environment annually on the volume of reused or recovered vehicle parts, and provide proof that the recovery targets have been met.

## **IMPLEMENTATION**

ÖCAR Automobilrecycling GmbH, set up by mainly Japanese and Korean car importers as a collective system, was approved by the government on 15 December 2003. So far, ÖCAR remains the only such system. Members finance ÖCAR with a fee of 8.5 euros per vehicle placed on the market. ELVs are taken back at a total of 200 collection points, mostly car dealerships of ÖCAR members.

The internet-based data management platform *Altauto.at*, managed by a subsidiary of ARGEV, was initiated by the Austrian shredder operators. (ARGEV provides a take-back guarantee for metal and plastic packaging.) Altauto.at enables companies to collect their data in compliance with the very elaborate reporting specifications of the Ordinance and generates the mandatory reports and forms, such as CODs. 450 companies have registered with Altauto.at which, according to Altauto.at, enables the tracking of recovery activities of 3,000 companies and thus the bulk of the sector.

The number of ELVs shredded fell by 28% in 2003. The recycling industry argues that the drop is due to high environmental compliance costs, which make shredder operations in Austria uncompetitive.

Three other ELV recovery networks were planned in 2003, but none of them is operational yet.

- ARGE Altauto
- The Altfahrzeugeverwertungssystem (ELV Recovery System) run by EVA GmbH – a subsidiary of the German organisation Interseroh (a national network of waste management companies which also organises the collection of packaging waste), and
- CRS Car Recycling Services.

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## BELGIUM

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### ***TRANSPOSITION OF THE ELV DIRECTIVE***

The provisions for prevention and substance bans of the ELV Directive are transposed by the federal government. The transposition of other provisions is the responsibility of the three regional governments of Flanders, Wallonia and Brussels. They have transposed the Directive through the following measures:

#### ***Flanders:***

- The *Regional Government Ordinance on the Prevention and Management of Wastes* (VLAREA) was adopted on 5 December 2003 and entered into force on 7 May 2004; it transposes collection, treatment and reuse provisions of the ELV Directive and subjects all treatment operators to the reporting and authorization requirements set by the VLAREM (see below).
- The *Decree on Environmental Licensing* (VLAREM) was adopted in 1999 to regulate the licensing of ELV dismantling facilities and since May 2004 all ELV treatment operators.

#### ***Wallonia:***

- The *Regional Producer Responsibility Decree* of 25 April 2002 came into force on 18 June 2002, It includes producer responsibility provisions for ELVs;
- The *Decree Regarding Requirements For Treatment Facility Operators* published 27 February 2003 came into force on 14 March 2003;
- The *Decree Regarding the Conditions of Storage of ELVs* of 27 February 2003 came into force on 10 March 2003.

#### ***Brussels:***

There were provisions on ELVs in the *Regional Producer Responsibility Decree* adopted 18 July 2002 and in force from 27 September 2002;

The *Decree Regarding the Management of ELVs* was adopted on 15 April 2004 and came into force on 25 May 2004, under pressure of the summary proceedings by the Commission. It comprehensively regulates the ELV treatment sector.

The *Decree Regarding Requirements For Treatment Facility Providing Recovery Certificates* of 6 September 2001 came into force on 26 September 2001;

#### ***All 3 Regions:***

Since 1999, all 3 regional governments have almost identical *Environmental Agreements Regarding the Management of ELVs* with the representatives of the economic operators involved in the take back obligation and treatment of ELVs (*Convention Environnementale Relative A La Gestion Des Vehicules Hors D'usage*). The Agreements have been revised mainly with regard to reinforcing reporting and controlling requirements and bringing them in line with the ELV Directive. The revised agreements were signed for the Brussels region on 15 March 2004 and for

the Walloon Region on 19 April 2004. Both entered into force on 1 July 2004. The agreement for Flanders is awaiting parliamentary approval.

## **PROVISIONS IN DETAIL**

As the regulations of the 3 regions are very close they will be described in one single text here, with differences between the regulations referred to as appropriate.

### **Prevention**

The measures provided for in the Directive are the responsibility of the Federal Ministry of Environment, which is preparing draft legislation.

### **Collection**

The take-back obligation applicable up to 2006 has been elaborated as follows:

- Retailers must take back from consumers free of charge any ELV returned to them when the customer is buying a replacement vehicle. The retailer will give a certificate of acceptance in exchange for the vehicle he has taken back. Distributors must accept back from the retail trade, at their own expense, all ELVs taken back as above, and pass them on to the producer or importer. Producers and importers must, at their own expense, regularly collect all ELVs taken back by distributors and if appropriate from retailers, and have them treated in an authorised centre within 6 months of receiving them.
- Retailers must display at each sales point a clearly visible sign, headed 'OBLIGATION TO TAKE BACK END-OF-LIFE VEHICLES', which explains the way in which they are meeting the take-back requirements.
- From 1 July 2002, producers and importers must take back, at their own expense, any ELV placed on the market as new since 30 June 2002, which has been returned by a consumer who has not purchased a replacement vehicle. The producer or importer must have the vehicle treated in an authorised centre within 6 months of receiving it.
- From 1 January 2006, producers and importers must take back, without charge to the customer, any ELV of the marque they produce or market, even if the customer is not buying a replacement car from them. The producer or importer must then have the vehicle treated in an authorised centre within 6 months of receiving it. A waste management plan for these vehicles must have been submitted by the producer or importer by 1 January 2004 and approved by the competent regional authority before 1 July 2004. If the plan is not submitted and approved within the prescribed timeframe, the producer or importer must meet this take-back requirement by 1 July 2004 rather than 1 January 2006. *Flanders has kept the option of postponing the 1:0 take-back requirement until 2007 if the proposed plans show that the system will need one more year to work successfully.*

The ELV should be taken back without cost to the owner of the vehicle as long as the following criteria are all met:

- the ELV contains all components indispensable for the functioning of the vehicle;
- it does not contain any waste other than that of an ELV;
- it is registered or has been registered in Belgium by the last owner for at least 6 months;
- it has a registration document, a certificate of conformity, the number plate and if appropriate, the most recent technical testing certificate;

- the vehicle should be deposited at a reception point designated by the retailer or producer/importer. These will be appropriately spaced throughout the Region.

In all three Regions producers and importers can either accept individual responsibility for taking back ELVs, or join an approved organisation. Such an organisation must be a properly constituted, non-profit-making association. Organisations must conclude an environmental agreement with the Regional Government to formalise the method by which they will fulfil their obligations.

### ***Treatment***

Vehicles will have to be stripped of any hazardous components, all liquids, tyres, accumulators, air conditioning systems, airbags and catalytic convertors. Any reusable parts must be reused.

Parts which cannot be reused must be recovered, preferably by recycling if this is possible to do in an environmentally sound way. Components and materials must be removed in a way that ensures that shredder waste is not classed as hazardous.

Batteries and accumulators, tyres and used oils should be treated in accordance with provisions elsewhere in the legislation.

Requirements for treatment facility operators are laid down in specific measures [see above], which include the issuing of certificates of destruction.

### ***Reuse & Recovery***

The targets to be reached are:

- by January 2006, reuse and recovery of 85% by weight per vehicle, and reuse and recycling of 80%;
- by January 2015, reuse and recovery of 95% by weight per vehicle, and reuse and recycling of 85%.

### ***Coding /dismantling information***

In order to allow separate treatment to be carried out and the above recycling/reuse targets to be fulfilled, manufacturers and importers must prepare dismantling information for each new type of vehicle within six months of it first being placed on the market, including information on individual components and materials and where hazardous substances are located.

Manufacturers are to make information on dismantling, storage and testing of reusable components available to dismantling facilities upon request.

### ***Reporting and Information***

#### *Flanders*

By 1 July 2004 each year, vehicle dealers and distributors must provide OVAM (the Flemish Environment Agency) with information on the amount of vehicles, by weight and type, taken back in the previous year.

Vehicle manufacturers must provide the following information by 1 July each year:

- the amount of vehicles by weight and type they have put on the market in the Flemish Region;
- the quantity of vehicles by weight and type for which a Certificate of Destruction has been issued;
- which treatment facility they have returned the vehicles to and which treatment procedures have been used;
- the total amount of waste recovered, incinerated and sent to landfill.

Retailers, distributors and producers must keep records of the ELVs taken back.

#### *Wallonia*

Before 31 March 2003 and by this date in subsequent years, producers and importers must provide the relevant authorities with the following information for the previous year:

- the total number of ELVs collected and their combined weight in kg;
- the establishments in which the vehicles were treated, the residues from treatment and methods of treatment;
- the quantities, in kg, of waste respectively reused, recycled, recovered or eliminated.

Economic operators covered by Article 2 of the ELV Directive (i.e. producers, distributors, collectors, motor vehicle insurance companies, dismantlers, shredders, recoverers, recyclers and other treatment operators) must submit to the Minister, within 2 years of the entry into force of this Decree, a management plan for used parts which constitute waste and those which can be reused.

#### *Brussels*

All companies involved in the management of ELVs must register with IBGE, the regional environmental agency. Shredders have to submit the chassis number of vehicles demolished to a central database which is linked to the database of the DIV (Department of Motor Vehicles) which erases the details of the vehicle there.

## **IMPLEMENTATION**

*Febelauto* was set up in 1999 by car distributors and ELV treatment companies as a non-profit organisation to ensure implementation of the Environmental Agreements regarding the Management of ELVs by organising and monitoring the management of recovery and disposal.

Only about one third of ELVs arising in Belgium are treated by dismantlers, the rest are shredded directly. Shredder operators have traditionally not reported which cars they have destroyed. In consequence, the official vehicle statistics contain vehicles that have long ceased to exist. While the new Agreements and Decrees emphasise controlling measures, regional governments contemplate more effective enforcement measures, such as charging road taxes until a Certificate of Destruction is provided.

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## CZECH REPUBLIC

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### ***TRANSPOSITION OF THE ELV DIRECTIVE***

As a new member of the EU, the Czech Republic had to transpose the ELV Directive by the accession date, 1 May 2004. Transposition has been implemented through the following measures:

- *Amendment 188/2004 of the Waste Act No. 185/2001* was adopted on 23 April 2004 and came fully into force on 1 May 2004. Part 7 of the Act closely transposes the collection, treatment, recovery and reuse provisions of the ELV Directive. The Amendment allows for a transition period of 18 months.

In addition, the Act specifies that importers are to pay into the National Environment Fund CZK 5,000 (about 160 euros) per imported vehicle. So far this provision has not been implemented, and after inter-ministerial discussions there are no plans for implementation.

- Implementing Regulation No. 100/2003 of *Act No. 56/2001 on Conditions for Operation of Vehicles on the Road*, in force from 1 May 2004, transposes the Directive's provision on waste prevention and regulates the Certificate of Destruction.
- The *Amendment to the Environment Ministry's Announcement No. 383/2001 on the Details of Waste Treatment* of October 2001 prescribes the technical requirements for ELV treatment facilities.

### ***PROVISIONS IN DETAIL***

#### ***Prevention***

Implementing Regulation No. 100/2003 of the Amendment of Act No. 56/2001 on conditions for operation of vehicles on the road

- bans the sale of new vehicles containing lead, mercury, cadmium or hexavalent chromium after 1 July 2003;
- bans cadmium in batteries of electrical vehicles placed on the market after 31 December 2005;
- limits the use of and/or requires special marking of specified compounds and components containing lead, hexavalent chromium, mercury and cadmium

#### ***Collection***

##### *1) Collection System:*

Manufacturers and importers are responsible for taking back ELVs and financing take back as well as disposal, unless significant components are missing. As of May 2004, take-back must be free of charge for all cars placed on the market after 1 July 2002, and for older vehicles from 1 January 2007.

2) *Deregistration system*

A deregistration system providing the last owner with a deregistration certificate has to be put into operation from 1 May 2004.

***Treatment, Reuse & Recovery***

Close to ELV Directive.

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## DENMARK

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### **TRANSPOSITION OF THE ELV DIRECTIVE**

The Directive has been transposed through four different measures:

- *Act No 372 of 2 June 1999 on Environmental Premiums and Reimbursement in Connection with Dismantling and Scrapping of Vehicles*, in force from April 2000 and subsequently amended by Act 385 of 6 June 2002;
- *Statutory Order No 480 of 19 June on Management of Waste in the Form of Motor Vehicles and Derived Waste Fractions*, in force from 1 July 2002;
- *Statutory Order No 782 of 17 September 2002 on Collection of Environment and Scrapping Premiums and Payment of Reimbursement in Connection with Dismantling and Scrapping of Vehicles*, in force from 1 October 2002;
- *Statutory Order on a Ban on Heavy Metals in Vehicles*, in force from 1 July 2003.

### **PROVISIONS IN DETAIL**

#### **Prevention**

The Statutory Order banning heavy metals in vehicles was promulgated very close to the date on which the ban came into effect. An exemption was made until 1 April 2004 for vehicles already ordered by importers which did not comply with the new regulation.

As Denmark has no vehicle manufacturing industry, the general provisions on waste prevention in the Environmental Protection Act (§4,§5) were deemed sufficient for transposition of the Directive.

#### **Collection**

##### *1) Obligation of car owners and insurance companies*

According to Act No 372, owners paid an annual *Environmental Premium* of DKK 90 (about £8.10).

In 2002, Act No 385 reduced this to DKK 60 (about £5.45). Premiums are collected with normal compulsory liability insurance by the insurance companies, who transfer the money to the central customs and tax authorities.

The Environmental Premium was introduced to reduce the number of abandoned vehicles. It is paid to the last owner of the vehicle after delivery to a registered dismantler. Last owners have to submit a request for reimbursement to an administrative body, the Environment Scheme for Vehicles, appointed by the Minister for the Environment. The request must be accompanied by the registration and the Certificate of Destruction. Statutory Order No 782 fixes the amount of the reimbursement at DKK 1,750 (about £160). According to Act No 385 and Statutory Order No 782, compensation is due to the police or the local government if an ELV has been lawfully removed or confiscated.

The Environmental premiums Finance the reimbursement of owners of ELVs registered before 1 July 2002. With 86,000 ELVs in 2003 (some 80 % of all deregistered vehicles, the remaining 20% mostly being exported second-hand vehicles) and less than that in 2000-2002, the recycling premium could be reduced from 90 DKK to 60 DKK while still covering costs.

## 2) *Obligation of importers and manufacturers*

Act No 385 and Statutory Order No 782 require importers/manufacturers to register with Danske Bilimportører (the Danish Association of Motor Vehicle Importers) and pay a quarterly 'scrapping premium'.

Act No 385 fixes the scrapping premium as follows:

<b>Vehicle's date of registration</b>	<b>DKK per vehicle per quarter</b>	<b>£ per vehicle per quarter</b>
1 July - 31 December 2002	1	0.09
In 2003	3	0.27
In 2004	7	0.63
In 2005	10	0.90
In 2006	15	1.35

Statutory Order No 782 requires manufacturers/importers to make their payments to the Danish Association of Motor Vehicle Importers, which collects the premiums on behalf of the Environmental Protection Agency. In case of late payment of the scrapping premium, interest is due at 1.35% per month.

The vehicle scrapping premium is used to finance the reimbursement of last owners of vehicles registered after 1 July 2002.

The scrapping premium scheme is to be reviewed in 2005.

## 3) *Obligations of car dealers:*

Car dealers can take back ELVs on behalf of a waste management company if an agreement has been reached between the two.

## 4) *Certificates of Destruction*

Waste management operators or vehicle distributors who take back an ELV have to issue a Certificate of Destruction to the last owner.

## **Treatment**

Statutory Order No 480 requires waste management operators to register with the Danish Environmental Protection Agency and comply with an environmental management system: ISO 9001, ISO 14001 or EMAS.

Statutory Order No 480 prescribes how ELVs have to be stored at dealers and treated separately by waste management operators. Annexes 1 and 2 list materials, components and substances which have to be removed separately prior to destruction.

### **Reuse & Recovery**

Statutory Order No 480 fixes the following reuse and recovery targets:

- From 1 January 2003, ELV treatment companies shall ensure that the quantity of substances, materials and components removed for reuse or recycling constitutes no less than 10% of the processed vehicles' tare weight, calculated per calendar year.
- From 1 January 2003, shredder plants shall ensure that during the shredding of ELVs, the quantity of recyclable materials separated and delivered for processing for the purpose of recycling, constitutes no less than 75 % of the received tonnage, calculated as the average of the amount of vehicle waste received per calendar year.
- From 1 January 2006, shredder plants shall ensure that the quantity of recyclable materials separated and delivered for processing for the purpose of recycling, constitutes no less than 80% of the tonnage received, calculated as the average of the amount of vehicle waste received per calendar year.
- From 1 January 2015, shredder plants shall ensure that the quantity of recyclable materials separated and delivered for processing for the purpose of recycling, constitutes no less than 85% calculated as the average of the amount of vehicle waste received each calendar year, and that no less than 95% of the tonnage received is recovered through material recycling or incineration with energy recovery.

### **Coding standards/dismantling information**

In order to allow separate treatment to be carried out and to fulfil the above recycling/reuse targets, manufacturers and importers must prepare dismantling information for each new type of vehicle within six months of it first being placed on the market, including information on individual components and materials and on where hazardous substances are located.

### **Reporting and Information**

#### *1) Obligations of insurance companies*

According to Act No 372, insurance companies have to report each month to the customs and tax authorities on the total environmental premiums to be charged.

#### *2) Obligations of the Danish Association of Motor Vehicle Importers*

According to Statutory Order No 782, the Association shall store every item of information and documentation relating to the administration of the scrapping premium, including its calculation, collection and payment, for a period of 5 years. The information is to be released to the Environmental Protection Agency for monitoring purposes if it so requests.

#### *1) Obligations of treatment companies*

Companies have to keep a register containing the following information:

- the number of vehicles received, divided into the categories: passenger cars (M1), light trucks (N1) and other motor vehicles;
- fraction, type, amount and composition of waste generated, cf. the Statutory Order on Waste; and

- names and addresses of enterprises to which substances, materials and components listed in Annex 1 have been delivered for further management (recycling, incineration with energy recovery or disposal).

This information has to be submitted in electronic format to the Danish Environmental Protection Agency on request.

## ***IMPLEMENTATION***

In practice, the reimbursement is paid out via the dismantler/retailer who takes back the ELV and deducts the dismantling costs before handing over the remaining amount to the owner. The level of the dismantling cost is negotiated between the dismantler and the last owner.

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## FINLAND

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### ***TRANSPOSITION OF THE ELV DIRECTIVE***

Finland was among the 10 countries formally requested by the Commission in October 2002 to transpose the ELV Directive. By September 2004 it had done so, with few deviations from the text of the Directive, through the following measures:

- The *ELV Ordinance 581/2004* was adopted on 23 June 2004 and entered into force on 1 September 2004. It transposes the Directive closely, with deviations in two provisions:
  - All vehicles, independent of their registration date, have to be taken back free of charge as of 1 September 2004.
  - Collection at PROs approved sites only, which gives importers leverage in the treatment chain.
- *Amendment 452/2004 to the Finnish Waste Act 1072/1993* was adopted on 4 June 2004 and entered into force on 1 September 2004. The amendment contains a separate chapter on producer responsibility for ELVs, tyres, WEEE, packaging and other products. Until the Amendment, producer responsibility had been specified only in lower level legislation (e.g. the Packaging Ordinance and Tyre Ordinance).
- The *Decree on the Reduction of Certain Hazardous Substances in Vehicles 572/2003* of 2003.

### ***PROVISIONS IN DETAIL***

#### ***Prevention***

Heavy metals are banned by the Decree on the reduction of certain hazardous substances in vehicles (572/2003) of 2003.

In addition the ELV Ordinance requires producers to

- take into account at the design stage, the need to dismantle, reuse and recover end-of-life vehicles and their components and materials; and
- use more recycled materials in the manufacture of vehicles and other products produced by car manufacturers.

#### ***Collection***

The ELV Ordinance specifies that:

- producers and importers of vehicles are responsible for the collection, treatment and recovery of end-of-life vehicles. The final owner of the ELV would be responsible for taking it to an authorised collection site organised by the producer;
- producers may delegate their responsibilities to one or more collective organisations, or may organise their own compliance;

- take-back will be free of charge for the last owner. The Government may decide to subsidise manufacturers' and importers' take-back and recovery obligation by up to 80 euros (£53.60) per vehicle until 1 January 2007;
- producers' waste management responsibilities apply to all ELVs, irrespective of when they were registered or deregistered. In the case of abandoned vehicles, local authorities will be responsible for delivering them to the producer's collection site. No charge should be paid for delivery to an authorised collector, unless the vehicle lacks essential components such as an engine. The authorised collector may also make a charge if a vehicle contains additional items or substances not covered by the ELV Directive;
- deregistration requires delivery of the vehicle to an authorised collector. In return, the last owner would receive a Certificate of Destruction from the authorised collector, to prove that the vehicle had been properly disposed of;
- collection sites have to conform to requirements such as the provision of facilities for the separation of oil, collection facilities for separated waste, the removal of hazardous substances including fluids, air-bags, batteries and mercury-containing items and the safe recovery of recyclable parts such as catalytic converters, tyres and major plastic and glass parts.

### ***Treatment***

ELVs have to be stored and treated separately by authorised waste management operators.

### ***Reuse & Recovery***

Any components that can be reused should be dismantled, provided there is a demand for them. Other parts should be recovered primarily in the form of material and secondarily as energy.

By 1 January 2006, 85% of the average weight of ELVs should be reused or recovered, rising to 95% by 1 January 2015.

### ***Coding standards/dismantling information***

To facilitate reuse and recovery, producers should introduce coding standards and publish dismantling information. They should also provide treatment facilities with information on the dismantling, storage and testing of components which can be reused.

### ***Reporting and Information***

Producers must submit annual reports on compliance with the legislation, and the Finnish Environment Institute will report every three years on implementation of the Directive in Finland.

## ***IMPLEMENTATION***

The Waste Act of 1993 made the last owner responsible for delivering an ELV to an authorised treatment facility. Local authorities had to establish collection sites for ELVs. Under the Act on Abandoned Vehicles, local authorities are responsible for delivering ELVs to a recoverer.

*Suomen Autokierrätys Oy* (Finnish Car Recycling Ltd) has been set up by the Association of Automobile Importers in Finland in 2003. Its members are Finland's 25 car importers. As of October 2004, Autokierrätys operated 120 collection points.

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## FRANCE

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### ***TRANSPOSITION OF THE ELV DIRECTIVE***

France was among the 10 countries formally requested by the Commission in October 2002 to transpose the ELV Directive. Full transposition is expected in the first quarter of 2005. The following measures have been taken or are in preparation:

- The Directive has been partly transposed through *Decree no. 2003-727 on Manufacturing and Recovery of End of Life Vehicles* which was published on 1 August 2003 after 19 revisions. It came into force on 5 August 2003.
- Seven *Ministerial Sub-Decrees* will regulate the provisions of Decree 2003/727 in detail. Initially expected to be published before the end of 2003, drafting of the Sub-Decrees actually started in September 2004. The seven Decrees will regulate:
  - the use of lead, mercury, cadmium and hexavalent chromium in vehicle components and materials;
  - implementation of the manufacturer's obligation to compensate shredders for financial losses incurred due to the take-back obligation, especially with regard to accounting rules;
  - the methods used to calculate the reuse and recovery rates to be achieved;
  - the detailed obligations of dismantlers and shredders;
  - the rules regarding the issuing of ELV hand-over receipts and the Certificate of Destruction;
  - ways and means by which producers must communicate mandatory information to the Ministry of Environment;
  - the composition and functioning of the Monitoring Commission.
- The *Agreement (Accord-Cadre)*, signed 10 March 1993 between the government and the car manufacturing and ELV treatment sector, which stipulates maximum recovery, is likely to be amended to bring it into line with the new decrees.

### ***PROVISIONS IN DETAIL***

#### ***Prevention***

Vehicles must be manufactured using a minimum amount of hazardous substances. Vehicles must be manufactured in such a way as to facilitate their dismantling and the recycling of the components and materials used. Components and materials must be marked in order to facilitate recycling.

#### ***Collection***

##### ***1) Collection System:***

ELVs may only be returned to certified dismantlers or shredders or to manufacturers' or importers' take-back centres.

## 2) *Financing*

Take-back shall be free of charge to the final holder with effect from the date of entry into force of the present Decree in the case of vehicles placed on the market for the first time after 1 July 2002, and from 1 January 2007 for vehicles put on the market for the first time before 1 July 2002. Free take-back does not apply if essential components are missing (body, engine, catalytic converter) or if the ELV contains substances or wastes which have been added to it and which will increase the cost of treatment.

If an independent third party designated jointly by the producer and the approved shredders produces a 'statement of deficit' verifying that ELV treatment is running at a loss, each producer/importer may choose either to compensate approved shredders for the financial consequences of free take-back of ELVs of his own marque, or to take back his own vehicles by appropriate means. Statement of deficit data shall be submitted without delay to the Monitoring Commission [see Implementation] together with each producer's proposals in respect of the take-back arrangements.

## 3) *Certificate of Destruction*

The last owner shall submit the certificate of ownership to the dismantler or shredder, and in return shall receive a Certificate of Destruction not more than 15 days after the vehicle has been shredded.

### ***Treatment***

Producers and other 'economic operators' shall set up a chain for the treatment of ELVs and their components, materials and substances used, including those generated through vehicle repair.

ELV treatment must take place in authorised facilities. The Decree sets out in broad outline some of the obligations of dismantlers and shredders; detailed obligations are described in the annex to the authorisation certificate.

### ***Reuse & Recovery***

Preference should be given to recycling of components and materials rather than destruction.

Reuse of components must meet security, health and environmental requirements regarding noise and pollution control. Reused parts must be marked in a way which allows them to be tracked.

By 1 January 2006, the annual rate of reuse and recovery must reach at least 85% of the total ELVs treated, and the rate of reuse and recycling must reach 80%. By 1 January 2015 at the latest, the annual rate of reuse and recovery must reach at least 95% of the total ELVs treated, and the rate of reuse and recycling must reach 85%. A joint ministerial order from the environment, economy and transport ministries will fix the methods of calculation of the reuse and valorisation rates and the reuse and recycling rates.

### ***Coding standards/dismantling information***

Producers must inform dismantlers and shredders about components, materials and hazardous substances and instructions for dismantling and disposal.

## **Reporting and Information**

### *1) Producers/Importers*

Producers, in cooperation with insurance companies, dismantlers and shredders must inform the Ministry of Environment annually of technical and economic details regarding the placing on the market of vehicles, the take-back and disposal of ELVs, and the reuse and recycling of parts and components.

Producers must provide the public with promotional materials and progress reports about the recycling of materials and components and the reduction of the use of hazardous substances.

### *2) Dismantlers and shredders*

Dismantlers and shredders must inform the Environment Ministry about

- financial and legal terms of take-back as well as technical, legal, economic and financial conditions under which they operate;
- the weight of vehicles dismantled and shredded and the materials recovered;
- the content of the Certificate of Destruction issued (for shredders only)

Dismantlers and shredders must provide information to the public regarding the treatment of vehicles and methods used.

## **IMPLEMENTATION**

The Decree provides for the setting up of a Commission to monitor the implementation of the Decree and the progress made.

A study by Ernst & Young, commissioned by ADEME (the French environment agency) and published in September 2003, found *inter alia* that 80% by weight of ELVs are recovered through self-financing activities and that new ELV regulation could distort the economic balance of the recycling industry. The view that the ELV market is self-regulating is widely accepted. There have so far been no initiatives for a collective network by manufacturers or recyclers.

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## GERMANY

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### ***TRANSPOSITION OF THE ELV DIRECTIVE***

The Directive has been transposed through:

- the *End-of-life Vehicle Act of 21 June 2002*, in force from 1 July 2002, which amends the 1997 End-of-life Vehicle Ordinance and other statutory regulations relating to commercial tax and road traffic legislation;
- the *End-of-life Vehicles Ordinance of 21 June 2002*, in force from 1 July 2002

The summary proceedings launched by the EU Commission against Germany in July 2002 for insufficiently transposing the ELV Directive are in the second stage. The Environment Ministry is preparing a reply with suggested solutions to the Commission's earlier 'Reasoned Opinion'. Four main issues are concerned:

- the limitation of the Ordinance's scope to M1 vehicles (which excludes for example mobile homes),
- the take-back of ELVs at collection points that must be approved by manufacturers,
- the limitation of the scope to vehicles registered in Germany and
- the exemption from material bans of spare parts for vehicles registered prior to July 2003.

### ***PROVISIONS IN DETAIL***

#### ***Prevention***

The provisions relating to heavy metals, coding standards and dismantling information, and the information to be provided by producers, are closely based on the text of the Directive:

- Use of hazardous materials is to be restricted from the product design phase.
- Dismantling, recovery and recycling are to be considered in the design phase.
- An increasing amount of recycled materials are to be used in production.
- With effect from 1 July 2003, vehicles or spare parts containing cadmium, mercury, lead or hexavalent chromium may no longer be placed on the market.

#### ***Collection***

##### *1) Collection system*

Producers and importers have a general obligation to collect ELVs of their own marques from the last registered owner free of charge, either from the collection point or from an authorised recovery plant. They were given the option of setting up a 'dense' nationwide network of take-back points themselves or through third parties. The last registered owner should not have to travel more than 50 km (32 miles) to a collection point.

The take-back obligation also covers used parts from repair facilities. The parties involved may sign agreements stipulating what measures must be taken and who bears the cost.

The last registered owner is free to choose whether to deliver his ELV to the producer's or importer's collection network or to another authorised recovery plant.

## 2) *Financing*

According to the ELV Act, the free take-back obligation on producers and importers applies from 1 July 2002 for vehicles marketed after that date, and from 1 January 2007 for vehicles marketed before July 2002. However, producers or importers are still allowed to charge when taking back cars which have been registered in Germany for less than a month or if essential parts are missing or waste has been added.

## 3) *Certificate of Destruction*

ELVs may only be transferred up the treatment chain to authorised facilities.

Operators of dismantling facilities must issue a Certificate of Destruction once a vehicle has been handed over by the last owner.

## 4) *Other*

An amendment of the Commercial Code through the ELV Act requires producers/importers to make advance provision on the balance sheet in order to meet take-back costs. Companies are allowed to make financial provision for this obligation in instalments until the Act comes fully into force in 2007.

An Amendment to the Income Tax Code provides for the disposal costs borne by producers and importers to be tax-deductible as long as they concern cars already in circulation.

## **Treatment**

Operators of reception points, collection points, recovery plants, shredder plants and other further recovery plants shall treat ELVs in an environmentally responsible way.

Operators' compliance with the above requirements shall be certified by a verifier. The certificate shall be valid for one year, but may be cancelled if the verifier believes that the operator does not meet or no longer meets the conditions under which it was issued.

An Annex sets out the rules governing the operation of acceptance and collection points and of treatment plants. These are more detailed than those in the corresponding Annex to the Directive.

## **Reuse & Recovery**

The following targets are to be reached in relation to the vehicle weight of all ELV handed over:

- by 1 January 2006, at least 85% by weight is to be reused and recovered and at least 80% by weight reused and recycled, and
- by 1 January 2015, at least 95% by weight is to be reused and recovered and at least 85% by weight reused and recycled.

- by 1 January 2006, dismantling facilities must recover an annual average of 10% of the weight of the ELVs received, and shredding facilities must recover at least 5% of the shredder residues. From 1 January 2015 onwards, shredding facilities must recycle at least 5% of the shredder residues and recover a further 10%.

### ***Coding standards/dismantling information***

The provisions of the ELV Act follow the Directive closely:

- Vehicle manufacturers are required to use component and material coding standards as determined by the European Commission.
- No later than 6 months after placing a new model on the market, manufacturers are required to provide dismantling facilities on request with dismantling information identifying the different components, materials and substances as well as their location.
- Manufacturers are to make information on dismantling, storage and testing of reusable components available to dismantling facilities upon request.

### ***Reporting and Information***

Manufacturers, in cooperation with the other economic operators, are to publish the following information 'in a suitable manner' :

- information on the recovery- and recycling-friendly design of vehicles and their components;
- information on the environmentally sound treatment of ELVS, in particular on the removal of all fluids and dismantling;
- information on the development and optimization of ways to reuse, recycle and recover end-of life vehicles and their components,
- information on the progress achieved in the area of recovery and recycling towards the goal of reducing the waste to be disposed of and increasing the recovery and recycling rates.

## ***IMPLEMENTATION***

The ELV Ordinance of June 2002 requires treatment facilities to strip ELVs of large plastic parts such as bumpers, radiator grills, and hubcaps before shredding the vehicle. When in early 2003 recycling capacities were reportedly insufficient, the Federal Environment Ministry and the *Länder* (state governments) allowed treatment firms a grace period up to the end of 2003.

Some manufacturers (e.g. VW, Audi, Seat and Skoda) have introduced a certification system for ELV treatment and disposal facilities.

VDIK, the association of car importers, has set up a nationwide network collection network. Honda, Toyota and Daihatsu have set up a separate joint network, MARLI.

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## GREECE

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### ***TRANSPOSITION OF THE ELV DIRECTIVE***

Greece was among the 10 countries formally requested by the Commission in October 2002 to transpose the ELV Directive. By March 2004, the Directive had been transposed through the following measures:

- The *Presidential Decree No 116* of 5 March 2004, in force from the same day, transposes the ELV Directive closely.
- The *Law No 2939/2001 on Alternative Management of Packaging Wastes and Other Products*, adopted on 6 August 2001 and in force from 6 April 2002, introduces producer responsibility for ELVs.

### ***PROVISIONS IN DETAIL***

#### ***Prevention***

Not covered in detail as there are no Greek car manufacturers.

#### ***Collection***

The Ordinance imposes obligations on manufacturers/importers of vehicles to take back vehicles of the marques they have placed on the market.

##### *1) Collection systems*

Importers shall establish an adequate number of take-back facilities offering free take-back until the end of 2006 only in Athens, Thessalonica, Patra, Volos and Heraklion. The remainder of Greece must be covered by the end of 2009.

Importers have the option of taking back ELVs themselves and bearing the cost of recovery and recycling, or joining a recovery system which will organise this on a collective basis.

Fees charged by a recovery system are to be included in an operational plan which is subject to approval by the Ministry.

The last owner must hand the ELV over to an authorised collection point which will give him a Certificate of Destruction in return.

##### *2) Financing*

The final holder or owner of the vehicle must be able to return the vehicle to a registered take-back point or authorised recovery point free of charge. However, if significant components are missing from the vehicle or waste has been added to the vehicle, the final holder may be charged for the loss of value. The same applies to local authorities in respect of abandoned vehicles.

### 3) *Deregistration*

The Decree introduces a deregistration system which provides that the owner or holder of a returned vehicle must be issued with a Certificate of Destruction.

### 4) *Other*

Appropriate arrangements must be made and notified to the Ministry to cover the possibility of a manufacturer or importer being liquidated.

### ***Treatment***

ELVs must be treated separately by waste management operators.

Minimum treatment requirements, such as a list of materials, components and substances which have to be removed separately prior to destruction, are set out in the Annex to the Decree.

### ***Reuse & Recovery***

Importers, vehicle dealers, repair workshop owners, secondary raw material dealers, and every other person who takes back ELVs on a commercial basis must as far as possible reuse ELV components. Components that cannot be reused shall be directed to material recycling, to the extent that this is environmentally favourable and technically possible and provided that the additional costs are not unreasonable compared with other processes and treatment.

Manufacturers and importers must achieve the following reuse and recovery targets based on the total number of ELVs taken back throughout a given calendar year, and provide evidence of this:

- No later than 1 January 2006, 85% by average weight per vehicle must be reused or recovered per calendar year; and 80% by average weight per vehicle must be reused or recycled as material per calendar year;
- For vehicles produced before 1 January 1980, 75% by average weight per vehicle must be reused or recovered per calendar year; and 70% by average weight per vehicle must be reused or recycled as material per calendar year;
- No later than 1 January 2015, 95% by average weight per vehicle must be reused or recovered per calendar year; and 85% by average weight per vehicle must be reused or recycled as material per calendar year.

### ***Coding standards/dismantling information***

Manufacturers and importers must work with material and equipment manufacturers to produce component and material coding standards, to facilitate the identification of components and materials suitable for reuse and recovery.

Manufacturers and importers must prepare dismantling information for each new type of vehicle within six months of it first being placed on the market, including individual components and materials and information on where hazardous substances are located. Appropriate information on dismantling, storage and testing reusable components must be made available to dismantlers on request, either in the form of manuals or electronically.

***Reporting and Information***

Importers or the collective system acting on their behalf must report to the Ministry of Environment's Unit of Alternative Management of Packaging and Other Waste by 1 January each year on the quantity of parts reused and recovered and on achievement of the targets in the previous calendar year.

Further information must be provided if the Ministry of Environment so requests.

***IMPLEMENTATION***

Under the Law on Packaging and Other Waste of 2001, vehicle importers were to set up a not-for-profit organization to organise a collective take-back system. The organisation's operational plan was approved in February 2003.

*AMVH* (Alternative Management of Vehicles Hellas, also known by its Greek initials, EDOE) was approved as a collective network by the government on 17 June 2004. Its members are the 33 car importers active in Greece. *AMVH* started operations in September 2004 in Thessalonica and neighbouring Xanthi, but its activities are limited by a lack of authorized dismantlers.

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## HUNGARY

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### ***TRANSPOSITION OF THE ELV DIRECTIVE***

As a new member of the EU, Hungary had to transpose the ELV Directive by the accession date, 1 May 2004. Transposition was implemented through the following measures:

- The *Act XLIII of 2000 on Waste Management*, in force from January 2001, together with the implementing decrees, harmonises Hungarian waste management legislation with the relevant part of the EU acquis, including the ELV Directive. It sets out the basic principles of prevention, the precautionary principle, producer responsibility and polluter pays, and also highlights the shared responsibility principle: 'according to the provision of shared responsibility, all participants affected in the total lifecycle of a product and the waste from it shall contribute to fulfilling the obligations arising from the principle of producer responsibility'.
- *Government Decree No 267/2004 (IX. 23.) on End of Life Vehicles* closely transposes the ELV Directive. It was adopted on 27 September 2004 and will enter into force fully from 1 January 2005.
- The *Ministry of Economic Affairs and Transport Decree No 29/2004. (III.12.) on the Conditions of Activities Concerning Automobile Repairs* was adopted on 12 March 2004 and entered into force on 1 May 2004. The decree contains a provision on the issuing of Certificates of Destruction which will come into force on 1 January 2005.
- *Government Decree No 98/2001 (VI. 15.) on the Conditions of Activities Concerning Hazardous Waste* regulates the conditions and authorizations for collection, treatment and disposal facilities, including those relating to ELVs.
- *Act No. LVI of 1995 on Environmental Product Fees* imposes fees on waste tyres. The *Ministry of Environment Decree on the Conditions of Landfill 22/2001 (X.10.)* prohibit tyres from being landfilled.

### ***PROVISIONS IN DETAIL***

#### ***Prevention***

Covered by Decree 267/2004 on ELVs, provisions as in the ELV Directive.

#### ***Collection***

Decree 267/2004 requires producers/importers to take back the end-of-life vehicle from the last owner free of charge and to set up a collection system.

In line with Decree No 29/2004 and Decree No 98/2001, ELVs shall be transferred to authorised treatment facilities only.

Decree 29/2004 mandates a deregistration system with certificate of destructions, in force from 1 January 2005.

***Treatment***

Both Decree No 29/2004 and Decree No 98/2001 lay down mandatory permits for treatment operators and minimum technical requirements for treatment facilities.

***Reuse & Recovery***

Covered by Decree 267/2004 - provisions as in the Directive.

A subsidy programme is envisaged to promote reuse and recovery.

***IMPLEMENTATION***

Importers have opposed the ELV Regulation since its inception. They have not so far taken measures to set up a joint system.

Recycling companies founded Car-Rec as a non-profit organisation on 12 May 2003. Car-Rec now offers 22 collection points nationwide. It has no agreements with car importers.

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## IRELAND

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### ***TRANSPOSITION OF THE ELV DIRECTIVE***

Ireland was one of 10 member states referred to the European Court of Justice by the EU Commission in October 2002 for failing to adopt national legislation implementing the ELV Directive by April 2002. Full transposition is expected for the end of the first quarter of 2005. The following measures have been taken or are in preparation:

- The *Protection of the Environment Act 2003* was adopted through Commencement Order of 29 June 2004 and entered into force on 12 July 2004. The Act amends the framework *Waste Management Act of 1996* by adding a new chapter (Part VA) on ELVs, that partly transposes the ELV Directive by requiring
  - producer responsibility for free treatment and recovery of ELVs;
  - the establishment of an approved body to operate an ELV recovery scheme;
  - the last holder/owner to deposit their end-of-life vehicle at an authorised treatment facility; and
  - the issuing of certificates of destruction in respect of ELVs deposited at an authorised treatment facility for scrapping.
- The new chapter also empowers the Minister of Environment to adopt subsequent legislation which fully transposes the EU Directive and facilitates its implementation.
- Based on the framework provisions of the Waste Management Act, secondary legislation in the form of comprehensive *Regulations* to transpose the ELV Directive are being drafted and are expected to enter into force early in 2005. The Regulations will detail the funding mechanisms, take-back, certificates of destruction and treatment standards. Importers will probably be required to finance the take-back and treatment costs for no-value or negative value ELVs and to set up a not-for-profit organisation responsible for the management of this obligation, which tenders out treatment of these vehicles to dismantlers.
- A *Voluntary Agreement* has been discussed since mid 2003 between government, the Society for the Irish Motor Industry (SIMI), the Irish Motor Vehicle Recyclers Association (IMVRA), the Metal Recyclers Association of Ireland (MRAI). SIMI submitted a plan outlining its vision for the implementation of the ELV Directive in October 2003.

The parties have not yet been able to agree on the detailed mechanisms of the funding for the free ELV take-back. It is unlikely that the agreement will be reached prior to the adoption of comprehensive secondary legislation i.e.regulations.

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## ITALY

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### ***TRANSPOSITION OF THE ELV DIRECTIVE: PROGRESS***

The Directive has been transposed through the following measures:

- Decree 22/1997 of 2 February 1997 implementing EC Directives on Waste, Hazardous Waste and Packaging Waste;
- Legislative Decree 209/2003 of 24 June 2003 ( published in the Supplement of the Official Gazette 7 August 2003, N°182 ) implementing the ELV Directive (2000/53/EC).

### ***LEGISLATION:***

#### ***Prevention:***

Decree 209/2003 introduces measures to:

- limit the use of hazardous substances in the manufacture of vehicles as much as possible from the design phase onwards;
- encourage the design and manufacture of vehicles and components that facilitate reuse, recovery and above all recycling at end of life, as well as promoting the development of technical standards in the sector;
- develop markets for recycled materials by the increasing use of recycled materials in vehicles and parts.

It bans the production and marketing of vehicle materials and components containing lead, mercury, cadmium or chromium hexavalent.

#### ***Collection:***

##### *1) Collection system*

Decree 209/2003 requires that the owner of a motor vehicle who intends to have it dismantled must take it to an authorised collection centre for storage, demolition, recovery of the materials and scrap. These collection centres must also accept scrap vehicle parts. The owner of a motor vehicle destined for dismantling may also return it to the dealer or to a branch of the manufacturers to be sent on to one of the collection centres if he intends to exchange the end-of-life vehicle for a new one.

Vehicle producers, either individually or collectively, must organise for vehicles of their own marque a network of authorised collection centres spread at regular intervals throughout the country, or must indicate the centres where free take-back of the vehicle is guaranteed. If producers do not fulfil this requirement, they will be obliged to bear the costs of collection and treatment of vehicles.

### 1) *Financing*

The owner or keeper of an ELV may hand it over to an authorised collection centre, or this may be done indirectly by delivering the vehicle to a dealer or branch of the vehicle manufacturer who must arrange for the vehicle to be delivered to the authorised collection centre.

Take-back will be free of charge to the owner or keeper from the time of entry into force of the Decree on vehicles put on the market after 1 July 2002, and from 1 January 2007 for vehicles put on the market before 1 July 2002.

### 2) *Deregistration*

Decree 22/1997 prescribed that collection centres, dealers or manufacturers' representatives issue the owner of an ELV with a certificate showing the date of consignment, the terms of authorisation of the centre, details of the ownership and identification of vehicle, and undertake to cancel the vehicle's registration. Possession of this dismantling certificate frees the vehicle owner from any civil, penal or administrative responsibilities connected with ownership of the vehicle

Under Decree 209/2003 the owner of the authorised collection centre must, on receipt of the vehicle:

- give to the owner (or dealer) a suitable Certificate of Destruction;
- within 24 hours of receipt of the vehicle, inform (by electronic means) the Vehicle Data Centre of the Ministry of Transport.

The dealer or manager of the branch must:

- when receiving a vehicle destined for demolition, give to the owner or keeper of the vehicle a suitable declaration of responsibility for the vehicle, through which the dealer assumes the obligation to correctly dispose of the vehicle and the owner is released from all responsibility;
- within 60 days of receiving the vehicle, deliver it to the authorised collection centre and send the Certificate of Destruction to the owner or keeper, keeping a copy. Release of the Certificate of Destruction frees the dealer from responsibility for the vehicle.

Certificates of Destruction issued in other member states which fulfil the EC's minimum requirements will be recognised and accepted in Italy.

### ***Treatment***

The collection centres must:

- be authorised according to Articles 27 and 28 of Decree 22/1997, with authorisation being renewed every 8 years;
- conform to the technical requirements in Annex 1 to Decree 209/2003.

Treatment operations must also conform

- to the general principles laid down in Article 2, clause 2 of Decree 22/1997 (in respect of human health and the environment);
- with the provisions of Annex 1 (relating to management) to Decree 209/2003;
- with other obligations of Decree 209/2003 relating to security, removal of components, prevention of contamination, optimisation for reuse, recycling and recovery.

When a collection centre is closed down, the management must ensure the environmental restoration of the area according to criteria laid down by the local authority.

### ***Reuse & Recovery***

Decree 22/1997 allows trade in spare parts from ELVs but provides for special rules on parts related to safety:

- only repair shops enrolled on the Companies Register are allowed to use safety-related spare parts, and roadworthiness tests must be carried out;
- the use of ELV spare parts must be mentioned in the documentation given to the consumer.

According to Decree 209/2003, economic operators (producers, distributors, vehicle insurers, recyclers, demolishers shredders etc) must guarantee the following recovery and recycling rates:

- by 1 January 2006: 85% recovery by weight of vehicle, and 80% recycling  
(but for vehicles placed on the market before 1 January 1980, this is reduced to 75% recovery and 70% recycling);
- by 1 January 2015 (for all vehicles): 95% recovery by weight, and 85% recycling.

To achieve these objectives, the economic operators must organise themselves in one of several ways, namely through voluntary agreements or through strict programmes agreed with the Environment Ministry (which would be legally binding), or according to an operating procedure established by an Environment Ministry Decree.

### ***Coding standards/dismantling information***

The producer of a vehicle and its components must, within six months of placing the vehicle on the market, provide the authorised collection centres with information for dismantling, either by means of a manual or by information support. Component producers especially should provide information on the dismantling, storage and verification of parts which can be reused.

Information must be compiled according to the coding rules laid down in Commission Decision 2003/138/EC, and must allow identification of the various components and materials and the location of all hazardous substances present in the vehicle.

**Reporting and Information**

All those involved in the collection, transport and treatment of ELVs and end-of-life parts must communicate annually:

- data relating to the treated ELVs, materials and components; and
- data relating to materials, products and components obtained and sent on for reuse, recycling or recovery.

Data is collected by APAT, the Environmental protection and Technical Services Agency. Its first report is due by the end of 2004.

Economic operators must publish annually and make available to the inter-ministerial working group on application of the Decree, information on:

- the construction of vehicles and their components which can be reused, recovered or recycled;
- the correct treatment, according to the environmental profile, of ELVs, with particular reference to the removal of all liquids when dismantling takes place;
- the optimisation of the possibility of reuse, recycling and recovery of ELVs and their components;
- the consequent progress in recovery and recycling in order to reduce the amount of waste from ELVs and their materials and components.

Producers must make accessible the same information to future acquirers of vehicles, and include it in promotional literature for the marketing of the new vehicle.

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## LUXEMBOURG

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### ***TRANSPOSITION OF THE ELV DIRECTIVE***

Luxembourg was among the 10 countries formally requested by the EU Commission in October 2002 to transpose the ELV Directive. By April 2003 it had done so through the following measures:

- the *Rules regarding ELVs*, adopted 17 March 2003 and in force since 1 April 2003, which closely transpose the ELV Directive;
- the *Waste Prevention and Management Law of 1994*, which regulates treatment facilities.

### ***PROVISIONS IN DETAIL***

#### ***Scope, Prevention***

As in the Directive.

#### ***Collection***

- Producers (importers) are obliged to set up individual or collective systems for the take-back of vehicles as well as end-of-life components arising from repairs.
- The last owner of a vehicle is responsible for delivering it to a collection point or directly to a treatment centre, where he is issued with a Certificate of Destruction (COD).
- The issuer of the COD must submit a copy of it, together with the original vehicle registration card, to the Société Nationale de Contrôle Technique.
- Deregistration of a vehicle is subject to presentation of the COD. CODs issued in other member states are accepted.
- From 1 June 2004, take-back must be free of charge to the last owner for vehicles registered after 1 July 2002, and from 1 January 2007 for vehicles registered before that date if the vehicle had been registered in Luxembourg for 6 out of the past 12 months.
- The producer (importer) may charge the last owner part of the treatment cost where a vehicle has been imported into Luxembourg by individuals.

#### ***Treatment***

According to articles 1 and 2 of the Waste Prevention and Management Law of 1994, ELVs are to be dismantled prior to all other treatment and hazardous substances removed in a way that allows them to be recycled.

***Reuse & Recovery***

Targets as in the Directive.

Producers (importers) must submit to the government prior to 31 March the following data of the previous year:

- number of ELVs produced;
- number of ELVs taken back at collection points or treatment facilities ;
- number of ELVs treated
- quantities and types of materials removed during dismantling and de-pollution;
- quantities and types of materials left after shredder treatment;
- quantities and types of materials recovered and reused;
- destination of the remaining waste fraction.

***Reporting and Information***

As in the Directive.

***IMPLEMENTATION***

So far, there are no plans for a collective system. ELVs are either collected by retailers/importers or by specialised companies for export.

Many dealerships in Luxembourg are subsidiaries of dealers importing cars into Belgium. Only a few brands have importers in Luxembourg. 5-10% of passenger cars are imported by individuals.

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## NETHERLANDS

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### ***TRANSPOSITION OF THE ELV DIRECTIVE***

The Decree on Management of End-of-Life Vehicles was adopted on 24 May 2002 and entered into force on 1 July 2002.

### ***LEGISLATION/PROPOSED LEGISLATION:***

#### ***Prevention***

The Decree requires manufacturers and importers, individually or through collective organisations, to take measures to prevent or reduce the generation or disposal of vehicle waste including:

- minimisation of the use of hazardous substances in the design stage, if possible, so as to prevent release in the environment, to facilitate reuse as product or material and to avoid the disposal of hazardous substances;
- new vehicle types to be designed and manufactured in such a way as to facilitate the disassembly and recovery of ELVs and of materials and components present in them;
- recycled materials to be increasingly used in vehicles and other products;
- materials and components to be marked as required by the ELV Directive;
- no vehicles and components manufactured after 1 July 2003 to contain lead, mercury, cadmium or hexavalent chromium, except as laid down in the Directive.

Provisions concerning the phasing out of certain substances/materials as per Annex II of the Directive are currently being discussed, and regulations are expected by the end of 2004.

#### ***Collection***

##### *1) Collection system*

Manufacturers must take back ELVs of their own marques and set up a country-wide collection system either individually or through a collective organisation.

##### *2) Financing*

The last owner can deliver his vehicle free of charge to a recognised garage, dismantler or vehicle repair company.

Although the ELV Directive allows member states to prescribe that ELV take-back need not be free of charge if the vehicle has already been stripped of essential parts or if it contains non-ELV waste, the Dutch Decree provides for free take-back regardless of whether the vehicle is complete or not.

The owner of a vehicle registered for the first time is liable for a waste disposal fee, as provided for in the Environmental Management Act. It is paid into a special fund administered by ARN

(Auto Recycling Nederland BV, see Implementation), and only after payment of the fee will the Department of Road Transport issue a registration certificate. By decision of the Minister of Environment in January 2004, the waste disposal fee has been fixed at 45 euros (about £30) for the period from 1 January 2004 to 31 December 2007.

### ***Treatment***

The Dutch Decree, unlike the ELV Directive, places a specific obligation on manufacturers and importers to ensure that a processing system is set up for ELVs.

As stringent environmental rules governing the licensing of dismantlers were in place prior to this Decree, the technical regulations for storing, treating, processing, dismantling and crushing ELVs go beyond those in the Directive – 18 materials have to be dismantled and further processed.

Dismantling companies are free to trade ELVs among themselves before disassembly. The purpose of this is to facilitate reuse by allowing an ELV to be resold to a dismantler specialising in a particular marque.

Waste Disposal Premiums are paid by ARN to the dismantling, transportation, recycling and shredding operators involved in the recovery, recycling and disposal of ELVs. The premiums are set at a level that makes these activities an attractive proposition for such companies. They claim the premiums by submitting administrative data documenting that they have in fact carried out the treatment activities. Payment is based on the weight of the dismantled or recycled materials and is not set as a lump sum per scrap car.

### ***Reuse & Recovery***

The targets to be met by individual manufacturers or their collective organisations have been brought forward from those in the Directive, as the targets which the Directive sets for 2006 had already been reached in 1997 through the existing take-back scheme:

- between 1 January 2003 and 31 December 2006, at least 85% by weight of ELVs must be reused or recovered and at least 80% reused or recycled each year;
- from 1 January 2007 the annual targets will be at least 95% by weight reused or recovered, and at least 85% by weight reused or recycled.

### ***Coding standards/dismantling information***

Manufacturers must provide dismantlers with disassembly information for all new vehicles within 6 months of their placing them on the market. This may be done either in electronic format or as a manual.

### ***Reporting and Information***

By 23 September 2002, manufacturers and importers had to notify the Government of the measures they would be taking to fulfil their obligations. This notification, which could be made individually or collectively, needed Ministerial approval, and applied for a period of at least five years (unless the Environment Minister decides otherwise).

It had to include at least:

- measures to promote prevention (including an estimate of the expected results);
- the way in which ELVs will be collected;

- the percentage (by weight) of vehicles put on the market which will be reused, recycled, recovered and disposed of;
- the financing method for the collection and processing scheme;
- measures that will be taken to safeguard collection and processing if a manufacturer ceases to sell vehicles in the Netherlands; and
- information on the registration of spare parts.

From 1 August 2003, manufacturers and collective organisations are to submit annual reports on:

- the way new vehicle types are designed to prevent waste being generated and to facilitate reuse, recycling and energy recovery;
- the way ELVs are processed;
- the development and improvement of measures for reuse, recycling and recovery; and
- the percentage (by weight) of ELVs that is made available for reuse, recycling or recovery.

## **IMPLEMENTATION**

### ***Recovery organisation***

In 1993 the Dutch car industry, with the encouragement of the Minister responsible for the environment, set up the Auto Recycling Foundation and its subsidiary ARN (Auto Recycling Nederland BV) as the body which would ensure that the targets provided for in the Waste Plan of 1994 were met. The Foundation's board members represent STIBA (the dismantlers' association), RAI (the car manufacturers' and importers' association), BOVAG (the car dealers' association), and FOCWA (car repair shop association).

Car recycling is financed by a waste disposal fee, payable on first registration. The fee is 45 euros and is collected by ARN. The government has declared the fee binding for the period 1 January 2004 to 31 December 2007.

With the proceeds from the fee, ARN pays waste disposal premiums for dismantling and recycling activities. It is ARN's task to ascertain which of these activities should be encouraged on a priority basis and to determine the premium payable in each case – from the dismantling of plastic bumpers to the re-melting of glass. The premiums are set at a level that makes the activities concerned an attractive proposition for the various companies. They claim the premiums by submitting administrative data documenting that they have in fact carried out the activities.

The waste disposal premiums are paid out once checks have been carried out to ascertain that the materials for which the claim has been submitted really have been dismantled and recycled. Payment is based on the weight of the dismantled or recycled materials and not set as a lump sum per scrap car.

ARN achieved 86% recycling in 2003, which slightly exceeded the 85% target set in the ELV Decree.

ARN considers the 95% recovery / 85% material recovery target brought forward to 2007 by the ELV Decree to be over-ambitious. In its search for technologies to increase the recovery rate, ARN had conducted a large-scale mechanical separation pilot scheme at Belgian Comet Sambre in association with TNO, a research institute, and the Delft University of Technology. The pilot ran from mid 2003 to early 2004 and achieved only 89.4% total recovery and 78% recovery of materials that are easy to exploit commercially. The commercial exploitation of 11.4% depended on local conditions, as they consisted mainly of plastics suitable only for energy recovery and a mineral fraction that is difficult to market in the Netherlands.

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## POLAND

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### ***TRANSPOSITION OF THE ELV DIRECTIVE***

As a member of the EU from 1 May 2004, Poland had to transpose the ELV Directive by that date. However, transposition is now expected in January 2005.

The ELV Directive will be transposed through a new *Act on ELVs*. The government prepared a draft of the Act in early 2003, but it was rejected at the third reading in Parliament in November 2003. One point of disagreement was the draft's design, which implemented the ELV Directive not as a stand-alone act, but by amending a number of existing laws. Another point Parliament did not agree to was the proposal to hold only producers responsible for ELVs.

Parliament has since prepared a new draft of the Act, which transposes the Directive closely. It was expected to have its second reading in late October 2004 and should be adopted in January 2005.

The new draft shares responsibility for ELVs between all economic operators. However, the government fears that this provision will delay implementation.

#### ***Existing legislation:***

- Under the *Waste Management Act* last owners are responsible for handing ELVs over to an authorised dismantler, who in return issues a receipt which has to be submitted to the administration of a Voivode in order to deregister the car. Vehicle registers exist on the levels of Voivodes only.
- The *Act on Entrepreneurs' Obligations with regard to Management of Certain Wastes, Product Charge and Deposit Fee*, in force from 1 January 2002 and amended on 23 January 2003, obliges producers/importers to assure the recovery and in particular the recycling of passenger car tyres, and to attain, by the end of 2007, a recovery rate of 75% and a recycling rate of 70%. In case of non-compliance with these targets a product fee (i.e. a tax) is due. The Act fixes a maximum fee of PLN 2 (about 32p) per kg on new and used regenerated (retreaded) tyres and PLN 8 per kg (about £1.28) on used non-regenerated (non-retreaded) tyres.

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## PORTUGAL

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### **TRANSPOSITION OF THE ELV DIRECTIVE : PROGRESS**

Decree-Law No 196/2003 of 23 August 2003 transposes the ELV Directive into Portuguese law.

Joint Order No 525/2004 of 2 July 2004 grants a licence to Valorcar to set up an integrated management system and sets out the licence-holder's legal obligations.

### **LEGISLATION:**

#### ***Prevention***

Vehicle manufacturers and manufacturers of materials and components, must:

- control and reduce the use of hazardous substances in vehicles, from the design stage onwards;
- take account of the need for dismantling, reuse and recovery, especially recycling, of ELVs and their components and materials when new vehicles are designed and produced;
- progressively integrate an increasing quantity of recycled materials into vehicles, their components or other products, with a view to developing the market for recycled materials.

Manufacturers or importers of vehicles and manufacturers of materials and vehicle components must ensure that from 1 September 2003, materials and components of vehicles placed on the market do not contain lead, cadmium, mercury and hexavalent chromium, except in cases specifically allowed for in Annex I to the Decree-Law.

#### ***Collection***

##### *1) Collection system*

All operators are responsible for the management of ELVs, their components and materials. They may fulfil this obligation by means of joining an integrated management system or by setting up an individual management system.

Vehicle repair and maintenance operators are responsible for the correct delivery for treatment of waste components or materials which may result from operations carried out on vehicles themselves, without prejudice to the provisions of Article 7 of Decree-Law No 239/97 of 9 September 1997 relating to the management of used oils, accumulators and tyres.

Owners/keepers of ELVs are responsible for their delivery to reception centres or dismantlers.

Owners/importers of vehicles are responsible for guaranteeing the reception of ELVs at reception centres and dismantlers.

Operators of ELV reception, transport and treatment facilities must carry out their activities without endangering public health or the environment.

Operators must adopt appropriate measures for promoting the effective reuse of reusable components, and the recovery of components not suitable for reuse, preferably by means of recycling, provided this is viable from an environmental point of view, and taking into consideration the requirements of vehicle and environmental safety, such as control of noise and atmospheric emissions.

## 2) *Deregistration*

Deregistration of an ELV is conditional upon the presentation at an office of the General Directorate of Motoring (DGV) of a Certificate of Destruction issued by an authorised dismantling operator. When delivering an ELV, its owner/keeper must hand in the vehicle's registration document and the certificate of ownership, and complete an application for cancellation of the registration.

When abandoned vehicles in the possession of the competent municipal or police authorities are involved, these authorities will be exempt from the presentation of the registration document and certificate of ownership.

When salvaged vehicles are involved, the insurance company will be obliged only to show proof that it has sent the respective vehicle identification document to the DGV and the certificate of ownership to the Vehicle Registration Bureau (CRA).

The reception centre that receives the ELV should check the documentation and send it to the dismantler, together with the ELV. The operating centre that receives the ELV (or an accredited sectoral organisation acting on its behalf) should check the documentation and issue a Certificate of Destruction, the format of which will be approved by the Waste Institute.

The dismantler must keep a copy of the Certificate of Destruction for not less than 5 years and, within five days from receipt of the ELV, send the original of the Certificate of Destruction to the legal owner/keeper of the ELV; a copy of the Certificate of Destruction to the management company, or to the vehicle manufacturer/importer if it has set up an individual system; and a second copy of the Certificate of Destruction to the DGV, accompanied by the registration document and application for cancellation of the registration.

The issue of a Certificate of Destruction does not entitle the dismantler to any form of reimbursement.

Certificates of Destruction issued by other EU member states, and which contain all the required information, are valid for the purposes of deregistration in Portugal.

## 3) *The integrated management system*

Vehicles may only be placed on the Portuguese market if their manufacturer or importer has delegated responsibility to an approved integrated management system or has set up his own individual management system.

This delegation of responsibility must be the subject of a written contract, with a minimum duration of 3 years, which is required to contain:

- the types, quantities and characteristics of the vehicles covered;
- an estimate of the quantity of ELVs to be received each year by the integrated management system;

- the inspection regime to be developed by the integrated management system, so as to verify compliance with the conditions stipulated in the contract;
- the financial contributions owed to the integrated management system, and the way in which these are maintained.

Vehicle manufacturers or importers considering proceeding with the management of ELVs via an integrated system are responsible for setting it up. It should have been constituted and operational on 1 January 2004.

Joint Order No 525/2004 of 2 July 2004 grants a licence to Valorcar to set up the integrated management system and sets out the licence-holder's legal obligations (*see section on implementation below*).

The integrated management system is a not-for-profit collective whose income must be reinvested, used in its operations or ancillary operations or held back as funds or reserves for future operations. Its management may involve manufacturers of materials and equipment for vehicles, distributors, vehicle repair and maintenance operators and operators carrying out activities relating to the reception, transport and treatment of ELVs, as well as vehicle manufacturers and importers.

The integrated management system is to guarantee the following management targets:

- Up to 31 December 2006,
  - to progressively develop a network of reception centres and authorised treatment operators, whom it selects and contracts for the reception and treatment of ELVs, giving preference to operators using certified environmental management systems;
  - to guarantee that the reception of ELVs placed on the market on or after 1 July 2002 and their components and materials comply with legal requirements;
  - to organise the monitoring of the integrated system, specifically with regard to the flow of ELVs and materials resulting from their treatment;
  - to promote research and development of new methods and tools for dismantling, for the separation of materials resulting from fragmenting, and for recycling solutions for ELV components and materials, especially the non-metallic fraction, in line with the realities of the situation nationally.
- From 1 January 2007, and without prejudice to the fulfilment of the above obligations,
  - to guarantee that the reception of ELVs placed on the market before 1 July 2002 and their components and materials comply with legal requirements;
  - organise a national network of operators selected and contracted for the reception, transport and treatment of ELVs which by 1 April 2007 must comprise at least three reception centres or dismantling operators for each district territorial division with more than 700,000 registered light vehicles; two reception centres or dismantling operators for each district territorial division with more than 200,000 registered light vehicles; one reception centre or dismantling operator for each district territorial division with less than 200,000 registered light vehicles; and by 31 December 2009 must comprise the number of reception centres or dismantling operators that guarantees sufficient geographical coverage, as defined by the official approval granted to the integrated management system;

- to guarantee the monitoring of the integrated system, specifically with regard to the flow of ELVs and materials resulting from their treatment;
- to promote awareness and public information regarding the management of vehicle waste, as well as the dangers of uncontrolled disposal of such waste.

The integrated management system shall be financed via a levy on manufacturers or importers for each vehicle introduced onto the Portuguese market. The levy shall be determined according to the characteristics of the vehicles, reflecting the general principles of this law with regard to the use of hazardous substances, the incorporation of recycled materials and the vehicles' suitability for dismantling, reuse and recovery.

The integrated management system shall propose the levy rates to be borne by each manufacturer or importer, but they will be set in the operating licence granted to it by the Economic and Environment Ministries. Levy rates can be revised on the basis of a proposal from the integrated management system to the Waste Institute made not later than 30 September of the year before that to which the rates are to apply.

The integrated management system's application for an operating licence shall include a detailed description of its logistical system, and specifically

- the types, quantities and technical characteristics of the vehicles covered;
- an estimate of the quantity of ELVs to be received each year;
- a proposal as to the amount of the levy and the formula for calculating it, explaining the criteria taken into consideration, such as the types, quantities and characteristics of ELVs and the reception, transport and treatment operations which they must undergo;
- the procedures envisaged for the selection of reception operators, transport and treatment, and for supervision of these activities;
- how the integrated management system will liaise with the selected reception, transport and treatment operators and with any other operators guaranteeing the recovery of vehicle and ELV waste, specifically insurers and municipal and police authorities;
- the funding allocated to the financing of each of its activities;
- a description of the economic cycle devised for reception, transport and treatment of ELVs, showing how financial compensation to operators is to be calculated in cases where ELVs have a negative or zero market value.

Once the integrated management system has been licensed, vehicle manufacturers and importers have three months to join the system.

#### 4) *Individual compliance*

As an alternative to the integrated system, vehicle manufacturers or importers can opt to discharge their obligations on an individual basis. This requires specific authorisation from the Waste Institute, which will only be granted if the obligations set out for the integrated system are guaranteed.

The regime established for the integrated system applies, *mutatis mutandis*, to the individual system for the management of ELVs.

### 5) *Financial responsibilities*

Owners or keepers of ELVs are responsible for the costs of delivering them to a reception centre or to a dismantler. This must be done within 30 days of the vehicle's ceasing to be used.

In the case of abandoned vehicles delivered by the municipal authority or police authorities to a reception centre or dismantler, the costs incurred are the responsibility of the owner of the vehicle.

Where salvaged vehicles have become the property of an insurance company, the company is responsible for the costs of delivered them to a reception centre or dismantler. This must be done within 30 days from the date when a vehicle has been considered salvaged.

Up to 31 December 2006, the costs of transport and treatment of ELVs introduced into the market before 1 July 2002 and which may have a negative or zero market value are borne by their owner or keeper.

However, the delivery of an ELV to a designated reception centre or dismantler shall be carried out with no cost to its owner or keeper, even when the ELV has a zero or negative market value:

- from 1 July 2002, with regard to vehicles introduced into the market from this date;
- from 1 January 2007, with regard to vehicles introduced into the market before 1 July 2002.

Delivery of an ELV to a reception centre or a dismantler is not however free of charge if the ELV was originally equipped with engines, transmission rods, gearbox, catalytic converters, electronic command units and bodywork, but no longer contains any of these components; or if waste products have been added to it.

Owners or importers of vehicles must bear transport costs from reception centres and for the treatment of ELVs, their components and materials, deriving from any possible negative or zero market value. Zero or negative market value is understood to exist when the costs of reception, transport from the reception centre and the treatment of an ELV, exceeds the value of its materials and components.

The responsibility of vehicle manufacturers or importers ceases upon delivery of the ELV to treatment operators, without prejudice to their respective financial obligations.

### 6) *Visible fee*

When a new vehicle is marketed, the manufacturer, importer or distributor must show the integrated management system's levy as a separate item on the invoice.

### **Reuse & Recovery**

By 1 January 2006 operators must guarantee:

- for vehicles produced before 1980, a minimum of 75% reuse and recovery by weight, per vehicle per year, and a minimum of 70% reuse and recycling by weight, per vehicle per year;
- for vehicles produced after 1980, a minimum of 85% reuse and recovery by weight, per vehicle per year, and a minimum of 85% reuse and recycling by weight, per vehicle per year.

By 1 January 2015 operators must guarantee a minimum of 95% reuse and recovery of all ELVs by weight, per vehicle per year, and a minimum of 85% reuse and recycling of all ELVs by weight, per vehicle per year.

These quantitative targets are to be revised whenever necessary, based on technical progress, market forces, or as a result of developments in Community law, by means of a joint decree by the Ministers of the Economy, Public Works, Transport and Housing and Cities, Home Affairs and the Environment.

### ***Treatment***

ELVs may only be transported by entities approved for this activity by the Waste Institute.

Reception centres' operations must meet minimum technical requirements laid down in an Annex to the Decree. Applications for approval will be reviewed by the Waste Institute and by the regional authority. Treatment operations on ELVs may not be carried out at reception centres.

Treatment operations on ELVs are subject to previous authorisation as defined in Decree-Law No 239/97 of 9 September 1997 and in Decree No 961/98 of 10 November 1998. They must also comply with the minimum technical requirements set out in an Annex to the present Decree.

Dismantlers must carry out depollution operations (removal of batteries and fluids, etc) immediately after receiving the ELV, and at any event within 8 working days. Treatment operations to promote recycling must be carried out immediately after receiving the ELV, and at any event within 45 working days. ELVs may not be compacted or shredded until this has been done. Waste products may not be introduced into ELVs before they have been compacted or shredded.

### ***Coding standards/dismantling information***

From 1 September 2003, vehicle manufacturers and importers and manufacturers of materials and equipment must use the nomenclature contained in the ISO standards on coding (ISO 1043-1, ISO 11469 and ISO 1629) for the labelling and identification of vehicle components and materials.

Vehicle manufacturers and importers must supply environmental information to potential purchasers, such data also being included in printed or electronic publicity materials used in the marketing of the new vehicle.

This information should relate to

- the layout of the vehicles and their components, taking into account their suitability for recovery, especially recycling;
- the correct treatment of ELVs, and especially the removal of all fluids and dismantling;
- the development and optimisation of reuse and recovery methods, especially recycling, of ELVs and their components;
- progress made with regard to increasing recovery and especially recycling rates, with a view to reducing the amount of waste for disposal.

Treatment operators must supply vehicle manufacturers and importers with information on the development of reuse, recovery and recycling.

Within 6 months of a new type of vehicle being placed on the market, vehicle manufacturers and importers must supply information on dismantling which identifies the various components and materials, as well as the location of all hazardous substances present in the vehicles, so as to allow treatment facilities to comply with regulations and meet the reuse, recovery and recycling targets.

Dismantling information must be made available to authorised treatment centres by vehicle or parts manufacturers or importers, in the form of handbooks or electronic media (for example, CD-ROM and online services).

Without prejudice to commercial and industrial confidentiality, manufacturers of vehicle components must supply treatment facilities on request with information on dismantling, storage or inspection of parts that may be reused.

### ***Reporting and Information***

By 31 March of the following year, the integrated management company must send the Waste Institute an annual report of the activities it has carried out and the results achieved in relation to the obligations of the Decree.

This report must identify vehicle manufacturers and importers that transfer their responsibility, and operators of reception, transport and treatment of ELVs with whom they have a contract; indicate the types, quantities and characteristics of the vehicles marketed; show the results obtained regarding the management of ELVs; and demonstrate the respective distribution of financial resources.

These reporting obligations apply *mutatis mutandis* to any vehicle manufacturers or importers that have opted to set up individual management systems, and to manufacturers of materials and components.

## **IMPLEMENTATION**

### ***Recovery Organisation***

In February 2004 a management company, Valorcar, began operations. This company was set up jointly by the Portuguese Association of Automobile Commerce, the Association of Automobile Industries and the National Association of Recoverers of Recyclable Products. Under Joint Order 525 of 2 July 2004, Valorcar was granted a licence to run the integrated management system for end-of-life vehicles. The licence will expire on 31 December 2009, but can be extended by the Waste Institute for periods of five years. For the first year, manufacturers will finance Valorcar by means of a fixed fee of 123 euros (about £86) per month, plus a variable fee of 0.413 euros (about 29p) per vehicle placed on the market in the previous year (only applicable on volumes of sales over 200). Fees are subject to annual revision. Manufacturers must show the fee paid as a separate item on sales invoices but may not pass these on.

In the case of zero- or negative-value ELVs, where the costs of reception, transport and treatment exceed the value of materials and components recovered, Valorcar will bear these costs and keep the authorities informed about them.

By 31 March 2006, Valorcar must present to the Waste Institute a plan for the structure of the national network of operators for the reception, transport and treatment of ELVs, in accordance with the requirements of Article 11, clause 2 of Decree-Law 196/2003. Valorcar will also advise the Waste Institute by 30 September 2006, on the appropriate number of reception centres and dismantling operators necessary to guarantee sufficient territorial coverage. This will be

stipulated by a legal Order no later than 31 December 2009. Until these provisions are implemented, it should be assumed that a minimum of 29 reception centres or dismantling operators should be set up.

Ecometals, a consortium between Siderurgia Nacional-Serviços, Aguas de Portugal, Ecoresíduos and BRP set up in October 2001, has opened a new dismantling line which it estimates will be able to handle 180 thousand tonnes of material each year, including about 170,000 end-of-life vehicles.

The Decree sets up a Monitoring Commission (CAVFV), with members drawn from the relevant Ministries, the Autonomous Regions, local government and the economic sectors involved.

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## SPAIN

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### ***TRANSPOSITION OF THE ELV DIRECTIVE : PROGRESS***

The Directive is being transposed through:

- a National Plan for Control of End-of-Life Vehicles for the period 2001-2006, approved on 3 August 2001;
- Royal Decree 1383/2002 of 20 December 2002 on the management of vehicles at the end of their useful life, which transposes most of the ELV Directive;
- Ministry of the Interior 2586 Order INT/249/2004 of 5 February 2004, which regulates the deregistration of decontaminated vehicles at the end of their useful life; and
- a legal norm which will regulate the technical and environmental demands and requirements of Authorised Centres for Reception and Decontamination of vehicles (CARDs), which is to be approved before 2005.

### ***LEGISLATION***

#### ***Prevention***

Vehicle manufacturers and, where applicable, manufacturers of materials and equipment are required to:

- design vehicles and components so as to limit the use of hazardous substances. To this end, the use of lead, mercury, cadmium and chromium hexavalent is prohibited in materials and components of vehicles, with the exception of the various exemptions set out in Annex II;
- design and manufacture vehicles and their components so as to facilitate dismantling, decontamination, reuse and recovery of the vehicles at the end of their useful life, and to promote the integration of recycled materials and components in new models; and
- inform consumers of the criteria governing the protection of the environment, taking into account both the design and manufacturing phases of the vehicle, and the criteria adopted in guaranteeing its correct environmental treatment at the end of its useful life. Such information is to be contained in any publicity material used in the marketing of vehicles.

#### ***Collection***

##### *1) Collection System*

Economic operators (manufacturers, dealers, distributors, and importers) must assume responsibility for recycling and recovering ELVs, at no cost to the final owner.

The National Plan provides for a nationwide network of at least 1,085 Authorised Centres for Reception and Decontamination of vehicles (CARDs) financed by the industry, at which all ELVs are to be deposited.

Decree 1383/2002 states that the final owner of the vehicle must deliver it to an authorised treatment centre or to a reception facility (e.g. manufacturer's depot).

Local authorities must deliver abandoned vehicles to a treatment centre for decontamination, without prejudice to compliance with regulations on traffic, the movement of motor vehicles, and road safety.

#### 1) *Financing*

The return of an ELV to an authorised collection point should be at no cost to the final owner, provided that the vehicle retains its chassis and essential components and has not been contaminated by other waste.

#### 2) *Deregistration*

Ministry of the Interior Order 2586 sets out the regulations for deregistration of vehicles:

- The owner of an end-of-life vehicle must deliver it to an authorised treatment centre or reception facility, together with relevant identification documents.
- The authorised treatment centre will issue a Certificate of Destruction (a sample certificate is included in the Order), which authorises the deregistration of the vehicle as of that date.
- The centre must, within two weeks of issuing a Certificate of Destruction, send a copy with supporting documentation to the regional Traffic Headquarters.
- Authorised Treatment Centres must apply for an electronic identification certificate prior to sending any Certificates of Destruction to the Traffic Headquarters.
- The Traffic Headquarters will send out a monthly invoice to the treatment centres for fees incurred on the vehicles that have been deregistered. Treatment Centres can pass on the fees payable for the notification of deregistration to the last owner of the vehicle.

#### 4) *Integrated management systems*

Integrated management systems (i.e. collective organisations) must be authorised by the Autonomous Communities in which they are geographically located, and authorisation must be published in the corresponding official bulletin.

Applications for authorisation for integrated management systems must contain, as a minimum, the following particulars:

- targets for reuse, recycling and recovery with corresponding deadlines, together with any additional environmental targets it is hoped to achieve. These targets must not be set at levels lower than those contained in Article 9 of the Royal Decree *[see above]*;
- financial mechanisms;
- mechanisms for monitoring, operational control and verification of the level of compliance with forecast ecological targets;
- identification of the entities to which the management of ELVs has been consigned and the self-financing of such a system;
- a system for gathering data and supplying information to the Autonomous Communities;

- information on reception facilities available in the geographical area in which it is planned to conduct operations.

Autonomous Communities may only grant authorisation when they can determine, from the documentation supplied by applicants, the level of compliance with the corresponding criteria for integrated management systems as set out in the Royal Decree, and their ability to meet the obligations laid down.

### ***Treatment***

The National Plan specifies decontamination procedures (separation and independent recycling of vehicle components classed as hazardous waste) and the reuse and recycling of materials which constitute the vehicle.

Decontamination and removal of liquids and gases will be carried out in the CARDS, together with separation of materials from the vehicle so that each waste product can be sent to a specialised management centre for recycling or reuse.

### ***Reuse & Recovery***

Economic operators must meet, within the limits of their activities, the following reuse, recycling and recovery targets:

- By 1 January 2006 at the latest, a minimum of 85% of the average weight per vehicle per year of all end of life vehicles generated must be reused or recovered, and 80% or more of the average weight per vehicle per year of all end of life vehicles generated must be reused and recycled.
- For vehicles manufactured before 1 January 1980, these percentages must exceed 70% of the average weight per vehicle per year for reuse and recycling, and must exceed 75% of the average weight per vehicle for reuse and recovery.
- By 1 January 2015 at the latest, at least 95% of the average weight per vehicle per year must be reused and recovered. By the same date a minimum of 85% of the average weight per vehicle per year must be reused and recycled.

In the authorisations granted for the exercise of operations referred to in this Royal Decree, whether or not regarding the management of hazardous waste, targets set out previously and adapted to each area of activity are to be included.

### ***Coding standards/dismantling information***

Article 3 of Decree 1383/2002 states that the manufacturers of vehicles and components must:

- follow coding rules to allow ready identification of components appropriate for reuse or recovery; and
- supply managers of ELVs with adequate information for dismantling so as to allow identification of different components and the location of hazardous substances. This information must be made available, in the detail deemed necessary in each case, within a maximum period of 6 months from the placing on the market of each new type of vehicle.

### ***Reporting and Information***

Managers carrying out treatment operations on ELVs must keep a statistical record of the ELVs managed.

In the first quarter of each year a summary report must be sent to the Autonomous Communities in which at least the number and type of vehicles must be stated, together with the weight and percentages reused, recycled and recovered.

Such information can be supplied directly, or via a management company, where there is a voluntary agreement or an integrated management system.

In order to meet the requirement to supply information to the European Commission, Autonomous Communities must send the Ministry of the Environment a copy of the above reports.

## ***IMPLEMENTATION***

### ***Recovery Organisations***

A management company, Sigrauto, was set up in April 2002 by

- AEDRA, the Spanish Association for Automobile Dismantling and Recycling;
- ANFAC, the Association of Spanish Automobile and Lorry Manufacturers;
- ANIACAM, the Association of Spanish Automobile, Lorry, Bus and Motorcycle Importers; and FER, the Spanish Recovery Federation.

In November 2003, Sigrauto initiated a new agreement between the various sectors to provide a network of authorised treatment centres and since then, Sigrauto has set up contracts with more than 300 authorised centres and centres in the process of being set up, for the reception and treatment of vehicles of all marques sold in Spain.

Another recovery organisation, Ecopartes, was set up in early 2003 by SERNAUTO to manage recovery of end-of-life parts and components. It has carried out a pilot project of collection and treatment of end-of-life components in Victoria.

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## SWEDEN

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### **TRANSPOSITION OF THE ELV DIRECTIVE**

In the late 1990s, Sweden had already enacted legislation largely in line with the ELV Directive:

- the *Ordinance on Producer Responsibility for Vehicles of 23 October 1997* (SFS 1997:788), in force from 1 January 1998. On 23 September 2004, the decision was taken to revise the Ordinance to more accurately transpose Art. 9.2 (in particular information to consumers) and introduce Art. 3.4 (exemption of special purpose vehicles from reuse) of the EU Directive.
- the *Motor Vehicle Scrapping Act* (1975:343) of 22 May 1975, in force from 1 July 1975 and last amended in 2001 to bring it into line with the ELV Directive;
- the *Motor Vehicle Scrapping Ordinance* (1975:348) of 22 May 1975, in force from 1 July 1975, and last amended in 2001 to bring it into line with the ELV Directive;
- *EPA Regulations and General Guidelines on vehicle dismantling operations* of 17 December 2001, in force from 21 April 2002; and
- the *Ordinance on heavy metals ban* (SFS 2003:208) of 8 May 2003, in force from 1 July 2003.

Provisions on the free take-back of vehicles registered before 1998 are still pending. These are to be implemented by 1 July 2007. A Government study into possible financing and handling schemes was due to be completed by September 2004.

### **PROVISIONS IN DETAIL**

#### ***Prevention***

The restrictions on the use of heavy metals have been implemented through Ordinance SFS 2003:208.

The other measures are covered more implicitly than explicitly by the Ordinance on Producer Responsibility.

#### ***Collection***

##### *1) Collection system*

The Producer Responsibility Ordinance introduces mandatory take-back of ELVs manufactured or imported on a commercial basis if the vehicle is registered under the Ordinance on the Road Traffic Register.

Producers shall 'facilitate' (term not defined) the handover of ELVs and designate suitable points for reception of ELVs. These reception points must be notified to the Swedish Environmental Protection Agency.

## 2) *Financing*

According to the Producer Responsibility Ordinance, take-back must be free of charge for vehicles registered for the first time after 31 December 1997, unless economically valuable parts are missing or its has been equipped with parts from somebody other than the producer which are difficult to recover.

According to the Motor Vehicle Scrapping Act, manufacturers and importers (or in exceptional cases the owner) are liable for a vehicle disposal charge at the time of the vehicle's first registration. The Scrapping Ordinance fixes charges at SEK 700 (about £50.40) for vehicles registered after 31 December 1997 and at SEK 1500 (about £108) for vehicles registered before that date or privately imported. Charges are paid into a specific Vehicle Disposal Fund administered by the Swedish National Road Administration.

A 'vehicle disposal premium' is automatically paid to the last registered owner of an ELV with a Certificate of Destruction, which is thus deregistered from the Road Traffic Register.

The Scrapping Ordinance fixes vehicle disposal premiums as follows:

Date of registration	Vehicle disposal premium	
	SEK	£
Registration after 31 Dec 1997	700	50
Registration before 31 Dec 1997 and		
- Vehicle up to 7 years old when deregistered	700	50
- Vehicle between 7 and 16 years old when deregistered	1200	86
- Vehicle older than 16 years when deregistered	1700	122

## 3) *Deregistration*

The Motor Vehicle Scrapping Act provides that Certificates of Destruction are issued for ELVs handed back to an authorised dealer, manufacture or importer if the latter has an agreement with an authorised dismantler for the taking-back of scrap vehicles.

### ***Treatment***

According to the Vehicle Scrapping Act, scrapping may be carried out by authorised operators only. The Scrapping Ordinance defines the conditions for granting such an authorisation and the obligations on authorised operators.

The Regulations & General Guidelines on vehicle dismantling operations correspond to Article 6 and Annex I of the ELV Directive. They set out requirements for storage and treatment areas, depollution and safety treatment prior to recycling, storage and treatment after removal and dismantling, other protective measures and precautions. Authorised treatment centres are obliged to draw up and have available for reference, written handling and operation instructions for all stages of the treatment process where there is a risk to human health or the environment.

### ***Reuse & Recovery***

According to the Producer Responsibility Ordinance, producers/importers have to ensure that the materials and components from the vehicles are reused, recovered or disposed of in some other environmentally acceptable manner. The Ordinance prescribes also that materials and components shall primarily be reused if this is justified from an environmental point of view. Material recycling shall otherwise be given precedence over energy recovery.

Producers are made responsible for the achievement of the following targets to be calculated by weight and as an average per producer per year:

- at least 85% reuse/recovery by the end of 2002;
- at least 80% reuse/recycling by the end of 2006;
- at least 95% reuse/recovery and 85% reuse/recycling by the end of 2015.

***Coding standards/dismantling information***

According to the Producer Responsibility Ordinance, producers shall, in order to facilitate reuse and recycling, provide information on the materials, components and chemical products included in the vehicles that the producer has manufactured in or imported. The producer shall ensure that in accordance with the Vehicle Scrapping Act, vehicle dismantlers have access on reasonable terms to instructions relating to dismantling and drainage.

***Reporting and Information***

According to the Producer Responsibility Ordinance, a producer is responsible for supplying the EPA with information on the way in which collected ELVs are disposed of and any other information the EPA needs in order to check that the reuse and recovery targets have been met.