Exemptions for the use of lead in aluminium alloys for machining purposes, in copper alloys and in certain batteries

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This Commission **Delegated Directive** amends, for the purpose of adapting to technical progress, Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles (the ELV Directive), as regards an exemption for the use of lead in certain applications in aluminium alloys for machining purposes, in copper alloys and in certain batteries.

Background

According to Article 4(2)(a) of Directive 2000/53/EC, Member States will ensure that materials and components of vehicles put on the market after 1 July 2003 do not contain lead, mercury, cadmium or hexavalent chromium. The list of vehicle materials and components exempted from the substance restriction in Article 4(2)(a) is set out in Annex II to Directive 2000/53/EC.

Article 4(2)(b) provides that Annex II will be amended on a regular basis, according to technical and scientific progress. This is to be done by means of delegated acts.

The current exemptions 2(c)(i), 3, and 5(b) in Annex II permit the use of lead in aluminium alloys, copper alloys and in batteries. Annex II to the ELV Directive4 provides that exemptions 2(c)(i), 3, and 5(b) will be reviewed in 2021.

With a view to evaluating these exemptions, the Commission launched a study to carry out the required technical and scientific assessment, including an eight-week online open-ended stakeholder consultation

Content

The draft delegated act results from the procedure provided for in the ELV Directive for the amendment of Annex II for the purpose of adapting it to technical and scientific progress. This delegated Directive grants an exemption from the limitation provided for in Article 4(2) of Directive 2000/53/EC. This exemption, to be included in Annex II of that Directive, allows the use of lead in specific applications.

- **Exemption under entry 2(c)(i) of Annex II concerning aluminium alloys**: technical progress indicates that the use of lead should be phased out by the end of 2027. Therefore, the use of lead is expected to be prolonged and the exemption will be removed from 1 January 2028;

- **Exemption under entry 3 of Annex II for copper alloys**: there are still no suitable alternatives to the use of lead in materials and components covered by this exemption. The use of lead is expected to be prolonged and a review is foreseen in 2025;

- **Exemption in entry 5 b) of Annex II for batteries**: it is planned to introduce two separate items 5 b) i) and 5 b) ii):

(a) **Entry 5(b)(i)** provides for an exemption for the use of lead in batteries used in 12 V applications and for the use of lead in batteries used in 24 V applications in special purpose vehicles as defined in Article 3 of Regulation (EU) 2018/858 of the European Parliament and of the Council, with a review in 2025;

(b) **Entry 5(b)(ii)** provides for an exemption for the use of lead in batteries for other battery applications that are not included in entry 5(a) and entry 5(b)(i)of Annex II to Directive 2000/53/EC. The assessment led to the conclusion that lead-based batteries for those applications are avoidable given the progress made in the development of substitutes to the use of lead in batteries used in such applications. Therefore, an expiry date (end of 2023) is provided for this exemption, that allows phasing out of the use of lead in the batteries concerned.