End-of-life vehicles. ELV Directive

1997/0194(COD) - 29/07/1999 - Council position

The common position adopted by the Commission incorporates in total or partially 20 out of the amendments proposed by the European Parliament in its first reading, 13 of which have not been accepted by the Commission in its amended proposal. Overall, the Council made more precise the requirements for the use of hazardous substances, adapted the scheme for free take-back in order to achieve a more practical solution and provided for the possibility of voluntary agreements as a way to transpose several provisions. More precisely, the amendments introduced by the Council concern the following points : - Objectives: the Council did not consider as an appropriate concept the European Parliament's reference to diffuse emission of pollutants from end-of-life vehicles, but emphasised the improvement in the environmental performance of all the economic operators and not only of the treatment operators; - field of application : regarding the components and materials of vehicles, the Council considered that the reference to service and repair and to components other than those delivered by the producer was unnecessary. Furthermore, it considered that there was no justification to exclude "historic vehicles" from the scope of this Directive. As regards vehicles with two wheels, they are excluded; - waste prevention : the Council retains a more detailed and practical solution to the text proposed by the Commission, and went, in some respect, further than requested by the Parliament: - materials and components of vehicles, put on the market 18 months after the entry into force of the Directive (and not as from 2005), shall not contain the hazardous substances, such as lead, mercury, cadmium or Hexavalent chromium (the mention of dismantling and putting out of service is not maintained), - the new Annex II contains the limit values for the temporary exemptions (which corresponds to the European Parliament's wishes), - these exemptions must be checked on a regular basis : the first check will take place earlier than the Parliament wishes, i.e. no later than 1 (instead of 2 years) after the entry into force of the Directive, - concerning Hexavalent chromium, a higher value may, because of technical reasons, apply until 30 months after the entry into force of the Directive, - collection of vehicles : the Council did not, for reasons of practicability and for economic reasons, include used parts in the requirement to collect end-of-life vehicles. The Council dropped the date of 01.01.2000 as the transfer of end-of-life vehicles can only be implemented as from the implementation of this Directive. A specific measure is also introduced to cover the possibility of eventual claims for financial compensation and the case of Member States which do not have a deregistration system at the date of entry into force of the Directive. As far as the delivery of the vehicle to an authorised treatment facility, the Council came up with the following solution: - the delivery of the vehicle to an authorised facility occurswithout any cost for the last holder and/or owner as a result of the vehicle having no value or a negative market value; - the producer shall meet all or a significant part of the cost; - the delivery is not fully free of charge of the end-of-life vehicle does not contain essential components; - the free take-back is scheduled from 2001 for new vehicles and from 2006 for vehicles already on the market. Treatment: The Council agreed on a more differentiated solution which refers to permits and registration and which resolves the issue of derogations by reference to inspection by competent authorities. It agreed on minimum obligations for treatment operators in particular by adding in Annex I conditions for treatment operators and conditions for the promotion of recycling. Re-use and recovery: The Council did not retain a specific reference to exhaust gases and noise, nor the explicit reference to information on storage and testing of components (it considered that the latter information was covered in Art. 8 on dismantling manuals). It agreed on the targets proposed by the Commission and supported by the Parliament, but preferred the deadlines proposed by the Commission to those advocated by the Parliament. It included a provision on the re-examination of these targets in 2005 at the latest in order to take account of the development of material composition of vehicles and any other relevant environmental aspects related to vehicles by that time. Implementation: Taking into account of positive national experiences, the Member States should be allowed to transpose several provisions of the Directive by voluntary agreements. It made this possibility dependent on several requirements and on the clear condition that the results required by the Directive are achieved.