Proposal for an ELV Regulation - Public Consultation
FEBELAUTO input

27 November 2023

Article 3 – Definitions (15) authorized treatment facility / (21) waste management operator
(15) authorized treatment facility means any establishment or undertaking that is permitted in accordance with Directive 2008/98/EC and this Regulation to carry out collection and treatment of end-of-life vehicles.
(21) waste management operator means any or legal person dealing on a professional basis with the collection and treatment of end-of-life vehicles.

Requested change to Article 3 (15) and (21)
(15) authorized treatment facility means any establishment or undertaking that is permitted in accordance with Directive 2008/98/EC and this Regulation to carry out collection and treatment of end-of-life vehicles, *and is also a waste management operator*.
(21) waste management operator means any or legal person dealing on a professional basis with the collection and treatment of end-of-life vehicles.

Rationale for this change request to Article 3 (15) and (21)
The definitions of authorized treatment facility and waste management operator appear very similar in content, and the two are in practice/reality linked to each other.
From a permitting point of view, an authorized treatment facility, in order to be able to treat - as defined in definition (16) treatment – should by definition also be a waste management operator.

Article 11 – Information on removal and replacement of parts, components and materials present in vehicles

Manufacturers shall provide information on the safe removal and replacement of parts, components and materials contained in vehicles. This information (unrestricted, standardized, non-discriminatory) must be accessible free of charge to waste management operators and repair and maintenance operators.

Requested change to Article 11

Obliges manufacturers to provide information on the safe removal and replacement of parts, components and materials contained in vehicles, *and to provide rescue and emergency response guide information*. This information (unrestricted, standardized, non-discriminatory) must be accessible free of charge to waste management operators and repair and maintenance operators, *and to emergency services*.

Rationale for this change request to Article 11

This does not mean that all information included in the future 'Circularity Vehicle Passport' should be provided as such to emergency services, but at least the information included in the IDIS platform (International Dismantling Information System) should be made available to emergency services.

CTIF, the International Association of Fire and Rescue Services is quite concerned about the limited information that is currently provided to rescue & emergency services on the various challenges of new technology vehicles (especially regarding high performance and high voltage EV-batteries and e-drive motors). The ISO17840 Standard includes a template document for providing information to emergency services by means of rescue sheets for passenger vehicles and heavy duty & busses vehicles, emergency response guide and pictograms to be used. Euro NCAP (the European New Car Assessment Program) is including the use of ISO17840 in their 5-stars scoring system, allowing for OEM's using this ISO standard to get a better safety score. This is done completely in collaboration with CTIF.

Article 13 – Circularity Vehicle Passport

1. From…the first day of the month following 84 months after entry into force of the Regulation, each vehicle placed on the market shall have a circularity vehicle passport.

Requested change to Article 13 – Circularity Vehicle Passport

1. *As of 18 February 2027,* each vehicle placed on the market shall have a circularity vehicle passport.

Rationale for this change request to Article 13

84 months means by the end of 2031 or beginning 2032 at the earliest, too far out. The Battery Passport under Battery Regulation (EU) 2023/1542 shall apply as from 18 February 2027.
It would make a lot of common & practical sense to combine the starting dates of both the battery passport and the circularity vehicle passport.

Article 18 – Producer Responsible Organization & Article 19 – Authorization in fulfilment of extended producer responsibility.

In Art 18 (3) producer responsible organisations shall publish the information on the collection of end-of-life-vehicles and achievement of targets on reuse and recycling, reuse and recovery, and plastic recycling by producers which entrusted the producer responsible organisation *(= collective obligation)*

Requested change to Article 18

Art 18 (3) *Individual producers and* producer responsible organisations shall publish …. the information on the collection of end-of-life-vehicles and achievement of targets on reuse and recycling, reuse and recovery, and plastic recycling by *all* producers, *individual producers or those which entrusted producer responsible organisations.*

Rationale for this change request to Article 18

- In the current proposal, the (collective) PROs must demonstrate achievement of the targets. Individual schemes do not have that responsibility. This is in contradiction to the wording of the Waste Framework Directive, where this obligation in WFD Art 8a(3e) applies to all EPR schemes.
- Article 19(2) applies to all EPR schemes, regardless if collective or individual. Article 19(3) indicates that Member States shall provide details of a registration procedure and determine modalities for compliance by individual or collective systems.
- The fulfilment of the producer responsibility, whether individual or public should have a public character in order for consumers to know how a certain brand takes up that responsibility. Therefore, clarify in Article 18, that the responsibilities are equal for individual as for collective systems.

Article 21 – Fee Modulation

In case of collective fulfilment of extended producer responsibility obligations, producer responsibility organizations shall ensure that the financial contributions paid to them by producers are modulated by taking into account….

Requested change to Article 21

In case of collective fulfilment of extended producer responsibility obligations, producer responsibility organizations shall ensure that the financial contributions paid to them by producers *can be* modulated by taking into account….

Rationale for this change request to Article 21

- That decision should be left to a negotiation between the Competent Authority in the Member State and the producer responsibility organization based on the market conditions and/or legal requirements in that Member State.
- A fee modulation is acceptable to differentiate between a passenger vehicle and a heavy truck or bus, or between certain models from a same brand (small car versus SUV).
- In the Waste Framework Directive (WFD) under Art 8a(4) and Art 8(5) there is the obligation to take into account a number of criteria in setting a fee amount. In the ELV proposal the criteria are extended, for example with the criteria 'weight'. For recycling purpose, the heavier the more economical interesting. But this is not the same for the CO2 calculation or for example the public opinion regarding SUV's.
- Does a modulated fee make sense if it does not have an impact on the eco-design of the vehicle or the purchase behavior of the consumer. The fee is only restricted to the purchase of a new vehicle, regardless the price of the vehicle.
- Is a modulated fee the correct political instrument as the consumer will not adapt his/her purchase behavior because of a few Euro's.
- It is expected that a fee modulation will create additional administrative burdens (IT-system requirements, bookkeeping, more complex control mechanism).
- One should also take into account the 'proportionality principle': is a modulated fee versus one fixed fee in proportion to the extra costs for the modulation? What is the additional benefit from a modulated versus a fixed fee?

Article 23 – Collection of end-of-life vehicles
4. (c) guarantee that all collected end-of-life vehicles are transferred to an authorized treatment facility within one year from receipt of the end-of-life vehicle;

Requested change to Article 23
4. (c) guarantee that all collected end-of-life vehicles are transferred to an authorized treatment facility within *three months* from receipt of the end-of-life vehicle;

Rationale for this change request to Article 23
The period of one year is far too long.
Actual practices in the field have demonstrated – including time to handle all the paperwork – that three months is an acceptable period.
For electric vehicles equipped with high voltage EV batteries, it is for safety considerations recommended to transfer such type of ELV from a collection point as quickly as possible to a safer location at an authorized treatment facility.

Article 24 – Delivery of end-of-life vehicles to authorized treatment facilities

2. Delivery of an end-of-life vehicle to an authorized treatment facility shall be free of charge for the last owner of a vehicle unless the end-of-life vehicle lacks any of the essential vehicle parts or components, except the electric vehicle battery, or contains waste which has been added to the end-of-life vehicle.

Requested change to Article 24

2. Delivery of an end-of-life vehicle to an authorized treatment facility shall be free of charge for the last owner of a vehicle unless the end-of-life vehicle lacks any of the essential vehicle parts or components, ~~*except the electric vehicle battery,*~~ or contains waste which has been added to the end-of-life vehicle.

Rationale for this change request to Article 24

1. If the ELV is not complete, it should not be free of charge.
2. Recital (54) indicates that under the Battery Regulation (EU) 2023/1542 **all** batteries incorporated in vehicles are to be separately removed from an end-of-life vehicle and stored in a designated area for further treatment.
3. Most of the time, the last owner does not have the expertise and tooling necessary to remove the electric vehicle battery – this can/should only be done by a trained and experienced professional at an authorized treatment facility.
4. Avoid 'missing batteries' taken out of the legal loop through cherry-picking, making it more difficult for PRO's and Competent Authorities to monitor the flow of the electric vehicle batteries.

Article 28. General Requirements for shredding.

3.Waste management operators conducting shredding of end-of-life vehicles shall not mix end-of-life vehicles, their parts, components and materials with packaging waste and waste electrical and electronic equipment.

Requested change to Article 28.

~~3.Waste management operators conducting shredding of end-of-life vehicles shall not mix end-of-life vehicles, their parts, components and materials with packaging waste and waste electrical and electronic equipment.~~

Request to delete this paragraph.

Rationale for this change request to Article 28.

- Shredding operates only in an efficient and effective way when a constant input flow of mixed & different materials enter the shredding process.
- It is also the most economical way to shred.
- Separating end-of-life vehicles from other waste streams is not possible at any shredder operation. This can only be done for specific shredder trials which happen once in a while in a Member State in order to demonstrate the effectiveness of a certain shredding technology, that a certain make or batch of vehicles is being processed.
- What is the purpose behind this proposal? All end-of-life vehicles are mixed anyway, different makes, different models.
- Does this mean that all waste part, components and materials of end-of-life vehicles need to be shredded separately, even after removal?
- Does this mean that all waste packaging waste needs to be shredded separately?
- Does this mean that all waste electrical and electronic equipment needs to be shredded separately?
- If safety concerns, or fire risks at the shredding installation is an argument, other precautions can be taken at the shredder site to reduce incidents/accidents: the removal of all liquids and batteries from the end-of-life vehicle as one example, which is anyway a legal requirement.

Article 31.1. – Requirements concerning the removed parts and components
All parts and components that have been removed from and end-of-life vehicle pursuant to Article 30(1), shall be assessed to determine whether they are fit for: …..

Requested change to Article 31.1.
All parts and components that have been removed from and end-of-life vehicle pursuant to Article 30(1), shall be assessed *by an Authorized Treatment Facility* to determine whether they are fit for: …..

Rationale for this change request to Article 31.1.
Expertise, tooling, equipment, personal safety wear, replacement market & technical knowledge, training are only a few of the requirements an authorized treatment facility has to fulfil in order to become an authorized facility. Add to this, the regular permitting updates and requirements, the inspections by the producer responsible organizations and/or competent authorities.
Illegal operators do not fulfil these obligations and requirements at all.

Article 32. Trade of used, remanufactured or refurbished parts and components.
As of…..any person trading used, remanufactured or refurbished spare parts and components shall, at the point of sale:

(a) Ensure that parts and components are labelled…
(b) Provide a warranty…

Requested change to Article 32. Trade of used, remanufactured or refurbished parts and components.
As of…..*only the authorized treatment facility can* trade *the parts and components removed from the end-of-life vehicle for further* use, remanufacturing or refurbishing. *The entity placing these used, remanufactured or refurbished parts on the market shall*, at the point of sale:

(a) Ensure that parts and components are labelled…
(b) Provide a warranty…

Rationale for this change request to Article 32. Trade of used, remanufactured or refurbished parts and components.

- As in Article 31.1. the authorized treatment facility is entitled to conduct the assessment to determine whether parts & components are fit for use, remanufacturing or refurbishment, it should be logical that only the authorized treatment facility can trade these parts and components which he assessed.
- The trade concerns the parts and components from dismantled end-of-life vehicles. It should be only the authorized treatment facility that can dismantle end-of-life vehicles, hence it should be only the authorized treatment facility that can trade parts and components arising from end-of-life vehicles.
- In Article 31, the understanding is that only the authorized treatment facility can assess whether a part or component is suitable for further trade.
- The authorized treatment facility can trade these removed parts with specialized companies for reuse, remanufacturing or refurbishment. These entities have to ensure that at the point of sale these parts and components are properly labelled and have a warranty.
- This is also to avoid that competent authorized would not know who does what exactly, and this could lead to the possibilities for illegal operations.

Article 46.1. Inspections
Member Stated shall for the purpose of enforcing this Regulation, inspect: ….

Requested change to Article 46.1.
Member Stated shall for the purpose of enforcing this Regulation, *and with the focus on illegal operators*, inspect:….

Rationale for this change request to Article 46.1.
Authorized treatment facilities under contract and monitored by the PRO and the competent authorities, repair and maintenance operators from official vehicle importers, permitted and licensed waste management operators already undergo regular checks and inspections by instances and authorities.
The problem is with the illegal operators who do not respect the legislative requirements regarding this Regulation.

Annex I – Criteria for determination whether a used vehicle is an end-of-life vehicle. Part A. 3(a) criteria for assessment of reparability of vehicles.

3. A vehicle may be considered technically irreparable when:
   (a) It has been submerged in water to a level below the dashboard, and damaged the engine or electric system.

Requested change to Annex I, Part A, 3(a):

3. A vehicle may be considered technically irreparable when:
   (a) It has been submerged in water *to the seat level.*

Rationale for this change request to Annex I, Part A, 3(a):

- Technical and practical experience during the floods in Wallonia/Belgium in July 2021 has demonstrated that once the seat level has been submerged by water, the vehicle is considered total loss.
- In the Flemish VLAREMA legislation, the seat level has been identified as a point of irreparability of the vehicle.

Annex I – Criteria for determination whether a used vehicle is an end-of-life vehicle. Part A.3. criteria for assessment of reparability of vehicles.
If one of those conditions is met, an individual technical assessment shall be carried out in order to assess if the technical status of a vehicle would be sufficient to obtain a roadworthiness certificate in the Member State where the vehicle was registered for repair.

Requested change to Annex I, Part A, 3:
If one of those conditions is met, an individual technical assessment shall be carried out *by an official roadworthiness control authority (technical inspection)* in order to assess if the technical status of a vehicle would be sufficient to obtain a roadworthiness certificate in the Member State where the vehicle was registered for repair.

Rationale for this change request to Annex I, Part A, 3:
The meaning of an individual technical assessment is not clear (what does such assessment encompasses), and it is also not clear who should conduct this individual technical assessment. Part B (c) refers to a national technical roadworthiness test. Therefore, it makes sense to include it in the text.

Annex VII Treatment requirements. Part B. Minimum requirements for depollution. 1. (b) motor oil (c) transmission oil (d) gearbox oil (e) hydraulic oil
The following fluids and liquids shall be removed from the end-of-life vehicle, unless they are necessary for the re-use of the parts concerned:…..
The collection containers shall be labelled to indicate the type of liquid that is contained with them and stored separately from each other in a secured location,…

Requested change to Annex VII Treatment requirements. Part B. Minimum requirements for depollution. 1. (b) motor oil (c) transmission oil (d) gearbox oil (e) hydraulic oil
The following fluids and liquids shall be removed from the end-of-life vehicle, unless they are necessary for the re-use of the parts concerned:…..
The collection containers shall be labelled to indicate the type of liquid that is contained with them and stored separately *(with the exception that motor oil, transmission oil, gearbox oil, hydraulic oil can be stored together)* from each other in a secured location,…

Rationale for this change request to Annex VII Treatment requirements. Part B. Minimum requirements for depollution. 1. (b) motor oil (c) transmission oil (d) gearbox oil (e) hydraulic oil
In most markets it is common practice that these concerned oils are being collected together, hence also stored together.

Annex VII Treatment requirements. Part B. Minimum requirements for depollution. 3.
The following information on the depollution of the end-of-life vehicles shall be recorded:…

Requested change to Annex VII Treatment requirements. Part B. Minimum requirements for depollution. 3.
The following information on the depollution of the end-of-life vehicles shall be recorded *on an annual basis*: …

Rationale for this change request to Annex VII Treatment requirements. Part B. Minimum requirements for depollution. 3.
It is unclear in the text when the recording needs to be done: daily, weekly, monthly, yearly. From discussions we learned that the intention of this is to have an annual recording. Otherwise, this would become an administrative burden.

Annex VII Treatment requirements. Part C. Mandatory removal of parts and components from end-of-life vehicles. Entry 7.
7. Windshields, rear and side windows made of glass;

Requested change to Annex VII Treatment requirements. Part C. Mandatory removal of parts and components from end-of-life vehicles. Entry 7.
Request not to insist on a mandatory removal of glass: Deleted this point 7. Windshields, rear and side windows made of glass.

Rationale for this change request to Annex VII Treatment requirements. Part C. Mandatory removal of parts and components from end-of-life vehicles. Entry 7.

- Allow to separate glass in PST: study in the past has clearly demonstrated that there is no market for glass. The glass industry is not interested. Glass isolation or glass wool has enough sourcing.
- The risk is that mandatory removal of glass will create an artificial market.
- The risk is that mandatory removal will be more expensive than leaving the glass to be shredded. The manual dismantling cost is high and no ATF is really eager to dismantle glass. Years of experience with Dutch ATF's who dismantled glass confirm that there is a lot of glass waste remaining and therefore see no added value to the process of manual dismantling.
- From an environmental perspective, there is the additional emissions (CO2) cost to transport the glass from the ATF to the glass recycler, compared to the treatment of glass at the shredder/PST location.
- AGC Glass Europe has confirmed that car glass manufacturers will never take the risk to add glass in their production process coming from post-consumer recycling. The financial risks and strict quality conditions will not allow for that. This specific glass-industry can use production waste (pre-consumer waste), but never post-consumer waste.

Article 30. Mandatory removal of parts and components for reuse and recycling prior to shredding. 2.
Paragraph I shall not apply if an authorized treatment facility demonstrates that post-shredding technologies separates materials from parts and components listed in Part C, entries 13 to 19, of Annex VII, as efficiently as manual dismantling processes or semi-automated disassembly processes.

Annex VII Treatment requirements. Part C. Mandatory removal of parts and components from end-of-life vehicles.

1. Electric vehicle batteries;
2. E-drive motors, including their casings and any associated control units, wiring, and other parts, components and materials;;
3. SLI batteries as defined in Article 3, point (12), of Regulation (EU) 2023/****[on batteries and waste batteries];
4. Engines;
5. Catalytic converters;
6. Gear boxes;
7. Windshields, rear and side windows made of glass;
8. Wheels;
9. Tyres;
10. Dashboards;
11. Directly accessible parts of the infotainment system, including sound, navigation, and multimedia controllers, including displays of a surface greater than 100 square centimetres;
12. Headlights, including their actuators;
13. Wire harnesses;
14. Bumpers;
15. Fluid containers;
16. Heat exchangers;
17. Any other mono-material metal components, heavier than 10 kg;
18. Any other mono-material plastic components, heavier than 10 kg;
19. Electrical and electronic components:
    (a) inverters of the electric vehicles;
    (b) printed circuit boards with a surface area, larger than 10 cm^2;
    (c) photo-voltaic (PV) panels with a surface area, larger than 0.2 m^2;
    (d) control modules and valve boxes for the automatic transmission.

Requested change to Annex VII Treatment requirements. Part C. Mandatory removal of parts and components from end-of-life vehicles.
Paragraph I shall not apply if an authorized treatment facility demonstrates that post-shredding technologies separates materials from parts and components listed in Part C, *entries 4 to 8 and 10 to 19*, of Annex VII, as efficiently as manual dismantling processes or semi-automated disassembly processes.

Rationale for this change request to Annex VII Treatment requirements. Part C. Mandatory removal of parts and components from end-of-life vehicles.

1. The risk remains that if we will end-up in the EU with heaps of separated bumpers (14), dashboards (10), and other separated components.
2. The EU Commission indicates that Art27(3) aims to have parts and components with a reuse potential to be removed prior to shredding or compacting in a non-destructive manner (as Art 27(4) – 'respecting the waste hierarchy' indicates). This

does not imply, that in case there is no reuse potential, that the Annex VII - Part C components can be shredded. Only that they can be removed prior to shredding/ compacting in destructive manners.

3. If parts and components are removed from the end-of-life vehicle, and there is no reuse potential for them, and they are not to be shredded, what will be the result (benefit) for this: heaps of parts and components. What will happen to that scrap.
4. For economic reasons, it is not always possible to remove parts and components: for vehicle brands no longer marketed (ie. Saab) there's hardly a market for replacements parts. For vehicles who are no longer allowed in certain areas (LEZ in cities) the demand for parts will also decline rapidly.
5. Recital (55) indicates: To stimulate progress in technologies for dismantling, sorting, shredding and post-shredding, it should be possible to deviate from the requirement on mandatory removal of parts and components in certain exceptional cases. It should be demonstrated the parts and components concerned can be removed as effectively with those technologies than as with manual or semi-automated processes and without lowering the quality of the resulting treatment fractions.
6. It is therefore necessary that without further delay a delegated act should be published to clarify this issue: In order to take into account technical and scientific progress, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending Annex VII.