

Public Consultation on potential measures to improve the implementation of certain aspects of the Directive on end-of life vehicles, with emphasis on ELVs of unknown whereabouts

Questionnaire

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Glossary and Abbreviations

ATF	Authorised Treatment Facility, as defined in the ELV Directive
CoD	Certificate of Destruction, as defined in the ELV Directive
COMEXT	Statistical database on trade of goods managed by Eurostat
<i>Commission Decision on annual ELV reporting</i>	<i>Commission Decision 2005/293/EC of 1 April 2005 laying down detailed rules on the monitoring of the reuse/ recovery and reuse/ recycling targets set out in Directive 2000/53/EC of the European Parliament and of the Council on end-of life vehicles</i>
<i>Council Directive 1999/37/EC</i>	<i>Council Directive 1999/37/EC on the registration documents for vehicles</i>
<i>Directive 2014/46/EU</i>	<i>Directive 2014/46/EU of the European Parliament and of the Council of 3 April 2014 amending Council Directive 1999/37/EC on the registration documents for vehicles</i>
EC	European Commission
ELV	End-of life vehicle, as defined in the ELV Directive
ELV Directive	<i>Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles</i>
EUCARIS	European Vehicle and Driving Licence Information System
EU	European Union consisting of 28 Member States
Export / Import of used vehicles	A vehicle running in a foreign country with registration plates from the country of origin is not considered as exported unless it is re-registered in the country of destination. Most MS apply the rule that all residents must register their vehicles in the country of their main residence.
Extra-EU trade	Refers to transactions with all countries outside of the EU: the rest of the world except for the EU.
FTS	Foreign Trade Statistics
IDIS	International Dismantling Information System
IMPEL	European Union Network for the Implementation and Enforcement of Environmental Law
Intra-EU trade	Refers to transactions occurring within the EU.
LoW	List of waste
MS	Member State of the European Union; currently 28
POPs	Persistent organic pollutants
Registration/ de-registration/ re-registration	These terms are not applied in the same manner across the EU and within different domains (e.g. vehicle registration according to Article 3(1) of <i>Council Directive 1999/37/EC</i> and ELV treatment according to Article 5(3) of <i>Directive 2000/53/EC</i>). Definitions for the purpose of this questionnaire:

- ‘Registration’ should be understood as *the administrative authorisation for the entry into service in road traffic of a vehicle, involving the identification of the latter and the issuing to it of a serial number, to be known as the registration number*¹. ‘Registration’ is applied for the first registration of a vehicle;
- ‘Re-registration’ is applied for two cases: 1) when a vehicle is temporarily de-registered (see below) and registered again in the same country; 2) when a vehicle is transferred to another country and re-registered in this new country.
- ‘De-registration’ should be understood as a ‘cancellation of a registration’, which means *the cancellation of a Member State’s authorisation for a vehicle to be used in road traffic*².
- ‘Temporary de-registration’³ means that a vehicle is temporarily (for certain limited time) either fully or in limited manner not permitted to be used in road traffic. ‘Temporary de-registration’ is typically applied by dealers when they keep used vehicles on private ground (in this case vehicles may obtain special dealer plates) but also can be applied by private person in order to avoid paying tax for a vehicle when the vehicle is not in use
- ‘Permanent cancellation of registration’ occurs when a vehicle *has been treated as an ELV*⁴. A *Certificate of Destruction (CoD)* is a condition for de-registration of the ELV⁵. ‘Final de-registration’ is used as a synonym term.

Regulation (EC)
No. 1013/2006

Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste

Vehicle parc

European vehicle stock or vehicle fleet, vehicle fleet is sometimes used differently for the vehicles of a (transport) company.

¹ Article 2(b) of *Council Directive 1999/37/EC*; OJ L 138, 1.6.1999, p. 57

² Article 2(f) of *Council Directive 1999/37/EC*; OJ L 138, 1.6.1999, p. 57

³ Recital 17 of the ELV Directive; OJ L 269, 21.10.2000, p. 34: *This Directive does not prevent Member States from granting, where appropriate, temporary de-registrations of vehicles.* However, the term ‘de-registration’ is not defined in *Council Directive 1999/37/EC*; OJ L 138, 1.6.1999, p. 57

⁴ Article 3a(3) of *Council Directive 1999/37/EC*; OJ L 138, 1.6.1999, p. 57

⁵ Article 5(3) of the ELV Directive; OJ L 269, 21.10.2000, p. 34

I. Introduction

Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (subsequently “ELV Directive”)⁶ aims to make end-of life vehicle (ELV) dismantling and recycling more environmentally friendly⁷. The ELV Directive stipulates targets for reuse, recycling and recovery of ELVs and their components. It also defines the requirements on how to establish producer responsibility in this field, and it determines minimum technical requirements for treatment standards. Among other, it establishes a framework for producers to manufacture new vehicles free of hazardous substances (in particular lead, mercury, cadmium and hexavalent chromium), thus promoting the reuse, recyclability and recovery of waste vehicles.

Article 5(3) of the ELV Directive states that Member States (MS) shall set up a system for the collection, treatment and recovery of end-of life vehicles, according to which the presentation of a Certificate of Destruction (CoD) is a condition for de-registration. This CoD shall be issued to the ELV’s owner once the vehicle has been transferred to an Authorised Treatment Facility (ATF) for storage and treatment (e.g. dismantling and depollution). Additionally, MS shall take the necessary measures to ensure that their competent authorities mutually recognise and accept the CoD issued by other MS.

Article 6 and Annex I to the ELV Directive provide the administrative and environmental requirements for ATF operation and ELV treatment.

Article 3 of the *Commission Decision 2005/293/EC of 1 April 2005 laying down detailed rules on the monitoring of the reuse/recovery and reuse/recycling targets set out in Directive 2000/53/EC of the European Parliament and of the Council on end-of life vehicles* (subsequently “Commission Decision on annual ELV reporting”)⁸, requires Member States to provide the annual breakdown of their (a) current national vehicle market and (b) the ELVs in their territory.

As seen from assessments performed for the Commission covering years 2008⁹, 2009¹⁰, 2012¹¹ and 2013¹¹, approximately **3.4 to 4.6 million vehicles per year** are not reported; they are neither registered as part of the European vehicle stock (also called “vehicle parc”), nor as vehicles exported from the EU (termed extra EU-Export in COMEXT), nor as ELVs (Eurostat). Vehicles under Eurostat’s ELV listing are treated properly in ATFs, as the ELV Directive envisaged. The assessments also stated that the majority of the vehicles of

⁶ OJ L 269, 21.10.2000, p. 34

⁷ According to the “Recital no. 1” in the ELV Directive (OJ L 269, 21.10.2000, p. 34): “The different national measures concerning end-of life vehicles should be harmonised in order, first, to minimise the impact of end-of life vehicles on the environment, thus contributing to the protection, preservation and improvement of the quality of the environment and energy conservation, and, second, to ensure the smooth operation of the internal market and avoid distortions of competition in the Community.”

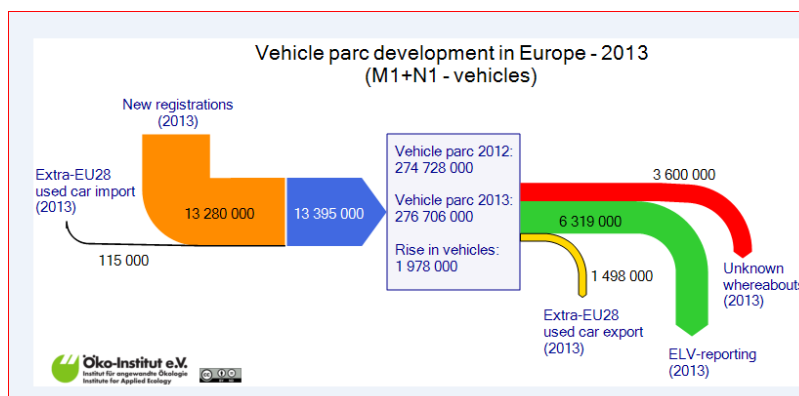
⁸ OJ L 94, 13.4.2005, p. 30–33

⁹ European second-hand car market analysis (2011):
http://ec.europa.eu/clima/policies/transport/vehicles/cars/studies_en.htm

¹⁰ Merz, C.; Mehlhart, G.: Import und Export von Gebrauchtfahrzeugen in Europa, in: Recycling und Rohstoffe - Band 5, Hrsg: K. J. Thomé-Kozmiensky, D. Goldmann, TK Verlag Karl Thomé-Kozmiensky; 2012, p. 639-658

¹¹ These updated values are preliminary results of a currently running assessment study for the European Commission. They were presented during the 16th International Automobile Recycling Congress IARC 2016 by the Commission (<http://www.icm.ch/iarc-past-events>) and additionally are available in the [document](#): “Assessment of current situation of ELVs with unknown whereabouts – preliminary results”

unknown whereabouts should be considered as illegally scrapped or stored within the EU⁹. The figure below displays the numbers reported for the year 2013.



Reacting to these findings, the European Commission (EC) and the MS have initiated several initiatives and measures to improve the ELV Directive implementation and enforcement. For example, the Commission published the *Correspondents' Guidelines No 9 on shipment of waste vehicles*¹², which was agreed upon by the Waste Shipment Correspondents and has been in use from 1 September 2011. Furthermore, the Commission published the *Guidelines on Reporting*¹³ on ELVs for the MS, according to the Commission Decision on ELV annual reporting.

However, some issues still remain challenging and risk compromising the achievement of certain ELV Directive objectives, in particular the dismantling of ELVs by illegal facilities. The Commission has received complaints raising concerns as to the environmental impact of 'missing vehicles' as well as in relation to distortions of the level playing field for the commercial ELV management across Europe.

ELVs, when not depolluted or treated, are classified as hazardous waste for various reasons. Firstly, spilled or burned engine oil and unsafe FCHC handling from air conditioners can cause particular environmental and human health concerns. About 6 to 12 litres of liquids (other than fuels) are normally separated during the ELV depollution process per vehicle. Calculated from the EU's 3.4 to 4.6 million vehicles of unknown whereabouts, between 20 and 55.2 million litres of hazardous non-fuel liquids are unaccounted for. Furthermore, unsafe handling of the acid from lead-acid batteries and unsafe treatment, e.g. burning of plastics from ELVs, also pose grave concerns.

Because of the high number of EU vehicles of unknown whereabouts, whose materials and content may be valuable and can potentially cause significant environmental harm without proper treatment, the Commission aims to further investigate the reasons for missing ELVs within the EU.

¹² Correspondents' Guidelines No 9 on shipment of waste vehicles
<http://ec.europa.eu/environment/waste/shipments/guidance.htm>

¹³ How to report on end-of-life vehicles according to Commission Decision 2005/293/EC
<http://ec.europa.eu/eurostat/web/waste/reporting/2015>

Three domains have been identified as sources that might explain to some degree the identified gap of 3.4 to 4.6 million vehicles of unknown whereabouts:

- A. Intra-EU trade, where the national vehicle registration authorities lose trace of the vehicles.
- B. Extra-EU export, where exporting used vehicles (perhaps including ELVs) is not reported to national registration authorities.
- C. Dismantling (perhaps including depollution) occurring within the EU but not reported, presumably done illegally in unauthorised treatment facilities.

Some of the operations in the aforementioned domains are obviously illegal, like dismantling within the EU in unauthorised treatment facilities, and therefore require further enforcement.

The three domains above are addressed in the following sections of this study's questionnaire:

Section 1: Keeping track of vehicles within the EU (intra-EU trade)

Section 2: Methods to achieve more complete reporting on extra-EU export and ways to distinguish between exporting ELVs vs. used vehicles

Section 3: Enforcement techniques to reduce illegal dismantling of ELVs at dealers and repair shops (garages) and actions to improve ATF compliance

In this context it might also be of interest to assess options to improve public awareness and to establish incentive mechanisms that support full enforcement of the ELV Directive's objectives. These aspects are addressed in the following section:

Section 4: Public awareness and incentives for ELV tracking and environmental risks

The Commission addressed some of the issues identified in the Section 0 to 6 in a possible revision of the *Commission Decision* on ELV annual reporting. Therefore, the questionnaire includes a section enquiring about key aspects that should be addressed in a possible revision of this Decision:

Section 5: Aspects to improve coverage and data quality when reporting on ELVs (possible revision of the *Commission Decision 2005/293/EC*)

Lastly, Section 6 addresses potentially harmonising the definitions and aspects that pertain to handling persistent organic pollutants (POPs) in ELV components, as addressed in the ELV Directive and the Waste Framework Directive.

Respondents to the questionnaire are provided with the following notice:

In order to participate in this public consultation, please use the online survey accessible through the [link](#).

The software will lead you through each section of the survey. The "Question index" menu at the top allows you to navigate to different sections. You may skip any numbered sections you feel are not relevant.

*The survey software allows storing your answers and permits you to **resume later**, in case you cannot complete the survey in one sitting or if your computer crashes.*

*A **cookie** will be saved to your computer once you submit a survey. This cookie will block one user from multiple attempts to respond to the survey. **Hence, please note that once you submit the survey at your computer, it will not be possible to open the survey again.***

*The survey is designed to collect **contributors' identities**, including name, company and email. You can indicate if you wish your contribution to be anonymous. **Please note that an anonymous contribution may not be considered in the final results of the survey.***

*The **survey results** will be published on the [public consultation's website](#) and on 'Your Voice in Europe' within 4 months after the launch of this public stakeholder consultation (expected to be available in October 2016). If you would like to be notified when the results are published, please [report](#) your interest.*

Please do not hesitate to contact us at elv.whereabouts@oeko.de for clarifications or if you require help completing the questionnaire.

This public consultation is run by Oeko-Institut e.V.

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II. Personal information

In what capacity are you responding to this consultation?

(Please select one option from the drop-down list below)

As a European Citizen

As a representative of a public authority (i.e. a Member State or a regional or local competent authority)

As an industry, not-for-profit, or academic organisation (i.e. all other stakeholders)

If “European Citizen”:

First name

Surname

Email address

In which country do you live?

If “Representative of a public authority – Member State, regional or local competent authority”

First name

Surname

Email address

What is the full name of the public authority/ body for which you are responding?

In which country are you based?

How many inhabitants does your organisation represent?

If “industry, not-for-profit, or academic organisation (i.e. all other stakeholders)”

First name

Surname

Email address

What type of organisation do you represent?

(Please select one option from this drop-down list)

An industry trade body/ organisation

Industry representative

A not-for-profit/ non-governmental organisation

An academic institution

Other

If “Other”, please specify:

Company or organisation name

In which European country is your head office based?

Is your organisation registered in the Transparency Register of the European Commission?

Yes

No

If yes, please indicate the identification number¹⁴.

See [Personal Data](#) to view the Commission’s guidelines regarding how your personal data is protected. Your data is subject to the following Specific Privacy Statement:

Please note that received contributions, together with the identity of the contributor, may be published on the Internet, unless the contributor objects to publication of the personal data on the grounds that such publication would harm his or her legitimate interests. In this case the contribution may be published in anonymous form.

¹⁴ The Transparency Register of the European Commission is accessible on: http://europa.eu/transparency-register/index_en.htm

Please indicate your preference for the publication of your response on the Commission's website:

Note that whatever option is chosen, your contribution may still be subject to requests for 'access to documents' under Regulation 1049/2001¹⁵.

Please indicate in the survey if you agree to publish your contribution on the internet, including your personal information / name of my organisation.

Please indicate in the survey if you wish your contribution to be published anonymously.

Please indicate in the survey if you do not agree to publish your contribution on the internet.

¹⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3A14546>

1. Keeping track of vehicles within the EU (intra-EU trade)

1.1. Background information

Each Member State of the EU 28 maintains its own national vehicle registration system. Currently, neither the registration procedure nor the vehicle registries are regulated at an EU level and, therefore, they are not harmonized. *Council Directive 1999/37/EC*¹⁶, defines a minimum content for the electronic vehicle registers becoming applicable as of 20 May 2018.

Article 5(2) of *Council Directive 1999/37/EC* stipulates that:

With a view to re-registering a vehicle previously registered in another Member State, the competent authorities shall require the submission of Part I of the previous registration certificate in every case and the submission of Part II if it was issued. These authorities shall withdraw the part(s) of the previous registration certificate submitted and shall keep the latter for a minimum of six months. They shall, within two months, inform the authorities of the Member State which delivered the certificate of its withdrawal. They shall return the certificate which they have withdrawn to those authorities if they so request within six months of its withdrawal.

However, **national vehicle registration authorities are not obliged to report on this export/ import of used vehicles within the EU.** The Foreign Trade Statistics (FTS) for intra-EU trade, based on reports from enterprises, is hampered by high reporting thresholds and is therefore not a relevant source¹⁷. As a result, most of the national competent authorities for ELV reporting have no information on intra-EU export/ import of used vehicles at hand, even if such information should be available to vehicle registration authorities.

For vehicles that are exported within the EU and de-registered in the country of origin, but never re-registered, the situation is different. When these vehicles are no longer (economically) repairable, they become ELVs. In these cases, the ELV Directive stipulates that these vehicles should be depolluted and dismantled in an Authorised Treatment Facility (ATF). The ATF should hand out the Certificate of Destruction (CoD) to the holder/ owner. CoDs are rarely issued for such imported vehicles, and in only very few cases they are sent to the competent authorities where the vehicle was last registered.

EReg, the Association of European Vehicle and Driver Registration Authorities, addressed implementing the ELV directive in the EReg Topic Group III and prepared a final report on end-of life vehicles¹⁸. Among other points, **the report recommended establishing a better information exchange between national authorities using the European Vehicle and**

¹⁶ OJ L 138, 1.6.1999, p. 57–65, amended by *Directive 2014/46/EU of the European Parliament and of the Council of 3 April 2014 amending Council Directive 1999/37/EC on the registration documents for vehicles*, OJ L 127, 29.4.2014, p. 129–133

¹⁷ European second-hand car market analysis (2011):
http://ec.europa.eu/clima/policies/transport/vehicles/cars/studies_en.htm

¹⁸ Rose, L., Pullen F. (2009): EReg Topic Group III, Vehicle end-of-life, Final V1.0, Association of European Vehicle and Driver Registration Authorities 24 July 2009; <https://www.ereg-association.eu/publication>; accessed 12 May 2016

Driving Licence Information System¹⁹ (EUCARIS) software application. A number of Member States apply the data exchange, but it is not obligatory.

1.2. Key issue

Information on export/ import of used vehicles is necessary to validate the reported numbers of treated ELVs in the Member States. The majority of the competent authorities for reporting on ELV are, for various reasons, not able to report on export/ import of used vehicles within the EU, even if data is available to the national registration authorities (e.g. in cases where the vehicle is re-registered in the country of destination). When a used vehicle is exported and later dismantled without being re-registered in the country of destination, it is difficult to keep track of such vehicles.

1.3. Suggestions

This section considers suggestions, listed below in no particular order, to address the issues relevant to 'missing vehicles'.

Please rate each suggestion on a scale of 1 to 5, where 1 indicates your strong support for the suggestion and that it should be seriously considered and 5 indicates a suggestion you believe not worth further consideration. Please note that this is not a ranking exercise; you may give the same score to more than one option. You may also opt to not rate specific suggestions.

- A. MS should report on their export/ import of used vehicles based on the data exchange of the competent authorities, as stipulated in Article 5(2) of *Council Directive 1999/37/EC*.
- B. Because a de-registered vehicle at its end-of life is hazardous waste (European List of Waste Code 16 01 04*) and needs to be treated accordingly, it is necessary to trace the owner responsible for such waste. It should be obligatory to register change in ownership, even if the vehicle is no longer registered for public roads. This is the case until the vehicle is either exported as a used vehicle or until a CoD is issued.
- C. In order to de-register a vehicle, the owner is obliged to submit documents that demonstrate its sale or legal dismantling (an issued CoD).
- D. When a vehicle is de-registered, exported and then dismantled in the receiving Member State but not re-registered, the dismantling must be done in an ATF. The ATF should be obliged to issue a CoD and send it to the responsible authority/

¹⁹ EUCARIS: an exchange mechanism (not a database) that connects the Vehicle and Driving Licence Registration Authorities in Europe, was developed by and for governmental authorities and, among other issues, supports the fight against vehicle theft and registration fraud. EUCARIS was started in 1994 as a co-operation among national registration authorities from five European countries to fight international vehicle crime and to counteract "driving licence tourism" by means of exchanging vehicle and driving licence information between its members. The international co-operation has been formalised in the multilateral EUCARIS Treaty on 29 June 2000 in Luxembourg, signed by Belgium, Germany, Luxembourg, the Netherlands and the United Kingdom. On 1 May 2009 the Treaty formally entered into force. Since then, other States have also gained access to the cooperation network and have acceded to the Treaty. (<https://www.eucaris.net>)

national vehicle register, which would be obliged to forward the CoD to the Member State where it was last registered.

- E. Temporary de-registration must be accompanied by information on the fate of the vehicle (e.g. by the vehicle owner's declaration of intent to sell, export or store the vehicle, or that there is no intention to dispose of the vehicle).
- F. The owner of a vehicle that is temporarily de-registered or flagged as, for example, "insurance missing" or "tax not paid", should be obliged to issue an annual statement about the status of the vehicle. In cases where such statements have not been issued, a fine could be imposed on the owner/ holder.
- G. Member States should be encouraged to establish fees or refund systems to support the treatment of ELVs in ATFs. For instance, the UK and Cyprus keep annual road vehicle taxation unless a CoD has been delivered.

If you know of other important solutions that you strongly support, please describe up to three additional solutions in the text fields below. Please ensure that you only enter one clearly defined issue per line.

1. Additional proposal
2. Additional proposal
3. Additional proposal

2. Methods to achieve more complete reporting on extra-EU export and ways to distinguish between exporting ELVs vs. used vehicles

2.1. Background information

Extra-EU export typically refers to EU transactions with all countries outside of the EU, i.e. the rest of the world except for the European Union. Different cases may be distinguished, as presented in the following tables.

Table 1: Extra-EU export/ import of used vehicles, absolute count²⁰

Year	Import	Export
2008	253 808	1 016 415
2009	130 207	905 633
2010	138 009	1 003 532
2011	141 209	1 387 896
2012	90 232	1 631 148
2013	114 546	1 497 640
2014	136 328	1 153 646
2015	139 456	947 055

Information derived from waste shipment information²¹ is not applicable as the relevant European List of Waste codes 16 01 04* (hazardous) and 16 01 06 (depolluted) have a broader scope than the ELV Directive and cover also ships/ vessels, trains and aeroplanes.

In result the data on extra-EU export is incomplete. Customs might not notice the export of **used vehicles** if such information is not provided by the owner. **ELV shipment** may be reported under the Waste Shipment Regulation²² but not identified as ELV according the definition of the ELV Directive. In practice, **it is difficult to distinguish between a used vehicle and an ELV**. The *Correspondents' Guidelines No 9 on shipment of waste vehicles* defines criteria for the differentiation between second-hand vehicles and ELVs. However, this document is not legally binding except for in the few Member States that incorporated the Guidelines' content into the law, such as Austria and the Wallonia region in Belgium.

2.2. Key issues

Information on export/ import of used vehicles is necessary to validate the reported numbers of treated ELVs in the Member States. Extra-EU export might be underestimated, since not all exported vehicles are reported or known to the national registers.

²⁰ Source: Eurostat COMEXT Foreign Trade Statistics: reporter: EU 28; shipment to/ from extra EU; Product codes: 87032 190, 87032 290, 87032 390, 87032 490, 87033 190, 87033 290, 87033 390, 87042 139, 87042 199, 87043 139, 87043 199. Download 13 May 2016

²¹ Source: Eurostat Data on Waste Shipment: <http://ec.europa.eu/eurostat/web/waste/transboundary-waste-shipments>; accessed: 12 May 2016

²² OJ L 190 12.7.2006, p. 1

One crucial factor favouring the illegal shipment of ELVs is the **difficulty to distinguish between ELVs and used vehicles**. No EU provisions currently establish legally binding criteria²³ for such distinction.

2.3. Suggestions

This section considers suggestions, listed below in no particular order, addressing issues relevant to the extra-EU export of ELVs and their reporting, as well as the definition of 'ELV' vs. 'used vehicle'.

Please rate each suggestion on a scale of 1 to 5, where 1 indicates your strong support for the suggestion and that it should be seriously considered and 5 indicates a suggestion you believe not worth further consideration. Please note that this is not a ranking exercise; you may give the same score to more than one option. You may also opt to not rate specific suggestions.

- A. MS should make the *Correspondents' Guidelines No 9* legally binding and establish national definitions (as done in Austria)²⁴.
- B. The content of the *Correspondents' Guidelines No 9* should become legally binding at a European level, as done for *Correspondents' Guidelines No 1* in the *Directive 2012/19/EU on WEEE*²⁵.
- C. Vehicles over 10 years old should be barred from extra-EU export, since the remaining life-span compared to the environmental risk is no longer appropriate.
- D. Vehicles over 14 years old (average age of ELVs in Europe) should be barred from extra-EU export, since the remaining life-span compared to the environmental risk is no longer appropriate.
- E. National authorities should increase the number of inspections of vehicles to be exported, within the framework of Article 50(2a) of the Waste Shipment Regulation²⁶, which requires MS to establish inspections plans by 1 January 2017.
- F. Further suggestion F and G are related to tracking the exports that is not reported, e.g. illegal export. European Networks such as IMPEL (European Union Network for the Implementation and Enforcement of Environmental Law) should strengthen their cooperation and exchange of good practices in the field of illegal export or treatment of ELVs.
- G. Cooperation of national police forces, Europol and Interpol, should be reinforced and intensified in their efforts to track down illegal ELV exports and treatment.

²³ Except for the intention of the holder to discard his/ her vehicle. Article 3(1) of the Waste Framework Directive (WFD) defines "waste" as "...any substance or object which the holder discards or intends or is required to discard...". Therefore, if holders of a vehicle intend to dispose of the vehicle, it will be considered waste.

²⁴ Switzerland has established a different approach to distinguish used vehicles from ELV

²⁵ *Directive 2012/19/EU of the Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE)*, OJ L 197, 24.7.2017, p. 38-71

²⁶ *Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste*, OJ L 190 12.7.2006, p. 1

- H. Within the Waste Shipment Directive, reporting on the European LoW code should be compulsory when completing waste shipment documents for export. (A specific cell is already reserved for such information in the existing template; however, reporting the European LoW code is only voluntary.)

If you know of other important solutions that you strongly support, please describe up to three additional solutions in the text fields below. Please ensure that you only enter one clearly defined issue per line.

1. Additional proposal
2. Additional proposal
3. Additional proposal

3. Enforcement techniques to reduce illegal dismantling of ELVs at dealers and repair shops (garages) and actions to improve ATF compliance

3.1. Background information

According to Article 6 and Annex I of the ELV Directive, **Authorised Treatment Facilities (ATFs) should be registered with the competent authorities, they should have a permit as a registered facility and they should treat ELVs according to the minimum technical requirements for treatment**, as described in Annex I to the ELV Directive that ensures environmental protection and promotes recycling and reuse of parts. All dismantling (including separating spare parts for private purposes or for sale) undertaken at unauthorised treatment facilities is illegal.

As stipulated by the ELV Directive, **a certificate of destruction (CoD) is a precondition for de-registering an end-of life vehicle**. This certificate should be issued by an ATF, or dealers or collectors on behalf of an ATF, and should be supplied to the holder and/ or owner when the ELV has been transferred to an ATF. The CoD should then be presented to the relevant competent authority in order to de-register the vehicle.

Some Member States conducted comprehensive compliance checks, which could be considered as 'best practice' for enforcement in this sector.

Member States also report on illegal dismantling that takes place, for example, in repair garages or at vehicle dealer locations.

3.2. Key issues

Illegal dismantlers may not fulfil the requirements for treatment as described in the ELV Directive. As such, **all illegally treated ELVs pose an environmental and economic challenge**.

For ELVs dismantled illegally, final destruction of the vehicles is not reported to the relevant national competent authority.

Not all ELVs transferred to the ATF receive a CoD. This can happen, for example, when the origin of a vehicle is unknown (no vehicle documentation or the vehicle is not registered in the MS in which the treatment takes place). Consequently, the ELV's final destruction is not reported to the relevant competent authority.

It is known that ATFs and shredders do accept ELVs dismantled by unauthorised treatment facilities, resulting in unknown treatment and depollution conditions that could pose environmental pollution risks.

3.3. Suggestions

This section considers suggestions, listed below in no particular order, addressing issues relevant to enforcement actions seeking to diminish illegal dismantling activities as well as actions that might improve ATF compliance.

Please rate each suggestion on a scale of 1 to 5, where 1 indicates your strong support for the suggestion and that it should be seriously considered and 5 indicates a suggestion you believe not worth further consideration. Please note that this is not a ranking exercise; you may give the same score to more than one option. You may also opt to not rate specific suggestions.

- A. National authorities should regularly perform on-site inspections to identify illegally operating dismantling facilities. One possible way to identify illegal dismantlers is to examine the list of the dismantlers/ operators in phone books, advertisements or websites, such as eBay, and compare it with the list of registered ATFs.
- B. The EC should establish minimum requirements for ATF inspections.
- C. Spare parts should be accompanied by a VIN number and/ or a CoD, as well as an ATF's registration, to ensure that the spare parts were recovered by an ATF.
- D. For every used vehicle that is imported to a Member State, a recycling fee should be paid. For every new vehicle placed on the national market, a recycling fee should be paid too. This fee should be returned when a CoD is issued for the respective vehicle.
- E. A refundable recycling fee should be paid by the owner when registering a new or used vehicle. This fee should be reimbursed either when a CoD is issued or when the respective vehicle is sold and an adequate notification is made in the national registration system.
- F. ATFs should notify, preferably electronically, the national vehicle register when a CoD is issued. For ELVs not registered in the country, suggestion D shall apply.
- G. ATFs should identify the vehicle and check that the vehicle holder is authorised to scrap the vehicle.
- H. ATFs should inform the authorities when they receive dismantled ELVs from unauthorised dismantlers.
- I. Shredders should report the number of treated ELVs and CoDs received.
- J. National authorities should regularly perform on-site inspections of ATFs and shredders. This should be done according to the elaborated Action Plan.
- K. The results of inspections of ATFs and shredders should be reported to the Commission.
- L. The EC should establish minimum requirements for inspections of ATFs and shredders.

If you know of other important solutions that you strongly support, please describe up to three additional solutions in the text fields below. Please ensure that you only enter one clearly defined issue per line.

- 1. Additional proposal
- 2. Additional proposal
- 3. Additional proposal

4. Public awareness and incentives for ELV tracking and environmental risks

4.1. Background information

EReg, the Association of European Vehicle and Driver Registration Authorities, observed in the report on ELVs in 2009²⁷, that **a relevant number of last owners of vehicles take their vehicles to illegal ELVs dismantlers**. Furthermore, many of the vehicles no longer permitted to be used had been abandoned.

In other cases, the owners sell or dispose of their vehicles without producing any legal documents (e.g. a sales agreement or CoD).

At the same time, according to the ELV Directive (Article 5), **MS shall ensure that the last holder and/or owner can deliver the end-of life vehicle to an ATF without any cost**. The ATF provides the CoD to the holder and/or owner. The issued CoD is a condition for de-registration of an end-of life vehicle.

4.2. Key issues

Vehicle holders' and owners' behaviour indicates a low level of public awareness of the obligations to track vehicles because of the environmental risks that ELVs pose. It also shows that the last owners of vehicles are not aware of their duties, especially their obligation to de-register the vehicle.

Improper treatment of ELVs (described in section 3) poses environmental risks and loss of valuable resources.

It seems that many Member States have not yet established sufficient means to inform and motivate a vehicle's last holder or owner to comply with the given legislation.

4.3. Suggestions

This section considers suggestions, listed below in no particular order, to address ELV issues related to incentives and public awareness.

Please rate each suggestion on a scale of 1 to 5, where 1 indicates your strong support for the suggestion and that it should be seriously considered and 5 indicates a suggestion you believe not worth further consideration. Please note that this is not a ranking exercise; you may give the same score to more than one option. You may also opt to not rate specific suggestions.

- A. A financial incentive should be implemented for a vehicle's last owner to properly deliver the vehicle for disposal. For example, the last owners are paid a premium when delivering an ELV to legal dismantlers. The premium is financed by a deposit paid to a (public) fund at the time of first registration in the national register.

²⁷ Rose, L., Pullen F. (2009): EReg Topic Group III, Vehicle end-of-life, Final V1.0, Association of European Vehicle and Driver Registration Authorities 24 July 2009

- B. An education initiative should be implemented to inform vehicle owners of a vehicle's environmental risks. For example, a message can be enclosed with every vehicle tax reminder on how to scrap the vehicle accompanied by press releases in national newspapers to explain the CoD process and the importance of proper ELV treatment (environmental matters).
- C. If the owners do not fulfil their duties (i.e. delivering the vehicle to an ATF using the correct procedure and properly de-registering the vehicle by providing a CoD or other document confirming legal sale), they should continue to be responsible for paying the vehicle tax or other payment (penalty) until those duties are fulfilled.
- D. To increase public confidence, ATFs could be branded as a chain or certified. This could also raise public awareness of ELV environmental issues and promote ATFs.

If you know of other important solutions that you strongly support, please describe up to three additional solutions in the text fields below. Please ensure that you only enter one clearly defined issue per line.

1. Additional proposal
2. Additional proposal
3. Additional proposal

5. Aspects to improve coverage and data quality when reporting on ELVs (possible revision of the Commission Decision on ELV annual reporting)

5.1. Background information

Under the ELV Directive Article 7(2), **the Commission is required to establish detailed rules to control Member States' compliance with the reuse/ recovery and reuse/ recycling targets.**

Accordingly, Commission Decision on ELV annual reporting lay down detailed rules on the monitoring of the above-mentioned targets in order to harmonise the characteristics and presentation of the calculations.

In order to support MSs in their efforts to produce high quality and harmonised ELV data, the Commission published **two guidelines**²⁸:

- How to report on end-of life vehicles according to Commission Decision on ELV annual reporting
- Guidance document on “how to perform a shredder campaign”

5.2. Key issues regarding the Commission Decision on ELV annual reporting

Because the provision in Article 1(1) in the Commission Decision on ELV annual reporting, which addresses the “appropriate description of the data used”, is not sufficiently detailed and guidance addressing this issue is not obligatory, **the content and level of detail in MS quality reports submitted with the national annual data on the ELV targets is quite diverse.** In addition, since the quality reports are normally not published²⁹, transparency is lacking.

The provisions within Article 1(3), addressing the breakdown of the national vehicle market, are also not detailed enough. **A Eurostat guidance document that addresses this issue is likewise not legally binding** (see above). Therefore, the coverage of information on the national vehicle market is quite diverse. In particular, the information on the export/ import of used vehicles is evidently incomplete and/or simply reported as “not available”. In addition, since accompanying information submitted together with the data is not public, transparency is also lacking.

Several MS reported discrepancies between the numbers of ELVs and CoDs issued, where most reported less CoDs than ELVs.

The current approach of reporting in table 1 and 2³⁰ only “Materials... of ELVs arising in the Member State and treated within the Member State” in the Commission Decision on ELV annual reporting causes difficulties since several MS cannot determine whether shredder output was exported or not. It is not clear if the materials (e.g. shredder output) treated outside the MS should be reported in table 3³⁰ of the Commission Decision on ELV annual

²⁸ <http://ec.europa.eu/eurostat/web/waste/reporting/2015>

²⁹ Some of them are available upon request

³⁰ Reporting tables in Annex of the Commission Decision on ELV annual reporting

reporting on export, and also whether a breakdown by origin is required. The exception to report metals in table 2 only (for cases applying the Metal Content Assumption) causes limited comparability and challenges for data evaluation and usability.

5.3. Suggestions

This section considers suggestions, listed below in no particular order, to address the issues related to the possible revision of the Commission Decision on ELV annual reporting.

Please rate each suggestion on a scale of 1 to 5, where 1 indicates your strong support for the suggestion and that it should be seriously considered and 5 indicates a suggestion you believe not worth further consideration. Please note that this is not a ranking exercise; you may give the same score to more than one option. You may also opt to not rate specific suggestions.

- A. Article 1(1) of Commission Decision on ELV annual reporting asks for an appropriate description of the data used. To ensure better quality and comparable quality reports, the Commission should identify the details addressed by such reports.
- B. The “current national vehicle market”, for which in Article 1(3) of Commission Decision asks for a breakdown, should be further described. In particular, more precise data on new registrations, on the change in Eurostat’s ‘vehicle parc’ and the export/ import of used vehicles, and on the number of ELVs and CoDs would enable a better evaluation of the coverage by country.
- C. MSs’ Quality Reports and data on their current national vehicle markets should be published in order to establish “best practice” and improve overall reporting quality.
- D. “Non-ferrous materials” should be changed to “non-ferrous metals” in table 2³⁰.
- E. It should be clarified if MS are obliged to distinguish between ferrous scrap and non-ferrous metals when the Metal Content Assumption is applied.
- F. In tables 1 and 2³⁰, an additional column should be added indicating how many ELVs were exported.
- G. For data comparability, when the Metal Content Assumption is applied, a breakdown of the metals should be added to tables 1 and 2³⁰.
- H. A harmonised approach to calculate reuse should be introduced, which could perhaps address the subtraction method and/or metal content assumptions.
- I. In table 1³⁰, Member States should report the number of CoDs issued by ATFs.
- J. In table 2³⁰, Member States should report the number of hulks (i.e. depolluted and dismantled vehicles) treated by shredder plants and the number of CoDs received by shredder plants. This would enable better validation of material flows.
- K. In the course of a revision of the Commission Decision on ELV annual reporting, the reporting tables should be adjusted in order to make reporting on recovery other than energy recovery, e.g. backfilling, possible.

If you know of other important solutions that you strongly support, please describe up to three additional solutions in the text fields below. Please ensure that you only enter one clearly defined issue per line.

1. Additional proposal
2. Additional proposal
3. Additional proposal

6. Persistent Organic Pollutants (POPs) and ELVs

6.1. Background information

*Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants (POPs) sets the rules for managing waste containing POPs substances. According to Article 7 of the Regulation, **producers and holders of waste shall undertake all reasonable efforts to avoid, where feasible, contaminating recyclable waste with POPs substances listed in Annex IV.** Furthermore, Article 18 of the Waste Framework Directive stipulates that **Member States shall take the necessary measures to ensure that hazardous waste is not mixed**, either with other categories of hazardous waste or with other waste, substances or materials. Mixing is understood to include diluting hazardous substances.*

6.2. Key issue

Some stakeholders mention that, for the recycling industry managing ELVs, **it is currently difficult to identify and remove all POPs-containing ELV components before compressing and crushing vehicles.** Circuit boards, car seats and other plastic components inside the vehicle may contain tetra, penta, hexa or hepta bromodiphenyl ethers (PBDEs), which are POPs. Vehicles manufactured in 2000 or before may also contain PBDEs. However, it is expected that only approximately 29% of ELVs will be an issue after 2015 and the share will decrease to 5% by 2020³¹.

6.3. Suggestions

This section considers suggestions, listed below in no particular order, to address issues related to Persistent Organic Pollutants (POPs) and ELVs.

Please rate each suggestion on a scale of 1 to 5, where 1 indicates your strong support for the suggestion and that it should be seriously considered and 5 indicates a suggestion you believe not worth further consideration. Please note that this is not a ranking exercise; you may give the same score to more than one option. You may also opt to not rate specific suggestions.

- A. To support pre-treatment and dismantling for ELVs, the worldwide IDIS³² (International Dismantling Information System), developed by vehicle producers, should include information on potential pollutants to the recycling process, such as persistent organic pollutants (POPs) or other substances not yet mentioned in the ELV Directive.

If you know of other important solutions that you strongly support, please describe up to three additional solutions in the text fields below. Please ensure that you only enter one clearly defined issue per line.

1. Additional proposal

³¹ http://ec.europa.eu/environment/waste/studies/pdf/POP_Waste_2010.pdf

³² http://www.idis2.com/index.php?action=discover_idis&language=english

2. Additional proposal
3. Additional proposal