

## IMPLEMENTATION OF THE 'END-OF-LIFE' VEHICLE LEGISLATION.

FURTHER CONSULTATION PAPER FROM THE DTI IMMINENT.

### SUMMARY

Environmental issues have received much attention in the past, and the BLF has played a major role in feeding back views of its members to the legislators. However, readers of LUBE may not be familiar with the situation regarding the 'end-of-life' vehicle (ELV) legislation, delays in the implementation of which has already caused a great deal of concern. A number of rumours, some of which have been perpetrated by the media, have done nothing to reassure the public, who are witnessing a substantial increase in the numbers of illegally dumped vehicles, as people are endeavouring to avoid paying the costs of scrapping a vehicle via the normal routes. This practice is more than likely to increase. Often, all means of identification of the vehicle are removed, and the vehicle is 'torched' so that the police have no means of tracing the previous owner. Scrapped cars have little value as far as recovery of metals and other components, yet present significant pollution hazards in the form of used engine and transmission lubricants, residual fuel, battery acid, antifreeze, washer fluid. Torching the vehicle additionally results in the generation of a mixture of lethal emissions. Malicious vehicle fires are increasing sharply. For example they rose from 42,200 in 1997 to 63,200 in 1999. Many of these result from joyriding, but the sharp rise has also been associated with the growing numbers of abandoned vehicles on the streets. A wide range of toxins is produced during the combustion of tyres, upholstery, batteries and paint - some of these toxins contain cyanide.

### LEGISLATIVE BACKGROUND

Following the Council Resolution of 7 May 1990 on waste management policy, the European Commission proposed various measures to combat certain categories of waste. Several waste streams have therefore already been the subjects of Community regulation (waste oil, waste batteries and accumulators, waste packaging and sewage sludge etc.).

However, as with so many other environmentally-related issues, it is becoming accepted that it is not realistic to burden solely the disposer to act in an environmentally responsible manner, and the legislators have set out a number of compliance requirements for vehicle producers and ELV recycling firms.

The 5th Community action programme in the field of the environment and sustainable development stressed the need to modify both methods of production and development and consumer behaviour. The Community approach to waste management is based on two complementary strategies:

- avoiding waste by improving product design;
- increasing the recycling and re-use of waste.

By Resolution of 14 November 1996, the European Parliament called on the Commission to legislate on waste streams, in particular end-of-life vehicles, on the basis of product liability. The Commission took the view that a specific directive was necessary given the importance of this type of waste. This position is shared by the OECD Working Party on waste streams, whose 1995 report considered the treatment of end-of-life vehicles as a priority towards the overall objective of reducing waste.

The Directive defined an end-of-life vehicle as any type of vehicle which is waste within the meaning of Directive 75/442/EEC. The scope of the Directive therefore covers:

- any end-of-life vehicle designated as category M1 or N1 (as defined in section A of Annex II to Directive 70/156/EEC);
- two- or three-wheel motor vehicles and their components.

Waste prevention is the priority objective of the Directive. To this end, it

Act	Date of entry into force	Final date for implementation in the Member States
Directive 2000/53/EC	21.10.2000	21.04.2002

stipulates that vehicle manufacturers and material and equipment manufacturers must:

- endeavour to reduce the use of hazardous substances when designing vehicles;
- design and produce vehicles which facilitate the dismantling, re-use, recovery and recycling of end-of-life vehicles;
- increase the use of recycled materials in vehicle manufacture;
- ensure that components of vehicles placed on the market after 1 July 2003 do not contain mercury, hexavalent chromium, cadmium or lead, except in the cases listed in Annex II. The Commission must amend the Annex in the light of scientific and technical progress.



Vehicle manufacturers responded by substantially re-designing vehicles so as to increase the percentage of recyclable components and materials, and also by ensuring that such components and materials are more readily separable during the dismantling prior to scrapping.

The Directive also introduced provisions on the collection of all end-of-life vehicles (Article 5). Member States must set up collection systems for end-of-life vehicles and for waste used parts. They must also ensure that all vehicles are transferred to authorised treatment facilities, and must set up a system of deregistration upon presentation of a certificate of destruction. Such certificates are to be issued when the vehicle is transferred, free of charge, to a treatment facility.

**An important aspect of the legislation was the requirement that the last holder of an end-of-life vehicle would be able to dispose it free of charge ("free take-back" principle). Producers must meet all, or a significant part of, the cost of applying this measure.**

The storage and treatment of end-of-life vehicles is also subject to strict control, in accordance with the requirements of Directive 75/442/EEC and those of Annex I to the Directive. Establishments or undertakings carrying out treatment operations must strip end-of-life vehicles before treatment and recover all environmentally hazardous components. Priority must be given to the re-use and recycling of vehicle components such as batteries, tyres, and oil. (BLF members will already be familiar with the issues raised by the proposals of the Waste Oil Directive!)

At the moment, some 75% of end-of-life vehicles are recycled (metal content). The aim of the Directive is to increase the rate of re-use and recovery to 85% by average weight per vehicle and year by 2006, and to 95% by 2015, and to increase the rate of re-use and recycling over the same period to at least 80% and 85% respectively by average weight per vehicle and year. Less stringent objectives may be set for vehicles produced before 1980.

Member States must ensure that producers use material coding standards, which allow identification of the various materials during dismantling. The Commission must establish European standards on material coding and identification.

Economic operators must provide prospective purchasers of vehicles with information on the recovery and recycling of vehicle components, the treatment of end-of-life vehicles and progress with regard to re-use, recycling and recovery. On the basis of this information, Member States must report

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