

**Input to the Working Party on the Environment (WPE), 2nd Dec. 2024 to the proposal for a Regulation on circularity requirements for vehicle design and on management of end-of-life vehicles**

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For the next meeting of the working group Party on the Environment (WPE) on the 2nd of December 2024 we reply to the compromise text proposal posed by the Hungarian Presidency of the EU Council in their Meeting Document WK 14983/2024 INIT.

In this document we provide:

Section 1: A list of priority topics and amendments

Section 2: General remarks

Section 3: Detailed analysis of the compromise text proposal

**SECTION 1: Priority Articles with amendment**

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The following topics (I ..IV) are of highest relevance for our industry to achieve realistic and reasonable targets I the new ELVR:

- I. The **recycled content target for plastic** (Art. 6) does not reflect the expected availability of supply within the EU or the limitations from technical feasibility. It is expected, that only **imports of recycle and especially closed loop recycle from outside EU** (e.g. China) will be available to fulfil such high values, before a marked has been established. In addition, the definition of plastic in Art. 3 includes types of plastic, which cannot be recycled and the target has been defined, before a methodology has been introduced. *Therefore, the target for plastics should be reduced to a technically achievable value, with all sustainable materials should be considered towards the target and the removal of the separate closed-loop requirement, and the definition refined.*

Amendment-Proposal:

	<b>Compromise text WPE 2.12.</b>	<b>Counter Proposals</b>
Art. 6, 1	<p>The plastic contained in each vehicle type that is type-approved as of [OP: Please insert the date = the first day of the month following 72 months after the date of entry into force of the Regulation] under Regulation (EU) 2018/858 shall contain a minimum of [ %] of plastic recycled by weight from post-consumer plastic waste.</p> <p>At least [ %] of the target set out in the first subparagraph shall be achieved by including plastics recycled from end-of-life vehicles in the vehicle type concerned.</p> <p>[The weight of the plastic contained in each vehicle and the weight of recycled plastic referred to in the first</p>	<p>The plastic contained in each vehicle type that is type-approved as of [OP: Please insert the date = the first day of the month following 72 months after the date of <del>entry into force of the Regulation] under Regulation (EU) 2018/858</del> <b>entry into force of the implementing act referred to Art. 6 (2)</b> shall contain a minimum of <del>25%</del> <b>15%</b> of plastic recycles by weight from <b>waste, including plastics recycled from end-of-life vehicles and workshop waste, and plastics from sustainable sources including via a mass balance approach.</b></p> <p><b>At least 25 % of the target set out in the first subparagraph shall be achieved by including plastics recycled from closed</b></p>

	<p>subparagraph shall exclude elastomers, thermosets other than polyurethane foams used for cushioning and plastics that contain or are contaminated by any substance regulated by Article 7 of Regulation (EU) 2019/1021 when the thresholds of Annex IV of that Regulation are exceeded.]</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p><del>loop sources, such as end-of-life in the vehicle type concerned.</del></p> <p><del>[The weight of the plastic contained in each vehicle and the weight of recycled plastic referred to in the first subparagraph shall exclude elastomers, thermosets other than polyurethane foams used for cushioning and plastics that contain or are contaminated by any substance regulated by Article 7 of Regulation (EU) 2019/1021 when the thresholds of Annex IV of that Regulation are exceeded.]</del></p>
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- II. The **design for dismantling** and removability obligations (Art. 7 & Annex VII C), **need to be revised and adapted to the purpose and technical feasibility**. For some components in the list there is **no possibility** for easy dismantling at the design stage and often **no market** for them as spare parts. For many components, the use of modern, economically efficient and industrially applicable sorting technologies after shredding leads to **comparable separation results** and unmixed material streams for further recycling.

The purpose of dismantling (e.g. whether for recycling or refurbish/reuse) defines the needed “quality” of dismantling. Components, where a market for spare parts is established (e.g. engine, battery) need to be dismantled in a high quality manner. Various parts of Annex VII C (e.g. glass, plastic fuel tanks, heat exchangers) should fall under the exempted under Article 30 point 2, because their dismantling is conducted, to allow better recycling processes. Those two different “qualities” of dismantling lead to very different efforts (time and CO<sub>2</sub>) and consequent costs.

*Therefore removal obligations for components must always be technically feasible and should be reasonable and proportionate. A specific use must also exist. Mandatory manual dismantling should only be specified if the desired goals cannot be achieved otherwise. In principle, the **best available technology** should be used for each recycling process.*

Amendment-Proposal, see under Art. 7 and Annex VII C

Please see Section 3 of this Document.

- III. The **extended producer responsibilities of the vehicle producer** have significantly expanded (Art. 16), including the obligation to monitor ELV treatment facilities and waste management operators and to compensate financial gaps.
- Therefore, the producer should have the right of precedence to organise his waste and the obligations should be limited to those waste management operators or treatment facilities, which are included in the producer’s organisation or where a contractual basis between producer and waste management operator or treatment facility exists.*

Amendment-Proposals:

	<b>Compromise text WPE 2.12.</b>	<b>Counter Proposals</b>
Art. 15, 3a	<b>Member States may adopt measures to require that producers or, where appointed in accordance with Article 17(1), producer responsibility</b>	<del><b>Member States may adopt measures to require that producers or, where appointed in accordance with Article 17(1), producer responsibility</b></del>

	<p>organisations shall conclude contracts with authorised treatment facilities for the purposes of implementing their producer responsibility obligations.</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p><del>organisations shall conclude contracts with authorised treatment facilities for the purposes of implementing their producer responsibility obligations.</del></p> <p><u>Only authorised treatment facilities and collection points that are in contract with the producer or, where appointed in accordance with Article 18, the producer responsibility organisation and that are not suspended after inspection in accordance with Art. 46, are allowed to collect end of life vehicles.</u></p>
<p>Art. 16</p>	<p>From [OP: Please insert the date = the first day of the month following 36 months after the date of entry into force of this Regulation] producers shall have extended producer responsibility for vehicles that they make available on the market for the first time within the territory of a Member State. The extended producer responsibility scheme <del>established by producers to exercise that responsibility</del> shall be consistent with Articles 8 and 8a of Directive 2008/98/EC and comply with the requirements of this Chapter.</p> <p><b>A producer selling vehicles by means of distance contracts directly to end-users in a Member State, and established in another Member State or in a third country, shall appoint an authorised representative for extended producer responsibility in each Member State on the territory of which it makes its vehicles available on the market for the first time. Such appointment shall be made by written mandate.</b></p> <p>The extended producer responsibility shall include the obligation for producers to ensure that:</p> <p>(a) vehicles which they have made available on the market for the first time within the territory of a Member State and which become end-of-life vehicles</p> <p>(i) collected in accordance with Article 23;</p>	<p>From [OP: Please insert the date = the first day of the month following 36 months after the date of entry into force of this Regulation] producers shall have extended producer responsibility for vehicles that they make available on the market for the first time within the territory of a Member State. The extended producer responsibility scheme <del>established by producers to exercise that responsibility</del> shall be consistent with Articles 8 and 8a of Directive 2008/98/EC and comply with the requirements of this Chapter.</p> <p><b>A producer selling vehicles by means of distance contracts directly to end-users in a Member State, and established in another Member State or in a third country, shall appoint an authorised representative for extended producer responsibility in each Member State on the territory of which it makes its vehicles available on the market for the first time. Such appointment shall be made by written mandate.</b></p> <p>The extended producer responsibility shall include the obligation for producers to ensure that:</p> <p>(a) vehicles which they have made available on the market for the first time within the territory of a Member State and which become end-of-life vehicles <u>are</u></p> <p>(i) collected in accordance with Article 23;</p>

	<p>(ii) treated in accordance with Article 27;</p> <p>(b) the waste management operators treating end-of-life vehicles referred to in point (a) meet the targets laid down in Article 34.</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>(ii) treated <del>in accordance with Article 27;</del> <b><u>by treatment facilities that possess a valid permit in accordance with Art. 15 and are not suspended after inspection in accordance with Art. 46.</u></b></p> <p><del>(b) the waste management operators treating end-of-life vehicles referred to in point (a) meet the targets laid down in Article 34.</del></p>
Art. 18, 1	<p>...</p> <p><b>Member States may adopt measures to require that producers entrust a producer responsibility organisation to fulfil their extended responsibility obligations laid down in Article 16.</b></p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>...</p> <p><del>Member States may adopt measures to require that producers entrust a producer responsibility organisation to fulfil their extended responsibility obligations laid down in Article 16.</del></p>

- IV. The **extended producer responsibility for HDV** lacks a comprehensive approach, as the whole of the multi-stage vehicle should be covered by this requirement, not just the base vehicle. Otherwise, the resulting legal uncertainty and lack of strict environmental obligations may seriously reduce the efficiency of the ELV Regulation for HDV. *Therefore, the scope of the ELV Regulation should be expanded by the bodywork of the multi-stage vehicle with regard to the extended producer responsibility.*

Amendment-Proposal:

	<b><i>Compromise text WPE 2.12.</i></b>	<b><i>Counter Proposals</i></b>
Art. 2, 3	<p>Notwithstanding paragraph 1, point (b), the following provisions shall not apply to vehicles and end-of-life vehicles of categories M2, M3, N2, N3 and O:</p> <p>(b) Article 5 on requirements for substances in vehicles;</p> <p>...</p> <p>(e) Article 8 on general obligations;</p> <p><i>Source:</i></p>	<p>Notwithstanding paragraph 1, point (b), the following provisions shall not apply to vehicles and end-of-life vehicles of categories M2, M3, N2, N3 and O, <b><u>including special purpose vehicles of these categories:</u></b></p> <p>(b) Article 5 on requirements for substances in vehicles;</p> <p>...</p> <p>(e) Article 8 on general obligations, <b><u>points 1-4;</u></b></p>
Art. 2, 5	<p>Notwithstanding paragraph 2, point (a), the following provisions shall apply to special purpose vehicles:</p> <p>(a) Article 5 on requirements for substances in vehicles;</p>	<p>Notwithstanding paragraph 2, point (a), <b><u>and without prejudice to paragraph 3,</u></b> the following provisions shall apply to special purpose vehicles:</p> <p>(a) Article 5 on requirements for substances in vehicles;</p>

	<i>Source:</i>	
Art. 2, 6	<p>Notwithstanding paragraph 1, points (b) and (c), Articles 16, 19, 20, 27 and 46 to 49 shall apply to vehicles and end-of-life vehicles of categories L3, L4, L5, L6 L7, M2, M3, N2, N3 and O with the following modifications:</p> <p>(...)</p> <p><i>Source:</i></p>	<p><del>Notwithstanding</del> <b><u>Without prejudice to</u></b> paragraph 1, points (b) and (c), and paragraph 2 point (b) Articles 16, 19, 20, 27 and 46 to 49 shall apply to vehicles and end-of-life vehicles of categories L3, L4, L5, L6 L7, M2, M3, N2, N3 and O <b><u>and to other parts of a vehicle that have been type-approved in multi-stage type approval of category N1, N2, N3, M2 or M3 than the base vehicle</u></b> with the following modifications:</p>

## SECTION 2: General remarks

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As a vehicle manufacturer (OEM), we fully support the advancing of the European Union into a modern, resource-efficient and competitive economy. Therefore, we welcome the revision of the end-of-life (ELV) vehicle regulation - the EU Commission's current proposal will lead to a transformation towards improved sustainability, circularity and innovation. The automotive industry is ready to design their products to achieve further advanced circularity.

The ELV Regulation is currently and should **remain the central piece of legislation** dealing with circularity requirements for design, production and end-of-life treatment of vehicles and their components. Consequently, there is no need to regulate the automotive sector in other legislative acts, e.g., the eco-design for sustainable products Regulation or the Directive on common rules promoting the repair of goods (a.k.a. right to repair).

In addition, the choice of the legal instrument (Regulation replacing Directive) will secure the implementation of a **harmonised framework** for vehicles in each Member State, reducing operating costs for all economic operators while delivering tangible environmental benefits. The co-legislators should therefore refrain from providing unnecessary, costly and burdensome flexibility to Member States, especially for the extended producer responsibility (EPR) obligations. The new Regulation is a chance to finally implement requirements from the existing ELV-Directive (e.g. certificate of destruction) which would be a prerequisite for the success of the Regulation.

We would also like to highlight the important links between competition and environmental policies. In order to ensure that environmental policy does not harm competition, we recommend undertaking a competition impact assessment of legislative proposals on extended producer responsibility by the EU COM and to provide clarification regarding the collective setting-up of Producer Responsibility Organisations (PRO) or monitoring of costs by authorities by DG COMP.

We would like to draw attention to the fact, that increasing obligations for manufacturers, producers and other economic operators need to be accompanied by **proper enforcement** by the respective national authorities. To achieve the goals set by the Regulation and to secure a level playing field for all manufacturers, producers and other economic operators, harmonised enforcement rules across all EU Member States are vital. To avoid competitive disadvantages for the European automotive industry, the legislator should only implement obligations that can also be enforced, particularly with respect to operators from third countries.

Finally, we urge careful consideration of setting the requirements for passenger cars and heavy-duty vehicles (HDV) on separate tracks, taking into account the **specificities of these different products**. It is important not to make HDV requirements dependent on those planned for cars and keep the EU Commission proposal of a 60 month transition period for all requirements for HDVs. In this way, a manageable approach with the best practical results can be achieved for vehicle categories new to the ELV Regulation.

## SECTION 3: Detailed analysis of the compromise text proposal

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In general, based on an initial assessment of the draft regulation and the subsequent amendment proposal from the Council Working Party Environment, we have identified a number of ambiguities, uncertainties and challenges. These include obligations and responsibilities, lack of methodologies, definitions and information requirements. They can be found in the following Articles:

### Article 3 – Definitions

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Art. 3 sets out a number of definitions.

Amendment Proposal:

	<b><u>Legislative Proposals</u></b>	<b><u>Proposals</u></b>
Art. 3, 1 (4), (6), (7)	<p>‘reusability’ means the possibility for reuse of parts or components diverted from an end-of-life vehicle;</p> <p>(6) ‘recyclability’ means the possibility for recycling of parts, components or materials diverted from an end-of-life vehicle;</p> <p>(7) ‘recoverability’ means the possibility for recovery of parts, components or materials diverted from an end-of-life vehicle</p> <p><i>Source: Hungarian Presidency 02.12.24</i></p>	<p>(4)reusability’ means the <b>possibility potential</b> for reuse of parts or components diverted from an end-of-life vehicle;</p> <p>(6) ‘recyclability’ means the <b>possibility potential</b> for recycling of parts, components or materials diverted from an end-of-life vehicle;</p> <p>(7) ‘recoverability’ means the <b>possibility potential</b> for recovery of parts, components or materials diverted from an end-of-life vehicle</p>
<p><b>Analysis:</b></p> <p>The definitions are similar to the definitions in the 2005/64/EC and UN R 133 (these legislations use the word “potential” instead of “possibility”). They should remain <b>aligned</b> with those legislation.</p>		
Art. 3, 1 (9)	<p>‘plastic’ means a polymer within the meaning of Article 3, point (5), of Regulation (EC) No 1907/2006, to which additives or other substances may have been added <b>and which can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified;</b></p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>‘plastic’ means <del>a polymer within the meaning of Article 3, point (5), of Regulation (EC) No 1907/2006, to which additives or other substances may have been added; and which can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified</del> <b>polymeric materials that can be repeatedly and reversibly melted, such as thermoplastics and thermoplastic elastomers.</b></p>
<p><b>Analysis:</b></p> <p>The definition of “plastic” in REACH (EC 1907/2006) includes elastomers &amp; process materials (paints, adhesives, sealant agents) in addition to thermoplastics and PU-foam whereas the JRC-study excluded elastomers which are not mechanically recyclable. Furthermore, the definition is not in line with what is mentioned under the Recital (19).</p> <p>The definition of plastic should <b>only</b> apply to polymers which were in the focus of the JRC study during impact assessment. The proposal in the Hungarian Presidency Steering Note does not seem to be aligned with the intention of either JRC nor the EU Commission.</p>		

<p>Art. 3,1 (24)</p>	<p><del>'appointed</del> <b>authorised</b> representative for the extended producer responsibility' means a natural or legal person established in a Member State <b>in which the producer makes vehicle available on the market for the first time</b>, which is different from the Member State where the producer is established, and is appointed by the producer in accordance with Article 8a(5), third subparagraph, of Directive 2008/98/EC to fulfil the obligations of that producer under Chapter IV of this Regulation;</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>-</p>
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**Analysis:**

We appreciate the clarification of the Hungarian Presidency regarding the Member State in which the representative is established.

<p>Art. 3,1 (28)</p>	<p><del>'remanufacturing'</del> means <del>an operation in</del> <b>professional actions through</b> which a new part or component is manufactured from parts and components that are either removed from vehicles <del>or end-of-life vehicles and in</del> <b>through</b> which at least one change is made to the part or component that <b>substantially</b> affects its <b>the</b> safety, performance, purpose or type <b>of the part or component</b>;</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>'remanufacturing' means <del>an operation in actions through which a new part or component is manufactured from parts and components that are either removed from vehicles or end-of-life vehicles and in</del> <b>through</b> which at least <b>one change is made to the part or component that substantially affects its the safety, performance, purpose or type of the part or component;</b> <u>a standardised industrial process that can fulfil the product requirements as produced, by which used products or parts are returned to same-as-new, or better condition and performance. The process is in line with specific technical specifications, including engineering, quality and testing standards. The process yields fully warranted products;</u></p>
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**Analysis:**

Remanufacturing can **only** be offered by the vehicle/parts manufacturer (quality and unique selling point). Pre-requisite are the development competence and quality management systems of the manufacturer, as well as the components' compliance with technical specifications, however the technical specification does not have to correspond to the new part product. Warranty is analogous to new parts (usually 2 years), regardless of specifications. Reprocessed products must be **marked** as such by the actor performing the reprocessing and clearly identify this actor.



<p>We recommend <b>aligning</b> the definition in this Regulation with ISO standard 59004:2024. This standard is applicable for <b>all</b> sectors and has been adjusted in our proposal to be applied for vehicles.</p>		
<p>Art. 3,1 (29)</p>	<p>‘refurbishment’ means actions carried out to prepare, clean, test, <b>service</b> and, where necessary, repair a part or component that is removed from vehicles <del>or end-of-life vehicles</del> in order to restore the <del>its</del> performance or functionality <del>of that part or component</del> within the intended use and range of performance originally conceived at the design stage <del>applicable</del> at the time of <del>its</del> the placing <del>of the part or component</del> on the market;</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>‘refurbishment’ means actions carried out to prepare, clean, test, service and, where necessary, repair a part or component that is removed from vehicles <del>or end-of-life vehicles</del> in order to restore its the performance or functionality <del>of that part or component within the intended use and range of performance originally conceived at the design stage</del> <u>applicable at the time of its the placing of the part or component on the market</u></p>
<p><b>Analysis:</b></p> <p>Based on our amendment proposal (Art. 3.1(28)) concerning “remanufacturing” the definition of refurbishments needs to be adapted accordingly. <b>Only</b> parts from used vehicles can be subject to refurbishment and it must be clearly distinguished from “remanufacturing”.</p>		
<p>Art. 3, 1 (39)</p>	<p>‘collection point’ means an economic operator other than an authorised treatment facility, which temporary stores end-of-life vehicles and prepares for transfer of the collected end-of-life vehicles to authorised treatment facilities for treatment.</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>-</p>
<p><b>Analysis:</b></p> <p>We agree with the Presidency, that in order to provide sufficient clarification and to support the understanding of the requirements for all actors, since the Regulation differentiates between ATFs and collection points, a definition of “collection point” is required. We also agree with the proposed wording.</p>		
<p>Art. 3,1 (39) new</p>	<p>-</p>	<p><b><i>New definition:</i></b></p> <p><b><u>‘data carrier’ means a linear bar code symbol, a two-dimensional symbol or other automatic identification data capture medium that can be read by a device;</u></b></p>
<p><b>Analysis:</b></p>		

A definition of data carrier is needed, independent of the ESPR.

Art. 3,1  
(40)

**‘biobased plastics’ means plastics made from biological resources, such as biomass feedstock, organic waste or by-products. Biobased plastic can be both, and irrespective of whether the plastics are biodegradable or non-biodegradable;**

*Source: Hungarian Presidency Steering Note 02.12.24*

‘biobased plastics’ means plastics made from biological resources, such as biomass feedstock, organic waste or by-products. ~~Biobased plastic can be both, and irrespective of whether the plastics are biodegradable or non-biodegradable;~~

**Analysis:**

In vehicles, the use of bio-degradable plastic could lead to problems in mechanical recycling. In our careful consideration, only those biobased thermoplastics should be used, which can be recycled together with other thermoplastics in normal processes.

Art. 3, 2

In addition to the definitions referred to in paragraph 1, the following definitions shall apply:

[...] (b) [...] ‘manufacturer’ [...] laid down in Article 3, points [...] (40) [...], of Regulation (EU) 2018/858

*Source: EU COM Draft*

~~In addition to the definitions referred to in paragraph 1, the following definitions shall apply:~~

~~[...] (b) [...] ‘manufacturer’ [...] laid down in Article 3, points [...] (40) [...], of Regulation (EU) 2018/858.~~

***New definition Art. 3, 1 (xx):***

**‘manufacturer’ means a natural or legal person who is responsible for all aspects of the type-approval of a vehicle, system, component or separate technical unit, or the individual vehicle approval, or the authorisation process for parts and equipment, for ensuring conformity of production and for market surveillance matters regarding that vehicle, system, component, separate technical unit, part and equipment produced, irrespective of whether or not that person is directly involved in all stages of the design and construction of that vehicle, system, component or separate technical unit concerned**

**Analysis:**

In a number of translations of the draft Regulation (e.g., German, Czech and Swedish) the text is not aligned with the originally published English. Example Germany: “Producer” (Art 3.1(22)) and

“Manufacturer” (Art.3.2(b) referring to Regulation (EU 2018/858) - both terms are translated with the same word “Hersteller”. This impacts the applicability of the Regulation to affected parties. Definitions of both “Producer” (“Hersteller”) and “Manufacturer” (“Erzeuger”) must be provided and used accordingly.

The translations of the Regulation must be **accurate**.

Art. 3, 2	<p>(...)</p> <p>(e) ‘substance of concern’ and ‘data carrier’ laid down in Article 2, points (28) and (30), of Regulation [Eco-design for sustainable products].</p> <p>Source: <i>EU COM Draft</i></p>	<p>(...)</p> <p><del>(e) ‘substance of concern’ and ‘data carrier’ laid down in xxx Article 2, points (28) and (30), of Regulation [Eco-design for sustainable products].</del></p>
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**Analysis:**

The definition of “Substance of Concern” (SoC) is linked to a piece of legislation (the Draft ESPR) for which vehicles are not included in the scope and includes differing criteria, e.g., the REACH SVHC list. It also links to the CLP, which is a dynamic piece of legislation. There is therefore a mismatch in terms of applicability.

In case the regulator insists on keeping the requirements regarding SoCs, an ELV-specific substance list with CAS# should be defined and published by EU COM to ensure the **harmonised** implementation of this requirement through entire supply chain in the Member States, rather than making reference to the definition in another non-automotive piece of legislation.

**Article 4 - Reusability, recyclability and recoverability of vehicles**

Art. 4 sets out the key goals for manufacturers of “(a) **reusability or recyclability** to a minimum of 85% by mass and (b) reusability or recoverability to a minimum of 95% by mass”. At the same time, Art. 34 requires waste management operators to meet similar 85% and 95% targets but without including EV-batteries in the calculation methodology. The achievement of the latter targets is to be ensured both by producers (Art. 16) and by Member States (Art. 34). Furthermore, waste management operators shall recycle 30% of the plastic.

Amendment Proposals:

	<b>Legislative Proposals</b>	<b>Proposals</b>
Art. 4, 1	<p>(a) reusable or recyclable to a minimum of 85 % by mass;</p> <p>(b) reusable or recoverable to a minimum of 95 % by mass.</p> <p>Source: <i>EU COM Draft</i></p>	<p>a) reusable <b>and/or</b> recyclable to a minimum of 85 % by mass;</p> <p>(b) reusable <b>and/or</b> recoverable to a minimum of 95 % by mass.</p>

**Analysis:**

There is a **lack of clarity** in the wording of Art.4.1. a and 4.1.b, “reusable **or** recyclable to a minimum of”. The wording of Art.4.1. a and 4.1.b should therefore be amended so that the sentence reads: “reusability **and/or** recyclability” respective “reusability **and/or** recoverability”.

There is a **duplication** of the responsibility for achieving the targets between producers and waste management operators.

Calculations under Art. 34 should be aligned with those for Art. 4, i.e., for both type-approval and reporting, the battery of a vehicle **should be included** in the calculation to fulfil these goals.

Art. 4,2	(c) verify the correctness and completeness of the information received from suppliers;  <i>Source: EU COM Draft</i>	<del>(c) verify the correctness and completeness of the information received from suppliers;</del>  <u>Reasonably and adequately check the information received from suppliers;</u>
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**Analysis:**

Art. 4.2 should be amended, since it is **not** realistically possible to verify via testing the correctness and completeness of the material information received from suppliers for **every** single part used in all vehicle models. Instead, we propose to use the wording of the current ELV Directive (2000/53/EC) since the currently implemented processes are proven to function well and be sufficient to meet the recyclability and material conformity requirements of the ELVR.

Art. 4,3	The Commission shall, by [OP: please enter the date = the last day of the month following <del>35</del> <b>24</b> months after the date of entry into force of this Regulation], adopt an implementing act establishing a new methodology for calculation and verification of the rates of reusability, recyclability and recoverability of a vehicle in accordance taking into account the elements set out in Annex II. <u>The Commission shall take into account criteria that ensure a high level of quality and quantity of reuse and recycling at the level of the vehicle type. The new methodology shall set an implementation timeline for all newly type-approved vehicles.</u>  <i>Source: Hungarian Presidency Steering Note</i>	<del><b>3. The Commission shall, by [OP: please enter the date – the last day of the month following 35 months after the date of entry into force of this Regulation], adopt an implementing act establishing a new methodology for calculation and verification of the rates of reusability, recyclability and recoverability of a vehicle, taking into account the elements set out in Annex II.</b></del>  <del>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 51(2).</del>
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**Analysis:**

Currently the recyclability and recoverability targets in Art. 4,1 calculated according to the current methodology as per Art. 4,2. e (ISO standard 22628:2002) are **achieved** by automotive manufacturers and will continue to be so.

The newly proposed type-approval demands are **not** in line with the globally harmonised UN R133 regulation. This will lead to divergence from non-EU markets, leading to a loss of synergies and

worldwide-harmonised standards. Art. 4.3 should therefore be deleted as the introduction of a new methodology, not in line with the globally harmonised UN R133 regulation, should be **avoided**.

A new methodology *could* require proof of industrial scale recycling technologies (Technical Readiness Level ~8/9), from when the product is first placed on the market. With such requirements, the usage and development of new product technologies would be **hindered**. Recycling technology and recycled material **cannot** be available immediately from when new material is put on the market for the first time. In the case of vehicles, it usually takes 20+ years after first market introduction until the recycling technologies are fully developed to industrial scale, because only then will this capacity be required (See, for example, Li-Ion-Traction batteries).

However, *if* a new methodology is established via implementing act, we expect that the transition period for implementation to start **after publication of the methodology** and therefore a transition period of **48 months is required** to allow implementation of the finalised methodology. This is required in order to adapt the **entire** supply chain to the new requirements. The transition period after entry into force **must refer to the entry into force of the implementing act** on the new methodology, rather than the ELV Regulation itself.

*If* a new methodology were to be implemented, we prefer the adoption of an implementing act as choice of legislative instrument since this allows the involvement of the member states and guarantees a uniform application in the EU. Delegated acts are foreseen for non-essential parts of legislative acts, but a calculation methodology for recyclability is an **essential requirement** in this Regulation. It should be the approach of the EU to define a detailed calculation methodology and certification process **suitably early** to give manufacturers certainty in the implementation. We believe that 24 months is **not** sufficient for the EU Commission to prepare the secondary legislation required, given that this must involve detailed analysis and contributions from stakeholders.

Calculations under Art. 34 should be aligned with those for Art. 4, i.e., for both type-approval and reporting, the battery of a vehicle **should be included** in the calculation to fulfil these goals.

**Alignment** with the globally harmonised standards such as UN R133 should be maintained.

## Article 5 – Substances in vehicles

Art. 5 requires that the presence of **substances of concern** in vehicles and in their parts and components shall be **minimised** as far as possible. For type-approval, manufacturers need to prove that they comply with the restriction for lead, mercury, cadmium or hexavalent chromium, as well as other material restrictions, such as SoCs, EU REACH, EU POP and EU Battery Regulation.

### Amendment Proposals:

	<b>Legislative Proposals</b>	<b>Proposals</b>
Art. 5, 1	The presence of substances of concern in vehicles and in their parts and components shall be minimised as far as possible.	The presence of substances of concern in vehicles and in their parts and components shall be minimised as far as possible. <b><u>In addition to the restrictions set out in Annex XVII to Regulation (EC) No 1907/2006 and the restrictions set out in Annexes I and II to Regulation (EU) 2019/1021 and in Regulation (EU)</u></b>

	Source: Hungarian Presidency Steering Note 02.12.24	<u>2023/1542, this regulation specifies the regime for substances in vehicles.</u>
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**Analysis:**

The definition of SoCs is linked to a piece of legislation (the Draft ESPR) for which vehicles are **not included in the scope** and includes differing criteria, e.g., the REACH SVHC list. It also links to the CLP, which is a **dynamic** piece of legislation and relates Art. 5.1 to thousands of substances, adding additional burden. An ELV-specific substance list with CAS # should be defined and published by EU COM to ensure the **harmonised** implementation of this requirement through entire supply chain in the Member States, rather than making reference to the definition in another non-automotive piece of legislation.

The sentence “minimised as far as possible” is **ambiguous**. It is not clear as to what is reasonably achievable and proportionate. The **evidence** to be submitted to prove compliance with the requirements on SoCs and the restrictions for EU REACH, EU POP and EU Battery Regulation, must be **clarified**.

Art. 5, 2	<p>In addition to the restrictions set out in Annex XVII to Regulation (EC) No 1907/2006 and, <del>as applicable, to the</del> restrictions set out in Annexes I and II to Regulation (EU) 2019/1021 and in Regulation (EU) 2023/<u>1542, this regulation specifies the regime for substances in vehicles.</u><del>/[OP: Batteries],</del> Any vehicle type that is type-approved as of [OP: Please insert the date = the first day of the month following 72 months after the date of entry into force of this Regulation], under Regulation (EU) 2018/858, <u>or any new parts or components put on the market for such a vehicle</u>, shall not contain lead, mercury, cadmium or hexavalent chromium.</p> <p>Source: Hungarian Presidency Steering Note 02.12.24</p>	<p><del>In addition to the restrictions set out in Annex XVII to Regulation (EC) No 1907/2006 and, as applicable, to the restrictions set out in Annexes I and II to Regulation (EU) 2019/1021 and in Regulation (EU) 2023/1542, this regulation specifies the regime for substances in vehicles.</del><del>/[OP: Batteries],</del> <u>Any materials and components put on the market for</u> Any vehicle type that is type-approved as of [OP: Please insert the date = the first day of the month following 72 months after the date of entry into force of this Regulation], under Regulation (EU) 2018/858, <del>or any new parts or components put on the market for such a vehicle,</del> shall not contain lead, mercury, cadmium or hexavalent chromium.</p>
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**Analysis:**

The **evidence** to be submitted for **type-approval** to prove compliance with the restriction for lead, mercury, cadmium or hexavalent chromium must be **clarified**.

The current wording in the ELV Directive for the heavy metal ban is based on the principle of a **shared responsibility** between supply chain actors and vehicle manufacturers and has resulted in an efficient and well-established cooperation towards heavy metal ban compliance. We dispute the Hungarian Presidency’s proposal that the current text is sufficiently clear and covers parts and components too and consider that the newly proposed wording regarding the heavy metal ban no longer references shared compliance for materials and components throughout the supply chain anymore, resulting in obligations only for the vehicle manufacturers and thus risks increased non-compliance by the loss of focus on the supply chain, including material suppliers. We therefore

propose to make clear in the legislative text that the whole supply chain is affected, starting with materials and components and ending with the vehicle manufacturer.

<p>Art. 5, 2. a</p>	<p><b><u>2(a) By [Insert a date not later than 24 months after adoption of this Regulation], the Commission, assisted by the European Chemicals Agency, shall prepare a report on the presence of substances of concern in vehicles, to determine the extent to which they negatively affect the re-use and recycling of materials or impact chemical safety.</u></b></p> <p><b><u>The Commission shall submit the report to the European Parliament and to the Council, detailing its findings and consider the appropriate follow-up measures, including</u></b></p> <p><b><u>i) the establishment of restrictions on substances of concern that negatively affect the re-use and recycling of materials in the vehicles in which they are present, as a part of delegated acts set up in accordance with Article 5(2), point (b)</u></b></p> <p><b><u>ii) the introduction of information requirements as a part of the circularity vehicle passport in accordance with Article 13(2), point e and Article 13(6), point (e)</u></b></p> <p><b><u>iii) the use of the procedures referred to in Article 68(1) and (2) of Regulation (EC) No 1907/2006 to adopt new restrictions.</u></b></p> <p><b><u>If a Member State considers that a substance negatively affects the re-use and recycling of materials in a vehicle in which it is present it shall, [by insert date], supply such information to the Commission and the European Chemicals Agency and, where available, refer to the relevant risk assessments or other relevant data.”</u></b></p> <p><i>Source: Hungarian Presidency Steering Note</i></p>	<p>2(a) By [Insert a date not later than <b>24 48</b> months after adoption of this Regulation], the Commission, assisted by the European Chemicals Agency, shall prepare a report on the presence of substances of concern in vehicles, to determine the extent to which they negatively affect <b>human health or the environment</b> or the re-use and recycling of materials or impact chemical safety.</p> <p>The Commission shall submit the report to the European Parliament and to the Council, detailing its findings and consider the appropriate follow-up measures, including:</p> <p>i) the establishment of restrictions on substances of concern that negatively affect <b>human health or the environment</b> or the re-use and recycling of materials in the vehicles in which they are present, as a part of delegated acts set up in accordance with Article 5(2), point (b)</p> <p>ii) the introduction of information requirements as a part of the circularity vehicle passport in accordance with Article 13(2), point e and Article 13(6), point (e)</p> <p>iii) the use of the procedures referred to in Article 68(1) and (2) of Regulation (EC) No 1907/2006 to adopt new restrictions.</p> <p>If a Member State considers that a substance negatively affect <b>human health or the environment</b> or the re-use and recycling of materials in a vehicle in which it is present it shall, [by insert date], supply such information to the Commission and the European Chemicals Agency and, where available, refer to the relevant risk assessments or other relevant data.”</p>
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**Analysis:**

The **intention of a restriction** of substances of concern shall be conducted **in line with** its reference, namely the common understanding found under the **EU ESPR**.

The timeline for reporting on substance of concern (SoC) shall be **extended to 48 months**, or at least in line with the timeline determined in Art. 6.5 of the EU Battery Regulation. It should be considered, the reporting on SoC for whole vehicle is more time-consuming than that only for batteries.

In alignment with Art. 6(5) of the EU Battery Regulation (EU)2023-1542, the EU COM should **mandate ECHA to prepare a report** on substances of concern in vehicles, with the possibility to further introduce appropriate legislation thereafter, e.g., delegated acts, since any new requirements regarding substance of concern must be based on rigorous science and therefore involve ECHA in the process.

Art. 5, 2.  
b

**By [Insert a date not later than 36 months after adoption of this Regulation], the Commission is empowered to adopt delegated acts in accordance with Article 50 to supplement this Regulation by establishing restrictions of the presence of substances of concern that negatively affect the re-use and recycling of materials, in vehicles and in their parts and components, for reasons not relating primarily to chemical safety.**

*Source: Hungarian Presidency Steering Note*

By [Insert a date not later than 36 months after adoption of this Regulation], the Commission is empowered to adopt **delegated implementing** acts in accordance with Article 50 to supplement this Regulation by establishing restrictions of the presence of substances of concern that negatively affect **human health or the environment or** the re-use and recycling of materials, in vehicles and in their parts and components, for reasons not relating primarily to chemical safety.

**Analysis:**

We prefer the **adoption of an implementing act** since this allows the involvement of the member states and guarantees a **uniform application** in the EU. Delegated acts are foreseen for non-essential parts of legislative acts, but the new establishment of restrictions on the presence of substances of concern is an **essential requirement** in this draft Regulation.

The transition period after entry into force **must** refer to the entry into force of the implementing act methodology, rather than the ELV Regulation itself.

Art. 5,3

By way of derogation from paragraph 2, vehicle types **or parts and components put on the market for such vehicles** may contain lead, mercury, cadmium or hexavalent chromium under the conditions and up to the maximum concentration values laid down in Annex III.

**Paragraphs 2 and 3 shall not apply to batteries incorporated in vehicles to which Regulation (EU) 2023/1542 applies.**

*Source: Hungarian Presidency Steering Note*

By way of derogation from paragraph 2, vehicle types **or parts materials and components put on the market for such vehicles** may contain lead, mercury, cadmium or hexavalent chromium under the conditions and up to the maximum concentration values laid down in Annex III.

**Paragraphs 2 and 3 shall not apply to batteries incorporated in vehicles to which Regulation (EU) 2023/1542 applies.**



**Analysis:**

The system of exemptions on hazardous substances between the ELVR and the Battery Regulation ((EU) 2023/1542) need to be aligned, as the Battery Regulation is lex specialis to the ELVR. It is not necessary to exempt the batteries incorporated in vehicles in the ELVR prior to the alignment.

Art. 5,4

(...)

**The Commission, when adopting a delegated act pursuant to this paragraph shall take into account the socio-economic impact of introducing, modifying or deleting an exemption to the restriction in the use of lead, mercury, cadmium or hexavalent chromium in vehicle types, including the availability of alternatives and the impacts on human health and the environment across the full lifecycle of vehicles.**

*Source: Hungarian Presidency Steering Note*

(...)

**Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.**

The Commission, when adopting a delegated act pursuant to this paragraph shall take into account the socio-economic impact of introducing, modifying or deleting an exemption to the restriction in the use of lead, mercury, cadmium or hexavalent chromium in vehicle types, including the availability of alternatives and the impacts on human health and the environment across the full lifecycle of vehicles.

**Analysis:**

In line with the agreed Better Law-Making procedures, before adopting any delegated act the EU Commission must conduct the required expert consultation. In doing so a holistic approach must be taken which considers the wider socio-economic impacts, alongside the human and environmental health effects.

Art. 5, 5

Upon request from the Commission, and within 12 months from the request, the European Chemicals Agency (the 'Agency') shall prepare a report on the technical and economic feasibility of alternatives pertaining to existing exemptions listed in Annex III and, based on such assessment, a motivated proposal for the specific amendment of the exemption.

*Source: EU COM Draft*

Upon request from the Commission, and within 12 months from the request, the European Chemicals Agency (the 'Agency') shall prepare a report, **based on consultation with stakeholders and industry experts**, on the technical and economic feasibility of alternatives pertaining to existing exemptions listed in Annex III and, based on such assessment, a motivated proposal for the specific amendment of the exemption.

**Analysis:**

Regarding the proposal to introduce a procedure which would provide options for restricting substances of concern if they have an adverse effect on human health or the environment or hinder

reuse and recycling, or circularity in general, we agree that the **same approach** as in the ESPR should be followed for the ELVR.

For the change to the process for renewal of Annex III exemptions, relying only on a report from ECHA **removes** the stakeholder engagement process that currently takes place. For the change to the process for renewal of Annex III exemptions, the stakeholder engagement process that currently takes place should be continued.

Art. 5, 6	<p>As soon as it receives the request from the Commission, the Agency shall publish on its website a notice that a report on a possible amendment of an exemption in Annex III will be prepared and invite <b>Member States and</b> all interested parties to submit comments within eight weeks from the date of publication of the notice. The Agency shall publish on its website all comments received <b>from Member States and</b> from the interested parties.</p> <p><i>Source: Hungarian Presidency Steering Note</i></p>	<p>As soon as it receives the request from the Commission, the Agency shall publish on its website a notice that a report on a possible amendment of an exemption in Annex III will be prepared and invite Member States and all interested parties to submit comments within <b>eight twelve</b> weeks from the date of publication of the notice. The Agency shall publish on its website all comments received from Member States and from the interested parties.</p>
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**Analysis:**

A stakeholder engagement process is an essential part of developing an accurate report and sufficient time is required that all Stakeholders can fully respond. Therefore, we propose 12 weeks.

Art. 5, 7	<p>At the latest nine months following the submission of the report referred to in paragraph <b>4 5</b> to the Commission, the Committee for Socio-economic Analysis of the Agency, set up pursuant to Article 76(1), point (d), of Regulation (EC) No 1907/2006, shall adopt an opinion on the report and on the specific amendments proposed. The Agency shall submit that opinion to the Commission without delay.</p> <p><i>Source: Hungarian Presidency Steering Note</i></p>	-
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**Analysis:**

The proposal of the Hungarian Presidency in their Steering Note 02.12.24 is acceptable.

Art. 5, 8	<p><del>The Commission shall adopt the delegated acts referred to in paragraph 4 and shall take into account the socio-economic impact of introducing, modifying or deleting an exemption to the restriction in the use of lead, mercury, cadmium or hexavalent</del></p>	-
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	<b>chromium in vehicle types, including the availability of alternatives and the impacts on human health and the environment across the full lifecycle of vehicles.</b>		
	<i>Source: Hungarian Presidency Steering Note</i>		
<b>Analysis:</b>			
The proposal of the Hungarian Presidency in their Steering Note 02.12.24 is acceptable.			
Annex III Entry 2(c)(ii)	Aluminium alloys not included in entry 2(c)(i) with a lead content up to 0,4 % by weight (2)	<b><u>Vehicles type approved before 1 January 2027 and spare parts for such vehicles</u></b>	Aluminium alloys not included in entry 2(c)(i) with a lead content up to 0,4 % by weight (2)
			<b><u>Vehicles type approved before 1 January 2030 and spare parts for such vehicles</u></b>
	<i>Source: Hungarian Presidency Steering Note</i>		
<b>Analysis:</b>			
The expiry date of an exemption shall be in line with the up-to-date legislative progress, i.e. vehicles type approved before 01.01.2030.			
Annex III Entry 2(c)(iii)	<b><u>Lead in aluminium casting alloys containing up to 0.3 % lead by weight provided that the lead stems from lead-bearing aluminium scrap recycling</u></b>	<b><u>Vehicles type-approved after 31 December 2026 and spare parts for these vehicles</u></b>	
	<i>Source: Hungarian Presidency Steering Note</i>		
<b>Analysis:</b>			
The introduction of an exemption shall in line with the up-to-date legislative progress. We agree with the proposal of the Hungarian Presidency.			
Annex III Entry 5a	<b><u>Lead in batteries used in high-voltage systems (4) that are used only for propulsion in M1 and N1 vehicles</u></b>	<b><u>Vehicles type approved before 1 January 2019 and spare parts</u></b>	<b><u>Lead in batteries used in high-voltage systems (4) that are used only for propulsion in</u></b>
			<b><u>Vehicles type approved before 1 January 2019 and spare parts for such vehicles</u></b>

		<b>for such vehicles</b>	<b><u>M1 and N1 vehicles</u></b>	
	Source: Hungarian Presidency Steering Note			
Annex III Entry 5bi	<b><del>Lead in batteries:</del></b> <b><del>(1) used in 12 V applications</del></b> <b><del>(2) used in 24 V applications in special purpose vehicles as defined in Article 3 of Regulation (EU) 2018/858</del></b>	=	<b><u>Lead in batteries:</u></b> <b><u>(1) used in 12 V applications</u></b> <b><u>(2) used in 24 V applications in special purpose vehicles as defined in Article 3 of Regulation (EU) 2018/858</u></b>	-
	Source: Hungarian Presidency Steering Note			
Annex III Entry 5bii	<b><del>Lead in batteries used in applications not included in entry 5(a) or entry 5(b)(i)</del></b>	<b><del>Vehicles type approved before 1 January 2024 and spare parts for such vehicles</del></b>	Lead in batteries used in applications not included in entry 5(a) or entry 5(b)(i)	Vehicles type approved before 1 January 2024 and spare parts for such vehicles
	Source: Hungarian Presidency Steering Note			

**Analysis:**

We expect that the exemptions for lead in batteries (Annex III, Exemption 5a, 5bi, 5bii) remain and continue to be linked to the vehicle type approval date.

The system of exemptions on hazardous substances between the ELVR and the Battery Regulation need to be aligned, as the Battery Regulation is *lex specialis* to the ELVR. It is not necessary to delete this exemption in the ELVR prior to the alignment.

Recital (91) states “This Regulation does not change the rules on restrictions on the use of lead, mercury cadmium and hexavalent chromium in vehicles established under Directive 2000/53/EC or exemptions from those restrictions” while Recital (16) states “Prior to introducing such restrictions under Regulation (EU) No 2023/[Batteries], a comprehensive assessment should be carried out under that Regulation to evaluate, if an exemption is still required and in what scope.” The Regulators should respect these statements and not make such amendments, as a very minimum until such time that the assessment has been conducted. For the change to the process for renewal of Annex III exemptions, the stakeholder engagement process that currently takes place should be continued.

Annex III Entry 8e	Lead in high melting temperature type solders (i.e. lead-based alloys containing 85 % by weight or more lead)	<b>Note (1): This exemption shall be reviewed in 2030 in accordance with Article 54(2).</b>	Lead in high melting temperature type solders (i.e. lead-based alloys containing 85 % by weight or more lead)	<del><b>Note (1): This exemption shall be reviewed in 2030 in accordance with Article 54(2).</b></del>
<i>Source: Hungarian Presidency Steering Note 02.12.24</i>				
<p><b>Analysis:</b></p> <p>The expiry date of an exemption shall be in line with the up-to-date legislative progress. For technical reasons the use of such high melting solders inside electronics is required and the exemption is still necessary as generic lead-free solutions are lacking.</p>				
Annex III Entry 8(g)(ii)	Lead in solders to complete a viable electrical connection between the semiconductor die and the carrier within integrated circuit flip chip packages where that electrical connection consists of any of the following:  (1) a semiconductor technology node of 90 nm or larger;  (2) a single die of 300 mm <sub>2</sub> or larger in any semiconductor technology node;  (3) stacked die packages with dies of 300 mm <sub>2</sub> or larger, or silicon interposers of 300mm <sub>2</sub> or larger.	Vehicles type-approved <del>from before 1-October 2022</del> <b>January 2030</b> and spare parts for such vehicles	-	-
<i>Source: Hungarian Presidency Steering Note 02.12.24</i>				
<p><b>Analysis:</b></p> <p>The introduction of an exemption shall in line with the up-to-date legislative progress. We agree with the proposal of the Hungarian Presidency.</p>				
Annex III Entry 16	<u><b>Batteries for electric vehicles</b></u>	<u><b>As spare parts for vehicles placed on the market</b></u>	<u><b>Batteries for electric vehicles</b></u>	<u><b>As spare parts for vehicles placed on the market before 31 December 2008</b></u>

		<b>before 31 December 2008</b>		
	Source: Hungarian Presidency Steering Note			
<p><b>Analysis:</b></p> <p>The system of exemptions on hazardous substances between the ELVR and the Battery Regulation need to be aligned, as the Battery Regulation is lex specialis to the ELVR. It is not necessary to delete this exemption in the ELVR prior to the alignment.</p>				
Note to Annex III Table	This exemption shall be reviewed in <b><u>2030 in accordance with Article 54(2).</u></b>		This exemption shall be reviewed in <b><u>2030 in accordance with Article 54 55 (2).</u></b>	
Note (1)	Source: Hungarian Presidency Steering Note 02.12.24			
<p><b>Analysis:</b></p> <p>The provisions for Review to amend Art. 5 is determined in Art. 55(2).</p>				
Note to Annex III Table	<del><b>This exemption shall be reviewed in 2025.</b></del>		-	
Note (3)	Source: Hungarian Presidency Steering Note 02.12.24			
<p><b>Analysis:</b></p> <p>The proposal of the Hungarian Presidency in their Steering Note 02.12.24 is acceptable. However, the expiry date of an exemption shall be in line with the up-to-date legislative progress.</p>				
Note to Annex III Table	<del><b>Systems that have a voltage of &gt; 75 V DC as provided for in Article 1 of Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (OJ L 96, 29.3.2014, p. 357).</b></del>		<b><u>Systems that have a voltage of &gt; 75 V DC as provided for in Article 1 of Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (OJ L 96, 29.3.2014, p. 357).</u></b>	
Note (4)				

**Analysis:**

This Note to the Annex clarifies the definition of high-voltage systems which are exempted according to Entry 5a of Annex III. Therefore, it shall remain here in Annex III.

**Article 6 - Minimum recycled content in vehicles**

Art. 6 lays down a minimum **recycled content target for plastics** of 25% (post-consumer), where at least 25% of the 25% (6.25%) target shall be achieved by including plastics recycled from end-of-life vehicles.

Amendment Proposals:

<p>Art. 6, 1</p>	<p>The plastic contained in each vehicle type that is type-approved as of [OP: Please insert the date = the first day of the month following 72 months after the date of entry into force of the Regulation] under Regulation (EU) 2018/858 shall contain a minimum of [ %] of plastic recycled by weight from post-consumer plastic waste.</p> <p>At least [ %] of the target set out in the first subparagraph shall be achieved by including plastics recycled from end-of-life vehicles in the vehicle type concerned.</p> <p>[The weight of the plastic contained in each vehicle and the weight of recycled plastic referred to in the first subparagraph shall exclude elastomers, thermosets other than polyurethane foams used for cushioning and plastics that contain or are contaminated by any substance regulated by Article 7 of Regulation (EU) 2019/1021 when the thresholds of Annex IV of that Regulation are exceeded.]</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>The plastic contained in each vehicle type that is type-approved as of [OP: Please insert the date = the first day of the month following 72 months after the date of <del>entry into force of the Regulation</del> under Regulation <del>(EU) 2018/858</del> <b>entry into force of the implementing act referred to Art. 6 (2)</b> shall contain a minimum of <del>25%</del> <b>15%</b> of plastic recycled by weight from <del>waste</del> <b>waste, including plastics recycled from end-of-life vehicles and workshop waste, and plastics from sustainable sources including via a mass balance approach.</b></p> <p><del>At least 25 % of the target set out in the first subparagraph shall be achieved by including plastics recycled from closed loop sources, such as end-of-life in the vehicle type concerned.</del></p> <p><del>[The weight of the plastic contained in each vehicle and the weight of recycled plastic referred to in the first subparagraph shall exclude elastomers, thermosets other than polyurethane foams used for cushioning and plastics that contain or are contaminated by any substance regulated by Article 7 of Regulation (EU) 2019/1021 when the thresholds of Annex IV of that Regulation are exceeded.]</del></p>
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## Analysis:

The overarching **target should be reduced**, in line with supply and technical feasibility.

No **supply and demand** study for recyclates has been conducted and it is therefore unclear whether there will be enough material of automotive quality available on the market, particularly due to legally enforced competition from other sectors (see other newly adopted legislation or draft legislation). In addition to the supply, the **technical feasibility** is also rated as critical, because of recyclates from mechanical recycling do not have the same quality as primary material, which is needed, for example, for safety-relevant components.

The recycling content target has been defined, **before a methodology** has been introduced. This leads to uncertainty regarding how to account for the material stream and allowed technologies. A detailed calculation methodology and certification process **must be defined** suitably early to give manufacturers certainty in the implementation. The proposed transition period of 72 months for implementation of the targets should start **after** publication of the methodology.

**Pre-consumer** (post-industrial) recycled content, workshop waste and material obtained from chemical recycling are **not explicitly** counted towards the calculation. If pre-consumer recyclate is not accounted for in the target, it risks not being used and becoming waste and moreover is needed to fulfil any target. With the aim of reducing primary raw materials and CO<sub>2</sub>, **all sustainable materials should be considered**, such as pre-consumer (post-industrial) recyclates, material from chemical recycling and bio-based materials. This target *could* then be **reviewed** and tightened over time, depending on the availability of the recycled plastics on the market.

The Packaging Regulation allows biobased materials as a possibility for meeting **recycled content targets** and does not set a separate target for them, in the first instance. Such an approach could be adopted in the ELV Regulation, however a separate target for biobased content in addition to the already non-reachable recycled content target at this point of time seems unnecessary and unrealistic. The use of biobased plastic materials could help to achieve the proposed challenging target and would have the additional benefit of **reducing the CO<sub>2</sub> footprint** of a vehicle. Currently the use of biobased plastic in the automotive industry is still in the pre-development and testing phase. The availability of such materials that comply with safety and quality standards required for vehicles is currently extremely low.

The separate **closed-Loop-Target** does not reflect the 15+ year lifespan of vehicles, which leads to several challenges:

- Handling of legacy **Substances of Concern** - challenge “**non-toxic environment**” versus “**circular economy**”.
- Degradation of polymers (quality).
- Verification management of recyclate sources, due to diverse shredder input.

We, therefore, strongly recommend **removing the separate closed-loop requirement**. This leads to more flexibility to fulfil quotas, without reducing the ecological impact. A separate closed-loop target is **not** needed since such circular material - from ELVs, workshop waste, and also waste from car production - will be utilised if it is technically and economically feasible simply to fulfil the recycled plastic requirement.

Regarding the **challenge of legacy substances**, due to vehicle longevity (15-18 years) and dynamic material legislations, e.g., EU RECh, EU POP etc., it must be pointed out that this has not been solved yet and it would contradict the EU's Chemical Strategy for Sustainability *if* only mechanical recycling can be used. Currently, the availability of closed loop secondary raw materials that comply with safety and quality standards required for vehicles is extremely low. This is mainly due



to the state of the art of recycling technologies, the very long lifespan of vehicles and the presence of legacy substances which are no longer permitted nor desired in new vehicle types. Therefore, the establishment of any future closed loop target should rely on an evaluation that includes active participation from the industry.

To achieve the recycled material quota, workable solutions could be specific thresholds for allowable levels of hazardous substances in recycled materials or a general exemption for hazardous substances in materials already placed on the market or mechanically recycled materials (principle: recycling material as produced material).

Although the Hungarian Presidency's proposal to exclude materials with POP Substances over the low POP content limit value into the plastic definition seems to take into account the problem of legacy substances in long living products, it results in an overly complicated solution with high bureaucratic burden and only refers to the POP regulation (EU) 2019/1021, forgetting substances restricted under REACH (EC 1907/2006).

From our perspective the definition of plastics must be located in Art. 3.

Similar to the Battery Regulation (EU 2023/1542 Art. 8) and the draft Packaging Regulation (Proposal of Packaging and Packaging Waste Regulation, COM (2022)0677, Art. 7.9 and 7.10) an **exception and a review clause** should be introduced which enables the Commission to revise and amend the target in case of non-availability of recycled material.

See again our comment above related to the definition of "plastic" (Art. 3).

<p>Art. 6,2a</p>	<p><u>The Commission is empowered to adopt delegated acts, in accordance with Article 50, to supplement paragraph 1 by laying down derogations to the recycled plastic content targets in areas where there is not enough recycled plastic available on the market to comply with the target set therein.</u></p> <p><i>Source: Hungarian Presidency Steering Note</i></p>	<p><del>The Commission is empowered to adopt delegated acts, in accordance with Article 50, to supplement paragraph 1 by laying down derogations to the recycled plastic content targets in areas where there is not enough recycled plastic available on the market to comply with the target set therein.</del></p> <p><u>60 months after entry into force, the Commission shall assess the need for derogations from the minimum percentages laid down in paragraph 1.</u></p> <p><u>Based on this assessment, the Commission is empowered to adopt delegated acts in accordance with Article 50 to amend this Regulation in order to provide for derogations from the scope, timing or level of minimum percentages laid down in paragraph 1,</u></p> <p><u>where</u></p> <ul style="list-style-type: none"> <li><u>- suitable recycling technologies to recycle plastic are not available because they are not authorised under the relevant Union rules or are not sufficiently installed in practice</u></li> <li><u>- justified by the lack of availability or excessive prices of recycled plastic that may have adverse effects on the environment or safety of parts and components making compliance with the minimum target excessively difficult.</u></li> </ul>
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**Analysis:**

Similar to the Battery Regulation (EU 2023/1542 Art. 8) and the draft Packaging Regulation (Proposal of Packaging and Packaging Waste Regulation, COM (2022)0677, Art. 7.9 and 7.10) an **exception and a review clause** should be introduced which enables the Commission to revise and amend the target in case of non-availability of recycled material.

The proposal of the Hungarian Presidency is therefore welcome. We believe that our proposal, which is similar to already existing wordings in two regulations, might be more in line with current legislation however.

Art. 6, 4	<p>By [OP: Please insert the date = the last day of the month following 35 months after the date of entry into force of this Regulation], the Commission shall assess the feasibility of establishing a requirement on the minimum share of:</p> <p>...</p> <p>(b) neodymium, dysprosium, praseodymium, terbium, samarium, <b>nickel, cobalt</b> or boron recycled from post-consumer waste and incorporated into permanent.</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>By [OP: Please insert the date = the last day of the month following 35 months after the date of entry into force of this Regulation], the Commission shall assess the feasibility of establishing a requirement on the minimum share of:</p> <p>...</p> <p>(b) neodymium, dysprosium, praseodymium, terbium, samarium, <del>nickel, cobalt</del> or boron recycled from post-consumer waste and incorporated into permanent.</p>
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**Analysis:**

Automotive applications with considerable amounts of nickel and cobalt are **already regulated** under the Battery Regulation. In other applications in vehicles nickel and cobalt are only alloying elements. Alloying elements will be recycled together with the alloys and be further utilised if needed. Further obligations with regard to recycled content targets without assessment and declaration of their use, especially for metals present in very low amounts in vehicles, would result in high efforts from the whole industry with very **low ecological benefits**. We strongly recommend refraining from such new measures.

Regarding the proposal to set a **target value** for **recycled steel** content (20 % 7 years after entry into Force) from the Hungarian Presidency (Steering Note 17.Sep.2024), we would like to outline that no recycled content target for newly type approved vehicles should be set without first conducting a careful **feasibility study**. The question whether or not 20 % would be feasible, can **only** be answered after such an impact analysis. At the same time, a **methodology** to calculate recycled content needs to be established **before** the setting of targets.

Recycling of steel is an established global process. Vehicle manufacturers already try to use as much as possible recycled steel to reduce their carbon footprint in the production of cars. There is **no evidence of a lack of demand for recycled steel**, it is used in various sector and any targets for a specific sector would only mean rediverting it from other sectors (cannibalisation effect).

**Article 7 - Design to enable removal and replacement of certain parts and components in vehicles**

Art. 7, in connection with Annex VII Part C, lays down certain **design requirements for removal and replacement**.

**Analysis:**

- The timeline of requirements for components listed in Part C of Annex VII is **inconsistent**:
  - After 12 months: ATFs to remove parts in a non-destructive way for components with a reuse, reman or refurbishment potential (Art. 27) and assess if all removed parts are fit for reuse, remanufacturing, recycling (Art. 31).
  - After 36 months: OEMs to provide detailed dismantling info (Art. 11).

- After 36 months: ATFs to ensure that components are removed, with certain exemptions if they demonstrate that PST can separate materials efficiently (Art. 30).
- After 72 months: OEMs to design components in a way that does not hinder removal (Art. 7).

The **timeline** of requirements for components listed in Part C of Annex VII must therefore be **aligned**.

**Amendment Proposals (to COM Proposal 13.7.23)**

<p>Art. 7, 1</p>	<p>Each vehicle belonging to a vehicle type that is type-approved as of [OP: Please insert the date = the first day of the month following 72 months after the date of entry into force of this Regulation] shall be designed in a way which does not hinder the removal by authorised treatment facilities of the parts and components listed in Part C of Annex VII from the concerned vehicle during the waste phase of the vehicle.</p> <p><i>Source: EU COM Draft</i></p>	<p>Each vehicle belonging to a vehicle type that is type-approved as of [OP: Please insert the date = the first day of the month following 72 months after the date of entry into force of this Regulation] shall be designed in a way which <del>does not hinder</del> <b><u>allows for the easy</u></b> removal by authorised treatment facilities of the parts and components listed in Part C of Annex VII from the concerned vehicle during the waste phase of the vehicle.</p>
<p><b>Analysis:</b></p> <p>The meaning of “<b>does not hinder</b>” in Art.7 1. is not sufficiently clearly defined. The subclause in Art. 7 1. “<b>does not hinder</b>” should be rephrased so as to be clearer and reasonably practicable.</p> <p>For some components in the list, like the (whole) wire harness, dashboards, etc., there is <b>no possibility</b> for easy dismantling at the design stage and often <b>no market</b> for them as spare parts.</p>		
<p>Art. 7; 2.</p>	<p>Each vehicle belonging to a vehicle type that is type-approved as of [OP: Please insert the date = the first day of the month following 72 months after the date of entry into force of this Regulation] under Regulation (EU) 2018/858 shall be designed, as regards joining, fastening and sealing elements, so as to enable, in a readily and non-destructive manner, the removal and replacement of electric vehicle batteries and e-drive motors from the vehicle by authorised treatment facilities or repair and maintenance operators during the use phase and waste phase of the vehicle.</p> <p><i>Source: EU COM Draft</i></p>	<p>Each vehicle belonging to a vehicle type that is type-approved as of [OP: Please insert the date = the first day of the month following 72 months after the date of entry into force of this Regulation] under Regulation (EU) 2018/858 shall be designed, as regards joining, fastening and sealing elements, so as to enable, in a readily and non-destructive manner, the removal and replacement of electric vehicle batteries and e-drive motors from the vehicle by authorised treatment facilities or repair and maintenance operators during the use phase and waste phase of the vehicle, <b><u>where technically feasible, reasonable and proportionate.</u></b></p>
<p><b>Analysis:</b></p>		

For many components, the use of modern, economically efficient and industrially applicable sorting technologies after shredding leads to **comparable separation results** and unmixed material streams for further recycling.

A dismantling of parts intended for reuse **without demand** for such parts would not only be unreasonable but even contradictory to the overarching goal to improve the environmental and ecological footprint.

Removal obligations for components must always be **technically feasible** and should be **reasonable and proportionate**. A specific use must also exist.

Removal in a non-destructive manner should **not** apply for removal for recycling and **only** apply for removal for re-use, refurbishment or re-manufacture.

A requirement for mandatory manual dismantling (Art. 30) is often counterproductive and should **only** be specified if the desired goals cannot be achieved otherwise. In principle, the **best available technology** should be used for each recycling process.

To achieve a holistic improvement of sustainability, **all aspects** of sustainability must be considered, this includes besides the **ecological** benefit also **economic** and **social** aspects (e.g. ensuring safe and healthy working conditions).

Amendment Proposals to Annex VII Part C:

Source: Hungarian Presidency Steering Note	Exempted under point 2, of Article 30, if the conditions of Part G of Annex VII apply	Amendment proposal	Exempted under point 2, of Article 30, if the conditions of Part G of Annex VII apply
1. Electric vehicle batteries, as defined in Article 3 point (141) of Regulation (EU) 2023/1542), including their battery management systems, onboard chargers for electric vehicles, casing or housing if present;		Electric vehicle batteries, <del>including their battery management systems, onboard chargers for electric vehicles, casing or housing if present;</del> as defined in Article 3 point (14), of Regulation (EU) 2023/1542	
<p><b>Analysis:</b></p> <p>The definitions for <b>electric vehicle batteries</b> as well as for <b>portable batteries</b> (“other batteries”) according to the Battery Regulation 2023/1542 Article 3 should be used to avoid misunderstanding and double regulation. While using the definition of the Regulation (EU) 2023/1542 an additional list of parts for dismantling is not necessary and may lead to misunderstandings and confusion at the dismantler.</p>			
2. E-drive motors, including their casings, <b>generators, alternators and cooling fan motors if present,</b> and <del>any associated</del>		E-drive motors, including their casings, <b>generators, alternators and cooling fan motors if present,</b> and <del>any associated control units,</del>	

control units, wiring, and other parts, components and materials directly fastened or attached to E-drive motors;		wiring, and other parts, components and materials directly fastened or attached to E-drive motors;	
<p><b>Analysis:</b></p> <p>Different components can be attached or directly fastened to the <b>e-drive motor</b>, depending on the requirements and construction concept and to allow future improvements. A written list might be incomplete and will create misunderstandings and increased efforts at the dismantlers. Therefore, a more general wording is recommended.</p>			
3. SLI batteries as defined in Article 3, point (12), of Regulation (EU) 2023/1542 and other batteries as defined in Article 3, point (9), of Regulation (EU) 2023/1542 ***[on batteries and waste batteries];		SLI batteries as defined in Article 3, point (12), of Regulation (EU) 2023/1542 and <del>other portable</del> batteries as defined in Article 3, point (9), of Regulation (EU) 2023/1542 ***[on batteries and waste batteries];	
<p><b>Analysis:</b></p> <p>The definitions for <b>electric vehicle batteries</b> as well as for <b>portable batteries</b> (“other batteries”) according to the Battery Regulation 2023/1542 Article 3 should be used to avoid misunderstanding and double regulation.</p>			
4. <del>Combustion engines blocks with generators, starter, alternators, turbo-chargers, radiator and cooling fan motors and associated devices;</del>	X	<del>Combustion engines blocks with generators, starters, alternators, and turbochargers, radiator and cooling fan motors and associated devices;</del>	X
<p><b>Analysis:</b></p> <p>Dismantling of <b>combustions engines</b> is less economical for dismantlers because shredders pay by weight. Therefore, we welcome the possibility of an exemption, as the material can be separated after shredding with appropriate technology. Generators, starters, alternators, as well as turbochargers are dismantled together with the combustion engine <b>if</b> an engine is dismantled, whereas the dismantling of radiators, cooling fan motors and associated devices would be an additional burdensome effort without benefit because these materials will be separated in the shredder. We welcome the proposal of the Hungarian Presidency to delete the additional ancillary components in Point No. 4 from this Table.</p>			
5. Catalytic converters;		Catalytic converters;	
6. Gear boxes, including control units;	X In case of exemption, No. 20 shall apply to the control unit	Gear boxes, including control units;	X
<p><b>Analysis:</b></p>			

<p>Dismantling of <b>gearboxes</b> is less economical for dismantlers because shredders pay by weight. Therefore, we welcome the possibility of an exemption, as the material can be separated after shredding with appropriate technology. Generators, starters, alternators, as well as turbochargers are dismantled together with the combustion engine <b>if</b> an engine is dismantled, whereas the dismantling of radiators, cooling fan motors and associated devices would be an additional burdensome effort without benefit because these materials will be separated in the shredder.</p>			
7. <b>At least 70% of the total glass from</b> windshields, rear and side windows made of glass, <b>including rooftop glass installations;</b>		<b>At least 70% of the total glass from</b> windshields, rear and side windows made of glass, <b>including rooftop glass installations;</b>	<b>X</b>
<p><b>Analysis:</b>  For the dismantling of <b>glass</b> at the end of life of vehicles the ecological benefits are unproven. The effort for dismantling glass is high, the risk of injury is great and very clean working methods are required, as glass recyclers accept only 3 ppm (g/t) of contamination. The associated effort and environmental costs of transport would also be high as there are only a few glass recyclers in Europe, resulting in long distance transportation. To document that 70% has been dismantled seems difficult to prove and would result in additional bureaucratic effort for SMEs.  If this entry is not deleted it should at least have an exemption.</p>			
8. <del>Wheels Rims;</del>		<del>Wheels Rims;</del>	
9. <del>Rubber tyres;</del>		<del>Rubber tyres;</del>	
10. <del>Dashboards;</del>		<del>Dashboards;</del>	
<p><b>Analysis:</b>  We agree with the proposal of the Hungarian Presidency, to remove this entry from Annex VII Part C. The mandatory disassembly of dashboards for reuse is impractical due to the lack of demand for these parts. Additionally, “dashboard” is not clearly defined and includes various components and materials, leading to a mixed waste stream with no improvement recycling quality.</p>			
11. Directly accessible parts of the infotainment system, including sound, navigation, <b>including radar or lidar control units and sensors if present</b> , and multimedia controllers, including displays of a surface greater than 100 square centimetres;		Directly accessible parts of the infotainment system, including sound, navigation, <del>including radar or lidar control units and sensors if present</del> , and multimedia controllers, including displays of a surface greater than 100 square centimetres;	
<p><b>Analysis:</b>  While it could be reasonable to require the dismantling of “<b>directly accessible parts of the infotainment system</b>”, it is counterproductive to add a possibly incomplete list of parts which might or may not belong to the infotainment system. <u>Radar and lidar control units and sensors</u> are part of the driver assistance systems and not of the infotainment system. Therefore, the deletion is proposed so that the decision lies with the dismantler.</p>			
12. Head- <b>and taillights</b> , including their actuators;		Head- <b>and taillights</b> , including their actuators;	
13. <b>Main wire harnesses, including internal and external charging cables if present;</b>	<b>X</b>	<del>Main wire harnesses, including internal and external charging cables if present;</del>	<b>X</b>
<p><b>Analysis:</b>  With the inclusion of the exemption, it could be a compromise to list the <b>main wiring harness</b>, although the wiring harness is the first part which is installed in the car body after varnishing, the removal of which would result in a complete disassembly of the car. The potential for reuse is extremely low.</p>			

Regarding the <b>internal charging cable</b> , the dismantling requires the dismantling of the axle, therefore the ratio of effort to benefit is extremely high and a deletion is recommended.			
14. <b>Crash management system, including bumpers covers, beams and crash boxes;</b>	X	<del>Crash management system, including bumpers covers, beams and crash boxes;</del>	X
<b>Analysis:</b> The intention of the commission with the inclusion of “ <b>bumpers</b> ” was to ensure that the plastic parts are removed for recycling if a reuse is not possible. The “ <b>crash management system</b> ” of a car includes several components in the structure of a vehicle to ensure safety of the passengers. Beams and crash boxes are made of metal, which can be separated after shredder. Beams run along the length of the vehicle and are, for example, integrated into the doors (side impact protection) or the chassis and therefore cannot be removed.			
15. <del>Fluid containers;</del> <b>Plastic fuel tanks</b>		Fluid containers; <b>Plastic fuel tanks</b>	
<b>Analysis:</b> Plastic fuel tanks are highly contaminated with fuel, resulting in high efforts for physical material recycling. The ecological benefit of fuel tank recycling has still to be proven and there is no established, economic recycling industry for the recycling of fuel tanks. A mandatory dismantling is therefore not reasonable if a demand as spare part is not given. Authorised treatment facilities should and will decide if a dismantling is worthwhile.			
16. Heat exchangers;		<del>Heat exchangers;</del>	X
<b>Analysis:</b> The <b>heat exchanger</b> sits under the dashboard between the engine compartment and the passenger compartment, directly against the bulkhead. For dismantling the dashboard would have to be removed whereas as the metal of the heat exchanger is separated after shredding. The reuse potential is low due to fatigue and corrosion of the material. A deletion of that entry is recommended or, at the very minimum, an exemption.			
17. <del>Any other mono-material metal components, heavier than 10 kg;</del>		Any other mono-material metal components, heavier than 10 kg;	
18. <del>Any other mono-material plastic components, heavier than 10 kg;</del>		Any other mono-material plastic components, heavier than 10 kg;	
17./18. <b>Analysis:</b> We agree with the proposal of the Hungarian Presidency to remove these entries from Annex VII Part C. Components that are heavier than 10 kg are <b>already listed</b> elsewhere in the table (Motor, Gear box, bumpers). Material from components that are lighter than 10 kg are already suitably recovered with current shredder technologies. Therefore, the inclusion of these entries in the list brings <b>no clear ecological benefit</b> .			
19. Components of carbon fibre reinforced plastics			
19. Electrical and electronic components: (a) <b>inverters and DC-DC converters with electric voltage above 24V or a weight above 1 kilogram</b> of the electric vehicles; (b) printed circuit <b>containing boards with a surface area, larger than 10 cm<sup>2</sup> square centimetres;</b>	X	Electrical and electronic components: (a) <b>inverters and DC-DC converters with electric voltage above 24V or a weight above 1 kilogram</b> of the electric vehicles; (b) printed circuit <b>containing boards with a surface area, larger than 10 cm<sup>2</sup> square centimetres;</b>	X



<p><b>particularly high precious metal content</b>  (c) photo-voltaic (PV) panels with a surface area, larger than 0.2 <del>m</del><sup>2</sup> <b>square metres</b>;  (d) control modules and valve boxes for the automatic transmission-;  <b>(e) oxygen, radar and lidar sensors if present.</b></p>		<p><b>particularly high precious metal content</b>  (c) photo-voltaic (PV) panels with a surface area, larger than 0.2 <del>m</del><sup>2</sup> <b>square metres</b>;  <del>(d) control modules and valve boxes for the automatic transmission-;</del>  <b>(e) oxygen, radar and lidar sensors if present.</b></p>	
<p><b>Analysis:</b>  Dismantling of all <b>printed circuit boards (PCB) &gt; 10 cm<sup>2</sup></b> is not feasible, therefore we welcome the proposal to delete this part of the requirement. The content of strategic, critical and precious metals in vehicle electronics depends on the function of the control unit. A general recommendation for the disassembly of "x kg PCB" or "PCB &gt; 10 cm<sup>2</sup>" cannot be given. It is not possible to predict the metal content of a PCB without laboratory analysis. In most cases, the removal costs exceed the potential revenues. As our own research has shown, PCBs are not a relevant source of strategic, critical or precious metals, whereas the dismantling efforts for all 30 - 50 PCBs in a vehicle's electronics are very high. The reason is the miniaturization of electronic components over the last years. For the future we see a trend to combine several control units into one case.</p> <p><b>Control modules and valve boxes for the automatic transmission</b> have a very low material value, the dismantling effort is high and there is no potential for reuse. Therefore, the deletion is proposed.</p> <p><b>Oxygen, radar and lidar sensors</b> are hugely different, very small sensors with an extremely low material weight and a high dismantling effort. The dismantling is therefore not feasible or proportional and a deletion proposed.</p>			
<p><b>21. E-call system</b></p>			
<p><b>Analysis:</b>  <b>e-Call systems, which have their own independent batteries, have to be dismantled (because of the battery), without additionally listing this obligation in Annex VII. Additionally there might be a demand for them as spare parts.</b></p>			

We welcome the prohibition of reuse of airbags. However, current tools for neutralising airbags inside the vehicles are commonly used and should remain an option. Annex VII Part B No. 2 (a) should be complemented by adding neutralisation of airbags inside the vehicle as possible treatment step.

**Article 8 – General obligations**

Art. 8 necessitates that the requirements of Art. 4 - 7 & 9 - 11 are fulfilled, including documentation, in order to gain **type approval**.

Art. 8 will be applicable 12 months after entry into Force.

Amendment-Proposal:

<p>Art. 8,1</p>	<p>Manufacturers shall demonstrate that new vehicles that they have manufactured and that are placed on the market, are type-approved in accordance with the requirements of Regulation (EU)</p>	<p>-</p>
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	2018/858, <b>Regulation (EU) 168/2013</b> and of this Regulation.  <i>Source: Hungarian Presidency Steering Note 02.12.24</i>	
<p><b>Analysis:</b> We welcome the Presidency’s proposal to amend Art. 8(1) and Art. 8(5) to reference the Regulation (EU) 168/2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles, since Art. 11 additionally applies to motorcycles.</p> <p>It must be ensured that <b>suitable time</b> is given for the industry to implement the measures and it must be clarified that this requirement is applicable only for new vehicle types clarify that this requirement is applicable only for new vehicle types.</p>		
Art. 8,2	For the purposes of type-approval of vehicles <b>types</b> to which the requirements in Articles 4, 5, 6 or 7 <b>apply</b> , the manufacturer shall provide the documentation showing compliance with those requirements and shall:  <i>Source: Hungarian Presidency Steering Note</i>	For the purposes of type-approval of vehicles <b>types</b> to which the requirements in Articles 4, <del>5, 6 or 7</del> <b>apply</b> , the manufacturer shall provide the documentation showing compliance with those requirements and shall:
<p><b>Analysis:</b> Manufacturers and type approval authorities need clear and harmonised information of how to assess these new requirements when issuing new type approvals. The <b>evidence</b> to be submitted for <b>type-approval</b> to prove compliance must be clarified and clear <b>clarification, tools and processes</b> of how to assess these new requirements when new type approvals must be issued.</p> <p>Additionally, the new type-approval demands are <b>not in line</b> with the globally harmonised UN R133 regulation. This will lead to <b>divergence</b> from non-EU markets, leading to a loss of synergies and worldwide-harmonised standards, instead the EU should seek to update the UN R133. <b>Alignment</b> with the globally harmonised standards should be maintained.</p>		

## Article 9 – Circularity strategy

Art. 9, in connection with Annex IV, requires that a **circularity strategy** must be drawn up for newly type-approved vehicles.

### Amendment Proposals:

Art. 9, 1	For each vehicle <b>category in which a manufacturer produced vehicles</b> type-approved under Regulation (EU) 2018/858 as of [OP: Please insert the date = the first day of the month following 36 months after the date of entry into force of this Regulation], the manufacturer shall draw up <b>and implement</b> a circularity strategy, <b>in order to make available its comprehensive plan for circularity for the upcoming five years. With respect to paragraphs 3 and 4 of Part A of Annex IV, the strategy</b>	<del>For each vehicle category in which a manufacturer produced vehicles type-approved under Regulation (EU) 2018/858 as of [OP: Please insert the date – the first day of the month following 36 months after the date of entry into force of this Regulation], the manufacturer shall</del> <b>Vehicle manufacturers shall</b> as of [OP: Please insert the date = the first day of the month following <del>60</del> <b>36</b> months after the date of entry into force of this Regulation], draw up <del>and implement</del> a
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	<p><b><u>shall include type-specific information for the vehicle type concerned.</u></b></p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>circularity strategy, in order to make available its comprehensive plan for circularity for the upcoming five years. <del>With respect to paragraphs 3 and 4 of Part A of Annex IV, the strategy shall include type-specific information for the vehicle type concerned.</del></p>
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**Analysis:**

The benefit for submitting a circularity strategy for each vehicle category (e.g. M1 and N1 from the same manufacturer) or even each newly type-approved model (as proposed by the Commission) is **unclear**. The obligation to submit the **circularity strategy** should apply for manufacturers **at company level** similarly to the current company recycling strategy under the ELV-Directive 2000/53/EC. A strategy within the same, e.g. vehicle, manufacturer will not differ between M1 and N1 vehicles. Nevertheless the proposal of the Hungarian Presidency goes into the right direction.

A **format** for how to set up this strategy and assessment process by the enforcement and type approval authorities is missing. The expectations of the EU Commission, enforcement, and type approval authorities is unclear. Different authorities may have different expectations, which could lead to unharmonised type approval process in each EU Member State. Clarification on the **format or method** for the strategy and process and expectations of enforcement and type approval authorities should be provided. Lack of harmonisation across EU Member States should be **avoided**.

In our opinion, clarification regarding the procedural provisions is best provided through **amendments to the text of the Regulation** to provide further clarifications. This is the best solution to provide legally binding and harmonised requirements for all actors in all Member States. We remain at the disposal of the EU Commission to actively provide input from industry towards the establishment of the format and methodology and the provision of the required clarification.

<p>Art. 9, 5</p>	<p>The manufacturer shall monitor and follow up on the actions contained in the circularity strategy and update the strategy every five years in accordance with Part B of Annex IV. The updated circularity strategy shall be provided to the type-approval authority that issued the type-approval for <u>a vehicle in the category concerned type</u> and to the Commission.</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>The manufacturer shall monitor and follow up on the actions contained in the circularity strategy and update the strategy <del>every five years in accordance with Part B of Annex IV in case of relevant changes</del>. The updated circularity strategy shall be provided to the type-approval authority that issued the type-approval for the <u>a vehicle in the category concerned type and to the Commission</u>.</p>
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**Analysis:**

A regular update of the circularity strategy after a fixed period of time would lead to unnecessary burden for both the manufacturers and the type -approval authorities. Therefore, it is recommended to **only** update the circularity strategy *when* relevant processes or circumstances have changed.

Annex VI Part A, 3	<p>Information on the assumptions on end-of-life <b>vehicle</b> treatment technologies <b>in place, on dismantling and on reuse of parts and components</b>, relevant technological progress in end-of-life <b>vehicle</b> treatment technologies and capacity investment in such technologies, as of submitting the application for type-approval, that the manufacturer used in order to calculate the reusability, recyclability and recoverability in accordance with Article 4 of the vehicle type.</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>Information on the assumptions on end-of-life <b>vehicle</b> treatment technologies <b>in place, <del>on dismantling and on reuse of parts and components</del></b>, relevant technological progress in end-of-life <b>vehicle</b> treatment technologies and capacity investment in such technologies, as of submitting the application for type-approval, that the manufacturer used in order to calculate the reusability, recyclability and recoverability in accordance with Article 4 of the vehicle type.</p>
<p>Analysis:</p> <p>While the original Commission proposal seems to refer to the “Proven Technology List”, which is accepted by the Commission, the addition from the Hungarian Presidency includes a requirement which cannot be fulfilled by vehicle manufacturers. The kind and amount of dismantling and reuse of parts and components is in the responsibility of the recycling industry and has to be reported by them.</p>		
Annex IV Part A, 5	<p>A list of actions that the manufacturer commits to carry out in order to ensure that the treatment of end-of-life vehicles of the <b>type category</b> concerned is carried out in accordance with this Regulation, with a particular focus on:</p> <p>...</p> <p>(b) measures contributing to the development of recycling technologies for materials used in vehicles, for which such technologies are not widely available at commercial scale at the moment of submission of application for type-approval;</p> <p>(c) the monitoring on how parts, components and materials contained in vehicles belonging to the vehicle <b>type category</b> are reused, recycled and recovered in practice;</p> <p>(d) measures to address the challenges posed by the use of materials and techniques which hamper easy</p>	<p>A list of actions that the manufacturer commits to carry out in order to ensure that the treatment of end-of-life vehicles of the <b>type category</b> concerned is carried out in accordance with this Regulation, with a particular focus on:</p> <p>...</p> <p>(b)-measures contributing to the development of recycling technologies <b>in cooperation with waste management operators and/or research institutes</b> for materials <b>and components</b> used in vehicles, for which such technologies are not <del>widely</del>-available at <b>laboratory scale commercial scale</b> at the moment of submission of application for type-approval;</p> <p><del>(c) the monitoring on how parts, components and materials contained in vehicles belonging to the vehicle type are reused, recycled and recovered in practice;</del></p> <p><del>(d) measures to address the challenges posed by the use of materials and</del></p>

	<p>dismantling or make recycling very challenging, for example adhesives or fibre-reinforced materials;</p> <p>(e) measures to promote the reuse of parts and components.</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p><del>techniques which hamper easy dismantling or make recycling very challenging, for example adhesives or fibre-reinforced materials;</del></p> <p><del>(e) measures to promote the reuse of parts and components.</del></p>
<p><b>Analysis:</b></p> <p>The requirements in the Annexes partly apply to the vehicle itself and partly to the strategy of the OEM. Annex IV Part A and B contain several requirements which <b>cannot be controlled by OEMs</b>, or which cannot be “measured” or “assessed” by OEMs:</p> <ul style="list-style-type: none"> <li>• 5. b) At the time of type approval, it is <b>too early</b> to define measures to contribute to the development of recycling technologies which are not widely available at commercial scale, as the type-approved vehicles will be recycled at an industrial scale only 15+ years later. A good example is the recycling of traction batteries where the development of recycling technologies by manufacturers together with recycling industry and research institutions started after the first electric vehicle was put on the market, but the industrial scale will only be reached when enough electric vehicles will reach their end-of-life. According to UN R133 “processes shall be based on a technology which has been successfully tested, at least on a laboratory scale (<b>proven technology</b>).”</li> <li>• 5. c) ELVs are treated by waste management operators 15+ years after type approval is granted. Therefore, it <b>cannot</b> be monitored at the time of type approval. Additionally, there is <b>no known process</b> for how to track all parts and materials globally by waste management operators. Waste streams will be mixed in/after the shredder and cannot be tracked.</li> <li>• 5. e) Measures to promote the reuse of parts and components by OEMs are <b>already</b> in place, with the possibility for second hand spare parts for the repair of older vehicles with lower prices. Insurance companies can promote this by decrease insurance fees if customers accept repair with used parts.</li> </ul> <p>In general, also <b>waste management operators</b> (recyclers) should be <b>targeted to improve</b> and implement the recycling technologies (Annex IV, point 5 and 6), since the expertise and responsibilities lie with them and not the vehicle manufacturer.</p> <p>Part A 5 c, d, e, should be deleted, 5 b should be <b>amended</b>.</p>		
<p>Annex IV Part A, 6</p>	<p>A description of the nature and form of the actions referred to in point 5, for example investments in research and development, investments in the development of recycling technologies or infrastructure, and how it has been cooperating with waste management operators involved in reuse, recycling and recovery of vehicles and removal of their parts.</p> <p><i>Source: EU COM Draft</i></p>	<p>A description of the nature and form of the actions referred to in point 5, <del>for example investments in research and development, investments in the development of recycling technologies or infrastructure, and how it has been cooperating with waste management operators involved in reuse, recycling and recovery of vehicles and removal of their parts.</del></p>

**Analysis:**

The goal of these detailed requirements, who will receive the information and what will be done with this information is **unclear**. The bureaucratic effort is assessed as extremely high and will increase the burden for industry and authorities without recognisable benefit for the environment.

Annex IV  
Part A, 7

A description of the manner in which the effectiveness of the actions referred to in point 6 will be assessed.

*Source: EU COM Draft*

~~A description of the manner in which the effectiveness of the actions referred to in point 6 will be assessed.~~

**Analysis:**

For an automotive manufacturer it is **not** possible to assess the effectiveness of their own action to improve the infrastructure of recycling technologies in **all** Member States of the EU. There are too many factors which influence that business which is **not** the business of vehicle manufacturers. Therefore, a description of the manner is **not** possible. This should be a task for the EU Commission and recycling industry.

Annex IV  
Part B, 2

The updated circularity strategy shall include the following:

(a) a description of how the actions referred to in point 6 of Part A have been undertaken and, in the case that one or more actions indicated in the strategy has not been conducted, an explanation of the reasons for this;

(b) an assessment of the effectiveness of the actions referred to in point 6 of Part A;

(c) a description of how the actions referred to in point 6 of Part A have been or will be taken into account in the design of new vehicle types.

*Source: EU COM Draft*

~~The updated circularity strategy shall include the following:~~

~~(a) a description of how the actions referred to in point 6 of Part A have been undertaken and, in the case that one or more actions indicated in the strategy has not been conducted, an explanation of the reasons for this;~~

~~(b) an assessment of the effectiveness of the actions referred to in point 6 of Part A;~~

~~(c) a description of how the actions referred to in point 6 of Part A have been or will be taken into account in the design of new vehicle types.~~

Annex IV  
Part B, 3

In case of significant changes in the design and production of the vehicle type, the updated circularity strategy shall have a particular focus on the following:

(a) changes in the use of parts and components in new vehicles which are easy to dismantle for reuse or for high quality recycling;

~~In case of significant changes in the design and production of the vehicle type, the updated circularity strategy shall have a particular focus on the following:~~

~~(a) changes in the use of parts and components in new vehicles which are easy to dismantle for reuse or for high quality recycling;~~

	<p>(b) changes in the use of materials in new vehicles which are easy to recycle;</p> <p>(c) the adoption of design features to address the challenges posed by the use of materials and techniques which hamper easy removal or make recycling very challenging, for example adhesives, composite plastics or fibre-reinforced materials;</p> <p>(d) changes in the use of recycled materials in new vehicles, remanufactured or refurbished parts and components in vehicles and of compatibility of parts and components from other types of vehicles; and</p> <p>(e) changes in the use of substances referred to in Article 5 in new vehicles.</p> <p><i>Source: EU COM Draft</i></p>	<p><del>(b) changes in the use of materials in new vehicles which are easy to recycle;</del></p> <p><del>(c) the adoption of design features to address the challenges posed by the use of materials and techniques which hamper easy removal or make recycling very challenging, for example adhesives, composite plastics or fibre reinforced materials;</del></p> <p><del>(d) changes in the use of recycled materials in new vehicles, remanufactured or refurbished parts and components in vehicles and of compatibility of parts and components from other types of vehicles; and</del></p> <p><del>(e) changes in the use of substances referred to in Article 5 in new vehicles.</del></p>
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**Analysis:**

The goal of these detailed requirements, who will receive the information and what will be done with this information is **unclear**. The bureaucratic effort is assessed as extremely high and will increase the burden for industry and authorities without recognisable benefit for the environment.

Part B, 3a: The term “**high quality recycling**” is not defined in this regulation draft.

Part B, 2. and 3. should be deleted.

**Article 10 – Declaration on recycled content present in vehicles**

Article 10 requires manufacturers to declare the recycled content present in vehicles as part of the type-approval process.

Amendment Proposals:

<p>Art. 10, 1</p>	<p>Manufacturers shall declare, for each vehicle type that is type-approved as of [OP: Please insert the date = the first day of the month following <del>36</del> <b>12</b> months after the <del>entry into force of the Regulation</del> adoption of the <b>implementing act establishing the methodology for the calculation and verification of the share of the materials recycled from post-consumer waste in vehicle types, as referred to in Article 6 (4 5)]</b> under Regulation (EU) 2018/858,</p>	<p>Manufacturers shall declare, for each vehicle type that is type-approved as of [OP: Please insert the date = the first day of the month following <del>36</del> <b>12</b> months after the <del>entry into force of the Regulation</del> adoption of the <b>implementing act establishing the methodology for the calculation and verification of the share of the materials recycled from post-consumer waste in vehicle types, as referred to in Article 6 (4 5)]</b> under Regulation (EU) 2018/858,</p>
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	<p>the respective share of recycled content of:</p> <p>(a) neodymium, dysprosium, praseodymium, terbium, samarium, <b>nickel, cobalt</b>, boron in permanent magnets in e-drive motors;</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>the respective share of recycled content of:</p> <p>(a) neodymium, dysprosium, praseodymium, terbium, samarium, <del>nickel, cobalt</del>, boron in permanent magnets in e-drive motors;</p>
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**Analysis:**

We welcome the proposal of the Hungarian presidency to *first* develop the calculation and verification methodology before the application of the declaration requirement. Nevertheless sufficient time is needed to gather the data through the long supply chain of automotive manufacturers.

Automotive applications with considerable amounts of nickel and cobalt are **already regulated** under the Battery Regulation. In other applications in vehicles nickel and cobalt are only alloying elements. Alloying elements will be recycled together with the alloys and be further utilised if needed. Further obligations with regard to recycled content targets without assessment and declaration of their use, especially for metals present in very low amounts in vehicles, would result in high efforts from the whole industry with very **low ecological benefits**. We strongly recommend refraining from such new measures.

Regarding the inclusion of Nickel and Cobalt please see above, for Art. 6.5

A methodology is required to allow compliance to the requirements. To declare the percentage of recycled content, OEMs require an existing harmonised methodology, prior to the publication of a feasibility study.

Recital 13 emphasises that: “Accordingly, new vehicle types should continue to be constructed so as to be reusable or recyclable to a minimum of 85 % by mass and reusable or recoverable to a minimum of 95 % by mass, as already foreseen in Directive 2005/64/EC.”. This is relevant because it excludes older vehicle types to meet the same standards set in the ELV Regulation as new vehicle type types within the timeframe “72 months after the date of entry into force”.

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

Art. 11 obliges manufacturers to provide waste management operators and repair and maintenance operators with information on removal and replacement of certain parts and components free of charge.

Amendment Proposals:

Art. 11, 1	From [OP: Please insert the date = the first day of the month following 36 months after the date of entry into force of this Regulation], manufacturers shall provide waste management operators and repair and maintenance operators	<b>For new vehicle types approved from</b> [OP: Please insert the date = the first day of the month following 36 months after the date of entry into force of this Regulation], manufacturers shall provide <b>authorised treatment facilities repair</b>
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	<p>unrestricted, standardised and non-discriminatory access to the information listed in Annex V, enabling access to, and safe removal and replacement of, the following:</p> <p>(...)</p> <p><b><u>parts and components, containing the critical raw materials as referred to in Article 27(1), point (b) Article 28(1) point (b) of Regulation (EU) 2024/1252 at the time of the type-approval of the vehicle;</u></b></p> <p><i>_Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p><del>and maintenance operators</del></p> <p>unrestricted, standardised and non-discriminatory access, <b><u>e.g. via existing tools used by the Automotive Industry,</u></b> to the information listed in Annex V, enabling access to, and safe removal <del>and replacement of</del>, the following:</p> <p>(...)</p>
<p><b>Analysis:</b></p> <p>Today, authorised treatment facilities are informed <b>free of charge on removal</b> of parts and components and how to gain access to training and repair and maintenance information etc. via the International Dismantling Information System (<b>IDIS</b>).</p> <p>See: <a href="https://www.idis2.com/part_reuse.php">https://www.idis2.com/part_reuse.php</a>.</p> <p>It should be made clear, that <b>only authorised treatment facilities shall have access to dismantling information.</b></p> <ul style="list-style-type: none"> <li>• Repair and maintenance operators do <b>not</b> need dismantling information. They have access to information via a <b>separate repair and maintenance information system.</b></li> <li>• Authorised treatment facilities or other waste management operators carrying out only collection of end-of-life vehicles do <b>not</b> require the information on <b>replacement.</b> Providing this information would increase the risk on <b>non-qualified</b> persons dealing with dangerous components like high-voltage batteries, gas tanks or pyrotechnical devices.</li> </ul>		
<p>Art. 11, 2</p>	<p>[...]</p> <p>The manufacturers shall provide the information referred to in the first subparagraph free of charge. The manufacturers may collect charges from waste management operators and repair and maintenance operators to the amount necessary to cover the administrative costs for making the required information accessible through communication platforms.</p> <p><i>Source: EU COM Draft</i></p>	<p>[...]</p> <p>The manufacturers shall provide the information referred to in the first subparagraph free of charge <b><u>to authorised treatment facilities.</u></b> The manufacturers may collect charges from <del><b><u>authorised treatment facilities waste management operators and repair and maintenance operators</u></b></del> to the amount necessary to cover the administrative costs for making the required information accessible through communication platforms.</p>
<p><b>Analysis:</b></p>		

The obligation to provide repair and maintenance operators free charge with information on removal and replacement is **contradictory to Art. 63 (1) of Regulation (EU) 2018/858** which allows the manufacturer to charge reasonable and proportionate fees for access to vehicle repair and maintenance information. It would be against competition law to provide information free of charge to other independent operators.

## Article 12 – Labelling of parts, components and materials present in vehicles

Art. 12 covers the labelling of parts, components and materials present in vehicles in line with material coding standards. Detailed rules on labelling e-drive motors containing permanent magnets are laid down in Annex VI.

### Amendment Proposal:

<p>Art. 12, 2</p>	<p>Manufacturers shall ensure that e-drive motors containing permanent magnets bear a conspicuous, clearly legible and indelible label indicating the information listed in point 4 of Annex VI.</p> <p><i>Source: EU COM Draft</i></p>	<p><b>From [OP: Please insert the date = the first day of the month following 36 months after the date of entry into force of this Regulation], m</b>Manufacturers shall ensure that e-drive motors containing permanent magnets bear a conspicuous, clearly legible and indelible label indicating the information listed in point 4 of Annex VI.</p>
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### Analysis:

**Double regulation**, e.g., with the EU Regulation 2024/1252 establishing a Framework for Ensuring a Secure and Sustainable Supply of Critical Raw Materials, should be **avoided**.

The **EU ELV Regulation is the lead regulation** stipulating circularity requirements for vehicles and the requirements for labelling of parts, components and materials in vehicles should be specified in, and **only** in, the EU ELV Regulation.

Manufacturers and their supply chain will need sufficient **time** to adapt to new labelling requirements for e-drive motors containing permanent magnets.

Annex VI Point 4 must be **amended to align** with the CRMA timeline (the EU Commission is obliged to adopt the format of labelling by 24. Nov. 2025 in an implementing act with the labelling itself having to be applied to vehicles containing permanent magnets from 24. May. 2029).

We therefore recommend postponing the labelling obligation so labelling requirements for e-drive motors containing permanent magnets take effect **36 months** after the date of entry into force.

Additionally, the basis for the labelling of permanent magnets differs between the CRMA (all, when >200g per product) and the ELV Regulation (those in e-drive motors). Contradictory requirements and timelines for implementation of labelling requirements must be avoided.

## Article 13 – Circularity Vehicle Passport

Art. 13 describes the obligation for manufacturers to provide a **circularity vehicle passport** for each vehicle placed to the market. The manufacturer shall ensure that the information in the circular vehicle passport is accurate, complete and up to date.

Amendment Proposals:

<p>Art. 13, 1</p>	<p>From [OP: please insert a date = the first day of the month following <b>84 72</b> months after entry into force of the Regulation] each vehicle placed on the market shall have a <b>digital</b> circularity vehicle passport, which shall be aligned with and, where possible, integrated in other vehicle related environmental passports established under Union law.</p> <p><i>Source: Hungarian Presidency Steering Note</i></p>	<p><b><u>For each new vehicle type approved</u></b> from [OP: please insert a date = the first day of the month following <b>84 72</b> months after entry into force of the Regulation] each <b>new vehicle type placed on the market</b> shall have a digital circularity vehicle passport, which shall be <b>aligned with and, where possible, integrated interoperable with</b> <del>in</del> other vehicle related environmental passports established under Union law.</p>
<p><b>Analysis:</b></p> <p>Today, the openly available IT system International Dismantling Information System (IDIS) already provides detailed information, e.g., on parts for recycling and dismantling of components, to all interested waste management operators, <b>per vehicle type</b>.</p> <p>Additionally, the tracking of materials and substances in automotive products is ensured by the global <b>International Materials Data System</b> (IMDS), which connects the entire supply chain. This is constantly improved, e.g., IMDS was updated to enable tracking of recycled and bio-based content in materials and components.</p> <p>The Commission has already acknowledged that information per <b>vehicle type is acceptable</b> in the SCIP database, required under the EU Waste Framework Directive. To avoid duplication and provision of overwhelming data volumes, the circularity vehicle passport (Art. 13) should require information (e.g., for reuse, dismantling and recycling) only <b>per vehicle type</b>, but not for each individual vehicle.</p> <p>The circular vehicle passport should only be valid for <b>newly type approved</b> vehicles, after entry into force of the ELV Regulation. Vehicles type approved before the entry into force date of the ELV Regulation should be <b>excluded</b> from this obligation.</p> <p>The timeline for application of Art. 13 depends on the general development of circularity passports. Duplication and unnecessary burden from differing product passports required under differing legislative regimes <b>must be avoided</b>. At this point of time, it is not possible to predict whether all challenges on the way to implementing product passports can be solved in a timely manner. Moreover, an earlier implementation of the circular vehicle passport is not required since the foreseen information that would be provided in the passport is already provided by existing systems.</p> <p>Therefore, before developing new systems, established systems, e.g. IDIS / IMDS / SCIP, should be used and developed, based on an assessment of their effectiveness and the actually required demands. This would reduce the bureaucratic and environmental burden.</p>		
<p>Art. 13, 2</p>	<p>The <b>digital</b> circularity vehicle passport shall contain the information referred to in Article 11 of this Regulation in digital format and shall be accessible free of charge.</p>	<p>-</p>

	Source: Hungarian Presidency Steering Note 02.12.24	
<p><b>Analysis</b></p> <p>The reference to “hazardous substances” in the question posed by the Hungarian Presidency in their Steering Note regarding this Article is unclear. Art. 13(2) requires the information on removal and replacement of parts, components and materials present in vehicles (Art. 11) to be included in circularity vehicle passport, which itself references Annex V and Part C of Annex VII. There is no reference in Art. 13, Art. 11, Annex V or Annex VII to “hazardous substances”, but Annex V requires information on the presence of the substances listed in Article 5(2). This information is <b>already available</b> and provided in IDIS.</p>		
Art. 13, 3	<p>The manufacturer placing the vehicle on the market shall ensure that the information in the <b>digital circularity</b> vehicle passport is accurate, complete and up to date.</p> <p>Source: Hungarian Presidency Steering Note 02.12.24</p>	<p>The manufacturer placing the vehicle on the market shall ensure that the information in the digital circularity vehicle passport is accurate, and complete <del>and up to date</del> <b>at the time of placing the vehicle on the market.</b></p>
<p><b>Analysis</b></p> <p>It has to be noted that a guarantee of completeness and up to date-ness for the vehicle passport can <b>only</b> be ensured <b>by the manufacturer</b> at the <b>time the vehicle is produced</b> and not later in its life because of maintenance, customisation and repair (especially in case of non-original parts) during its lifetime.</p> <p>A guarantee of completeness by the manufacturer should therefore be <b>limited</b> to the time of placing the vehicle on the market.</p>		
Art. 13, 5	<p>The <b>digital</b> circularity vehicle passport of a vehicle that has become an end-of-life vehicle shall cease to exist at the earliest 6 months after the certificate of destruction for that end-of-life vehicle was issued.</p> <p>Source: Hungarian Presidency Steering Note 02.12.24</p>	<p>The digital circularity vehicle passport of a vehicle that has become an end-of-life vehicles <b>or legally exported from the EU</b> shall cease to exist at the earliest 6 months after the certificate of <b>export or</b> destruction for that end-of-life vehicle was issued.</p>
<p><b>Analysis</b></p> <p>Art. 13.5, and the cessation of a circularity vehicle passport, should <b>also</b> apply when a vehicle is legally exported from the EU, in addition to when a vehicle becomes an end-of-life vehicle.</p> <p>Those issuing the certificate of destruction should do so in a timely manner, promptly after an ELV is treated, and the circular vehicle passport must expire promptly thereafter.</p>		
Art. 13, 6	<p>When laying down the rules referred to in the first subparagraph, the Commission shall take into account the need to ensure a high level of security and privacy.</p>	<p>When laying down the rules referred to in the first subparagraph, the Commission shall take into account the need to ensure a high level of security</p>

	Source: EU COM Draft	and privacy, <b><u>including restricting direct access to a vehicle's operating data.</u></b>
<p>Fundamentally duplication and unnecessary burden from differing reporting obligations, including product passports, required under differing legislative regimes must be avoided.</p> <p>The circularity vehicle passport, as with all product passports, should <b>not allow direct access</b> to a vehicle's operating data or allow influencing of the ECUs or vehicle software, on data- and cyber-security grounds.</p>		

## Article 14 – General Provisions

Art. 14 contains provisions requiring Member States to designate the authorities responsible for implementing and enforcing the management of end-of-life vehicles and the rules on used vehicles and their export.

### Analysis:

Producers need **clear and harmonised information** from their competent authorities, especially regarding how they expect compliance to be proven regarding obligations under Art. 15 – 36. Clear clarification, tools and processes must be issued by the competent authorities. Therefore, Member States must designate competent authorities promptly and there should be no delay in providing this information and certainty to industry.

Generally, **suitable time** should be given for both industry and Member States to implement measures. However, increasing the deadline for the designation of the competent authorities may have an impact on producers/PROs, who need to submit their application for authorisation to the competent authority.

In addition, producers/PROs need to know the national specifications for authorisation (e.g. geographical coverage) and go through a process of tenders, negotiations, contract signatures, audits, etc. Prior experience with the setting-up of PROs in different Member States show that the entire process takes approximately 15 months after national legislation enters in force.

We recommend **reviewing the timeline** of the whole procedural processes for both Member States and industry. Numerous EPR related obligations are planned to enter into force **prior** to the obligations from Art. 16, which enters into force 36 months after the date of entry into force of the Regulation. It is especially unclear why Art. 15, Art. 18 - 27, Art. 29 and Art. 31 should enter into force 12 months after the date of entry into force of the Regulation.

Concerning the steps for the operation of the EPR schemes (individual or collective systems), the following sequence should be favoured:

1. Designation of competent authority
2. Creation of the national register of producers
3. New EPR schemes obligations (including obligations for Art. 15 - 16 and Art. 18 - 35)
4. Submission of individual/collective system dossiers to the competent authority
5. Authorization of individual/collective systems by the competent authority
6. Contractualisation of individual/collective systems to ATFs (collectors/collection points, dismantlers, shredders)

## Article 15 – Authorised treatment facilities

### Amendment Proposal:

<p>Art. 15, 3a (new)</p>	<p><b>Member States may adopt measures to require that producers or, where appointed in accordance with Article 17(1), producer responsibility organisations shall conclude contracts with authorised treatment facilities for the purposes of implementing their producer responsibility obligations.</b></p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p><del>Member States may adopt measures to require that producers or, where appointed in accordance with Article 17(1), producer responsibility organisations shall conclude contracts with authorised treatment facilities for the purposes of implementing their producer responsibility obligations.</del></p> <p><b><u>Only authorised treatment facilities and collection points that are in contract with the producer or, where appointed in accordance with Article 18, the producer responsibility organisation and that are not suspended after inspection in accordance with Art. 46, are allowed to collect end of life vehicles.</u></b></p>
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The wording proposed by the Presidency is suggesting, that in case that producers/PROs do not conclude contracts, all existing ATFs are regarded as belonging to their EPR system. We believe the intention is to give Member States the option to make a **contract between ATF/collection point and producer/PRO mandatory**.

By specifying that only authorised treatment facilities and collection points that are in contract with the producer or producer responsibility organisation are allowed to collect end of life vehicles, it **ensures** that these facilities have the necessary infrastructure, expertise and resources to handle the vehicles in an **environmentally responsible manner**. However, this should not be a decision of the Member States but an **EU-wide common requirement**.

The references in Art. 16 and 20 to Art. 23 of the EU COM Proposal suggest that all obligations of a producer/producer responsibility organisation (PRO) refer only to their own collection system. The EU COM does **not** clarify how to deal with today's reality: that the treatment of end-of life vehicles is such an attractive business that there are tens-of-thousands of active treatment operators in Europe **without** a contract with the respective producer or a PRO.

Should the legislator accept treatment activities outside the scope of EPR systems it needs to be clarified, that it would be **contradictory to a free market** to oblige producers to sign a contract with every existing facility and via Art. 20/22 make them responsible to bear deficits of an unlimited number of inefficient operators. We therefore support the proposal of the Hungarian Presidency in recital (33) that producers/PROs have **no obligation related to operators outside their own EPR system**.

However, a producer can only fulfil extended producer responsibility properly if he has the **right of precedence** to organise his waste in order to steer it in the best performing channels.

<p>Art. 15, 5 (new)</p>	<p>The Commission shall, by <i>[OP: please enter the date = the last day of the month following 24 months after the date of entry into force of this Regulation]</i>, adopt an implementing act in accordance with Article 51(2) to establish the necessary criteria for the contracts referred to in paragraph 3a, in order to ensure a fair balance of power between the contracting entities. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 51(2).</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p><del>The Commission shall, by <i>[OP: please enter the date = the last day of the month following 24 months after the date of entry into force of this Regulation]</i>, adopt an implementing act in accordance with Article 51(2) to establish the necessary criteria for the contracts referred to in paragraph 3a, in order to ensure a fair balance of power between the contracting entities. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 51(2).</del></p>
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Analysis:

We see **no reason to implement safeguards** by establishing criteria for private contracts via an implementing act. Producers cannot impose disproportionate contractual obligations as they would then be faulty of an abuse of a dominant position and could be sued for market foreclosure if they impose disproportionate obligations in their contracts with ATFs.

Similar to other EPR schemes, producers/PROs will require a certain geographical coverage with ATFs in their future take-back network. This network will need to provide the capacity to handle the yearly number of ELVs that are now handled by the existing ATFs.

## Article 16 – Extended Producer Responsibility

Art. 16 implements extended producer responsibilities (EPR) according to Art. 8 and 8a of Directive 2008/98/EC.

Amendment Proposal:

<p>Art. 16</p>	<p>From <i>[OP: Please insert the date = the first day of the month following 36 months after the date of entry into force of this Regulation]</i> producers shall have extended producer responsibility for vehicles that they make available on the market for the first time within the territory of a Member State. The extended producer responsibility scheme <del>established by producers to exercise that responsibility</del> shall be consistent with Articles 8 and 8a of Directive 2008/98/EC and comply with the requirements of this Chapter.</p> <p><b>A producer selling vehicles by means of distance contracts directly to end-users</b></p>	<p>From <i>[OP: Please insert the date = the first day of the month following 36 months after the date of entry into force of this Regulation]</i> producers shall have extended producer responsibility for vehicles that they make available on the market for the first time within the territory of a Member State. The extended producer responsibility scheme <del>established by producers to exercise that responsibility</del> shall be consistent with Articles 8 and 8a of Directive 2008/98/EC and comply with the requirements of this Chapter.</p> <p><b>A producer selling vehicles by means of distance contracts directly to end-users</b></p>
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	<p><b>in a Member State, and established in another Member State or in a third country, shall appoint an authorised representative for extended producer responsibility in each Member State on the territory of which it makes its vehicles available on the market for the first time. Such appointment shall be made by written mandate.</b></p> <p>The extended producer responsibility shall include the obligation for producers to ensure that:</p> <p>(a) vehicles which they have made available on the market for the first time within the territory of a Member State and which become end-of-life vehicles</p> <p>(i) collected in accordance with Article 23;</p> <p>(ii) treated in accordance with Article 27;</p> <p>(b) the waste management operators treating end-of-life vehicles referred to in point (a) meet the targets laid down in Article 34.</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p><b>in a Member State, and established in another Member State or in a third country, shall appoint an authorised representative for extended producer responsibility in each Member State on the territory of which it makes its vehicles available on the market for the first time. Such appointment shall be made by written mandate.</b></p> <p>The extended producer responsibility shall include the obligation for producers to ensure that:</p> <p>(a) vehicles which they have made available on the market for the first time within the territory of a Member State and which become end-of-life vehicles <b><u>are</u></b></p> <p>(i) collected in accordance with Article 23;</p> <p>(ii) treated <del>in accordance with Article 27;</del> <b><u>by treatment facilities that possess a valid permit in accordance with Art. 15 and are not suspended after inspection in accordance with Art. 46.</u></b></p> <p><del>(b) the waste management operators treating end-of-life vehicles referred to in point (a) meet the targets laid down in Article 34.</del></p>
<p><b>Analysis:</b></p> <p>We do <b>not</b> agree with the Presidency proposal to delete the words “established by the producers” but support the proposal of the EU Commission, that a <b>PRO as a non-profit organisation needs to be set up by several producers</b> and PROs without a contract with a producer should <b>not</b> be allowed to collect end-of-life vehicles.</p> <p>It is the general approach of Directive 2008/98/EC that <b>Extended PRODUCER Responsibility</b> has to be primarily <b>fulfilled by producers</b>. See recital (14) of Directive (EU) 2018/851 amending Directive 2008/98/EC: “[...] <b>Producers</b> of products can fulfil the obligations of the extended producer responsibility scheme <b>individually or collectively</b>.” This explicitly limits the possibility to setting up a PRO by producers and excludes any other operators.</p> <p>EPR schemes should <b>not</b> be established by profit-oriented waste management operators or any other economic operators which is <b>not</b> the producer or does <b>not</b> have EPR obligations. This would not be in line with Art. 8a (4)(c) stating that the costs shall not exceed the costs that are necessary to provide waste management services in a cost-efficient way.</p>		



We agree with the Presidency's proposal to add a paragraph concerning distance contracts. This would implement the intention of recital (36) and the applicability of the definition of "producer" in Art. 3 (22).

Art. 16 (a) and (b) of the Commission Proposal require producers to ensure that authorised treatment facilities belonging to their collection network treat all end-of-life vehicles in an environmentally sound manner and reach the treatment targets. However, manufacturers and producers do **not** have effective tools, nor the legal basis, to enforce compliance by waste management operators with the EPR targets, especially as such operators do not recycle on an OEM-specific basis.

Although achieving quotas requires action from all actors, waste management operators should be **the only actor** that report to the Member States on the achievement of the targets (Art. 16 and Art. 34).

Compliance with these aspects of the regulation should be the **sole responsibility** of the waste management operator or the authorised treatment facility and be monitored by local competent authorities. The role of manufacturers should be limited to the requirement set out in Art. 4 to design and construct reusable, recyclable and recoverable vehicles.

We suggest to describe or define "outermost" regions.

## Article 17 – Register of producers

### Amendment Proposals:

<p>Art. 17,1</p>	<p>By [OP: Please insert the date = the last day of the month following <b>35 39</b> months after the date of entry into force of this Regulation] Member States shall establish a register of producers which shall serve to monitor compliance of producers with the requirements of this Chapter.</p> <p><b>By [P.O. insert date thirty months after the entry into force of this amending Directive] the Commission shall establish a website which contains the links to all national registers to facilitate the registration of producers in all Member States.</b></p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>By [OP: Please insert the date = the last day of the month following <b>35 39</b> months after the date of entry into force of this Regulation] Member States shall establish a register of producers which shall serve to monitor compliance of producers with the requirements of this Chapter.</p>
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### Analysis:

We are **not** in favour of the proposal of the Hungarian Presidency to lengthen the time for establishment of the register of producers. The registry of producers should be created **prior** to Art. 16 entering into force. Producers need to know where to submit their application for registration before they receive their authorisation. Therefore, the timeline proposed by the Commission with a date of entry into force of EIF + 35 months is correct.

We **support** the creation of a common website containing links to national registers. This would **simplify** the process for producers. Ideally, a **single portal** should be established where producers can submit their registrations. This portal would then seamlessly connect with the various Member State national registers. Such a system would not only streamline the registration process for producers but would also enable Member State to coordinate more effectively, leading to a more harmonized registration framework across the board.

Art. 17,6	<p>The obligations under this Article may be fulfilled on a producer’s behalf by an <b>appointed authorised</b> representative for the extended producer responsibility.</p> <p><b>If more than one producer is represented in the country by one authorised representative, that authorised representative shall provide the name and the contact details for each of the represented producers separately.</b></p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	-
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**Analysis:**

Regarding the editorial amendment to Art. 17.6, we agree that the correct terminology of authorised representative should be use.

Regarding the substantive amendment to Art. 17.6 we agree that the authorised representative shall provide name and contact of all represented producers.

### Article 18 – Producer Responsibility Organisation

Art. 18 (4) obliges Producer Responsibility Organisations (PRO) to ensure fair representation of producers and waste management operators in their governing bodies.

Amendment Proposal:

Art. 18, 1	<p>...</p> <p><b>Member States may adopt measures to require that producers entrust a producer responsibility organisation to fulfil their extended responsibility obligations laid down in Article 16.</b></p> <p><i>Source: Hungarian Presidency Steering 02.12.24</i></p>	<p>...</p> <p><del>Member States may adopt measures to require that producers entrust a producer responsibility organisation to fulfil their extended responsibility obligations laid down in Article 16.</del></p>
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**Analysis:**

The proposal allows Member States to exclude individual systems even though **Directive 2008/98/EC on Waste, Art. 8 (1) establishes the principle of individual return systems. In recital (14) of 2018/851/EC amending 2008/98/EC, it is clearly stated, that producers of products**

can fulfil the obligation of the extended producer responsibility scheme individually or collectively.

To successfully implement the idea of a Circular Economy, particularly in light of binding regulations on the use of recycled materials in new products, it is essential from the perspective of the Volkswagen Group to grant manufacturers/producers of durable products, such as vehicles, the right to independently manage the environmentally sound disposal of the products they place on the market through an individual return system. This would enable targeted and effective waste management.

We would like to point out, that long lasting products like vehicles are not comparable to e.g. portable batteries or packaging: Vehicles are type approved and registered in the national registration systems, and are collected at qualified ATFs or collection points.

A mandatory introduction of PROs leads to disadvantages: PROs result in financing recycling approximately 15 years before the actual recycling or export outside the EU. In individual systems, costs only arise when old vehicles are actually disposed of, which strengthens competition and the development of recycling technologies.

Therefore, there is **no reason for Member States to deviate from the principles established in Directive 2008/98/EC giving the producer the choice between individual or collective fulfilment of EPR.** Volkswagen is therefore supporting the proposal of the EU COM.

Art. 18, 4

Producer responsibility organisations shall ensure ~~a fair representation of producers and waste management operators in their governing bodies~~ **regular dialogue between stakeholders according to Article 8.a. paragraph 6 of Directive 2008/98/EC.**

*Source: Hungarian Presidency Steering Note 02.12.24*

Producer responsibility organisations shall ensure ~~a fair representation of producers and waste management operators in their governing bodies~~ **regular dialogue between stakeholders according to Article 8.a. paragraph 6 of Directive 2008/98/EC.**

**Producer responsibility organisations shall not collect, dismantle and treat end-of-life vehicles of producers which fulfil their extended producer responsibility obligations individually, without their prior agreement.**

#### **Analysis:**

Since there is a possible **conflict of interest** if contract partners of a PRO can be represented in the governing body, we fully support the proposal of the Presidency, to refer to the provisions of Art. 8a (6) WFD.

In addition, a definition of “**fair**” is missing in the EU Commission’s proposal and it must be ensured that such actions required by this regulation comply with competition law.

Producers can only fulfil their extended producer responsibility properly, if they have the **right of precedence to organise their waste** and be able to steer it in the best performing channels. Therefore, no other economic operator should be allowed to collect, dismantle or treat waste without prior consent by the respective producer.

## Article 19 – Authorisation on fulfilment of extended producer responsibility

### Amendment Proposal:

<p>Art. 19,2</p>	<p>-...</p> <p><b>A producer, in the case of individual fulfilment of extended producer responsibility obligations, and producer responsibility organisations appointed in the case of collective fulfilment of extended producer responsibility obligations, can only be registered if they hold an authorization from the competent authority according to this Article. This is without prejudice to the possibility of combining the registration procedure pursuant to Article 19 and the authorisation procedure pursuant to this Article into a single procedure.</b></p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>=</p>
<p><b>Analysis:</b></p> <p>The Presidency considers that it is not clearly stated that neither the producer nor the PRO can continue their activities without authorisation. Therefore, the Presidency proposes an additional provision stating that producers or PROs cannot be registered without authorisation.</p> <p>The proposed amendment goes beyond the intended goal. Producers and PROs should <b>only</b> be allowed to register if they have received authorisation for their EPR scheme (individual or collective system).</p> <p>The legislator needs to provide a <b>clear procedure</b> to the competent authorities for revoking of an authorisation.</p>		

## Article 20 – Financial responsibility of the producers

Art. 20 defines the financial responsibility of the producer.

### Amendment Proposals:

<p>Art. 20, 1</p>	<p>The financial contributions paid by the producer shall cover the following costs related to the vehicles that the producer makes available on the market:</p>	<p>The financial contributions paid by the producer <b><u>to contracted waste management operators within their individual or collective extended producer responsibility scheme according to article 16</u></b> shall cover the following costs related to the vehicles</p>
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	<p>(a) the costs of the collection of end-of-life vehicles, <b>including those for which the producer cannot be identified or ceased to exist</b>, that is necessary to meet the requirements in Articles 23 to 26 and of <b>their subsequent transport</b>, and the costs of the treatment of end-of-life vehicles that is necessary to meet the requirements in Articles 27 to <del>30</del> <b>31</b>, 34 and, <del>35</del> <b>36</b>, provided that, <del>are not covered by the</del> <b>pursuant to Article 8.a, paragraph 4, points (a) to (c) of Directive 2008/98/EC, they take into account the revenues of waste management operators linked to the sales of used spare parts and used spare components, of depolluted end-of-life vehicles, or of secondary raw materials recycled from end-of-life vehicles;</b></p> <p><del>(b) the costs of conducting awareness raising campaigns aimed to improve collection of end-of-life vehicles;</del></p> <p>(c) the costs of establishing notification system referred to in Article 25.</p> <p><del>(d) the costs of data gathering and reporting to the competent authorities.</del></p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>that the producer makes available on the market:</p> <p>(a) the costs of the collection of end-of-life vehicles, including those for which the producer cannot be identified or ceased to exist <b>without a legal successor</b>, that is necessary to meet the requirements in Articles 23 to 26 and of their subsequent transport <b>to the closest shredder</b>, and the costs of the treatment of end-of-life vehicles that is necessary to meet the requirements in Articles 27 to <del>30</del> <b>31</b>, 34 and, <del>35</del> <b>36</b>, provided that, <del>are not covered by the</del> <b>pursuant to Article 8.a, paragraph 4, points (a) to (c) of Directive 2008/98/EC, they take into account the revenues of waste management operators linked to the sales of used spare parts and used spare components, of depolluted end-of-life vehicles, or of secondary raw materials recycled from end-of-life vehicles;</b></p> <p><del>(b) the costs of conducting awareness raising campaigns aimed to improve collection of end-of-life vehicles;</del></p> <p><del>(c) the costs of establishing notification system referred to in Article 25;</del></p> <p><del>(d) the costs of data gathering and reporting to the competent authorities.</del></p>
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**Analysis:**

The references of Art. 16 and 20 to Art. 23 suggest that **all** obligations of a producer/producer responsibility organisation (PRO) refer only to their own collection system.

Art. 20 (1) obliges the producer to finance the costs of their collection and treatment system which are not covered by revenues from sales of used spare parts, depolluted ELVs or secondary raw materials. An end-of-life vehicle is, in contrast to other end-of-life consumer products (e.g., toasters, furniture), a valuable good. If a waste management operator claims insufficient profits, this claim **cannot be fully verified** by a producer. No contractual partner can be forced to disclose fully their financial information.

It should be clarified that the compensation under Art. 20 (1) is part of contractual negotiation. In addition, it should be clarified that it is **not** the responsibility of the producers to subsidise an unlimited number of inefficient operators and that **only contracted waste management operators can claim a deficit compensation. We therefore support the proposal of the Presidency to clarify this point in recital (33a).**

**Concerning the transport from the ATF to a recycling facility, the producers/PROs should only be responsible to finance the transport to the closest facility.**

The establishment of a notification system for the certificate of destruction according to Art. 25 is the task of the authorities and not an obligation of producers.

We support the deletion of (b) and (d).

<p>Art. 20, 2</p>	<p>The competent authority shall, in close cooperation with producers, producer responsibility organisations and waste management operators, monitor:</p> <p>(a) the average costs of collection, recycling and treatment operations and the revenues of waste management operators;</p> <p>(b) the level of financial contributions to be paid by the producers to the producer responsibility organisations appointed in the case of collective fulfilment of extended producer responsibility obligations so that the costs are fairly allocated between all interested operators.</p> <p><i>Source: EU COM Draft</i></p>	<p><del>The competent authority shall, in close cooperation with producers, producer responsibility organisations and waste management operators, monitor:</del></p> <p><del>(a) the average costs of collection, recycling and treatment operations and the revenues of waste management operators;</del></p> <p><del>(b) the level of financial contributions to be paid by the producers to the producer responsibility organisations appointed in the case of collective fulfilment of extended producer responsibility obligations so that the costs are fairly allocated between all interested operators.</del></p>
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**Analysis:**

Art. 20 (2) of the EU Commission’s proposal obliges the competent authorities to monitor costs and revenues of the waste management operators. According to recital (38), the aim of this monitoring is to “ensure a fair allocation of costs between all interested operators”.

We request further **clarification** of Art. 20 (2) (a), regarding what is intended and how this should be implemented uniformly in all Member States. **We reject any approach contradicting free-market principles** and suggest to check these proposals with DG Competition.

<p>Art. 20,4</p>	<p>In the case of individual fulfilment of extended producer responsibility obligations, the producers shall provide a guarantee for vehicles that they make available on the market for the first time in the territory of a Member State. That guarantee shall ensure that the operations referred to in paragraph 1 relating to those vehicles will be financed.</p> <p>The amount of the guarantee shall be determined by the Member States in which the vehicle has been made available on the market for the first time</p>	<p>In the case of individual fulfilment of extended producer responsibility obligations, the producers shall provide a guarantee for vehicles that they make available on the market for the first time in the territory of a Member State. That guarantee shall ensure that the operations referred to in paragraph 1 relating to those vehicles will be financed.</p> <p>The amount of the guarantee shall <del>be determined by the Member States in which the vehicle has been made available on the market for the first time taking into account criteria laid down in</del></p>
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	<p>taking into account criteria laid down in Article 21.</p> <p>The guarantee may take the form of participation by the producer in appropriate schemes for the financing of the management of end-of-life vehicles, <b><u>a financial guarantee or equivalent insurance.</u></b></p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p><b><u>Article 21 cover the projected costs of managing ELV placed on the market of the Member State for 1 year from the date of its authorization.</u></b></p> <p>The guarantee may take the form of participation by the producer in appropriate schemes for the financing of the management of end-of-life vehicles, a financial insurance or equivalent insurance, <b><u>e.g. a blocked bank account.</u></b></p>
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**Analysis:**

Regarding the financial guarantee for the case of individual system, we **support the French legal provision** specifying that the guarantee is determined in order to cover the projected costs of managing ELVs placed on the market for 1 year from the date of its authorisation.

<p>Art. 20,5 (new)</p>	<p><b>In the case of a state-run producer responsibility organisation, such guarantee may take the form of a public fund that is financed by producers' fees and for which the Member State running the organisation is jointly and severally liable.</b></p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>In the case of a state-run producer responsibility organisation, such guarantee may take the form of a public fund that is financed by producers' fees and for which the Member State running the organisation is jointly and severally liable.</p> <p><b>New:</b></p> <p><b>In case of a state-run producer responsibility organisation the Member State needs to ensure that the fees collected by the state-run PRO from the producers are not used for purposes unrelated to running an efficient system collection and treatment of end-of-life vehicles.</b></p>
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**Analysis:**

We would like to remark that a state-run PRO is **not in line with the introduction of extended producer responsibility** by this Regulation and would like to emphasize the necessity to align this legislation across all Member States.

If, however, an existing state-run PRO will be allowed to continue, it needs to be regulated that the Member State may **not use the fees collected from producers for other purposes than running an efficient system for collection and treatment of ELVs.**

## Article 21 – Fee modulation

Art. 21 lays down rules for the **fee modulation** of producer responsibility organisations (PRO) that will be completed with a delegated act. For example, the weight and time needed for dismantling shall influence the fee.

### Amendment Proposals:

<p>Art. 21; 1.</p>	<p>In the case of a collective fulfilment of extended producer responsibility obligations, producer responsibility organisations shall ensure that the financial contributions paid to them by producers are modulated by taking into account <b>at least</b> the following:</p> <p>(a) the weight of the vehicle;</p> <p>(b) the type of drivetrain;</p> <p>(c) the rate of recyclability and reusability of the vehicle type to which the vehicle belongs, based on the information submitted to the type-approval authority in accordance with Article 4;</p> <p>(d) the time needed to dismantle the vehicle at an authorised treatment facility, especially for parts and components which need to be removed prior to shredding under Article 30;</p> <p>(e) the share of materials and substances preventing a high-quality recycling process, such as adhesives, composite plastics, or carbon-reinforced materials;</p> <p>(f) the percentage of recycled content of materials listed in Articles 6 and 10 used in the vehicle;</p> <p>(g) the presence and amount of substances referred to in Article 5(2).</p> <p><i>Hungarian Presidency Steering Note 02.12.24</i></p>	<p>In the case of a collective fulfilment of extended producer responsibility obligations, producer responsibility organisations shall ensure that the financial contributions paid to them by producers are modulated by taking into account <del>at least</del> the following:</p> <p>(a) the weight of the vehicle <b>excluding batteries</b>;</p> <p><del>(b) the type of drivetrain;</del></p> <p><b>(b)(e)</b> the rate of recyclability and reusability of the vehicle type to which the vehicle belongs, based on the information submitted to the type-approval authority in accordance with Article 4;</p> <p><del>(d) the time needed to dismantle the vehicle at an authorised treatment facility, especially for parts and components which need to be removed prior to shredding under Article 30;</del></p> <p><del>(e) the share of materials and substances preventing a high-quality recycling process, such as adhesives, composite plastics, or carbon-reinforced materials;</del></p> <p><b>(c)(f)</b> the percentage of recycled content of materials listed in Articles 6 and 10 used in the vehicle;</p> <p><del>(g) the presence and amount of substances referred to in Article 5(2).</del></p>
<p><b>Analysis:</b></p> <p>We prefer <b>harmonised criteria</b> for the fee modulation within the EU. Therefore, the requirements listed under Art. 21(1) should be a comprehensive list and not be opened up with the inclusion of the words “at least” since this introduces a reduction in certainty and clarity for PROs and Producers.</p>		



The Regulation (EU) 2023/1542 on batteries and waste batteries already covers the electrical vehicle battery. **Double financing of EPRs** for electric vehicle batteries (e.g., obligations Art. 61 (3) Regulation 2023/1542/EU) **must be avoided**. Consequently, the electrical vehicle battery should **not** be considered in the weight of the vehicle regarding the fee modulation.

In addition, the Commission should consider that a higher weight of a vehicle might also reflect higher material value and should not necessarily lead to a higher fee.

The Commission would like to use time needed for dismantling as a factor for the fee because it might have an impact of the costs of a PRO. However, we would like to emphasize that it should **not** be the goal to subsidize inefficient treatment operations.

The **focus should be on specific criteria** such as **recycled content and RRR rates** (Recovery, Recycle, and Reuse). By limiting criteria to these factors, manufacturers and consumers can be incentivized to use batteries with high recycled content and efficient recycling processes. **This approach promotes sustainability and encourages the development of environmentally friendly practices.**

Art. 21, (1a)	-	<p><b><u>New paragraph:</u></b></p> <p><b><u>In case of export of a vehicle outside a Member State, the respective producer responsibility organisation for vehicles in that Member State must compensate the producer accordingly.</u></b></p>
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**Analysis:**

According to Art. 20.1, producers (including professional used car importers, Art. 3(22)) need to pay the financial contribution for recycling at the time of making a vehicle available on the market. Over the lifetime of the vehicle, producers might pay a financial contribution in several Member States for the same vehicle, and in the end the vehicle might be exported outside the Union market.

Producers need to be compensated for fees paid to PROs for vehicles exported outside the respective Member State. This will avoid an accumulation of payments in several Member States for the same vehicle. It will also prevent the financing of recycling of vehicles that will not end up in the European treatment chain.

Art. 21, (2)	<p>The Commission <b>shall, by [OP: please enter the date = the last day of the month following 24 months after the date of entry into force of this Regulation],</b> is empowered to adopt <b>delegated an implementing act</b> in accordance with Article <b>50 51(2) to supplementing this Regulation by establishing</b> detailed rules on how the criteria provided for in paragraph 1 are to be applied. <b>That implementing act shall be adopted in accordance with the examination procedure referred to in Article 51(2).</b></p>	
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Source: Hungarian Presidency Steering Note 02.12.24

**Analysis:**

We agree that the Act referred to in Art. 21(2) should be an implementing act rather than a delegated act since this allows the involvement of the Member States and guarantees a uniform application in the EU. Delegated acts are foreseen for non-essential parts of legislative acts, but the modulation of the fee is an essential part of the EPR requirements in this draft regulation.

**Article 22 – Cost allocation mechanism for vehicles becoming end-of-life vehicles in another Member State**

Article 22 introduces a cost allocation mechanism f

r vehicles that become end-of-life vehicles in another Member State

Amendment Proposals:

<p>Art. 22, 1</p>	<p>Where a vehicle becomes an end-of-life vehicle in another Member State than the Member State within whose territory the vehicle was made available on the market for the first time, the producer of that vehicle or, where appointed in accordance with Article 18, the producer responsibility organisation shall ensure that the net costs of waste management operations referred to in Article 20 incurred by waste management operators in other Member States are covered.</p> <p><i>Source: EU COM Draft</i></p>	<p><del>Where a vehicle becomes an end-of-life vehicle in another Member State than the Member State within whose territory the vehicle was made available on the market for the first time, the producer of that vehicle or, where appointed in accordance with Article 18, the producer responsibility organisation shall ensure that the net costs of waste management operations referred to in Article 20 incurred by waste management operators in other Member States are covered.</del></p>
<p>Art. 22, 2</p>	<p>A producer or, where appointed in accordance with Article 18, a producer responsibility organisation shall:</p> <p>(a) designate by a written mandate an appointed representative for the extended producer responsibility in each Member State;</p> <p>(b) establish cross-border cooperation mechanisms with the waste management operators carrying out waste management operations referred to in Article 20.</p> <p><i>Source: EU COM Draft</i></p>	<p><del>A producer or, where appointed in accordance with Article 18, a producer responsibility organisation shall:</del></p> <p><del>(a) designate by a written mandate an appointed representative for the extended producer responsibility in each Member State;</del></p> <p><del>(b) establish cross-border cooperation mechanisms with the waste management operators carrying out waste management operations referred to in Article 20.</del></p>

<p>Art. 22, 3</p>	<p>The Member State where the vehicle became an end-of-life vehicle shall monitor producers' or, where appointed in accordance with Article 18, producer responsibility organisations' compliance with paragraphs 1 and 2. The monitoring shall be based on the information reported and verified by producers' or, where appointed in accordance with Article 18, producer responsibility organisations', to the competent authorities on the implementation of paragraphs 1 and 2, in particular on the calculation and allocation of costs for the management of end-of-life vehicles referred to in paragraph 1, with due regard for business confidentiality and other concerns regarding competitiveness.</p> <p><i>Source: EU COM Draft</i></p>	<p><del>The Member State where the vehicle became an end-of-life vehicle shall monitor producers' or, where appointed in accordance with Article 18, producer responsibility organisations' compliance with paragraphs 1 and 2. The monitoring shall be based on the information reported and verified by producers' or, where appointed in accordance with Article 18, producer responsibility organisations', to the competent authorities on the implementation of paragraphs 1 and 2, in particular on the calculation and allocation of costs for the management of end-of-life vehicles referred to in paragraph 1, with due regard for business confidentiality and other concerns regarding competitiveness.</del></p>
<p>Art. 22, 4</p>	<p>Where necessary to ensure compliance with this Article and avoid distortion of the single market, the Commission is empowered to adopt delegated acts in accordance with Article 50 this Regulation by laying down detailed rules on the obligations of the producers, Member States and waste management operators and the features of the mechanisms referred to in paragraph 1</p> <p><i>Source: EU COM Draft</i></p>	<p><del>Where necessary to ensure compliance with this Article and avoid distortion of the single market, the Commission is empowered to adopt delegated acts in accordance with Article 50 this Regulation by laying down detailed rules on the obligations of the producers, Member States and waste management operators and the features of the mechanisms referred to in paragraph 1</del></p>
<p><b>Analysis:</b></p> <p>The approach described in the Draft Regulation would lead to an <b>unjustifiable increase</b> of bureaucracy without any benefit for the environment and the entire article should be deleted.</p> <p>According to Art. 3 No. 22, "a producer means <b>any manufacturer, importer or distributor</b>, who [...] supplies a vehicle for the first time for distribution or use, within a territory of a Member State <b>on a professional basis</b>". This definition therefore also <b>includes professional used car importers</b>.</p> <p>Volkswagen Example: In every Member State, there is a Volkswagen distributor registered as producer. This draft would require all Volkswagen producers who decided to set up an individual system in their Member State to establish a cross-border cooperation mechanism with waste management operators in the other 26 Member States.</p>		

In addition, all used car importers would have to register as producers in their Member State and would have to establish a cross-border cooperation mechanism with waste management operators in 26 Member States.

Even in an EU with only PROs, this approach would lead to excessive bureaucracy, e.g. in order to avoid fraud.

Instead, we propose that all Member States need to **enforce the obligation of used car importers as producers** in their Member States. The Commission could **clarify the term “professional” by introducing a maximum number of imports of vehicles per private person.**

## Article 23 – Collection of end-of-life vehicles

Art. 23 describes the collection requirements for end-of-life vehicles.

### Amendment Proposals:

<p>Art. 23, 1</p>	<p>The producers or, where appointed in accordance with Article 18, producer responsibility organisations shall set up, or participate in the setting up of, collection systems, including collection points, for all end-of-life vehicles belonging to vehicle categories that they have made available for the first time on the market in the territory of a Member State.</p> <p>Member States shall adopt the necessary measures to ensure that producers or, where appointed in accordance with Article 18, producer responsibility organisations set up collection systems for all end-of-life vehicles.</p> <p><i>Source: EU COM Draft</i></p>	<p>The producers or, where appointed in accordance with Article 18, producer responsibility organisations shall set up, or participate in the setting up of, collection systems, including collection points, for all end-of-life vehicles <del>belonging to vehicle categories</del> that they have made available as new vehicles for the first time on the market in the territory of a Member State.</p> <p>Member States shall adopt the necessary measures to ensure that producers or, where appointed in accordance with Article 18, producer responsibility organisations set up collection systems for all end-of-life vehicles.</p> <p><b><u>New:</u></b></p> <p><b><u>Only authorized treatment facilities and collection points that are in contract with the producer or, where appointed in accordance with Article 18, the producer responsibility organisation and that are not suspended after inspection in accordance with Art. 46, are allowed to collect end of life vehicles.</u></b></p>
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### Analysis:

Art. 23 (1) obliges producers to accept vehicles from competitors. Unlike packaging or other waste streams, vehicles are a complex product and the value of end-of-life vehicles sometimes differs extremely. A producer of vehicles with high end-of-life value cannot be responsible for vehicles with low/no value. As a consequence, the **responsibility should be only for vehicles**

**made available on the market.** We therefore support the proposal of the Presidency (Steering Note 22.11.2025) to delete the words “belonging to the vehicle category”.

The references of Art. 16 and 20 to Art. 23 suggest that all obligations of a producer/producer responsibility organisation (PRO) refer only to their own collection system. The legislator does not clarify how to deal with today’s reality: that the treatment of end-of life vehicles is such an attractive business that there are tens-of-thousands of active treatment operators in Europe without a contract with the respective producer. The current draft does not oblige operators to be part of the producer’s/PRO collection system, therefore the legislator appears to accept treatment activities outside the scope of extended producer responsibility take-back systems.

However, a producer can only fulfil extended producer responsibility properly if he as the **right of precedence** to organise his waste in order to steer it in the best performing channels.

Therefore, we **support the approach of the Hungarian Presidency** to make a **contract between ATF/collection point and producer/PRO mandatory**. However, this should not be a decision of the Member States but an **EU-wide common requirement**. Art. 16 / Art. 23 / Art. 27 need to clarify that only waste management operators contracted by the producer will be authorised to take back/treat the end-of-life vehicles of that producer.

<p>Art. 23, 2</p>	<p>The producers or, where appointed in accordance with Article 18, producer responsibility organisations shall ensure that collection systems referred to in paragraph 1:</p> <p>...</p> <p>(b) ensure adequate availability of authorised treatment facilities, taking into account population size and density, expected volume of end-of-life vehicles, not being limited to areas where the collection and subsequent management is most profitable;</p> <p>(c) ensure collection of waste parts from repairs of vehicles;</p> <p>(d) ensure the collection of end-of-life vehicles of every brand irrespective of their origin</p> <p>(e) enable the delivery of all end-of-life vehicles free of charge to authorised treatment facilities as provided in Article 24(2).</p> <p><i>Source: EU COM Draft</i></p>	<p>The producers or, where appointed in accordance with Article 18, producer responsibility organisations shall ensure that collection systems referred to in paragraph 1:</p> <p>...</p> <p>(b) ensure adequate availability of authorised treatment facilities <b>or collection points</b>, taking into account population size and density, expected volume of end-of-life vehicles, not being limited to areas where the collection and subsequent management is most profitable;</p> <p><del>(c) ensure collection of waste parts from repairs of vehicles;</del></p> <p>(c)<del>(d)</del> ensure the collection of end-of-life vehicles <b>they have made available on the market of every brand</b> irrespective of their origin</p> <p>(e) enable the <b>delivery acceptance</b> of all end-of-life vehicles free of charge <b>to by</b> authorised treatment facilities as provided in Article 24(2).</p>
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**Analysis:**

Art. 23 (1) also mentions collection points. Consequently, as proposed also by the Presidency in Steering Note 25.11.2025, **collection points need to be added** in Art. 23 (2) (b).

Art. 23 (2c) in combination with Art. 20 (1a) obliges the producer to ensure and finance workshop disposal. This general wording suggests that the responsibility extends to independent workshops.

Already today, workshops have the legal obligation to dispose their waste. Any **responsibility for the producer could only be within his own service-network** and not for independent workshops. In addition, it should **not be expected that producers finance the disposal of parts that they have not themselves put on the market**. The sentence Art. 23 (2c) should be deleted.

Corresponding to the amendment proposal concerning Art. 23 (1), we believe that the **responsibility should be only for vehicles made available on the market** and that the wording in point (d) needs to be adapted accordingly.

We support the proposal in the Presidency Steering Note 25.11.2024 to clarify in point (e) that ATFs shall accept end-of-life vehicles free of charge.

<p>Art. 23; 4.</p>	<p>Member States may authorise <del>waste management operators</del> <b>collection points</b> other than authorised treatment facilities <del>to set up collection points for</del> <b>to collect</b> end-of-life vehicles.</p> <p><del>The waste management operator operating the collection point shall:</del></p> <p><b>The collection points shall obtain a permit from the competent authority in accordance with Article 23 of Directive 2008/98/EC and shall comply with the conditions laid down in that permit.</b></p> <p><b>In order to issue a permit, the competent authority shall verify that such establishment or undertaking has the capacity that is necessary to carry out the following obligations:</b></p> <p>(a) <del>ensure that the collection point meets the conditions for storage of</del> <b>collect the end-of-life vehicles and temporarily store them in accordance with,</b> laid down in Part A of Annex VII;</p> <p>(b) <del>be authorised by the competent authorities referred to in Article 14 to collect end-of-life vehicles and be registered in the respective register</del> <b>prepare for the transfer of the collected end-of-life vehicles to authorised treatment facilities by preventing the accidental leakage of fluids and unauthorised access to the collection point;</b></p>	<p><del>Member States may authorise</del> waste management operators <del>e</del>Collection points other than authorised treatment facilities <del>to set up collection points for</del> <b>to may</b> collect end-of-life vehicles.</p> <p>...</p>
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	<p><b>(ba) arrange for transport to an authorised treatment facility when eight or more end-of-life vehicles are stored at the same time at the collection point; and</b></p> <p>(c) guarantee that all collected end-of-life vehicles are transferred to an authorised treatment facility within one <del>year</del> <b>month</b> from receipt of the end-of-life vehicle.</p> <p><del>;</del> <b>and</b></p> <p>(d) <del>meet all other applicable conditions for storage of waste laid down in national law.</del></p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	
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**Analysis:**

We support the amendment proposal of the Presidency, Steering Note 25.11.2024. In addition, it should **not be a Member State decision but rather an EU-wide given**, that producers/PROs have this possibility.

Art. 23 (1) also mentions the possibility for producers to include collection points in the take back system, which is an **important alternative** for offering an extensive customer friendly collection system. **As with any other European EPR legislation, the distributor should also play a role in the take-back system of a producer and producers/PROs need to be able to set up collection points via their dealers.**

<p>Art. 23, 5</p>	<p>The <b>collection points</b> <del>waste management operators, including authorised treatment facilities,</del> shall issue a document in electronic format, confirming receipt of an end-of- life vehicle, to the vehicle owner, and provide it through an electronic notification procedure established in accordance with Article 25(2) to the relevant authorities of the Member State, including the competent authorities designated under Article 14.</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	
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**Analysis:**

We support the proposal of the Presidency to align this paragraph with the changes proposed in paragraph 4.

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

Art. 24 obliges authorised treatment facilities to accept ELVs free of charge, even in the case of vehicles missing the electric vehicle battery.

Amendment Proposals:

<p>Art. 24, 2</p>	<p>Delivery of an end-of-life vehicle to an authorised 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.</p> <p><i>Source: EU COM Draft</i></p>	<p>Delivery of an end-of-life vehicle to an authorised treatment facility <b><u>or a collection point</u></b> 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. <b><u>In case of a missing electric vehicle battery, the delivery of the vehicle shall only be free of charge if the last owner provides proof that the battery has been handed over to an economic operator according to Art. 3; 1. (22) Regulation (EU) 2023/1542.</u></b></p>
<p><b>Analysis:</b></p> <p>Article 26 explicitly mentions the possibility for the last owner to hand in an ELV to a collection point, therefore it needs to be clarified that the <b>delivery to a collection point needs to be free of charge as well.</b></p> <p>The high-voltage traction battery is an integral part of an electric vehicle and handling requires trained personnel. An unauthorised separation of vehicle and traction battery before handing the vehicle over to a collection point or ATF by unqualified persons not acting on a professional basis and therefore without any obligation according to the Battery Regulation (or acting illegally) represents a considerable risk for people and the environment.</p> <p>In order to prevent this risk, the delivery of a vehicle missing the electric vehicle battery should only be free of charge if a proof is provided, that the battery had been handed over to an economic operator according to Art. 3;1. (22) Regulation (EU) 2023/1542.</p>		
<p>Art. 24, a</p>	<p>-</p>	<p><b><u>New Paragraph:</u></b></p> <p><b><u>Art. 24a: Parts or components missing from end-of-life vehicles delivered to an authorised treatment facility or collection point must be regarded as re-used or recycled in the calculations for the recycling quota.</u></b></p>
<p><b>Analysis:</b></p> <p>Parts are only dismantled from an ELV, especially the traction battery, if there is a market for reuse, reman, refurb or recycling and it is economically feasible.</p> <p>Batteries missing from ELVs delivered to ATFs must be regarded as parts for re-use in the calculations for the recycling quota.</p>		



Parts other than batteries missing from ELVs delivered to ATFs must be regarded as re-used or recycled since these should have been removed legally within the well-established existing professional infrastructure and therefore appropriately further managed.

Art. 24, b

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**New Paragraph:**

**Art. 24b: Only economic operators according to Art. 3; 1. No (22) Regulation (EU) 2023/1542 are authorised to remove an electric vehicle battery from the vehicle.**

**Analysis:**

The high-voltage traction battery is an integral part of an electric vehicle and handling requires trained personnel. An unauthorised separation of vehicle and traction battery before handing the vehicle over to a collection point or ATF by unqualified persons not acting on a professional basis and therefore without any obligation according to the Battery Regulation (or acting illegally) represents a considerable risk for people and the environment.

It must be specified that battery removal from ELVs can only be conducted by professionals and not end users. An authorised removal e.g., by producer-controlled operators will enable circular economy obligations such as remanufacturing or securing of recyclates.

**Article 25 - Certificate of destruction**

Art. 25, together with Art. 26, implement the certificate of destruction (CoD) in an electronic format and makes it a prerequisite for cancelling the registration of a vehicle.

Amendment Proposal:

Art. 25, 6  
(new)

Source: -EU COM Draft

**New paragraph:**

**A temporary de-registration/ suspension of the registration obligations (tax, insurance, technical inspection) should only be possible for a fee and be limited to a period not longer than one year.**  
**An extension of the suspension should only be further possible for a fee.**

**Analysis:**

The certificate of destruction (CoD) is intended to serve as the basis for the final de-registration of the vehicle and obliging the last owner to provide a CoD (Art. 26) is an important improvement. In order to give this important article a real impact, it should be clarified that the **enforcement is vital**.

Well-functioning de-registration systems, e.g., the Netherlands, show that a water-tight system that thoroughly connects all relevant authorities incl. insurances and enforcement is the most

effective tool against “missing vehicles” and should serve as blueprint for a European wide approach.

A temporary de-registration should rather be a suspension from all or part of the obligations connected to a permanent registration of a vehicle (taxes, insurance, technical inspection). Such a suspension should only be possible for a certain period (e.g., 1 year). There needs to be a consequence for ongoing registration, e.g., a fee for suspension or continuation of tax/insurance payments.

### Best practice Netherlands: Keys for success of the Dutch system



- a. Permanent registration of the vehicle
- b. Used car trade: "Digital storage" with low costs and NO LOOPHOLE
- c. Permanent tax + insurance + technical inspection obligation until evidence for export or CoD is provided -> consequently checked in register and enforced by fines
- d. Suspension from c. possible:
  - a. Online and for a fee (73 € in 2019)
  - b. Max. 1 year, extension possible again for a fee
  - c. At end of suspension: automatic tax and insurance
- e. Deregistration by ATF (not last owner)
- f. Strict enforcement and inspection

## Article 27 – Obligations for the authorised treatment facilities

### Amendment Proposal:

<p>Art. 27, 1</p>	<p>Authorised treatment facilities shall ensure that all end-of-life vehicles and their parts, components and materials, as well as waste parts from repairs of vehicles, are accepted and treated in compliance with the conditions set out in their permits, as well as in accordance with this Regulation.</p> <p><i>Source: EU COM Draft</i></p>	<p>Authorised treatment facilities shall ensure that all end-of-life vehicles and their parts, components and materials, as well as waste parts from repairs of vehicles, are accepted and treated in compliance with the conditions set out in their permits, as well as in accordance with this Regulation.</p> <p><b><u>Only authorized treatment facilities that are in contract with the producer or, where appointed in accordance with Article 18, the producer responsibility organisation and that are not suspended after inspection in accordance with Art. 46, are allowed to treat end-of-life vehicles.</u></b></p>
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**Analysis:**

The references of Art. 16 and 20 to Art. 23 suggest that all obligations of a producer/producer responsibility organisation (PRO) refer only to their own collection system. The legislator does not clarify how to deal with today's reality: that the treatment of end-of life vehicles is such an attractive business that there are tens-of-thousands of active treatment operators in Europe without a contract with the respective producer. The current draft does not oblige operators to be part of the producer's/PRO collection system, therefore the **legislator appears to accept treatment activities outside the scope of extended producer responsibility take-back systems.**

The producer can only fulfil extended producer responsibility properly if he as the **right of precedence** to organise his waste in order to steer it in the best performing channels.

We therefore support the proposal of the Hungarian Presidency to explain in recital (33 a) that ATFs without a contract with producers or PROs should not be able to request financial reimbursement. However, we point out that Art. 16 / Art. 23 / Art. 27 should clarify that **only waste management operators contracted by the producer will be authorised** to take back/treat the end-of-life vehicles of that producer.

**Article 30 – Mandatory removal of parts and components for reuse**

Amendment Proposals:

Art. 30, 1	<p>From [OP: Please insert the date = the first day of the month following 36 months after the date of entry into force of this Regulation] authorised treatment facilities shall ensure that the parts and components listed in Part C of Annex VII, are removed from an end-of-life vehicle, prior to shredding or compacting, after the depollution operations referred to in Article 29, have been completed, in a non-destructive way for parts and components with a reuse, remanufacturing or refurbishment potential according to Article 31.</p> <p>Authorised treatment facilities shall ensure that the removed parts and components of the first subparagraph without a reuse, remanufacturing or refurbishment potential are sent for recycling according to the treatment requirements as indicated in Part F of Annex VII.</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>From [OP: Please insert the date = the first day of the month following <del>36</del><b>72</b> months after the date of entry into force of this Regulation] authorised treatment facilities shall ensure that the parts and components listed in Part C of Annex VII, are removed from an end-of-life vehicle, prior to shredding or compacting, after the depollution operations referred to in Article 29, have been completed, in a non-destructive way for parts and components with a reuse, remanufacturing or refurbishment potential according to Article 31.</p>
Art. 30, 2	<b>Parts or components without a reuse, remanufacturing or refurbishing</b>	

	<p><b>potential are not mandatory to remove prior to shredding</b> if an authorised treatment facility demonstrates, that post-shredder technologies separates materials from parts and components <b>as designated in the second column of Part C of Annex VII</b>, as efficiently as manual dismantling processes or semi-automated disassembly processes <b>and that the criteria and limit values of Part G, points (1) and (2), of Annex VII are met.</b></p> <p>For the purposes of the first subparagraph, the authorised treatment facility shall provide the information listed in Part G, <b>point 3</b> of Annex VII.</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	
<p><b><u>Analysis:</u></b></p> <p>See comments to Art. 7.</p>		

### **Article 33 Reuse, remanufacturing and refurbishment of parts and components**

#### Amendment Proposal:

<p>Art. 33, 1</p>	<p>The incentives referred to in the first subparagraph 1 may include:</p> <p>(b) the use of economic incentives, <del>including the establishment of a reduced rate of value added tax for used, remanufactured or refurbished spare parts and components.</del></p> <p><i>Source: Hungarian Presidency Steering Note 02.12.2024</i></p>	
<p><b><u>Analysis:</u></b></p> <p>We support the proposal of the Presidency to delete the example of reduced value added tax.</p>		

## Article 34 - Reuse, recycling and recovery targets

### Amendment Proposal:

<p>Art. 34, 1</p>	<p>From [OP: Please insert the date = the first day of the calendar year following 36 months after the date of entry into force of the Regulation], Member States shall ensure that the following targets are met by the waste management operators:</p> <p>(a) the reuse and recovery, as calculated together, shall be a minimum of 95 %, by average weight per vehicle, excluding batteries, and year;</p> <p>(b) the reuse and recycling, as calculated together, shall be a minimum of 85 %, by average weight per vehicle, excluding batteries, and year.</p>	<p>From [OP: Please insert the date = the first day of the calendar year following 36 months after the date of entry into force of the Regulation], Member States shall <b>adopt the necessary measures for the achievement by producers or, where appointed in accordance with Article 18, producer responsibility organisations, of ensure that to</b> ensure that the following targets are <b>are to be</b> met by the waste management operators</p> <p>(a) the reuse and recovery, as calculated together, shall be a minimum of 95 %, by average weight per vehicle, <b>excluding batteries,</b> and year;</p> <p>(b) the reuse and recycling, as calculated together, shall be a minimum of 85 %, by average weight per vehicle, <b>excluding batteries,</b> and year.</p>
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### Analysis:

References to producers or PROs in this paragraph is confusing because it might be interpreted that producers/PROs have to fulfil the targets. However, this responsibility is correctly allocated in Art. 27 to ATFs.

Although achieving quotas requires action from all actors, waste management operators should be **the only actor** that report to the Member States on the achievement of the targets (Art. 16 and Art. 34).

Calculations under Art. 34 should be aligned with those for Art. 4, i.e., for both type-approval and reporting, the battery of a vehicle **should be included** in the calculation to fulfil these goals. Please also see comment under modification proposal for Article 4 (1) in connection with Recital 13.

The reuse, recycling and recovery targets for end-of-life vehicles are based on the input-oriented considerations for the whole vehicle for the whole treatment chain including the batteries. The recycling efficiency targets of Regulation 2023/1542/EU are output-oriented and measure the efficiency of the recycling process.

Batteries present in end-of-life vehicles delivered to authorised treatment facilities should be regarded as reused or recycled for the calculations under Art. 34. If the battery is missing from the end-of-life vehicle it should also be counted as reused or recycled for these calculations.

## Article 38 – Export requirements

### Amendment-Proposal:

Art. 38,3	<p>Used vehicles may be exported only if they are:</p> <p>(a) not end-of-life vehicles based on the criteria listed in Annex I;</p> <p>(b) considered roadworthy in the Member State where the vehicles were last registered, in accordance with Article 5(1), points (a) and (b), and Article 8 of Directive 2014/45/EU.</p> <p><i>Source: EU COM Draft</i></p>	<p>Used vehicles may be exported only if they are:</p> <p>(a) not end-of-life vehicles based on the criteria listed in Annex I;</p> <p>(b) considered roadworthy in the Member State where the vehicles were last registered, in accordance with Article 5(1), points (a) and (b), and Article 8 of Directive 2014/45/EU.</p> <p><b><u>Roadworthiness is considered proven for purposes of this article, if the document referred to in Article 5(1) of Directive 2014/45/EU was valid on the day of the used vehicle deregistration in the EU, provided it was not registered again before export from the EU.</u></b></p>
<p><b>Analysis:</b></p> <p>The article requires a mandatory proof of roadworthiness according to EU standards for export of used vehicles is presented (certificate of technical inspection). Many vehicles, especially commercial ones can stay on stock over a considerable period of time, so that their certificate runs out. Yet there is no reason to believe a robust commercial vehicle will become not roadworthy, while staying on stock. At the same time going through additional technical inspection just for export, while the vehicle will face another test at the destination country, means extra administrative and financial burden, especially for commercial vehicles, with no benefits for either vehicle circularity or the environment.</p> <p>For the purpose of used vehicle export, the technical inspection certificate should be considered valid, if it was valid on the day of the vehicle deregistration in the EU. This way, even if formally the certificate has run out, there will be no need for a new inspection under condition the vehicle goes for export and is not registered in the EU again.</p>		

## Article 45a Obligations for certain online platforms

### Amendment-Proposal:

	<p><b>For the purpose of compliance with Article 30, paragraph 1, points (d) and (e) of Regulation (EU) 2022/2065, providers of online platforms, falling within the scope of Section 4 of Chapter III of Regulation (EU) 2022/2065, allowing consumers to</b></p>	
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	<p>conclude distance contracts with producers, shall obtain the following information from producers offering vehicles to consumers located in the Union, prior to allowing them to use their services:</p> <p>(a) information on the registration pursuant to Article 19 of the producers in the Member State where the consumer is located and the registration number(s) of the producer in that register;</p> <p>(b) a self-certification by the producer committing to only offer products or services that comply with the applicable rules of Union law, including a self certification by the producer confirming that it only offers vehicles with regard to which the extended producer responsibility requirements referred to in Article 16 of this Regulation are complied with in the Member State where the consumer is located.</p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	
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**Analysis:**

Regarding the proposal to include further requirements for distance sellers and providers of online platforms, we **agree** with strengthening the ELVR to ensure their compliance with the Regulation for a Single Market For Digital Services and that consumers and end users of vehicles are provided with assurances regarding the fulfilment of EPR requirements for vehicles sold in such a manner.

However, the functioning of the proposed **self-certification** under Art. 17 (13)(b) is not clearly comprehensible and should be **further clarified**.

**Article 46 – Inspections**

Amendment-Proposal:

	<p>1. Member States shall, for the purpose of enforcing this Regulation, inspect:</p> <p>(a) authorised treatment facilities;</p>	<p>1. Member States shall, for the purpose of enforcing this Regulation, inspect:</p> <p>(a) authorised treatment facilities;</p>
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	<p>(b) <del>repair and maintenance operators</del> <b>collection points;</b> (c) other facilities and economic operators, which may treat end-of-life vehicles, <b>or sell used spare parts and components.</b></p> <p><i>Source: Hungarian Presidency Steering Note 02.12.24</i></p>	<p>(b) <del>repair and maintenance operators</del> <b>collection points;</b> (c) other facilities and economic operators, which may treat end-of-life vehicles, <del>or</del> <b>and sell used spare parts and components.</b></p>
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**Analysis:**

We agree with the Hungarian Presidency that repair and maintenance operators are not classified as ELV treatment facilities and therefore do not handle waste from ELVs and do not need to be inspected according to this Regulation. However, they must dispose of their wastes from repairs and maintenance in an environmentally friendly manner, according to respective national waste legislation, and need to be inspected accordingly by their national authorities.

However, if EPR in the new Regulation is extended to parts from repairs/maintenance, as proposed by the Commission, workshop waste management must be inspected as well. In addition, should the ELV Regulation - analogue all other EPR legislations - provide the option that dealers of vehicles can act as a collection point for ELVs (proposal automotive industry), those operators will also have to be inspected accordingly.

In addition, we would like to emphasise the importance to not only limit inspection to registered operators. In the future, different authorities will need to cooperate in order to address the issue of illegal ELV treatment activities.

We also agree that collection points are one important part of the take-back chain of ELVs in the draft Regulation. To prevent “missing vehicles” and environmental violations, Member States must take over their responsibility as well and introduce harmonised inspection rules for collection points as well.

We recommend specifying which actors are meant by “other economic operators other than ATFs involved in selling used spare parts and components from ELVs” in order to be able to assess the necessity for inspections. We are not aware of other actors than ATFs that are legally allowed to conduct such activities with ELVs. If this is aimed at **dealers of used spare parts** who e.g. bought parts from ATFs, they are **not handling waste from ELVs and can be exempted** from inspections.

**Article 47 – Enforcement cooperation at national level and between Member States**

Amendment Proposal:

<p>Art. 47, 1</p>	<p>Member States shall establish, as regards all relevant competent authorities involved in the enforcement of this Regulation, effective mechanisms to enable those authorities to cooperate and coordinate domestically concerning the development and implementation of enforcement policies and activities related to monitoring vehicles registration, de-registration, suspension</p>	<p>Member States shall establish, as regards all relevant competent authorities involved in the enforcement of this Regulation, effective mechanisms to enable those authorities to cooperate and coordinate domestically concerning the development and implementation of enforcement policies and activities related to monitoring vehicles registration, de-registration, suspension</p>
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	and cancellation of the registration as well as prevention of illegal treatment of end-of-life vehicles.  <i>Source: EU COM</i>	and cancellation of the registration <u>and certification of destruction</u> as well as prevention of illegal treatment of end-of-life vehicles.
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**Analysis:**

Complementing our comments to Art. 25, the importance of a well-functioning certificate of destruction should be reflected in this article as well.

The Certificate of Destruction is intended to serve as the basis for the final deregistration of the vehicle. Certificates of destruction for vehicles should be added to the list of measures that MS should introduce enforcement policies for several reasons:

- Environmental protection: Vehicles that are no longer roadworthy or safe to operate can pose a threat to the environment if they are not properly disposed of. Without a certificate of destruction, there is no guarantee that the vehicle will be recycled or disposed of in an environmentally responsible manner.
- Prevent illegal activities: Without a certificate of destruction, there is a risk that the vehicle could be sold or resold illegally without proper documentation. This could lead to several illegal activities, such as fraud, theft, or even the use of the vehicle for criminal activities.
- Liability and safety concerns: If a vehicle is not properly disposed of and is instead sold without a certificate of destruction, the original owner may still be liable for any accidents or incidents

**Article 49 – Reporting to the Commission**

Amendment Proposals:

Art. 49,1(g)	the total <del>amount and</del> weight <u>and, where relevant, the amount</u> of parts, components and materials removed from end-of-life vehicles for purpose of; <ul style="list-style-type: none"> <li>• reuse;</li> <li>• remanufacturing or refurbishment;</li> <li>• recycling;</li> <li>• recovery, including energy recovery;</li> <li>• disposal;</li> </ul> <i>Source: Hungarian Presidency Steering Note 02.12.24</i>	-
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**Analysis:**

The wording in the text of the Hungarian Presidency’s proposal is not clear regarding what is “relevant” and this should firstly be clarified. Furthermore, additional bureaucratic burden should be minimised and such requirements only implemented where there is clear environmental benefit.

Art. 49,5	The Commission shall adopt implementing acts laying down:	-
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	<p>(a) (.....)</p> <p>(b) (.....)</p> <p>Those implementing acts shall be adopted by [OP: Please insert the date = the last day of the month following 30 months after the date of entry into force of this Regulation], in accordance with the examination procedure referred to in Article 51(2).</p> <p><i>Source: Hungarian Presidency Steering Note</i></p>	
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**Analysis:**

The Council sticks to a position that M2, M3, N2, N3 and O categories have other implementing dates than 60 months from EiF (in this case 36 months). This is incorrect in our view, as article 2 (1) b on scope, which stipulates 60 months implementation timing from EiF for the named categories, has precedence over all other implementing dates for HDV.

The Council suggested additional 24 months of transition period for M2, M3, N2, N3 and O categories (36 + 24 = 60), which we find reasonable. However, the base period, which should be extended is not 36, but 60 months. Therefore, we support a transition period for reporting under article 49 for M2, M3, N2, N3 and O categories of 84 months.

**Annex VII Treatment Requirements, Part D: Reuse, Remanufacturing and Refurbishment of Parts and Components**

Amendment Proposals:

1.	<p>(b) For remanufacturing or refurbishment:</p> <p>(i) the part or component is complete;</p> <p>(ii) an assessment of damage, reduced functionality or performance and repairs needed for restoring the part or component to a state where it is fit to be used;</p> <p>(iii) there is no heavy corrosion.</p> <p><i>Source: EU COM</i></p>	<p>(b) For remanufacturing or refurbishment:</p> <p>(i) the part or component <b>shall contain all relevant parts is complete</b>;</p> <p>(ii) an assessment of damage, reduced functionality or performance and repairs needed for restoring the part or component to a state where it is fit to be used;</p> <p><b>(iii) there is no heavy corrosion.</b></p>
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**Analysis:**

2.	<p>Minimum information to be provided in the labelling of the parts and components:</p> <p>(a) name of the component or part;</p>	<p>Minimum information to be provided in the labelling of the parts <b>and components placed on the market for direct reuse</b>:</p>
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	<p>(b) reference to the vehicle identification number (VIN) of the vehicle from which the component or part has been removed; and</p> <p>(c) name, the postal address, indicating a single contact point and e-mail address, a web-address, if applicable, identifying the operator that removed the component or part.</p> <p><i>Source: EU COM</i></p>	<p>(a) name of the component or part;</p> <p><del>(b) reference to the vehicle identification number (VIN) of the vehicle from which the component or part has been removed; and</del></p> <p>(c) name, the postal address <b>of dealer (or workshop)</b>, indicating a single contact point and e-mail address, a web-address <b>on the part label or on the packaging for parts sold in bulks</b>, if applicable, identifying the operator that removed the component or part.</p>
<p><b>Analysis:</b></p>		

## Article 2 – Scope extension

### Amendment Proposals:

<p>Art. 2, 3</p>	<p>Notwithstanding paragraph 1, point (b), the following provisions shall not apply to vehicles and end-of-life vehicles of categories M2, M3, N2, N3 and O:</p> <p>(b) Article 5 on requirements for substances in vehicles;</p> <p>...</p> <p>(e) Article 8 on general obligations;</p> <p><i>Source:</i></p>	<p>Notwithstanding paragraph 1, point (b), the following provisions shall not apply to vehicles and end-of-life vehicles of categories M2, M3, N2, N3 and O<sub>2</sub> <b><u>including special purpose vehicles of these categories:</u></b></p> <p>(b) Article 5 on requirements for substances in vehicles;</p> <p>...</p> <p>(e) Article 8 on general obligations, <b><u>points 1-4;</u></b></p>
<p>Art. 2, 5</p>	<p>Notwithstanding paragraph 2, point (a), the following provisions shall apply to special purpose vehicles:</p> <p>(a) Article 5 on requirements for substances in vehicles;</p> <p><i>Source:</i></p>	<p>Notwithstanding paragraph 2, point (a), <b><u>and without prejudice to paragraph 3,</u></b> the following provisions shall apply to special purpose vehicles:</p> <p>(a) Article 5 on requirements for substances in vehicles;</p>
<p>Art. 2, 6</p>	<p>Notwithstanding paragraph 1, points (b) and (c), Articles 16, 19, 20, 27 and 46 to 49 shall apply to vehicles and end-of-life vehicles of categories L3, L4, L5, L6 L7, M2, M3, N2, N3 and O with the following modifications:</p>	<p><del>Notwithstanding</del> <b><u>Without prejudice to</u></b> paragraph 1, points (b) and (c), and paragraph 2 point (b) Articles 16, 19, 20, 27 and 46 to 49 shall apply to vehicles and end-of-life vehicles of categories L3, L4, L5, L6 L7, M2, M3, N2, N3 and O <b><u>and to other parts of a vehicle that have been type-approved in multi-stage type</u></b></p>

	(...) <i>Source:</i>	<u>approval of category N1, N2, N3, M2 or M3 than the base vehicle</u> with the following modifications:
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### Analysis:

We welcome the European Commission's gradual approach to extending the legislation's scope to heavy-duty vehicles and trailers. The decision to grant a partial exemption from the Regulation's requirements to M2, M3, N2, N3 and O vehicle categories coupled with the obligation to provide information on the removal and replacement of parts, components and materials contained in vehicles will allow filling of knowledge gaps regarding the end-of-life of heavy-duty vehicles and inform the development of future rules. However, we note that the scope extension generates a series of specific ambiguities and uncertainties related to the newly included vehicle categories:

- Art. 2, 1. (b) expands the application scope to vehicles and end-of-life vehicles of categories M2, M3, N2, N3 and O. It can be interpreted as applying the requirement on provision of dismantling information to any vehicle of the named categories already on the EU market. It is extremely challenging to ensure compliance with this requirement for old vehicle types that become an ELV after EiF + 60 months. The scope in this case should be limited to vehicles that have been type approved after EiF + 60 months. The most certain way to do so is to make providing dismantling information part of the type-approval; this requires the inclusion of Art. 8, 5. into the scope for the named categories by amending Art. 2, 3., (e).
- Art. 2, 2. (b) explicitly puts bodywork of multi-stage vehicles out of the Regulation scope (keeping only the base vehicle in). Yet no rule is foreseen for dismantling/depolluting/treating end-of-life bodywork of multistage vehicles, which would normally arrive at ATFs together with the base vehicle. This might lead to uncertainty in the application of producers' responsibility and on how to deal with the bodywork treatment process and associated costs, since the liability for vehicle collection and depollution lies with the base vehicle producer. To exclude such undesired effects, responsibilities for decoupling bodywork and further managing it (depollution, storage, etc.) should be clearly assigned in the Regulation. Namely, bodywork of multi-stage vehicles (referred to in Art. 2 2. (b) should be in scope for Section 2 on extended producer responsibility and in particular for Article 20 on the financial responsibility of the producers.
- Article 2.3 needs to be adjusted to ensure consistency in application of the requirements to N2, N3, M2, M3 and O vehicle categories. **Special purpose vehicles** of these categories should be regulated the **same way** as the rest of HDV and buses. Further, dismantling information **should** become part of the type approval requirements for N2, N3, M2, M3 vehicle categories. This would ensure correct and transparent application of this important requirement across the EU. Other than those mentioned above, **no further amendments** to Article 2.3 are needed, in our view. The proposed scope for categories N2, N3, M2, M3 and O is fairly balanced and needs to stay this way.
- The discussed proposals for scope expansion to Articles 7, 9 and 12 are, in our opinion, **premature**. Such selective expansion would increase the administrative burden on OEMs without bringing much added value to a circular economy. Instead, for consistency, our proposals on the inclusion of vehicle bodywork in scope and making provision of dismantling information type approval relevant should be adopted **first**.
- An even earlier (than the overall 96 months review for HDV-specific scope) review could be a further option, *if* the regulator sees particular requirements as especially important. An earlier review (e.g. 36 months for HDV) could be a compromise that would give industry the necessary

time to gather information and conduct studies to ensure realistic application of selected extra requirements.

- Article 2, 5. (a) and 6. regulate the application of requirements on special purpose vehicles (SPV) and specify the requirements on extended producer responsibility for categories M2, M3, N2, N3, O. Though it follows from the rest of the text that the intention of the regulator is not to impose Art. 5 requirements (substances of concern) on heavy duty SPVs and not to shorten the transition period for the named vehicle categories from 60 to 36 months after the Regulations' entry into force, the legal technicalities of the text may suggest an opposite interpretation which would warrant a clarification.

#### Justification for amendment Proposal:

- Special purpose heavy-duty vehicles should be ruled the same way for substances of concern as heavy-duty vehicles overall.
- Requirement to provide dismantling information should only apply to vehicles that have been type approved after EoF + 60 months.
- Extended producer responsibility requirements for HDV should apply to the whole of the multi-stage vehicle, including the bodywork.
- Uncertainty around requirements imposed on heavy-duty special purpose vehicles should be addressed.

#### **General remarks**

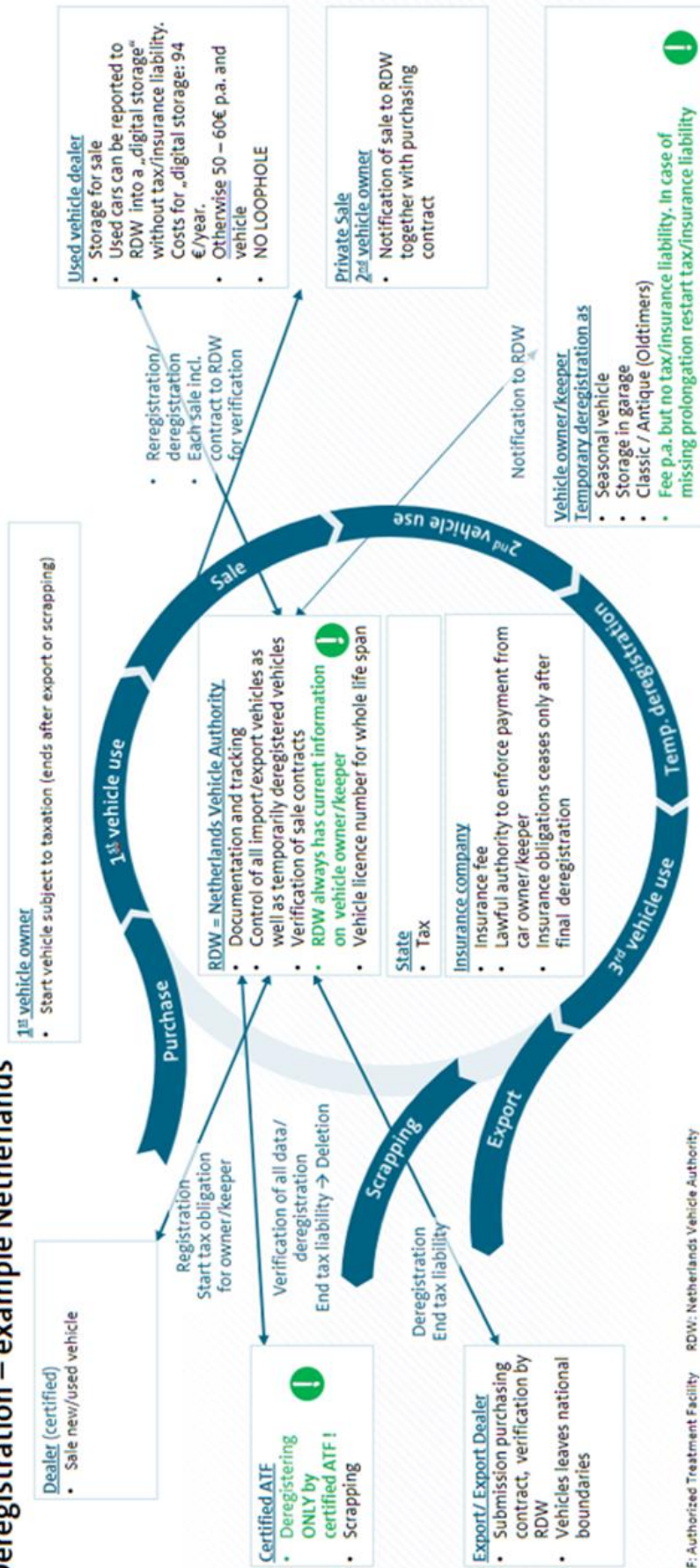
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Generally, the draft Regulation is to **enter into force** on the twentieth day following that of its publication in the Official Journal of the EU and is to be applicable 12 months after the date of its entry into force. No further transition period is given, including for Member States to implement measures.

#### Justification for amendment Proposal:

- Suitable time should be given for the industry to implement the measures.
- Additionally, the use of secondary legislation should be minimised. Where necessary, it should be utilised only with clearly outline timeframes.

## Deregistration – example Netherlands



ATF: Authorized Treatment Facility RDW: Netherlands Vehicle Authority