

Foreseeable ambiguities under the ELVR: Double regulation, regulatory conflicts and uncertainties

As negotiations on the End-of-Life Vehicles Regulation (ELVR) reach their very final stage, we would like to highlight issues that may result in

- 1) double regulation or
- 2) regulatory conflicts and uncertainties.

We urge the co-legislators, commission and the legal service to solve the following issues to avoid frictions, founded the listed ambiguity.

1) Double regulation

Reference	Topic and links to other regulation
Art. 3.1.18	The definition of repair and maintenance operators should be aligned with the ones in Article 3 (46) and (47) of the EU Type Approval Regulation 2018/858 on "authorised repairer" and "independent repairer" to avoid any confusion, contradiction or double regulation between different EU legal acts. -> Alignment of ELVR and Type Approval Regulation
Art. 11 and Annex V	Contradiction of regulations should be avoided in Art. 11(1), but the last half-sentence: "<i>unless this information is available under other Union legislation</i>" does not explicitly refer to regulation (EU) 2018/858. The wording is suggesting that all information on replacement information that is already provided according to Regulation (EU) 2018/858 does <u>not</u> fall under the ELVR. As the name of the ELV Regulation will be: "Regulation [...] on circularity requirements for vehicle design and on management of end-of-life vehicles, amending Regulations (EU) 2018/858 and [...], it is unclear whether the (EU) 2018/858 falls under the sentence "other Union legislation"". It must be avoided that manufacturers have to provide information on replacement to different economic operators under different conditions. -> It needs to be clarified, that Regulation (EU) 2018/858 is the only regulation concerning provision of repair and maintenance information, also to ATFs which sell also spare parts. ATFs selling used parts already today fall under Regulation (EU) 2018/858 Art. 3 no. 45 "independent operators" who are indirectly involved in the repair of vehicles by distributing (used) spare parts. -> Article 11 should only regulate information on removal to <u>ATFs</u>, and the term "replacement" needs to be deleted from the ELVR as this is covered under (EU) 2018/858.
Art. 6, 10, 11, 12	Conflict between ELVR and CRMA (EU) 2024/1252: Regarding ELVR Art. 6 and 10, the scope (rare earth magnets in e-drive motors) differs from the scope of the CRMA Art. 29 (permanent magnets > 200 g). -> Since it has been clarified that the ELVR takes precedence it should be ensured that the requirements for report of recycled

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	content for permanent magnets are not contradictory between the ELVR and CRMA and that the requirements in ELVR prevail. Proposal: Amend CMRA accordingly as proposed in ELV 4-Column-doc from 3. Feb. 2026 to delete vehicles and spare parts for such vehicles from the requirement of and Art. 29.: CRMA (EU) 2024/1252 should be amended for Article 29(7) as follows: “This Article shall not apply to the vehicle categories and their spare parts specified in the [OP: <i>insert ELV Regulation</i>].”
Art. 13 (2e)	Under Art. 13 we see two issues (I + II): I) There are several other EU regulations with digital passports requirements over the lifetime of a vehicle. - <u>EU Battery Regulation 2023/1542</u>: Battery Passport - <u>Euro 7 Regulation</u>: Environmental Vehicle Pass - <u>Vehicle registration Directive 2014/46/EU</u> (in review): Registration Documents for Vehicles (Digital Certificate of Destruction) - <u>EU Eco-Design Regulation for Sustainable Products 2024/1781</u>: Passports for selected spare parts (priority products) are in the planning According to ELVR recital (31), the digital Circularity Vehicle Passport is supposed to be the data carrier for information facilitating end-of-life treatment of vehicles. -> The Circularity Vehicle Passport needs to focus on the <u>end-of-life</u> of the vehicle. II) As mentioned above concerning Art. 11, the provision of repair and maintenance information – including information on spare parts - is already regulated under Regulation (EU) 2018/858. Its Annex X, no. 2.5.4. explicitly mentions spare parts/components. Any double regulation needs to be avoided. → Deletion of first sentence: “<i>the official catalogue of spare parts for the vehicle type concerned</i>”. Information on spare parts is already today accessible for ATFs via (EU) 2018/858. → If deletion of that sentence is no option, we suggest adding the following sentence at the end of the paragraph: <u><i>“Where information concerning spare parts is already available under other Union legislation, especially Regulation (EU) 2018/858, the information shall not be duplicated in the Digital Circularity Vehicle Passport.”</i></u>

2) Regulatory conflicts and uncertainties

Reference	Topic
Art. 6	As recycled content requirements are being introduced through several sector-specific regulations (e.g. SUPD, PPWR, ELVR), it is essential to develop dedicated calculation and verification methodologies within each legislative framework. These methodologies must be tailored to the specific sector in scope. However, excessive variation between frameworks could create additional burdens for manufacturers and increase complexity across the supply chain. -> A right balance must be found between ELVR and other recycled content calculation and verification methodologies.
Art. 3	Remanufacturing: The definition of APRA Europe should be used which is officially supported by CEN: -> Definitions should be aligned with already existing and established definitions in legal texts and/or standards applicable for the products in scope. Their wording must be clear enough to be a basis for all actors dealing with this regulation and they must not be contradictory to requirements in legislation. <i>APRA Europe Definition: "Remanufacturing is a standardised industrial process by which cores 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."</i>
Chapter IV (PROs)	We would also like to highlight the important links between competition and environmental policies. 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. -> The requirements for EPR and PROs under the ELVR must be compliant with EU Competition Law
Art. 11 and Annex V	Art. 11 concerns removal and replacement of parts and components and materials and therefore needs to refer (only) to affected operators. It is not correct to use the term '<i>waste management operators</i>' in this context. According to Art. 3(1) point (21) of the draft agreement, the term '<i>waste management operators</i>' encompasses many waste management actors which are not associated with removal of parts. Allowing those actors to claim information on removal and replacement would become unmanageable and unnecessary, for example if they only transport the ELV or fold and shred the remaining body shell. -> The term "waste management operators" should be replaced with "authorized treatment facilities" in paragraphs 1 and 3.

Reference	Topic
	-> In paragraph 2, the term “ <i>authorized treatment operators</i> ” is used and should be aligned as well.
Art.11.2	This paragraph regulates that the information (on removal) to waste management operators and repair and maintenance operators has to be provided free of charge/against an administrative fee. Publishers, which are mentioned in Art.11.1 are not mentioned in paragraph 2. ➔ Similar to Art. 11.1 above, the term “waste management operators” should be replaced with “authorized treatment facilities”. ➔ “publishers” need to be added in the 2nd sentence of Art. 11.2 to avoid unequal treatment of operators.
Art. 18.3	In case of more than one producer responsibility organisation (PRO) in one Member State or a PRO plus producers fulfilling their obligation individually, it is technically not possible to track which vehicles have made which contribution to recycling/recovery/plastic recycling. -> PROs can only publish information on the achievement of recycling targets on aggregated Member State level.
Art. 18.4	The executive board of a PRO needs to be able to discuss matters internally without the presence of potential contract partners. The proposal is not compatible with general company law and needs to be coordinated with DG Competition.
Art. 31(3b)	Referring to Regulation 2023/1542 leads to a circle reference with Art. 70 on treatment of the Battery Regulation. -> It needs to be checked, whether the proposal really achieves its aim.
Annex V, (4ca)	Manufacturers of vehicles are not necessarily the manufacturers of the parts. In that case, vehicle manufacturers don’t have the information themselves and don’t possess the intellectual property. -> This point should be deleted.
Art. 16 + Timelines of articles concerning EPR	There is uncertainty concerning the transition period of articles in connection with extended producer responsibility (EPR). Whereas Art. 16 includes a transition period of 36 months, other articles that relate to EPR do not have a specific transition period. This means that they are applicable after 24 months, which would not make any sense and the implementation would not be feasible. -> It should be clarified which articles in Chapter IV have which transition period and whether these are consistent.