

## ELV general approach amendments

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Ahead of the COREPER meeting on the 4th of June 2025 we would like to share our comments on the draft general approach tabled by the Polish Presidency (document 9440/25). We focus on the high level topics:

### 1. Minimum recycled content in vehicles (Art. 6)

We consider the proposed stepwise approach to be a suitable path forward. We particularly support the basis for the weight of plastics, whereby elastomers and thermosets are excluded, as well as the possibility to use waste from workshop repairs to meet the targets. However, we have significant concerns regarding the following elements a) the proposed target levels, b) the exclusion of *pre-consumer* plastics and c) the separate closed-loop target.

Justification: These requirements will significantly impact the production of new vehicles. They remain particularly challenging due to the limited current and foreseen availability of recycled plastics suitable for use in automotive manufacturing.

Proposal: We see two options for adjusting this article:

- Option I – Maintain the targets as proposed by the Polish Presidency, but include *pre-consumer* plastic waste in the scope
- Option II – Revise the targets to the following levels: 10% (after 72 months), 15% (after 96 months) and 20% (after 120 months).

In both options, we would recommend that the closed loop target be omitted from step one. Starting from month 96, the closed loop target should be set at 10% of the overall target.

Additionally, while we fundamentally support the objective of reducing the environmental impact of plastic recycling both within the EU and in third countries, we question whether the proposed measures will have a meaningful real-world effect when weighed against the bureaucratic burden of ensuring compliance with EU law and conducting audits every five years. Furthermore, the proposal to establish a list of eligible countries appears to contradict the Commission's broader efforts to reduce administrative complexity.

### 2. Information on replacement (Art. 11 and Annex V)

We do not support the inclusion of provisions on information on replacement within the scope of the ELVR.

Justification: This would result in **unnecessary duplication of existing regulations**. Repair and maintenance operators already have access to the necessary information through established systems, as vehicle manufacturers are currently obliged to provide this data under existing legislation:

- Annex X of the EU Type Approval Framework [Regulation \(EU\) 2018/858](#) and its appendix 2,
- Euro VI rules for HDVs [Regulation \(EC\) No 595/2009](#),
- Euro 7 [Regulation \(EU\) 2024/1257](#) and
- EU Batteries [Regulation \(EU\) 2023/1542](#).

Proposal: As a consequence, all obligations related to the provision of information to operators other than authorised treatment facilities (ATFs) should be removed from the ELVR.

### 3. Authorised treatment facilities - contracts (Art. 15; 3a)

Allowing producers/PROs the option to sign contracts with authorised treatment facilities (ATFs) does not guarantee the optimal management of ELVs. The legislation should go further and explicitly require that ATFs must enter into a contractual agreement with the relevant producer/PRO in order to be authorised to treat their ELVs. This mandatory approach is already implemented in French national legislation.

Justification: Unlike for other types of waste, "take-back back points" (for ELVs ATFs/ dismantling companies) do not exist because of Extended Producer Responsibility (EPR),

but rather because the business is economically attractive. Dismantling companies are independent businesses that own the waste and decide over the flow of the materials.

In other EU EPR regulations—such as Regulation (EU) 2023/1542, Articles 62, 64, and 65—the control over waste streams lies with the producers or their Producer Responsibility Organisations (PROs). In these cases, collection points act merely as service providers who are compensated for their work but do not own the waste.

Proposal: Article 15, 3a should clarify the producers' right to organise their waste management systems in line with other EU EPR legislation. It should also clarify that ATFs are required to have a contract with the respective producer/PRO. Producers should not bear responsibility for activities conducted outside their established network.

#### **4. Design to enable removal and replacement of certain parts and components in vehicles (Art. 7 and Annex VII C)**

We welcome the shortening of the list in Annex VII Part C with the mandatory removal of parts and the inclusion of exemptions. However, we still have concerns regarding certain entries on the current list and the detailed descriptions of some components.

Justification: The descriptions under individual entries in the table of Annex VII Part C are currently incomplete or unclear, which will likely cause misunderstandings. Hence, the descriptions should be simplified.

For the dismantling of glass at the end of life of vehicles, the ecological benefits are unproven. 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 of heavy material.

The ecological benefit of fuel tank recycling, which is highly contaminated with fuel or other fluids, has still to be proven and there is no established, economic recycling industry for the recycling of fuel tanks.

The metal of the heat exchanger is separated after shredding and the reuse potential of the heat exchanger is low due to fatigue and corrosion of the material.

Proposal: A more general wording of the listed components is recommended, e.g. “Electric vehicle batteries as defined in Article 3 point (14) of Regulation (EU) 2023/1542”, “E-drive motors, including their casings”, “Directly accessible parts of the infotainment system, including displays of a surface greater than 100 square centimetres”. Additionally, where existing definitions or wordings exist, e.g. under Regulation (EU) 2023/1542, these should be used.

Erase the following entries of the Annex VII C:

- 7: glass
- 15: plastic fuel tanks
- 16: heat exchanger

Erase inclusion of undefined accessory parts, e.g. control units, battery management systems, cooling fan motors, actuators etc.

#### **5. Cross-border allocation mechanism (Art. 22; 2)**

We do not consider it necessary to retain paragraph 2. The amendments proposed by the Council, combined with the enforcement of Extended Producer Responsibility (EPR) by each Member State for all producers as defined in Art. 3, would be sufficient.

Justification: Unnecessary administrative burden for all producers.

Proposal: Deletion of Art. 22 paragraph 2.

### **Recital 29:**

While digital coding is increasingly used to control different parts and components in vehicle, the evaluation of Directive 2000/53/EC identified that such coding could impede the reuse, remanufacturing and refurbishment potential of certain parts and components. **It is therefore essential that** **However,** vehicle manufacturers are **already** requested to provide **such** information allowing **professional waste management operators** to overcome the problems posed by these digitally coded parts and components in a vehicle, where such coding prevents repair, maintenance or replacement operations in another vehicle **under Annex X of the EU Type Approval Framework” Regulation (EU) 2018/858 and its appendix 2, as well as the Euro VI rules for HDVs Regulation (EC) No 595/2009, and “Euro 7” Regulation (EU) 2024/1257.** **In terms of electric vehicle (EV) batteries, waste operators, repair and maintenance operators have the right to the most critical information about the EV battery in view of repair, maintenance and end of life/waste treatment via the EU Batteries Regulation” Regulation (EU) 2023/1542.**

### **Article 11, 1:**

**For new vehicle types approved** 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 **authorised treatment facilities repair and maintenance operators** unrestricted, standardised and non-discriminatory access, **e.g. via existing tools used by the Automotive Industry**, to the information listed in Annex V, enabling access to, and safe removal **and replacement** of;

### **Article 11, 2:**

Manufacturers shall ensure cooperation with the authorised treatment **operators facilities and repair and maintenance operators** by establishing necessary communication platforms to provide and keep up-to-date the information referred to in paragraph 1 and the information specified in Annex V.

The manufacturers shall provide the information referred to in the first subparagraph free of charge. The manufacturers may collect charges from **authorised treatment facilities and repair and maintenance operators** to the amount necessary to cover the administrative costs for making the required information accessible through communication platforms.

### **Art. 11, 1 (f) and Annex V point 5:**

Deletion

### **Annex V points 1, 2, 4:**

Deletion of the words ‘and replacement’.

### **Article 15, 3a:**

**Authorised treatment facilities Producers or, where appointed in accordance with Article 17(1), producer responsibility organisations may shall** conclude contracts with **producers or, where appointed in accordance with Article 17(1), producer responsibility organisation authorised treatment facilities for the purposes of implementing their producer responsibility obligations in order to be allowed to treat the end-of life vehicles of the respective producer.** Such contracts shall be fair, transparent and non-discriminatory and may be based on a model established by the Member State.