

**STAKEHOLDER CONSULTATION ON  
ADAPTATION TO SCIENTIFIC AND TECHNICAL PROGRESS  
UNDER DIRECTIVE 2000/53/EC  
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON END-OF-LIFE  
VEHICLES  
FOR THE PURPOSE OF A POSSIBLE AMENDMENT OF ANNEX II**

**NOTE  
WITH THIS CONSULTATION STAKEHOLDERS ARE REQUESTED TO  
COMMENT ON THE EXEMPTIONS LISTED IN THIS CONSULTATION  
DOCUMENT AND TO COMMENT ON ALL OTHER EXEMPTIONS OF ANNEX  
II, WITH A VIEW TO ITS POSSIBLE ADAPTATION TO SCIENTIFIC AND  
TECHNICAL PROGRESS.**

**1. INTRODUCTION**

**Article 4(2)(a) of Directive 2000/53/EC<sup>1</sup>** on end-life-vehicles provides that “*Member States shall ensure that materials and components of vehicles put on the market after 1 July 2003 do not contain lead, mercury, cadmium or hexavalent chromium other than in cases listed in Annex II under the conditions specified therein.*”

**Annex II** to the Directive lists a limited number of components and materials of vehicles which are exempted from the requirements of Article 4(2)(a) and may contain specific amounts of lead, mercury, cadmium and hexavalent chromium. This Annex also specifies the scope and expiry date of some of the exemptions as well as an obligation to make materials and components containing heavy metals labelled or identified in order to remove them before shredding.

**Article 4(2)(b)** provides for a regular adaptation of Annex II to scientific and technical progress. It follows from this Article that “*in accordance with the procedure laid down in Article 11 the Commission shall, on a regular basis, according to technical and scientific progress, amend Annex II, in order to:*

- (i) as necessary, establish maximum concentration values up to which the existence of the substances referred to in subparagraph (a) in specific materials and components of vehicles shall be tolerated;*
- (ii) exempt certain materials and components of vehicles from the provisions of subparagraph (a) if the use of these substances is unavoidable;*
- (iii) delete materials and components of vehicles from Annex II if the use of these substances is avoidable;*
- (iv) under points (i) and (ii) designate those materials and components of vehicles that can be stripped before further treatment; they shall be labelled or made identifiable by other appropriate means.”*

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<sup>1</sup> OJ L 269, 21.10.2000, p. 34.

In 2005, Annex II was adapted for the second time according to technical and scientific progress by **Council Decision 2005/673/EC**<sup>2</sup>. Pursuant to this Decision, certain materials and components containing lead, mercury, cadmium or hexavalent chromium should be exempt or continue to be exempt from the heavy metal ban, since the use of these substances in those specific materials and components is still unavoidable. In some cases it is appropriate to review the expiry dates of these exemptions in order to assess whether the use of the prohibited substances is still unavoidable.

In particular, Decision 2005/673/EC enumerates **four exemptions** which need to be examined by the Commission by 1 July 2007 or by the end of 2007:

- In the case of **aluminium for machining purposes with a lead content up to 1,5%** by weight, described in point (2)(a) of the Annex, the Commission will assess, by 1 July 2007, whether the expiry date of that exemption has to be reviewed in relation to the availability of substitutes of lead.
- In the case of **lead-bearing shells and bushes**, described in point (4) of the Annex, the Commission will assess, by 1 July 2007, whether the expiry date of that exemption has to be reviewed in order to ensure that lead-free technology can be applied in all engines and transmissions without harming their proper functioning.
- In the case of the use of **hexavalent chromium in corrosion preventive coatings related to bolt and nut assemblies for chassis applications**, described in point (13)(b) of the Annex, the Commission shall assess, by 1 July 2007, whether the expiry date of that exemption has to be reviewed in order to ensure that no accidental disconnection of essential mechanical parts can occur in the lifetime of the vehicle.
- In the case of the use of **cadmium in batteries for electrical vehicles**, described in point (17) of the Annex, the Commission will assess, by the end of 2007, whether the expiry date of that exemption has to be reviewed in order to ensure the availability of alternative battery technologies and electrical vehicles.

In addition, on the basis of Article 4(2)(b)(ii) of Directive 2000/53/EC, the Commission receives requests for exemptions that need to be evaluated in order to assess whether they are justified according to technical and scientific progress and, in particular, whether the use of heavy metals in the requested cases is indeed unavoidable. Where the requirements of Article 4(2)(b)(ii) are fulfilled, the Commission can propose a draft decision amending Annex II to Directive 2000/53/EC.

The Commission is launching this stakeholder consultation in order to collect data necessary to evaluate the four exemptions which need to be assessed under the provisions of Decision 2005/673/EC and the other requests for exemptions submitted pursuant to Article 4(2)(b)(ii). Moreover, the objective of the contract is to evaluate the remaining exemptions in the light of the provisions contained in Articles 4(2)(b)(i), 4(2)(b)(iii) and 4(2)(b)(iv).

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<sup>2</sup> OJ L 254, 30.9.2005, p. 69.

**Neither the fact that a stakeholder consultation is being launched, nor the results of this stakeholder consultation should be interpreted as a political or legal signal that the Commission intends to take a given action.**

**2. CONSULTATION OF INTERESTED PARTIES**

For the consideration of the items described above, the Commission services would like to consult all the interested parties in line with the instructions below.

**2.1 PROPOSALS FOR ADDITIONAL EXEMPTIONS**

At the time of launching this stakeholder consultation, the Commission has received from the industry one additional request for an exemption for certain materials and components of vehicles from the heavy metal ban:

**- Lead in frit glass used in Vacuum Fluorescent Displays (VFD)-**

Stakeholders who wish to signal a **need for an additional exemption** are requested to provide, for each exemption, information on:

- the current existence of feasible substitutes on an industrial and/or commercial scale;
- any restrictions that apply to such substitutes;
- the costs and benefits and advantages and disadvantages of such a substitute;
- a precise wording for each exemption.

Stakeholders are requested to support, as far as possible, their contribution with technical and scientific evidence.

Stakeholders are invited to follow the following model for each requested exemption and fill in the following checklist of 10 questions:

EXEMPTION		
No	Criteria	Justification
1	Please describe the material and/or component of a vehicle that contains the hazardous substance.	
2	Please indicate the type and quantity of the hazardous substance used in the material and/or component. Please indicate the quantity of the substance in absolute numbers and in percentage by weight in homogenous material.	
3	Please indicate the functionality of the substance in the material and/or component of a vehicle.	
4	Please provide an estimate of the annual quantities of the hazardous substance used in this particular application.	
5	Please explain why the elimination or substitution of the hazardous substance via design changes of materials and components is currently technically or	

	scientifically impossible / impracticable.	
6	Please indicate if the negative environmental, health and/or consumer safety impacts caused by substitution are likely to outweigh the environmental, health and/or consumer safety benefits.  <i>If existing, please refer to relevant studies on negative impacts caused by substitution.</i>	
7	Please indicate if feasible substitutes currently exist on an industrial and/or commercial scale.  Please indicate the possibilities and/or the status for the development of substitutes and indicate if these substitutes will be available by the expiry date of the exemption or at a later stage.	
8	Please indicate if any current restrictions apply to such substitutes.  If yes, please quote the exact title of the appropriate legislation/regulation.	
9	Please indicate the costs and benefits and advantages and disadvantages of such substitutes.  If existing, please refer to relevant studies on costs and benefits of such substitutes.	
10	Please provide any other relevant information that would support your application for an additional exemption.	

## 2.2 PROPOSALS FOR REMOVING EXISTING EXEMPTIONS

At the time of launching this stakeholder consultation, the Commission has received from the stakeholders information on the existence of substitutes to heavy metals in the materials and components currently covered by the heavy metal ban. This information could lead to a deletion of these materials and components of vehicles from Annex II if the use of heavy metals in these materials and components is indeed avoidable (Article 4(2)(b)(iii)).

The Commission has been informed about the existence of substitutes in the following materials and components of vehicles:

- **Electrical components which contain lead in a glass or ceramic matrix compound except glass in bulbs and glaze of spark plugs**
- **Discharge lamps which contain mercury**

Stakeholders who wish to signal that **substitutes are available for existing heavy metals** are requested to provide, for each exemption, information on:

- the current existence of feasible substitutes on an industrial and/or commercial scale;
- any restrictions that apply to such substitutes;
- the costs and benefits and advantages and disadvantages of such a substitute.

Stakeholders are requested to support, as far as possible, their contribution with technical and scientific evidence.

Stakeholders are invited to follow the following model to present each existing substitute:

<b>CURRENT EXEMPTION and SUBSTITUTE</b>		
<b>No</b>	<b>Criteria</b>	<b>Justification</b>
1	Please describe the material and/or component of a vehicle that contains the hazardous substance.	
2	Please indicate the type and quantity of the hazardous substance used in the material and/or component and the substitute that can replace the currently used substance.  Please indicate the quantity of the substance and its substitute in absolute numbers and in percentage by weight in homogenous material.	
3	Please indicate the functionality of the existing substance in the material and/or component of a vehicle and the functionality of a substitute.	
4	If possible, please provide an estimate of the annual quantities of the hazardous substance used in this particular application.	
5	Please explain why the substitution of the hazardous substance is currently technically and scientifically possible / practicable.	
6	Please indicate what are the potential positive environmental, health and/or consumer safety impacts caused by substitution. Please describe what could be the potential negative environmental, health and/or consumer impacts of such substitutes.  <i>If existing, please refer to relevant studies on negative impacts caused by substitution.</i>	
7	Please indicate if substitutes currently exist on an industrial and/or commercial scale.  Please indicate the possibilities and/or the status for the development of substitutes and indicate if these substitutes will be available by the expiry date of the exemption or at a later stage.	
8	Please indicate if any current restrictions apply to such substitutes.  If yes, please quote the exact title of the appropriate legislation/regulation.	
9	Please indicate the costs and benefits and advantages and disadvantages of such substitutes.  If existing, please refer to relevant studies on costs and benefits of such substitutes.	
10	Please provide any other relevant information that would support your application.	

**ALL THE RECEIVED CONTRIBUTIONS WILL SUBSEQUENTLY BE EXAMINED BY AN INDEPENDENT STUDY AND CONSULTED WITH THE STAKEHOLDERS IN A SEPARATE STAKEHOLDER CONSULTATION.**

**IT SHALL BE NOTED THAT SUBMISSIONS CONTAINING PURELY GENERIC COMMENTS, STATEMENTS, OR POSITION PAPERS WILL NOT BE TAKEN INTO ACCOUNT.**

Interested parties are invited to send their comments by **20 December 2006** at the latest by e-mail to [env-elv@ec.europa.eu](mailto:env-elv@ec.europa.eu) or by post to:

European Commission  
DG Environnement, Unit G4 – Consultation Directive 2000/53/EC  
B-1049, Brussels, Belgium.

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Responses submitted electronically will be posted on this web site as they are received, unless respondents specifically request that their contribution should not be publicised. In the latter case, responses should be clearly and visibly marked with the words "*Not for publication*".

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