

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

Issue of certain spare parts for vehicles put on the market after 1 July 2003

NOTE

**WITH THIS CONSULTATION, STAKEHOLDERS ARE REQUESTED TO
COMMENT ON THE EXEMPTIONS LISTED IN THIS CONSULTATION
DOCUMENT WITH A VIEW TO THEIR PROLONGATION WITHOUT TIME
LIMITATION**

1. INTRODUCTION

Article 4(2)(a) of the Directive 2000/53/EC on end-of-life vehicles establishes that as of 1 July 2003, materials and components of vehicles should be heavy metal free. The Commission's established view is that this heavy metal ban applies to both vehicles *and* spare parts put on the market after 1 July 2003.

Commission Decision 2005/438/EC amends Annex II in order to allow an exemption for spare parts used to repair old vehicles, i.e. vehicles put on the market *before* 1 July 2003. These vehicles can now be repaired with spare parts meeting the same quality and safety requirements as the original parts.

This stakeholder consultation is launched in order to examine the need to exempt from the heavy metal certain vehicle materials and components used to repair vehicles put on the market *after* 1 July 2003, if such materials and components used to be covered by one of the exemptions of Annex II. The consultation is limited to six exemptions requested by the vehicle industry.

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. PROPOSAL FOR EXEMPTIONS

The car industry requests an unlimited exemption from the heavy metal ban for six materials and components in vehicle spare parts, for the following reasons:

- Commission Decision 2005/438/EC ("spare parts decision") does not cover spare parts for vehicles put on the market *after* 1 July 2003;
- Vehicles put on the market between 1 July 2003 and the expiry dates of the six exemptions concerned are equipped with parts containing heavy metals;
- After the expiration of the six exemptions concerned, it will no longer be possible to put on the market spare parts containing heavy metals for the repair of vehicles

put on the market between 1 July 2003 and the expiry dates of the six exemptions concerned;

- According to the car industry, it is technically not feasible to develop heavy metal free spare parts for cars put on the market between 1 July 2003 and the expiry dates of the six exemptions concerned (lack of "backwards compatibility" – heavy metal free parts would have different technical properties than those with heavy metals and could not be installed in cars originally equipped with parts containing heavy metals).
- Thus, spare parts would become unavailable for the repair of vehicles which were produced with parts containing heavy metals.

The six exemptions for which the industry requested an unlimited exemption and provided substantiated evidence are:

Current Entry in Annex II	Materials and components	Scope and expiry date of the exemption
2(a)	<u>Lead as an alloying element in aluminium for machining purposes with a lead content up to 1.5% by weight</u>	1 July 2008
4	<u>Lead as an alloying element in bearing shells and bushes</u>	1 July 2008
7(a)	<u>Lead and lead compounds in components of vulcanising agents and stabilisers for elastomers in fluid handling and powertrain applications containing up to 0.5% lead by weight</u>	1 July 2006
10	<u>Lead and lead compounds in components of valve seats</u>	Engine types developed before 1 July 2003: 1 July 2007
13(a)	<u>Hexavalent chromium in corrosion preventive coatings</u>	1 July 2007
13(b)	<u>Hexavalent chromium in corrosion preventive coatings related to bolt and nut assemblies for chassis applications</u>	1 July 2008

You can access the evidence provided by the industry by clicking on each of the exemptions. **The Commission services have published the requests as worded by the submitters.**

4. CONSULTATION OF INTERESTED PARTIES

For the consideration of the items listed above, the Commission services would like to consult all the interested parties.

In particular, stakeholders are requested to provide, **for each entry**, information on:

Entry:

- The need to introduce an exemption from the heavy metal ban for spare parts put on the market *after* 1 July 2003 which are used for vehicles put on the

market *after* 1 July 2003 if, at the time when the vehicle was put on the market, the affected materials or components were covered by one of the six exemptions according to Annex II;

- the current (and future, if possible) existence of feasible substitutes on an industrial and/or commercial scale;
- any restrictions that apply to such substitutes, in particular: whether such substitutes can be used to replace materials and components in vehicle spare parts in those cars which were originally equipped with parts using heavy metals;
- the costs and benefits of such a substitute;
- the advantages and disadvantages of such a substitute, in particular any technical and safety implications of its application.

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

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 or by post to:

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

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*".
