



Brussels,
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MEETING OF THE EXPERT GROUP ON WASTE
DIRECTIVE 2000/53/EC ON END-OF-LIFE VEHICLES

MINUTES OF THE MEETING HELD ON 30 NOVEMBER 2015

Commission: Ms Bettina LORZ, (DG ENV, Chair), Ms Artemis HATZI-HULL (DG ENV), Ms Sarah ZIANE (DG ENV), Mr Pierre GAUDILLAT (Joint Research Centre)

Members present:

AUSTRIA	Ms Verena PERNECKER
BELGIUM	Mr Alain GHODSI
BULGARIA	Ms Diana BALEVA
CROATIA	Absent
CYPRUS	Absent
CZECH REPUBLIC	Mr Marek LIVORA
DENMARK	Ms Anne GRY LUND
ESTONIA	Ms Kerli REBANE
FINLAND	Ms Marika PAAVILAINEN
FRANCE	Absent
GERMANY	Ms Regina KOHLMeyer, Mr Daniel LAUX
GREECE	Ms Alexandra KARPODINI
HUNGARY	Mr David PANKUCSI
IRELAND	Mr David DODD, Ms Isabelle KURZ
ITALY	Absent
LATVIA	Absent
LITHUANIA	Mr Ieva KLUMBYTE
LUXEMBOURG	Mr Serge LESS
MALTA	Absent
NETHERLANDS	Absent
POLAND	Ms Anna ADAMCZYK-GORZOWSKA
PORTUGAL	Ms Maria Inês SANTOS
ROMANIA	Ms Violeta DRAGU
SLOVAKIA	Absent
SLOVENIA	Mr Peter TOMSE
SPAIN	Mr Santiago DAVILA
SWEDEN	Mr Larsolov OLSSON
UNITED KINGDOM	Mr Paul HALLETT

1. ADOPTION OF THE AGENDA

The Chair proposed the following items to be added to the agenda.

i. Under agenda item 5 as 5(v)

As already mentioned by e-mail sent to the MS_experts on 25 November 2015, following question from a Member State (MS), the Commission proposed to add the issue of 'national legislations for the treatment of ELVs with an enlarged scope as compared to the ELV Directive' under agenda item 5 on Implementation of the ELV Directive in the Member States.

ii. Under AOB

Furthermore, the Finnish question, received by e-mail, relating to environmental aspects of the pretreatment of ELVs (including the permit requirements for pretreatment facilities of all ELVs) and on the treatment of ELVs and WEEE containing POP substances was proposed to be dealt with under 'any other business' (AOB).

The expert from ES, having to leave the meeting early for unforeseen reasons, requested to start with point agenda 5 in the draft agenda, on the implementation of the ELV Directive.

The expert group agreed to the proposed changes to the agenda.

2. IMPLEMENTATION OF THE ELV DIRECTIVE IN THE MEMBER STATES

The Commission representative explained that, following questions from MS and economic operators, it is deemed useful for the MS and the Commission to exchange information on a number of issues directly affecting the implementation of the ELV Directive. The Commission has prepared tables regarding the different issues, which were circulated prior to the meeting and so far take up information provided by some MS. Best practices may be identified and followed by other MS.

MS experts are invited to complete the tables, which will also be uploaded in CIRCABC, with their national information.

i. List of ELV online deregistration and online list of ATF facilities in the MS

This request for information follows question from CZ, namely to know how MS comply in practice with the deregistration requirement in their national system (ex. if there is an online system for deregistration). In addition, information on the Authorised Treatment Facilities (ATFs) in the MS, in form of a weblink, where available, is considered useful.

ii. Recycling fees in the MS

The Commission representative recalled a request for information about national practices regarding recycling fees. She mentioned that there are often questions/complaints from members of the public, importers etc. and that is also desirable to identify best practice.

iii. Scope of the ELV Directive in the MS

Some MS have extended the scope for the environmental treatment of waste vehicles in the national legislation to vehicles that do not fall under the scope of the ELV Directive, such as heavy trucks. The Commission representative asked to obtain more information concerning national practices and invited MS experts to provide information regarding the scope of the ELV directive for the treatment of ELVs, in their national legislation.

iv. Use of the Correspondents' Guidelines No 9 on the shipment of waste vehicles in the MS

The Commission representative recalled that the **Guidelines for Waste Vehicles**, agreed in July 2011 by the Waste Shipment Correspondents, are in use since 1 September 2011. These Guidelines are on the Commission's website (<http://ec.europa.eu/environment/waste/shipments/guidance.htm>).

At a meeting earlier this year the waste shipment correspondents were asked to provide feedback on the use of the Guidelines. The Commission representative reported that then only a limited number of replies had been received. In two MS (Wallonia in BE and AT), these Guidelines have been made legally binding for the enforcement authorities.

She encouraged MS experts to liaise with colleagues waste shipment correspondents on the issues of common interest.

MS experts were asked to provide input in writing on the use of these Guidelines.

Some MS experts commented on these points. The ES expert informed the group that there are 18 lists for each Regional entity ('Comunidades Autónomas'), with 1029 facilities being registered. There are no recycling fees, ATFs paying to the ELV owner an amount of about EUR 25. He also mentioned that use is being made of the correspondents' guidelines and respective information will be completed in writing. The BE expert also said that there are no fees on sales of new vehicles, as the system is self-paying, and targets of the Directive are being reached without any further incentive. He also highlighted that there was a need to take action now on 'false used cars' were a real loophole for the effectiveness of the Directive. For instance, the presentation of the certificate of destruction of an ELV ought to be made obligatory for the registration of new vehicles.

v. Issues of implementation and proposed clarifications in particular in view of the Waste Framework Directive (WFD): *Spare parts from ELVs: waste or second-hand parts?*

The Commission representative introduced the item: the Commission has received complaints from dismantlers, mainly in FR and in IE, concerning the classification by national authorities of spare parts from ELVs as 'waste', which has as a consequence that these parts fall under the waste legislation (WFD).

With the objective to obtain a clear picture of the situation in the MS, the Commission invited MS experts to comment on the following:

- *What is the procedure MS follow in their country for the export, inside and outside the EU, of the parts originating from the ELVs?*

- *Are second-hand parts originating from an ELV considered "waste" or second-hand parts and, therefore, not waste?*
- *For parts coming from ELVs to be considered second-hand parts, what are the criteria applied (such as if they are used for the same purpose for which they were conceived and if they are accompanied by a certificate from a certified mechanic)?*
- *What are MS views on drawing up criteria inspired by the Waste Shipment Correspondents' Guidelines which were adopted in 2011?*

The ES expert said that it is under rules applicable in Spain not allowed to sell a full vehicle, but to sell parts originating from ELVs as spare parts. As defined in Directive 2008/98/EC on waste, Art. 3.16, when an ELV part is prepared for re-use, meaning checking, cleaning or repairing, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing, these parts are then products and can be put on the market. ES considers these parts as second-hand parts, and they do not fall under Regulation 1013/2006 on Shipments of Waste.

There is specific legislation in Spain dealing with waste pneumatic tyres during the life of vehicle, as well as for used oils and batteries. Then ES distinguishes between tyres, oils and batteries from life and end of life vehicles, with different targets and objectives. ES has then taken out of ELV legislation parts changed during life of vehicle.

ES explained that the situation with the tyres is rather complex because tyres coming from an ATF fall under a different status (different percentage for recycling and energy). ES underlined that in their view this is not correct as the ELV recycling targets are 95% and ATFs have to respect these targets.

BE agreed that spare parts from ELVs, after cleaning, labelling and certification by a mechanic are second-hand parts. BE authorities are trying to push insurers to lower the omnium insurance in the future and ensure use of second-hand pieces with guarantee for one year. The remaining (excluding second-hand parts) is considered waste.

BE reminded that they have FEBELAUTO, the organisation in charge of ELVs that takes care of the tyres with the obligation to recycle them by a specialized body (last pair of tyres of a car, whereas tyres changed during a vehicles lifetime fall under the "RECYTYRE" scheme whereas RECYTYRE is another Belgian organisation in charge of the used tyres.)

IE said that they have a different interpretation and practice, and every material entering an ATF is considered as waste which falls under the WFD, hence including spare parts from ELVs. It is considered that the definition of the WFD 'overrides' the ELV Directive, which the Commission representative put in doubt as the ELV Directive is a *lex specialis*. IE considers that a way out would be to agree a 'simple end-of-waste' definition.

DE inquired what about the private consumer and whether he could buy a used engine from an ATF.

The Commission representative reminded MS experts that detailed information is needed as to how do MS deal with spare parts originating from ELVs before putting them on the

market as second hand parts, including information as to how MS rules deal with manage individuals and dismantlers.

vi. Update on infringements

The Commission representative gave an update on infringement procedures related to the implementation of the ELV Directive. There are three EU-pilots open: PT for deregistration without a certificate of Destruction (CoD), PL for [ATFs and possible illegal treatment facilities-functioning of ELVs recycling system in Poland](#) and CY regarding abandoned ELVs in the region of Limassol.

It was also reminded to respect the deadlines for reporting to avoid launching of new EU-pilots.

3. REPORTING ISSUES

- i. **ELV Reports on targets for 2013:** The Commission representative recalled that data are accessible via the link: <http://ec.europa.eu/eurostat/data/database> and then selecting 'Environment and Energy' -> 'Environment' -> 'Waste' -> 'Waste streams'

She presented the data for 2013, the compliance with the recovery and recycling target for ELVs and general observations made during the assessment of the data and of the national methodologies received from MS.

Main observations were:

- the delay to send the reports,
- on **recycling**: some countries applied the metal content assumption and therefore reported all metals in recycling regardless where they appear. This applies in 2013 for UK and IE. These countries have in consequence low contributions from “reuse” and “Recycling from de-pollution and dismantling” as the metals is reported in “Recycling form shredding”

Some aspects are still issues of discussion with the countries:

- Very high rates of recycling form de-pollution and dismantling (BG, HU, PL)
- 100% recycling seems unlikely (HR)
- For other countries we observed high export rates without disposal (MT)
- on **disposal**: as W1 might be less than the Sum of Tab 1-3 the total percent might be more than 100%. This applies in 2013 for DK and DE_only. By this calculation the sum for the bar matches to the official delta to the (reuse + recycling + recovery) rates reported in the tables before.

Some aspects are still issues of discussion with the countries: 0% disposal seems unlikely (HR, MT);

- **Milestones for data collection 2014**

- Deadline for Reporting 30 June 2016
- Reminder to missing countries July
- 1st data validation July /August

- Data dissemination (Eurobase) September
- 2nd round data validation November
- 2nd Eurobase update December
- Statistics explained December

The Commission also reminded MS experts that **four national reports are still missing** while the deadline was 30 June 2015. Furthermore, the Commission encouraged MS who have not yet agreed to **make their quality reports available** to signal their agreement or not to the Commission and to **use the e-Damis system** when submitting the data and **send them on time**.

ii. Report on triennial implementation reporting according to Commission Decision 2001/753/EC

The Commission representative reminded that MS submitted national reports on implementation of the ELV Directive based on the questionnaire under Commission Decision 2001/753/EC for the period **from 21 April 2011 to 21 April 2014**. On this basis, and also taking up **the previous period 21 April 2008 to 21 April 2011**, the Commission will prepare a Commission's Report to the Council and the EP. This will be part of a broader approach of 'compliance promotion' with regard to the ELV Directive, which will focus on the issue of 'ELVs with unknown whereabouts (see agenda item 5).

The Commission representative mentioned under the upcoming Circular Economy package it will be proposed to abolish the requirement for triennial reports. In the case of the ELV Directive, most of the questions are linked to the transposition of the ELV Directive which as such has already been assessed. Reporting will in future be limited to data on the achievement of the targets of the Directive, reason for which timely and consistent reporting is crucial.

The Commission reminded that some MS did still not send their reports despite, several reminders (EL, ES, FI, NL) following the deadline of 21 January 2015.

4. UPDATE ON THE ONGOING WORK FROM THE EU JOINT RESEARCH CENTRE (JRC) ON THE EMAS SECTORAL REFERENCE DOCUMENT ON BEST ENVIRONMENTAL MANAGEMENT PRACTICES FOR THE CAR MANUFACTURING SECTOR

The representative from JRC in Seville presented the ongoing work at the production of a Sectoral Reference Document (SRD) on Best Environmental Management Practice for the Car Manufacturing sector, covering also best practice in some aspects of end-of-life vehicle (ELV) management. He reminded that this was one of several sectoral reference documents prepared under EMAS, the EU Eco-management and Audit Scheme, a voluntary scheme aiming at the continuous improvement of environmental practices for registered organisations (governments, industry etc.). The sectoral reference documents can be used as a benchmark for the entire sector, whether EMAS-registered or not. It will describe voluntary best practices which can be implemented by organisations in the sector to minimise the environmental impact of car manufacturing and end-of-life vehicle (ELV) processing. Feedback is currently invited from industry experts, to contribute to the formulation, improvement and validation of the best practices. Further information about the project is available at: <http://susproc.jrc.ec.europa.eu/activities/emas/car.html>.

The DE expert commented that most ATFs are small family businesses that are not EMAS registered. She furthermore inquired if the document will be translated to all EU languages as it will be more accessible to SMEs.

The JRC representative replied that SRDs are specifically valuable for SMEs, as they have often more difficulties to get to information on best practices than big companies, and that EMAS registration was not required. Sectoral reference documents are published in the Official Journal and, therefore, in all EU official languages. The detailed technical report is however only available in English.

The CZ expert inquired if the document will also include the shredders, the JRC representative replied that this is still under discussion.

IE commented that BREFS under the industrial emissions Directive however only apply to large installations. The JRC representative also said that the SRDs would refer to BREFs where they existed but not duplicate those.

5. COMMISSION'S COMPLIANCE PROMOTION INITIATIVE ON THE IMPLEMENTATION OF THE ELV DIRECTIVE WITH EMPHASIS ON THE "ELVS OF UNKNOWN WHEREABOUTS"

i. The Commission representative informed the group of the upcoming Commission's Compliance Promotion Initiative, under which a study to assess the implementation of the ELV Directive is being launched. The timing for the study will be 18 months after the signature from the Commission. This study will support the initiative to promote compliance and effectiveness of the ELV Directive. Its main aim is to address the issue of unaccounted end-of-life vehicles ("missing ELVs") within the EU, which greatly affects the ELV Directive to reach its intended effect. In this context, the study will furthermore analyse and summarise the Member States' reports on the implementation of the ELV Directive and possible changes Commission Decision 2005/293 laying down detailed rules on the monitoring of the reuse/recovery and reuse/recycling targets set out in the ELV Directive.

The Commission explained in details the subject of the study and underlined that MS contribution is very important and asked for support to be given to the Commission's consultant in this context.

BE inquired if the Commission's study will look into vehicle registration and the Commission confirmed this.

ii. Following the presentation of the ToR by the Commission, the DE expert gave a presentation on the currently ongoing study commissioned by the Umweltbundesamt regarding proposals to improve data about the whereabouts of ELVs in Germany. She put the study in the context of reaching the objectives of the ELV Directive, which was seen positive in relation to cutting illegal dumping (hence progress in ELV de-pollution) and also so far on recovery targets being reached by the MS. However, there is concern whether from here real progress on enhancing resource efficiency can be made; in particular, there is an important data gap. For Germany, there are 8 million deregistrations/year of which an estimated 40% (3.3 Mio) are final. Among those, the sort of some 2 Mio vehicles is explained (mostly exported as used cars to neighbouring EU countries, 0,5 Mio ELVs with certificate of destruction) but for 1.18 Mio vehicles, there is no explanation. The priority of the study will be addressing the statistical data gap, keeping well in mind the motivation of the study which is to get evidence about the

current fate of all vehicles in an interest of recovering hazardous and valuable materials. The study will also have workshops with neighbouring countries such as NL and PL. The results are expected in March 2016.

AT underlined that **new legislation in line with the Correspondents' Guidelines on ELVs is in the pipeline** according to which a vehicle that has become an ELV in AT cannot be exported as a second-hand vehicle.

6. INFORMATION UPDATE

The Commission invited MS experts to visit the updated website: <http://ec.europa.eu/environment/waste/index.htm> which has changed for all waste streams websites. The sections are: introduction with what is new, legislation, implementation and reporting (with link to the ESTAT website), events and studies where all information related to the amendments of Annex II and other studies can be found and , finally, useful links and contacts to all MS. The reference to links to national websites and contacts to the MS are only for those MS from which the Commission has received input. The Commission representative invited other MS who wish to add their national website and contact details to send relevant information to the Commission.

7. ANY OTHER BUSINESS

The Commission representative introduced the questions submitted by FI (not present for this item) in writing prior to the meeting: FI is currently preparing a guide concerning environmental aspects of the pretreatment of ELVs (including the permit requirements for pretreatment facilities of all ELV), as well as a guide for the treatment of ELV and WEEE containing POP substances.

In relation to this work, FI considers that it would be very useful to hear how other MS apply the Annex I point 4 of ELV Directive and the provisions of the POP Regulation.

- Are all pretreatment facilities in practice required to remove all parts mentioned in point 4? For example are all glasses really removed from ELVs in each pretreatment facility?
- Are all large plastic components removed in the pretreatment or segregated in the shredding process and finally recycled as materials?
- How do they ensure that plastic parts containing POP-substances are removed and destroyed?
- What influence the POP regulation (and the ban to recycle plastic parts containing POP-substances) could have to the recycling targets of ELV? Could it be possible to exclude these parts from calculation method, like it has been done in WEEE Directive (11.2 Art):

"WEEE Directive Art 11 point 2: "The achievement of the targets shall be calculated, for each category, by dividing the weight of the WEEE that enters the recovery or recycling/preparing for re-use facility, after proper treatment in accordance with Article 8(2) (=e.g. the removal of all fluids and a selective treatment in accordance with Annex VII) with regard to recovery or recycling, by the weight of all separately collected WEEE for each category, expressed as a percentage.

Preliminary activities including sorting and storage prior to recovery shall not count towards the achievement of these targets.”

The Commission representative reminded that the issue on POPs and their impact on the environmental treatment of ELVs and on the targets were discussed also in previous meetings. The Commission is interested in the guidelines being prepared by FI and looks forward to receiving a copy once terminated finished. The Finnish guidelines could be interesting for a number of MS who are struggling to identify, separate and treat POP wastes occurring in waste streams that are recycled. These issues are discussed in the Technical Adaptation Committee on POPs where so far only DE and AT had explained their strategy to deal with these wastes.

The Commission representative reminded that more indications on incineration of PBDEs and of POPs in general can be taken from the Technical Guidelines for the environmentally sound management of POP wastes and the Technical Guidelines for the environmentally sound management of PBDE wastes that have been prepared / updated by the Basel Convention (to be published soon at the Convention's website).

The Commission representative also referred to WEEE explaining that the study conducted on behalf of the Commission (<http://ec.europa.eu/environment/waste/studies/pops.htm>) as well as the studies presented by IE and the UK do not suggest that the current WEEE recycling targets cannot be achieved if the parts contaminated with POPs have to be removed. If the Commission will receive evidence that suggest otherwise, it could consider further possible action to address the issue.

Moreover, the Commission carried out a study this year to re-examine the calculation method referred to in Article 11(2) of the WEEE Directive with a view to analysing the feasibility of setting targets on the basis of products and materials resulting (output) from the recovery, recycling and preparation for re-use processes (http://ec.europa.eu/environment/waste/weee/pdf/16.%20Final%20report_approved.pdf) and the proposal of the study is to have no change of the calculation method of recovery/ recycling/ preparing for re-use targets.

The Commission representative invited MS experts to send information in writing regarding the Finnish question as the Commission will encourage the exchange of information among MS on the issue.

The Chair reminded that all presentations and reports are being made available at the CIRCABC site to which all Committee members have access.

The Commission also reminded that for all required input by MS, a message will be sent shortly with brief deadlines.

Following this point, the Chair closed the meeting.
