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**COMMITTEE FOR THE ADAPTATION TO SCIENTIFIC AND  
TECHNICAL PROGRESS OF EC LEGISLATION ON WASTE  
DIRECTIVE 2000/53/EC ON END-OF-LIFE VEHICLES**

**SUMMARY RECORD OF THE MEETING ON 28 APRIL 2005**

**1. ADOPTION OF THE AGENDA**

Referring to the agenda point 3, some of the delegations suggested to analyse the Commission's proposal exemption by exemption or to postpone the vote. The Chair explained that it would not be possible to vote on each exemption separately. In the current situation, the representatives of the Member States can only vote for the whole package, therefore the Chair decided to keep the vote on the agenda. The Chair stressed the importance of this vote for both the car industry and the Member States: no vote would postpone the decision by making it necessary to go for a written procedure, which in turn would create a legal gap as some of the exemptions in Annex II might expiry before the final adoption. It would not be in the interest of neither the Commission, nor the Member States or the industry. On the other hand, the TAC has been consulted on the review of Annex II on several occasions, starting before December last year and the Commission received just a few reactions from Member States and had to urge many of them to reply to the consultation request.

The Agenda was then adopted with its original content.

**2. ADOPTION OF THE SUMMARY RECORD OF THE MEETING OF 16 MARCH 2005**

The summary records of the meeting held on the 16<sup>th</sup> March 2005 were adopted without any comments.

**3. DIRECTIVE 2000/53/EC ON END-OF-LIFE VEHICLES - REVISION OF ANNEX II**

The Chair briefly introduced the next point of the Agenda and asked for comments of the delegates.

The Chair explained that due to new information presented by the **wheel balance weights** manufacturers, it no longer seemed necessary to prolong the expiry date of entry

7 by one year, as initially proposed by the Commission. During the past days, the Commission verified this new information with the relevant stakeholders who had requested to prolong the expiry date of the exemption with one year. These stakeholders now also agreed that a prolongation of the expiry date is no longer necessary. Therefore, the Commission changed its initial proposal and has proposed not to prolong the expiry date of this exemption. Many delegations referred back to the initial request to postpone the vote. One delegation claimed that with their industries not being able to produce lead-free wheel balance weights yet, the extension of this exemption, as originally proposed by the Commission, would be necessary. On the other hand, several delegates stated that their industries have already switched into the manufacturing of zinc-containing balance weights and it would be impossible for them to switch back to the production of lead balance weights. Therefore, those delegations expressed their strong support for the change to the Commission's initial proposal presented to the TAC.

The second issue of concern to most of the delegation was the removal of the fifth indent to Annex II (**spare parts**). Several delegations pointed out that the current draft no longer refers to the previous Commission Decision revising Annex II (Commission Decision 2002/525/EC) which included an exemption for spare parts put on the market before 01 July 2003. The lack of this indent would, in the opinion of some delegates, result in a situation where no vehicles could be repaired with new parts after the expiry dates of particular entries. According to one delegate, it is not enough to state that a part already placed on the market can continue to be used, as some parts are not produced and put on the market together with a car, but later. Hence, it might become impossible to replace defected parts with new ones where the latter ones can no longer be produced.

Some delegations were concerned about the proposed expiry date of entry 18 (**batteries for electrical vehicles**). Two delegations (one of them referring to the SUBAT study) suggested prolonging the expiry of this entry till 2010. On the contrary, several delegates opposed this idea claiming that a prolongation of the exemption for batteries for electrical vehicles was not expected, as it was already commonly known 3 years ago that alternatives for such batteries existed. One of the delegations wanted to drop entry 18 in line with the batteries Directive.

For entries 1, 4, 12, 13 a clear revision date was required by one delegation which also suggested to remove entry 3 as unjustified and asked for the reasons of the removal of the footnote concerning the allowed lead content of lead of 0,4% provided it was not intentionally introduced. The delegation saw no justification for extension of the expiry date of entry 11. No revision date was required for entry 8 (a) and (b). It was suggested that there is insufficient information to estimate a possible technological change in entry 15. One of the delegations indicated a mistake in the footnote to entry 9 and 12.

At the end of the round table, one delegate asked the Commission to which committee of the Council would the proposal be directed in case the current package is rejected by the TAC.

The Chair explained that the decision on which committee should deal with the proposal depends on the Council itself, while the Commission's obligation is to transfer the proposal to the latter institution.

As far as the issue of spare parts is concerned, it was addressed several times by car manufacturers who wanted to promote their idea of "repaired as produced". The Commission understands why the industry would like to have this concept introduced in

the Annex. However, it has to be remembered that comitology allows for only limited modifications to be introduced to the existing legislation, such as modifications of particular entries of Annex II based on scientific and technical justification. It is only the Council and the European Parliament that have a mandate to decide on other issues.

The Chair stressed she was convinced the Commission had strong scientific and technological evidence to support the revision of the respective entries in the proposed way. The Member States were also reminded that any other entries could be modified at any time provided there is sufficient scientific and technological justification.

As far as the question of the removal of the fifth indent from Annex II is concerned, the Chair explained that Article 1 of Commission Decision 2005/63/EC of 24 January 2005 replaces this indent by stating: *spare parts put on the market after 01 July 2003 which are used for vehicles put on the market before 01 July 2003 are exempted from the provisions of Article 4 (2) (a)*. The Chair also stressed that the aim of the currently debated Decision was to make sure that old cars (put on the market before 01 July 2003) can continue to be repaired with spare parts put on the market after that date. This Decision, however, solves the problem of old cars only. For the new vehicles, the Commission is bound by the provisions of Annex II and has a limited mandate to revise the Annex entry by entry based on scientific and technical evidence.

The Chair then referred to the question of cadmium-containing batteries used in electrical vehicles. It was clarified that there was no link between this issue and the batteries Directive, as some delegates suggested. The proposal for a new Battery Directive clearly states that it applies without prejudice to existing Community legislation such as Directive 2000/53/EC. As regards the SUBAT study, it explicitly states that nowadays, for pure electrical cars, lithium-ion technology is the most suitable solution. Although the study says that vehicle manufacturers would need more time to adapt to new technologies and stipulates a period of 5 years as sufficient for such an adaptation, the Commission gathered on the basis of a dialogue with car producers that they would actually be able to introduce the new technology by 2008 (the date suggested in the draft proposal). Moreover, it has been announced during the Monaco conference in April of this year that SAFT was about to launch a lithium-ion technology in electrical vehicles.

As regards the wheel balance weights, the Chair explained that in the Commission's initial paper presented at the end of 2004, the Commission did not propose to prolong the expiry date of this exemption. On the other hand, the tyre industry argued for a prolongation for road safety reasons which was then introduced to the initial proposal. However, the Commission decided to change this initial proposal and not to prolong the exemption. This decision was prompted by a strong reaction from the wheel balance weights manufacturers who provided the Commission with scientific and technical evidence proving that prolongation of the exemption was no longer needed since substitutes existed on the market and were tested on their road safety. After a careful examination of the issue with other relevant stakeholders, the Commission decided not to prolong the exemption of entry 7 of the draft Commission Decision.

To sum up, the Chair assured the delegates that the Commission was positive about the accuracy of scientific and technical evidence justifying the revision. She also underlined the importance of the vote, the positive result of which would enable to avoid a legal gap which could emerge due to the expiry of certain entries in the summer.

Afterwards, some Member States still had doubts concerning Commission Decision 2005/63/EC, seeking assurance that it would remain in force in the future. The Commission reassured the delegates about the validity of the Decision and clarified that two Commission Decisions amending Annex II remain in force: Commission Decision 2005/63/EC concerning spare parts and Commission Decision revising Annex II (currently under revision). At a later stage the Commission might consolidate the two Decisions. The Chair proposed to add to Article 1 of the currently debated Decision a sentence reading: “*without prejudice to Commission Decision 2005/63/EC*” in order to avoid any doubts about the validity of the latter, if the Commission’s Legal Service would indeed be of the opinion that there would be some confusion in this respect.

Subsequently, a “test vote” and the actual vote were carried out. The TAC rejected the draft Proposal with 176 votes in favour, 49 abstentions, 70 votes against and 26 votes not present.

#### **4. DIRECTIVE 2000/53/EC ON END-OF-LIFE VEHICLES - IMPLEMENTATION**

Before moving to the next point of the Agenda, a representative of DG Energy and Transport introduced a topic of car registration and deregistration system based on cooperation of Member States and smart cards. The Member States agreed to a proposal to launch a closer cooperation on this issue and to combine the proceedings of the TAC and the technical committee of DG Energy and Transport. The participants have also revived the idea of exchange of certificates of destruction and their best practices in the matter of vehicle deregistration.

The Commission made a brief progress report on the state of implementation of the ELV Directive in the Member States and concluded that not all the Member States have fully notified their implementing measures to the Commission yet. The Commission services are currently verifying whether the notified measures correctly implement the provisions of the Directive. It was underlined that several infringement cases have been started and that a second judgement of the ECJ stating that Directive was not implemented can result in the imposition of a penalty upon a Member State. The Commission urged the Member States to consult the Guidance Document published on the web site of DG Environment and to provide any input or comments to this document, which can be updated on regular basis.

#### **5. DIRECTIVE 2000/53/EC ON END-OF-LIFE VEHICLES – ARTICLE 7 (2) (B) – 2015-TARGETS**

The Commission started the next agenda point with a presentation of the concept of recycling and recovery in the light of the Thematic Strategies. Subsequently, the Commission made a brief report on the progress of works of the Stakeholders Working Group which had been established in order to discuss the possibility of reaching the 2015-targets. The Group should finalise its works with a report in which it will present the current status quo as regards the achievement of the targets, barriers to progress in reaching them (if any), and possible ways to achieve the targets in a smarter way.

The Member States briefly discussed the issue of a possible revision of 2015-targets. Several delegates mentioned the issue of definitions (and their harmonisation) as an important element of the revision of the targets. Moreover, some Member States were concerned about the question of a cost/benefit analysis, quantification of externalities for

environment, differing geographical, morphological and demographic conditions in each Member State. A question of setting up material-specific targets instead of weight-related ones was also raised by one delegation.

The Chair encouraged Member States to reflect upon this issue so as to be able to discuss it in more detail after the summer break and suggested that one Member State could volunteer to organise a one day workshop aiming at discussion of the revision of 2015-targets together with the Commission.

## **6. ANY OTHER BUSINESS**

One delegate asked what would be the consequences of not reaching the 2015-targets by a Member State, to which question the Commission replied by reminding that it could always use its discretionary power to start an infringement procedure. The European Court of Justice could impose financial penalties with the second conviction of a Member State.

The Commission reminded the delegates of a recently published Commission Decision 2005/293/EC on compliance with the targets. Although not binding yet, it would be interesting to hear from the Member States how they implement it in order to achieve the targets. Member States were encouraged to fill in the form contained in the Decision and send it to the Commission on a voluntary basis. This information could be useful for the review of the 2015-targets.

The next focus of the TAC would be the 2015-targets. After the summer break, the delegates should receive the first feedback from the Stakeholders Working Group. The Commission has encouraged the delegates to send in information from their countries, reflect upon the proposed workshop, and suggest their proposals on how to achieve the targets.

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