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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on circularity requirements for vehicle design and on management of end-of-life vehicles, amending Regulations (EU) No 168/2013, (EU) 2018/858, (EU) 2019/1020 and (EU) 2023/1542 and repealing Directives 2000/53/EC and 2005/64/EC (first reading) - Adoption of the legislative text = Statements

Germany has requested that the following statement be entered in the Council minutes

1. Die in der politischen Trilogieeinigung zum Vorschlag der Kommission für eine Verordnung über Anforderungen an die kreislauforientierte Konstruktion von Fahrzeugen und über die Entsorgung von Altfahrzeugen, zur Änderung der Verordnungen (EU) 2018/858 und (EU) 2019/1020 und zur Aufhebung der Richtlinien 2000/53/EG und 2005/64/EG enthaltenen Maßnahmen, um den unbekannten Verbleib von Fahrzeugen zu bekämpfen, sind aus deutscher Sicht unzureichend. Die Bundesrepublik Deutschland hält die getroffenen Regelungen für nicht effektiv genug, die illegale Zerlegung oder den illegalen Export einzudämmen.

Deutschland bekräftigt deswegen die Wichtigkeit der in der Verordnung bereits vorgesehenen Folgenabschätzung zum unbekannten Verbleib von Fahrzeugen und der daraus folgenden Maßnahmen und bittet, diese vorzuziehen.

2. Die in der politischen Trilogieeinigung enthaltene Spiegelklausel ist aus deutscher Sicht handelspolitisch problematisch, da sie als protektionistisches Instrument Handelshemmnisse schafft. Die Bundesrepublik Deutschland hält eine solche Klausel daher für nicht geeignet, den notwendigen Schutz des Binnenmarktes zu gewährleisten. Eine Aufnahme der Spiegelklausel in die Verordnung stellt keine Präzedenz für zukünftige Gesetzgebung oder für Freihandelsabkommen dar.

Deutschland fordert deshalb eine unmittelbar beginnende Folgenabschätzung zur Spiegelklausel, einschließlich zu handelspolitischen und handelsrechtlichen Auswirkungen, Auswirkungen auf die EU-Industrie und Drittländer sowie Umsetzungsfragen.

Ungeachtet dieser Bedenken stimmt die Bundesrepublik Deutschland der politischen Trilogieeinigung im Sinne eines Gesamtkompromisses zu.

Courtesy translation

1. The measures contained in the outcome of the trilogue on the Commission's proposal for a regulation on circularity requirements for vehicle design and on management of end-of-life vehicles, amending Regulations (EU) 2018/858 and 2019/1020 and repealing Directives 2000/53/EC and 2005/64/EC, aimed at combating the unknown whereabouts of vehicles, are insufficient from a German perspective. The Federal Republic of Germany considers the measures adopted to be not effective enough to reduce illegal dismantling or illegal export.

Germany therefore reaffirms the importance of the impact assessment already provided for in the regulation regarding the unknown whereabouts of vehicles and the resulting measures, and requests that the assessment should be done earlier.

2. The mirror clause contained in the outcome of the trilogue is for Germany problematic from a trade policy perspective, as it is a protectionist instrument creating barriers to trade. The Federal Republic of Germany does not therefore consider such a clause to be suitable for ensuring the necessary protection of the internal market. An inclusion of the mirror clause in the regulation does not set a precedent for future legislation or free trade agreements.

Consequently, Germany requests an immediate impact assessment on the mirror clause, including impacts on trade policy and trade law, impacts on EU industry and third countries as well as implementation issues.

Notwithstanding these concerns, the Federal Republic of Germany agrees to the outcome of the political trilogue in the spirit of an overall compromise.

Estonia has requested that the following statement be entered in the Council minutes

Estonia can support the final text of the end-of-life vehicles regulation (ELV). However, we would like to reiterate our concerns regarding extended producer responsibility (EPR) in the Article 22.

The text introduces additional cross-border obligations for manufacturers, which may create a risk of double payments where costs are covered through both national EPR schemes and the cross-border mechanism. We remain concerned, that this can lead to increased administrative burden, as manufacturers would be required to appoint authorised representatives in multiple Member States and demonstrate compliance through parallel arrangements.

Estonia would have preferred a solution more closely aligned with already established EPR principles, as reflected in the Council's General Approach. Such an approach would have better safeguarded against double payments, reduced administrative burden and maintained a clearer link between producer responsibility and the placing of vehicles on the market.

While we support the overall text, we still highlight that the implementation of Article 22 may pose significant practical challenges for Member States, manufacturers and producers.

Slovakia has requested that the following statement be entered in the Council minutes

Slovenská republika oceňuje toto nariadenie, ktoré považujeme za dôležitý krok k posilneniu obehového hospodárstva a vytvoreniu komplexného právneho rámca pre celý životný cyklus vozidiel.

Napriek tomu by sme chceli upozorniť na určité prvky, ktoré si podľa nášho názoru vyžadovali ďalšiu diskusiu. Obávame sa najmä potenciálnych negatívnych vplyvov novozavedených povinností a definícií, ktoré môžu viesť k zvýšeniu administratívnej záťaže a nákladov pre hospodárske subjekty.

Slovenská republika chce konkrétne zdôrazniť článok 22 o mechanizme cezhraničného rozdeľovania nákladov na vozidlá po dobe životnosti. Domnievame sa, že tento mechanizmus si vyžaduje ďalšie objasnenie, aby sa zabezpečilo rovnaké zaobchádzanie a účinné vykonávanie v celej EÚ, najmä pokiaľ ide o pohyb vozidiel medzi členskými štátmi.

V tejto súvislosti chceme zdôrazniť, že účinné fungovanie tohto mechanizmu je úzko prepojené so širším regulačným rámcom upravujúcim registráciu vozidiel, ich vyradovanie z registrácie a cezhraničné prevody. Cezhraničný rozmer nakladania s vozidlami po skončení životnosti nemožno riešiť izolovane a vyžaduje si harmonizáciu s inými príslušnými právnymi predpismi v oblasti dopravy. Považujeme za nevyhnutné najmä zabezpečiť bezproblémové zdieľanie informácií a prístup k databázam vozidiel v členských štátoch vrátane záznamov o registrácii a údajov o vyradovaní z registrácie. Preto vyzývame Komisiu, aby posúdila, či sú potrebné ďalšie opatrenia na úrovni EÚ vrátane prípadných zmien na podporu praktickej funkčnosti článku 22 alebo praktické usmernenia na pomoc členským štátom a hospodárskym subjektom pri konzistentnom a jednotnom vykonávaní tohto mechanizmu.

Courtesy translation

The Slovak Republic appreciates this Regulation, which we consider an important step towards strengthening the circular economy and establishing a comprehensive legal framework for the entire life cycle of vehicles.

Nevertheless, we would like to draw attention to certain elements that, in our view, required further discussion. In particular, we are concerned about the potential negative impacts of newly introduced obligations and definitions, which may lead to increased administrative burden and costs for economic operators.

Specifically, the Slovak Republic wishes to highlight Article 22 on the cross-border cost allocation mechanism for end-of-life vehicles. We consider that this mechanism requires further clarification in order to ensure equal treatment and effective implementation across the EU, in particular with regard to the movement of vehicles between Member States.

In this context, we wish to underline that the effective functioning of this mechanism is closely interlinked with the broader regulatory framework governing vehicle registration, deregistration, and cross-border transfers. The cross-border dimension of end-of-life vehicle management cannot be addressed in isolation and necessitates harmonisation with other relevant transport legislation. In particular, we consider it essential to ensure seamless sharing of information and access to vehicle databases across Member States, including registration records and deregistration data. We therefore call on the Commission to assess whether additional measures at EU level including possible amendments are needed to underpin the practical operability of the Article 22 or practical guidance to assist Member States and economic operators in the consistent and uniform implementation of this mechanism.
