



Council of the European Union
General Secretariat

Brussels, 01 October 2025

WK 12819/2025 INIT

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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° Cion doc.:	11888/23 + ADD 1 to ADD 7
Subject:	End-of-Life Vehicles Regulation - WPE meeting on 7 October 2025: Presidency steering note

Delegations will find attached the Presidency steering note to be discussed during the WPE meeting on 7 October 2025.

Regulation on circularity requirements for vehicle design and management of end-of-life vehicles

Tuesday 7th of October 2025

Presidency steering note

The first trilogue on the ELV-regulation is scheduled for the 16th of October 2025. At the meeting of the Working Party on the Environment on the 7th of October 2025, the Presidency aims to start preparations for the trilogue, in view of agreeing on a revised mandate for negotiations with the European Parliament at Coreper on the 15th of October 2025.

The first trilogue will aim at:

- 1) confirming issues agreed so far at the technical level
- 2) finding an agreement on a number of outstanding political issues
- 3) holding an exchange on some of the most sensitive political issues to provide guidance for further technical negotiations ahead of the second trilogue scheduled for the 24th of November 2025.

An updated four-column document can be found in document WK 12811/2025, which reflects the current state of technical negotiations with the European Parliament.

In addition to the four-column table, this steering note outlines the outcomes of the technical negotiations with the European Parliament as well as the Presidency's suggestions on a number of open issues, where the aim is to reach agreement at the first trilogue.

The steering note also includes a table with clusters updated with the relevant row numbers from the 4-column document.

For the purpose of this WPE, the discussions will be divided into four table rounds:

1. Outcome of the discussions at technical level
2. Presidency suggestions for cluster 1 and 2
3. Presidency suggestions for cluster 6 and 8
4. Delegations general comments on legal basis, scope, circularity strategy, definition of ELV and export of used vehicles

When intervening, delegations are kindly invited to refer to the row number(s) indicating clearly whether they are intervening on the Council or EP position or the 'draft agreement' column in the 4-column document.

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Round 1 – Outcome of the discussions at technical level

The Presidency has engaged in constructive negotiations during interinstitutional technical meetings (ITMs), where the co-legislators managed to thoroughly discuss cluster 1, 2, 6 and 8. It was agreed that a systematic examination of recitals will be done at the later stage. The discussions at the technical level have resulted in a number of provisionally agreed provisions. With regard to text marked in the four-column table as "agreed at technical level", the Presidency would like to draw the delegations' attention to the issues set out below.

Row 122 has been reformulated, so "*parts of a vehicle produced by small-volume manufacturers that have been type-approved in multistage type approval other than the base vehicle*" have been excluded from scope. This corresponds to the Councils proposal in **row 124b**. It should be noted that the Commission suggests to use the term "*micro, small, or medium-sized enterprises*" instead of "*small-volume manufacturers*" in **row 122** and **row 124b** (cf. Commission non-paper in WK 12817/25).

In **row 123a** "*vehicles of L categories produced in small series*" are excluded from scope. This mirrors the Councils exclusion of vehicles of M, N and O categories produced in small series according to **row 123**.

In **row 123b** and **row 123c** "*vehicles designed and constructed or adapted for use by the armed services*" are excluded from scope. This reflects the intention of Commission and the Council, since these vehicles are also excluded from the two type approval regulations (2018/858 and 2013/168).

In **row 229** the deadline is revised to 29 months as a compromise between the two positions, while a reference to the ISO standard 22628:2002 has been added.

Question: Do delegations support the provisionally agreed text marked in the four-column table as "agreed at technical level"?

Round 2 – Presidency suggestions for cluster 1 and 2

Motor caravans

The Council and the EP agree on exempting *trailer* caravans (O-category) from scope. But the EP proposes that *motor* caravans (M-category) should also be exempted from scope (**row 155**). It should be noted that motor caravans are special purpose vehicles (SPVs) and are often approved in multistage approval. The Council and the EP have already provisionally agreed to exclude the following from scope: 1) special purpose vehicles produced by a small-volume manufacturer (**row 124b**), and 2) bodyworks from vehicles which are subject to a multistage approval, and where the base vehicle is produced by small-volume manufacturers (**row 122**).

A full exclusion of motor caravans from the ELV-regulation does not seem to be justified, since the base vehicle of a motor caravan is similar to other M-category vehicles. Around 2,5 mio. motor caravans are currently registered in the EU, while approx. 140.000 new motor caravans are registered in the EU every year. Considering the weight of motor caravans, a full exclusion from scope would substantially lower the mass regulated by the ELV-regulation. Besides, a full exclusion from the ELV-regulation would result in motor caravans being within scope of ESPR. Against this background, the Presidency suggests not to accept to exclude motor caravans entirely from scope, but to show flexibility on the bodyworks of motor caravans.

Supply chain data from SMEs

The EP has proposed additions in Art. 4 (**row 228a**) and Art. 9 (**row 295**) which blur the obligations regarding data from SMEs in the supply chain of vehicle manufacturers. It should be noted, that vehicle manufacturers are responsible for living up to the requirements in the ELV-regulation no matter the size of the companies in the supply chain. Besides, an exemption for SMEs would create loopholes and unfair competition. At the same time, the administrative burden for SME's should be proportionate. Against this background, the Presidency suggests to show readiness to work on wordings that would underline the importance of supporting SMEs in the provision of necessary information, but without undermining the actual obligation of the manufacturer to gather such data.

Substances of concern

The Council and the EP have proposed similar provisions regarding a report and follow-up measures for substances of concern in Art. 5 (**row 232-233b**). The Council has focused on substances of concern that negatively affect the re-use and recycling. The EP has focused on adverse effects on human health and the environment in general ("chemical safety"), which is regulated by REACH. In order to ensure alignment with the recent OSOA-agreement, as well as the approach in the ESPR and PPWR, the Presidency suggest to support the following compromise wording:

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“1. The presence of substances of concern in vehicles and in their parts and components shall be minimised as far as possible to prevent negatively affecting re-use and recycling.

***1a.** By [Insert a date not later than 18 months after entry into force of this Regulation], the Commission, shall prepare a report on the presence of substances of concern in vehicles, to determine the extent to which they negatively affect the re-use and recycling of materials or impact chemical safety. The Commission shall be assisted by the European Chemicals Agency on aspects of chemical safety. The report shall not cover substances of concern in vehicle parts and components for which an identification or assessment is already required by other Union legislation.*

The Commission shall submit the report to the European Parliament and to the Council, detailing its findings, and consider the appropriate follow-up measures.

If a Member State considers that a substance negatively affects the re-use and recycling of materials in a vehicle in which it is present it shall, by [insert date], supply such information to the Commission and on aspects of chemical safety also to the European Chemicals Agency and, where available, refer to the relevant risk assessments or other relevant data.

***1b.** The Commission is empowered to adopt delegated acts in accordance with Article 50 to supplement this Regulation by establishing restrictions for the presence of substances of concern that negatively affect the re-use and recycling of materials in vehicles and in their parts and components, for reasons not relating primarily to chemical safety.*”

Question: Can delegations show flexibility as proposed by the Presidency? If not, please indicate red lines.

Round 3 – Presidency suggestions for cluster 6 and 8

Transfer of ownership of used vehicles within the EU (row 81, 464a 535-535f)

The Council and the EP agree that in principle requirements for the documentation that a vehicle is not an ELV, shall primarily apply for economic operators and not natural persons. Yet, this has been formulated in different ways and in different articles. The Council has added provisions on transfer of ownership in Art. 37 (**row 535a**), while the EP has added a similar provision in Art. 26 (**row 464a**). The main difference is, that according to the Council, natural persons are exempted from the obligation to provide documentation if they transfer ownership of a roadworthy used vehicle. But according to the EP, this exemption should also be available for used vehicles, which don't have a valid roadworthiness certificate. The Presidency proposes to show flexibility on how to formulate this and where to place the text, as long as the relevant information is documented (**row 535**) and not only indicated (**row 464a**). However, further guidance from the Member States is needed on whether to accept that the simplified regime should be available for all used vehicles, which could undermine the enforceability of the distinction between used cars and ELVs, or maintain that it should only be available for roadworthy ones as per the Council's General Approach.

Moreover, as an exception to this general regime above, the Council has added in Art. 37 (**row 535a, 535f**) that natural persons should live up to the documentation requirements that the vehicle is not an ELV, if the sale is concluded by means of distance contracts or online platforms. The Presidency suggests to insist on this addition to ensure consumer protection, but show flexibility on how to formulate this and where to place the text. It could also be clarified that when the seller and buyer only meet online, but the actual sale takes place in person, such sale should not be considered as sale conducted by means of online platforms, as Council has already described in recital 68 (**row 81**).

The Council has added additional documentation requirements in Art. 37 (**row 535c-535e**) for the transfer of ownership of a vehicle that has been declared an economic total loss. As part of a compromise on transfer of ownership, the Presidency suggests to show flexibility on this requirement, particularly the estimate of costs of repair (**row 535e**), in order to accommodate the EP's request to reduce administrative burden.

Obligations for owners of ELV's

The Council and the EP agree that the vehicle owner – or an economic operator acting on its behalf – has an obligation to deliver the ELV to an ATF without undue delay. But the Council has moved these provisions to Art. 24 (**row 453**), while EP has kept the original placing in Art. 26 (**row 463 and 464b**). The Presidency proposes to show flexibility on how to formulate this and where to place the text.

The Council has deleted the requirement in Art. 26 for the vehicle owner to “*present a certificate of destruction to the relevant registration authority*” (**row 464**), while the EP has added an exemption for cases where there is an online procedure (**row 464**). Since there is an obligation for ATFs to issue CoD in electronic format and notify relevant authorities in Art. 25 (**row 457**), the Presidency suggests to insist on this simplification.

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Inspection of shipments of used vehicles suspected to be ELV's

The Council and the EP have added similar provisions in different places of Art. 36 (**row 530a, 503b and 531a**) regarding the inspection of shipments of used vehicles suspected to be ELVs and how to finance these inspections. Based on the technical discussions with the EP, the Presidency suggests to move these provisions to Art. 46 about inspections and show flexibility on how to formulate the text. This approach has been discussed at the WPE on the 20th of January 2025.

Vehicles of special cultural interest

The Council and the EP agree that vehicles of special cultural interest (VSCI) should be exempted from some provisions in the ELV Regulation. The Council and the EP also have a similar understanding of how to define these vehicles. However, the Council has added the exemption in Annex I, Part C (**row 725m-725x**), thereby relating to the definition of ELV, while the EP has exempted them entirely from scope in Art. 2 and Annex Xa (**row 124a, 1023b and 1023c**). During the technical meetings, the EP has stressed that VSCI should be handled in the same way as vehicles of historical interest (VHI), which are exempted from scope according to Art. 2 in the Commission's proposal as well as the Council's General Approach (**row 124**). The Presidency suggests to show flexibility regarding the EP's request to handle VSCI's and VHI's in a similar way. A possible solution might be to add VHIs to the exemptions in Annex I, Part C, instead of exempting them from scope in Art. 2. In doing so, VHIs will not be exempted from any of the waste provisions in the ELV-Regulation, if they eventually lose their status as VHIs and become waste.

Question: Can delegations show flexibility as proposed by the Presidency? If not, please indicate red lines.

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Round 4 – Delegations’ general comments on legal basis, scope, circularity strategy, definition of ELV and export of used vehicles

The main issues in cluster 1, 2, 6 and 8 are summarised in the table below.

Topic	Council General Approach	EP report
Legal basis	<ul style="list-style-type: none"> • TFEU Art. 114 and TFEU Art. 192(1) (row 7) 	<ul style="list-style-type: none"> • Only TFEU Art. 114 (row 7)
Scope	<ul style="list-style-type: none"> • Heavy-duty vehicles, special purpose vehicles and L-category vehicles to comply with more circularity and treatment requirements, with some modifications in Art. 2(6). 	<ul style="list-style-type: none"> • Maintain COM proposal regarding circularity and treatment requirements for heavy-duty vehicles, special purpose vehicles and in most parts for L-category vehicles (Art. 2(3-6)).
Circularity strategy	<ul style="list-style-type: none"> • Circularity strategy per vehicle category, but include certain type-specific info (Art. 9(1)). • Circularity strategy should be implemented within 36 months after entry into force (Art. 9(1)) • Keeps circularity strategy in the application for type-approval in Art. 8(3). 	<ul style="list-style-type: none"> • Circularity strategy at manufacturer level (Art. 9(1)). • Reduces level of detail required in the circularity strategy by deletions in Annex IV. • Delete the empowerment of COM to adapt the requirements on the strategy's content (Art. 9(7)). • Removes circularity strategy from type-approval in Art. 8(3).
Definition of ELV	<ul style="list-style-type: none"> • Keeps reference to entire Annex I in the definition of ELV (Art. 3(2)). • Exemptions for ELVs under Annex I, Part A and B, with restoration plan (new Part C, section 2). • Annex I, Part A (1) consists of more ELV-criteria • Annex I, Part B consists of more indicative ELV-criteria • Keeps the empowerment of COM to amend the ELV-criteria in Annex I (Art. 37(6)). 	<ul style="list-style-type: none"> • Limits reference to Annex I, Part A, thereby excluding the indicative list of criteria (Part B) from the definition of ELV (Art. 3(2)). • No exemptions for ELVs under Annex I Part A. • Annex I, Part A (1) consists of fewer ELV-criteria • Annex I, Part B consist of fewer indicative ELV-criteria • Deletes the empowerment of COM to amend the ELV-criteria in Annex I (Art. 38(7)).
Export of used vehicles	<ul style="list-style-type: none"> • Used vehicles must be roadworthy at the date of lodging the export declaration, with an exception for vehicles of special cultural interest (Art. 38(3)). 	<ul style="list-style-type: none"> • Allows export of used vehicles without roadworthiness certificate by referring to Art. 37 (Art. 38(3)).

Question: Delegations are invited to share their flexibilities and red lines on the issues listed.

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Table with clusters and row numbers

Cluster		Commission proposal	Row numbers in 4-column table
1	Legal basis, scope, definitions	Recitals: 1-5, 7-8, 10 Articles: 1-3	Row: 1-18, 20-21a, 22a-23a Row: 112-174, 210-214, 215e
2	Circularity requirements: part A	Recitals: 6, 12-15, 17, 25-26 Definitions: 1, 3, 4, 6, 7, 8, 19 Articles: 4, 5, 8, 9 Annexes: II, III, IV	Row: 19-19a, 25-28a, 30, 38-39 Row: 175, 177-178, 180-182, 193, 215 Row: 216-247, 284-301 Row: 726-791
3	Circularity requirements: part B	Recitals: 18-22, 27 Definitions: 9, 11, 13 Articles: 6, 10 Annexes: [XIII]	Row: 31-35, 40 Row: 183-185a, 187 Row: 248-277, 302-310 Row: 1029d-1029ag
4	Removal & passport	Recitals: 24, 28-31 Definitions: 10, 14, 18 Articles: 7, 11-13 Annexes: V, VI	Row: 37, 41-44 Row: 184, 188-188a, 192 Row: 278-283a, 311-345 Row: 792-848
5	EPR	Recitals: 32, 34-43 Definitions: 20, 22-25 Articles: 14, 16-22 Annexes: VIII	Row: 45, 47-56 Row: 194, 196-199 Row: 346-357, 363-433 Row: 953-972
6	Definition ELV and collection	Recitals: 11, 44-49, 68 Definitions: 2, 26, 33, 35 Articles: 23-26, 37 Annexes: I, IX, [Xa]	Row: 24, 57-62a, 81-81a Row: 176, 200, 207, 209, 215b Row: 434-464b, 532-535m Row: 693-725ag, 973-981, 1023b-1023c
7	Treatment	Recitals: 33, 50-67 Definitions: 5, 12, 15-17, 21, 27-32 Articles: 15, 27-36 Annexes: VII	Row: 46-46b, 63-80 Row: 179, 186, 189-191, 195, 201-206, 215d Row: 358-362a, 465-531a Row: 849-952
8	Export used vehicles	Recitals: 9, 69-74, 86 Definitions: 34 Articles: [37a] 38-45	Row: 22, 82-87, 99 Row: 208, 215a, 215c Row: 536-592
9	Enforcement and reporting	Recitals: 75-81 Articles: [45a] 46-49	Row: 88-94 Row: 593-646
10	Final provisions	Recitals: 16, 23, 82-97 Articles: 50-57 Annexes: X, XI, [XII]	Row: 29, 36, 95-111 Row: 647-692 Row: 982-1029c