

Brussels, 03 February 2025

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**WK 1392/2025 INIT**

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## **CONTRIBUTION**

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° Cion doc.:	11888/23 + ADD 1 to ADD 7 + ADD 8 REV 1
Subject:	End-of-Life Vehicles Regulation: Follow-up to the WPE on 20 January 2025 – comments from delegations

Following the call for comments on the above set out with WK 735/2025, delegations will find attached comments received from the BE, CZ, DE, EE, EL, ES, FI, FR, IE, IT, LT, LU, LV, HU, MT, NL, AT, PT, SE, SI and SK delegations.

# Written comments from Belgium

## Regarding the proposal for a Regulation on circularity requirements for vehicles and management of waste vehicles

WPE 20 January 2025

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We would like to thank the Presidency for the invitation to send in written comments. Next to the topics in the Excel, we would also like to send in the following point.

### 1. Annex VII, Part C, point 20, (b)

In Annex VII, part C, point 20, (b), "a surface area larger than 10 square centimetres" was changed to "particularly high precious metal content". Belgium is not in favor of this change because it is too vague:

- precious metal content is not defined, making it unclear what is meant by it;
- no percentage is mentioned, making it unclear what "particularly high" means.

We understood from Hungary and Germany that this change is based on the German written comments at the WPE of October 7 (page 6). We agree with these comments that the ELVR should not be stricter than the WEEE Directive and that it makes more sense for ATFs to dismantle the electrical and electronic components containing these printed circuit boards rather than obliging ATF to further dismantle these components to the level of the printed circuit boards. However, we believe it is better to refer to the electrical and electronic components containing printed circuit boards larger than 10 cm<sup>2</sup> instead of the electric and electronic components with particularly high precious metal content.

Germany refers to their own national legislation for this. We understand that Germany currently uses this wording. The current information obligation in the ELV Directive is much less detailed, so ATFs would not know which electrical and electronic components are meant when referring to components with printed circuit boards larger than 10 cm<sup>2</sup>. However, the ELV Regulation contains an extensive information obligation in Article 11 and Annex V, so ATFs will know which components are meant (Annex V, point 4 means that the location of the components listed in Annex VII, Part C must be included in the information from the manufacturers to the ATFs). By using the same criterion of printed circuit boards larger than 10 cm<sup>2</sup>, there is also better alignment with the WEEE Directive.

Proposed change:

Annex VII, Part C

20. Electrical and electronic components:

(...)

(b) printed circuit containing boards with ~~particularly high precious metal content~~ **a surface area larger than 10 square centimetres;**

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Member State	Question No	Reference Art	Question
Belgium	1	Annex I Part A and B	In Annex I part A point b ( <i>it has one or more entry points been welded up or closed by insulating foam</i> ) should be moved to part B of Annex I and added to point h. <b>Do the Member States agree with the above proposal?</b>
	2	Annex I Part A and B	<b>Do the Member States believe that some other binding (A) or indicative (B) criteria should be deleted or moved from part A to part B? If so please specify which ones.</b>
	3	Annex I	<b>Do the Member States accept the current wording of the introductory part of Annex I? If not, what changes do the Member States wish to propose?</b>
	4	36	<b>Do the Member States believe that article 36(1) should be amended in order to be consistent with article 72(1) of the Batteries Regulation and take into account the requirements of the Waste Shipment Regulation concerning shipment between Member States? If so, could the following wording of <u>Article 36(1)</u> be accepted?</b> <i>Treatment of end-of-life vehicles may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of end-of-life vehicles or waste produced in the process of their treatment is in compliance with Regulation (EU) 2024/1157.</i>

	5a	36	<p><b>Do the Member States believe that the proposed ELV Regulation should contain a provision mirroring Article 72(2) of the Batteries regulation? If so, can the following wording be accepted?</b></p> <p><i>NEW Article : In order to distinguish between used vehicles and end-of-life vehicles, the competent authorities of Member States may inspect shipments of used vehicles suspected to be end-of-life vehicles for compliance with the requirements set out in Article 37 and Annex I and monitor such shipments accordingly.</i></p> <p><i>Where the competent authorities in a Member State establish that an intended shipment of used vehicle consists of end-of-life vehicle, the costs of appropriate analyses, inspections and storage of the vehicles suspected to be end-of-life vehicles may be charged to the persons arranging the shipment.</i></p>
	5b	36, 46	<p><b>Should it [NEW Article above] be added to Article 36 (which would be an approach consistent with the Batteries Regulation) or added to Article 46 (which deals with inspections)?</b></p>
	6	37	<p><i>37(4): When assessing the damage of an accidented vehicle, the insurance company or any other economic operator conducting the assessment on its behalf shall also assess whether the vehicle is an end-of-life vehicle or not according to Annex I.</i></p> <p><i>Insurance companies shall ensure that competent authorities are provided at least once a year with a list of: (...).</i></p> <p><b>Do the Member States support the wording of article 37(4) suggested above?</b></p>

7a	38	<p><b>Do the Member States agree that an amendment of Article 38(3) is needed?</b> If so, which of the options above do the Member States prefer?</p> <p><u>Option 1:</u>  <i>3. Used vehicles may be exported only if they are roadworthy.</i></p> <p><u>Option 2:</u>  <i>3. Used vehicles may be exported only if the documentation that they are roadworthy has been presented.</i></p>
7b	38	<p><b>Do the Member States agree that exports to third countries should be subject to a stricter regime than transfers of ownership within the Union?</b> If so – should the stricter regime apply in the same way for exports to both OECD and non-OECD countries, or should just export to non-OECD countries be subject to a stricter regime?</p>
8	Chapter Va	<p>change the title of Chapter Va to:  <b>EXPORT OF USED VEHICLES TO THIRD COUNTRIES</b>  <b>Do the Member States agree with the above proposal?</b></p>
9	37	<p>change the title of Article 37 as follows:  <i>Distinction between used vehicles and end-of-life vehicles upon transfer of ownership</i>  <b>Do Member States agree with the above proposal?</b></p>
10	2	<p><b>Do the Member States agree that in Article 2(4), the following point should be added?</b>  <i>2(4): (a1) Article 37a on competent authority;</i></p>
11	30, 31	<p><b>Delegations are invited to indicate whether they support the current wording of Articles 30 and 31 on the basis of the explanations provided in the steering note.</b></p>

12	28, 30	Delegations are invited to indicate whether they accept the current wording of Articles 28(3) and 30(2) on the basis of the explanations provided in the steering note.
13	Annex VII Part G	Delegations are invited to indicate whether Annex VII Part G point 2 letter (a) should refer the 0.1% value to free copper, or 0.15% or 0.20% of total copper content , or if any other specific amendments would be required to make it acceptable.
14	15	Delegations are invited to indicate whether they accept the current wording of Article 15(3) on the basis of the explanations provided in the steering note; or which specific amendments would be required to make it acceptable.
15	24	<i>NEW Article 24(4): By derogation from paragraph 2, Member States may provide that the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle.</i> <b>Do the Member States agree with the above proposal?</b>
16	24	<b>Should such a possibility [NEW Article 24(4)] be conditional, e.g. upon the relevant Member State ensuring that ATFs are compensated for providing free of charge delivery of incomplete end-of-life vehicles?</b>

	17	46	<p><i>Article 46</i></p> <p><i>1. Member States shall, for the purpose of enforcing this Regulation, inspect:</i></p> <p><i>(a) authorised treatment facilities;</i></p> <p><i>(b) collection points;</i></p> <p><i>(c) other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components.</i></p> <p><i>2. The inspections shall cover at least 10 % of the operators listed in paragraph 1, points (a) and (c), in each calendar year.</i></p> <p><i>3. Member States shall also carry out inspections concerning export of used vehicles in order to verify compliance with Article 38.</i></p> <p><i>4. Member States should also establish inspection strategies aimed at detecting illegal activities in the area of collection and treatment of end-of-life vehicles and their parts and components.</i></p> <p><b>Do the Member States agree with the above proposal?</b></p>
	18	46	<p><b>Which option do the Member States prefer? [for the 10% inspection target]</b></p> <p><u>Option 1</u> – only authorised treatment facilities (point a);</p> <p><u>Option 2</u> – authorised treatment facilities, collection points and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a, b and c);</p> <p><u>Option 3</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a and c);</p> <p><u>Option 4</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles (point a and part of point c).</p>

MS position	MS Comments
<b>Object</b>	No. Welding or injecting the doors are reasonably intrusive actions to seal the vehicle and the technical feasibility of repairing this in such a way that the vehicle can obtain a new roadworthiness certificate is questionable. Moreover, in our view, these actions imply that there is no intention to repair the vehicle itself. After all, one can simply lock the doors or, if that also needs to be repaired, lock the doors in a less intrusive way. For us, therefore, the criterion belongs in Part A rather than Part B.
<b>Object</b>	No, we are in favor of keeping the criteria of part A and B as specified in the Belgian compromise text.
<b>In favor</b>	Yes, we accept the current wording of the introductory part of Annex I.
<b>In favor</b>	Yes, we agree with the proposed amendment by the Presidency. It better clarifies what is meant.



<b>In favor</b>	Yes, we see added value in explicitly including these aspects in the ELV Regulation and agree with the proposal from the Presidency.
	It seems to us to be more related to Article 46 on inspections than to Article 36, so we are more in favor of including the text in Article 46.
<b>In favor</b>	Yes, we agree with the proposal from the Presidency. In Belgium, various insurance companies also outsource these tasks.

<b>In favor</b>	Yes, we believe the analysis by the Presidency is correct. We do not have a strong preference for either option; both are correct.
<b>In favor</b>	<p>Yes, for exports outside the EU, the risk of substandard quality is greater both in terms of safety and the environment. Within the EU, regulations related to technical inspections guarantee these aspects. Studies by UNEP and the Netherlands show that it is necessary for the EU to export only vehicles of sufficient quality.</p> <p>No, we are not in favor of including a less strict regime for OECD countries in the ELV Regulation for exports. We do not see a generally applicable guarantee within the OECD for sufficiently high vehicle quality, such as the technical inspection system within the EU. Moreover, there is a very high likelihood that vehicles of insufficient quality will be exported to non-OECD countries via OECD countries.</p>
<b>In favor</b>	Yes, this is indeed what is meant, so it can certainly be added.
<b>Object</b>	No. This is correct for paragraphs 1 to 3 of Article 37, but not for paragraphs 4 to 6 of Article 37. For these last 3 paragraphs, it concerns the difference between second-hand vehicles and ELV, which goes beyond just ownership transfer.
<b>In favor</b>	Yes, we agree with the proposal of the Presidency.
<b>In favor</b>	Yes, we support the current wording of Articles 30 and 31.

<b>In favor</b>	Yes, we accept the current wording of Articles 28(3) and 30(2).
	We are in favor of currently including 0.20% of the total copper content, with a review clause for reassessing this together with results of the feasibility study on recycled steel content.
	We prefer not to provide the option to impose a contract, but since it is a 'may-clause,' we can also accept it.
<b>Object</b>	No, we are not in favor of this addition because it encourages the illegal dismantling of parts, but since it is a 'may provision,' we can accept it.
	Yes, if included, this seems like a necessary condition to us.

**In favor**

Yes, we agree with the additions, but we are not in favor of deleting "repair and maintenance operators" who need to be inspected as well, but without a minimum percentage.

We see another option that seems best to us: option 4, but with the addition of collection points.

**MS**

Austria
Belgium
Bulgaria
Croatia
Republic of Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

**Position**

-
In favor
Object
Neutral
Scrutiny

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	5a	36	<p><b>Do the Member States believe that the proposed ELV Regulation should contain a provision mirroring Article 72(2) of the Batteries regulation?</b> If so, can the following wording be accepted?</p> <p><i>NEW Article : In order to distinguish between used vehicles and end-of-life vehicles, the competent authorities of Member States may inspect shipments of used vehicles suspected to be end-of-life vehicles for compliance with the requirements set out in Article 37 and Annex I and monitor such shipments accordingly.</i></p> <p><i>Where the competent authorities in a Member State establish that an intended shipment of used vehicle consists of end-of-life vehicle, the costs of appropriate analyses, inspections and storage of the vehicles suspected to be end-of-life vehicles may be charged to the persons arranging the shipment.</i></p>
	5b	36, 46	<p><b>Should it [NEW Article above] be added to Article 36 (which would be an approach consistent with the Batteries Regulation) or added to Article 46 (which deals with inspections)?</b></p>
	6	37	<p><i>37(4): When assessing the damage of an accidented vehicle, the insurance company or any other economic operator conducting the assessment on its behalf shall also assess whether the vehicle is an end-of-life vehicle or not according to Annex I.</i></p> <p><i>Insurance companies shall ensure that competent authorities are provided at least once a year with a list of: (...).</i></p> <p><b>Do the Member States support the wording of article 37(4) suggested above?</b></p>

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7b	38	<p><b>Do the Member States agree that exports to third countries should be subject to a stricter regime than transfers of ownership within the Union?</b> If so – should the stricter regime apply in the same way for exports to both OECD and non-OECD countries, or should just export to non-OECD countries be subject to a stricter regime?</p>
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	17	46	<p><b>Article 46</b>  <i>1. Member States shall, for the purpose of enforcing this Regulation, inspect:</i>  <i>(a) authorised treatment facilities;</i>  <i>(b) collection points;</i>  <i>(c) other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components.</i>  <i>2. The inspections shall cover at least 10 % of the operators listed in paragraph 1, points (a) and (c), in each calendar year.</i>  <i>3. Member States shall also carry out inspections concerning export of used vehicles in order to verify compliance with Article 38.</i>  <i>4. Member States should also establish inspection strategies aimed at detecting illegal activities in the area of collection and treatment of end-of-life vehicles and their parts and components.</i>  <b>Do the Member States agree with the above proposal?</b></p>
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MS position	MS Comments
<b>Object</b>	This definition of an End-of-Life Vehicle lacks clarity as a standalone criterion. If the hinges are intact and functioning properly, it is possible to install used doors, thereby still meeting the requirements for passing a roadworthiness test.
<b>In favor</b>	We suggest moving the point 1.e) from part A to part B.
<b>Object</b>	The items included in 1.e), except perhaps fixing and joints, may be unrepairable but are almost always replaceable (tyres, wheel rims, belts, etc...). Thus, the applicability of this point in part A is rather minimal.
<b>In favor</b>	

In favor	
Art 36	We suggest adding the proposed wording to Art. 36 and thus edit Art. 46 (3): <i>Member States shall also carry out inspections concerning export of used vehicles in order to verify compliance with <u>Articles 36</u> and 38.</i>
In favor	

2	
Object	We do not support the Presidency proposal to have different conditions for exports to the EU and third countries.
In favor	
In favor	
In favor	
In favor	
In favor	

<b>0.2 %</b>	At the current state of treatment, it is physically impossible to reduce the copper content in the crushed waste below 0.25 %. Small wires and cable parts remain lodged in the crushed material and cannot be separated, even through manual re-sorting. This proportion is already accepted by the smelters; therefore, we suggest that the limit should be higher, at least 0.2 %, otherwise there is a risk it would not be achievable.
<b>In favor</b>	
<b>Object</b>	We disagree with the current wording, as we have concerns that the measure may not effectively prevent the theft of essential parts of the vehicle.
<b>Object</b>	We would like to understand how ATFs would be 'compensated' in this context.

<b>Object</b>	<p>Since repair and maintenance operators are not classified as ELV treatment facilities and therefore do not handle waste from ELVs, we do not understand why economic operators selling used spare parts and components should fall under the ELV Regulation. The addition to Point (c) should be deleted.</p>
-	<p>We do not see the merit in including the facilities that sell used spare parts and components in the inspections. While we agree with the exception mentioned in the note for Option 4, this exception is not reflected in the proposal. We would support an option where points a) and b) are included.</p> <p>Suggested wording: „<i>Member States shall, for the purpose of enforcing this Regulation, inspect authorised treatment facilities and collection points.</i>“</p>

**MS**

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Republic of Cyprus
Czech Republic
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France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

**Position**

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Object
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Scrutiny



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16	24	<p><b>Should such a possibility [NEW Article 24(4)] be conditional, e.g. upon the relevant Member State ensuring that ATFs are compensated for providing free of charge delivery of incomplete end-of-life vehicles?</b></p>
17	46	<p><i>Article 46</i></p> <p><i>1. Member States shall, for the purpose of enforcing this Regulation, inspect:</i></p> <p><i>(a) authorised treatment facilities;</i></p> <p><i>(b) collection points;</i></p> <p><i>(c) other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components.</i></p> <p><i>2. The inspections shall cover at least 10 % of the operators listed in paragraph 1, points (a) and (c), in each calendar year.</i></p> <p><i>3. Member States shall also carry out inspections concerning export of used vehicles in order to verify compliance with Article 38.</i></p> <p><i>4. Member States should also establish inspection strategies aimed at detecting illegal activities in the area of collection and treatment of end-of-life vehicles and their parts and components.</i></p> <p><b>Do the Member States agree with the above proposal?</b></p>

	18	46	<p><b>Which option do the Member States prefer? [for the 10% inspection target]</b></p> <p><u>Option 1</u> – only authorised treatment facilities (point a);</p> <p><u>Option 2</u> – authorised treatment facilities, collection points and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a, b and c);</p> <p><u>Option 3</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a and c);</p> <p><u>Option 4</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles (point a and part of point c).</p>
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MS position	MS Comments
Object	
-	<p>No suggestions for changes in Part A or B. However, we do have <u>suggestions for changes in Part C, Section 2</u>. Firstly, the competent authorities do not necessarily have the expertise to assess whether the information is correct and complete. They can only check whether a restoration plan is part of the accompanying documentation. Secondly, DE calls for the deletion of the entire para 3 in Part C Section 2 Nr. 1: Only the vehicle owner has the necessary information to decide how long it will take to repair a vehicle. We also refer to our written comments from 20 December 2024 for the concrete text amendments.</p>
In favor	
In favor	

In favor	
	DE suggests to incorporate it within Art. 36.
In favor	<p>Clarification is still needed as to what constitutes an online sale within the meaning of Art. 37. Recital (68) offers wording that should be included directly in Art. 37 para 1, see text proposal:</p> <p><i>The first <u>sub</u>-subparagraph shall not apply when ownership of roadworthy vehicles is transferred by natural persons who are not economic operators and where contract is not concluded by means of distance contract . For the sake of this sub-paragraph, a ‘distance contract’ means any contract concluded between the vehicle owner and the acquirer without the simultaneous physical presence of the owner and the acquirer, with the exclusive use of one or more means of distance communication up to and including the time at which the contract is concluded.</i></p>



	<p>This is a very important point of discussion for DE. A clear distinction between end-of-life and used vehicles is important in the context of export. The two criteria ‘end-of-life’ and ‘roadworthy’ appear conclusive to us. Especially due to the fact, that competent authorities may (also) need to rely on end-of-life criteria/Annex I in case of doubt. Accordingly, we see no need to amend the BEL compromise text and therefore do not support any of the proposed options.</p>
<b>In favor</b>	<p>DE agrees with PRES that the export of used vehicles to third countries should be subject to a stricter regime than the transfer of ownership within the EU. However, DE sees no need to regulate the export of used vehicles with additional complexity and to differentiate between OECD and non-OECD countries.</p>
<b>In favor</b>	
<b>Object</b>	<p>The title change does not fit with para 4 to 6 of Art. 37.</p>
<b>In favor</b>	
<b>In favor</b>	<p>DE agrees in principle with Annex VII, Part C and Articles 30 and 31. However, the reference to shredder fractions is missing in Art. 31 when reference is made to Annex VII Part F. We also noted this in our written comments from 20 December 2024. With regard to additional technical amendments in Annex VII F, we would also like to refer to our written comments..</p>

In favor	<p>DE agrees with the proposed amendment to Art. 28 (3) and the title of Annex VII G. However, we question the mention of ‘waste management operators’ next to ‘ATFs’ in the 1st and 2nd sentence. ELVs should only be allowed to be shredded in ATFs in accordance with Art. 15. <u>In view of the expiry of the End-of-Life Vehicles Directive 2000/53/EC after 12 months (see Art. 56 (1)), the transitional period in Art. 28 (1) should be shortened from 36 to 12 months. Otherwise there would be a legal gap of 2 years during which 1) the shredders would not have to demand a proper pollutant removal for ELVs and 2) the shredders would not have to demand a CoD. The same loophole applies to the dismantling obligations (Art. 30). The period of validity of Art. 6(3) first sub-paragraph and Annex I of the ELV Directive should therefore be extended in Art. 56.</u></p>
	<p>We have a few comments on steel scrap quality. In order to improve the supply of green quality steel from scrap, it is important to avoid the accumulation of copper in the steel cycle. Therefore, all steel scrap should be as free of ‘free/intrinsic copper’ (i.e. copper wires) as possible, as copper cannot be separated in the steel melting and recycling process. To our knowledge, it is currently technically possible in modern plants to maintain 0.1 % copper in the steel scrap fraction when treating ELVs. A higher value of 0.2 % copper is also acceptable for a transitional period. This results in the following <u>text proposal</u>:</p> <p><i>Annex VII G (2)(a) The copper content of the main steel fraction shall not exceed 0.1% [within a transitional period of x years: 0.2 %] on a weight basis and the steel fractions have to be free of free copper (i.e. from copper wires);</i></p> <p>We also have comments on Annex VII G (2)(b), (c) and (d) and would like to refer again to the written comments from 20 December 2024.</p>
Object	<p>DE continues to reject the amendments to Recital 33a and Art. 15 and favours the COM's initial proposal. ATFs should not be obliged to enter into a commitment with producers. <u>Particularly the second paragraph in Recital (33a) "Authorised treatment facilities without a contract with producers or producer responsibility organisations should not be able to request financial reimbursement" now presupposes this and should be deleted.</u> We also reject the changes in Art. 15 (3a) and (5).</p> <p>Art. 15 (3) now also refers to all ‘treatment facilities’. However, only ATFs should be authorised to issue a CoD. We therefore suggest adding the word ‘authorised’ to the text.</p>

<b>Object</b>	DE do not believe that the proposed Art. 24 para. 4 is necessary. Especially as it could create loopholes. Further, the amount of electric vehicles among ELVs will increase. Corresponding requirements, which address the fire risk of traction batteries in particular, should be added in Art. 24 (Delivery of ELVs), Art. 29 (Depollution) and Annex VII A (Storage), see written comments from 20 December 2024.
<b>Object</b>	see Question 15.
<b>In favor</b>	

Option 3 (without 'identified'): In addition to a) ATFs [and b) collection points], which are checked for their conformity with the Regulation, inspections should also refer to other actors in order to effectively combat illegal activities. For example, garages (repair and maintenance operators), scrap yards and unauthorised car scrappers or dealers for used vehicles, tyres and spare parts who may handle ELVs or trade in dismantled spare parts without authorisation should also be inspected. As one of the objectives of the inspection of non-ATFs is precisely to identify unauthorised activities, it would be ineffective to inspect only the 'identified' actors. Therefore, the addition of 'identified' is not appropriate. Certain illegal actors can be identified, e.g. on online platforms, primarily through the trade in spare parts, which is why we reject option 4. We would also like to refer to comments on Art. 49 on Reporting after the WPE meeting on 11 November 2024.

**MS**

Austria
Belgium
Bulgaria
Croatia
Republic of Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

**Position**

-
In favor
Object
Neutral
Scrutiny

## **ESTONIA**

### II.1 Definition of ELV and Annex I

We generally agree with the definition of ELV defined in Article 3(2) and Annex I of the proposed regulation.

#### **Annex I part A**

We would propose to move Annex I part A point i to part B of Annex I.

*In Estonia insurance companies in some cases declare vehicle as a total technical loss, because it is required to repair the cars in warranty period with A parts. But A parts are expensive and in some cases the vehicle repair will be more expensive than the vehicle value is. Insurance companies declare vehicle as a total technical loss and sells these cars in auction. Vehicle bought in auction can be repaired with used parts. There are many of these cases with electric vehicles, because new EV battery is expensive.*

#### **Annex I and Annex I part C**

We can accept the current wording of the introductory part of Annex I and Annex I part C. If possible, we would increase the repair time for older hobby vehicles. Some older hobby vehicles might need longer time than two years.

#### **Annex I part C section 1 para 2-point b.**

We find that there is a need to specify requirements „kept and handled in an appropriate environmentally sound manner”. The requirement „kept and handled in an appropriate environmentally sound manner” is to general.

We would propose to specify this point and add „without harming the environment and, in particular without risk to water, air, and soil. Storage sites shall have water-proof bottom and protected against rainwater”.

(b) the vehicle is kept and handled in an appropriate environmentally sound manner, *without harming the environment and, without risk to water, air, and soil. Storage sites shall have water-proof bottom and protected against rainwater.*

### II.2. Cluster 8: Export of Used Vehicles, Shipment of end-of-life vehicles

#### **Article 36**

We find that all requirements for the shipment of ELV-s, including inspections requirements about waste shipment should be in article 36.

*The shipment of end-of-life vehicles or waste produced in the process of their treatment between Member State should be in compliance with Regulation (EU) 2024/1157.*

*The shipment of end-of-life vehicles **or waste produced in the process of their treatment outside Union** should be in compliance with Regulation (EU) 2024/1157 and with the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous wastes and their disposal.*

#### **Article 46**

We propose to add paragraph 4 to the article 46.

*4. Member States shall also carry out inspections concerning export of end-of-life vehicles to verify compliance with Article 36.*

#### **Article 38(3)**

We would prefer to keep COM approach, used vehicles shall be exported only if they are not end-of-life vehicles and are roadworthy.

#### **Export to third countries**

We agree that export to third countries should be subject to a stricter regime, OECD and non-OECD countries should be subject to stricter regime.

Mandatory contracts producer/ATF

#### **Article 15 (3), (3a)**

Q14: We accept article 15 (3) and (3a). We find that there is a need to have contract requirement option. We would prefer to use “must” instead of “may”.

### **II.4. Cluster 6: Collection**

#### **Article 24, new paragraph 4**

We find that Member States may provide that the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle only in some certain cases. In Estonia the delivery of end-of life vehicles, that does not contain some or all of the essential components of a vehicle, is free only when giving it away while collection campaign and when vehicle is abandoned.

We would propose to clarify paragraph 4:

*4. By derogation from paragraph 2, Member States may provide that the delivery of end-of life vehicles is fully free of charge, even if the end-of life vehicle does not contain some or all the essential components of a vehicle, only while collection campaigns or when vehicle is abandoned.*

### **II.5. Cluster 9: Enforcement and reporting**

We can agree with the PRES proposals.

## **COMMENTS OF GREECE**

<b>Question No</b>	<b>MS position</b>	<b>MS Comments</b>
1	Not agree	A vehicle can not be operational or pass a roadworthy test with one or more entry points welded.
2	No comment	
3	Not agree.	We believe that if the criteria of part A are fulfilled there must be no exceptions in identifying a vehicle as ELV. We propose that point 3 of the introductory part to be eliminated.
4	Agree	Proposed wording is accepted.
5a	Agree	Agree and proposed wording is accepted.
5b	Article 36	Because it specifically concerns the provisions for shipment it should be added to Article 36
6	Agree	Agree with suggested wording
7a	Agree	Agree and the wording in option 2 is preferable.
7b	Not agree	Chapter Va refers to the terms and conditions of export of a used product (ie vehicles) and not waste (ie ELV) which are two separate categories as correctly mentioned by the Presidency in p.7 of the Steering Note. In such a case the reference to the WSR of p.9 is We propose that exports of used vehicles to third countries should be subjected to the same regime as exports between EU members.
8	Not agree	
9	Agree	
10	Agree	
11	Agree	Article 30 & 31 are acceptable.
12	Agree	Article 28(3) sets the specs of the shredder output fractions when shredding ELV's together with other waste. Whereas Article 30(2) sets the specs of the shredder output fractions if some ELV components are not removed prior to shredding. Both articles are necessary because they clarify the conditions that must be met in two different cases. Agree for both articles to become acceptable and also agree on the modification of Article 28(3).
13	Scrutiny	
14	Not agree	Articles 15(3) is proposed to be modified so that ELV's may not be handled unless the ATF has a contract with the producer or, where appointed with the producer responsibility organization.



15	Not agree	By allowing the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle there is the risk that the vehicle may be subjected to scavenging of valuable parts by non-authorised operators.
16	We do not agree	Is Red line for us, the text as it stands, i.e. not to apply this possibility, because in case of missing essential parts of the vehicle, who will compensate the ATF? The owner would then have to pay and not the producer who pays it now.
17	Positive scrutiny	
18	Option 2	Consider the answer to question 17, although with a preference for Option 2

## **COMMENTS OF GREECE**

<b>Question No</b>	<b>MS position</b>	<b>MS Comments</b>
1	Not agree	A vehicle can not be operational or pass a roadworthy test with one or more entry points welded.
2	No comment	
3	Not agree.	We believe that if the criteria of part A are fulfilled there must be no exceptions in identifying a vehicle as ELV. We propose that point 3 of the introductory part to be eliminated.
4	Agree	Proposed wording is accepted.
5a	Agree	Agree and proposed wording is accepted.
5b	Article 36	Because it specifically concerns the provisions for shipment it should be added to Article 36
6	Agree	Agree with suggested wording
7a	Agree	Agree and the wording in option 2 is preferable.
7b	Not agree	Chapter Va refers to the terms and conditions of export of a used product (ie vehicles) and not waste (ie ELV) which are two separate categories as correctly mentioned by the Presidency in p.7 of the Steering Note. In such a case the reference to the WSR of p.9 is We propose that exports of used vehicles to third countries should be subjected to the same regime as exports between EU members.
8	Not agree	
9	Agree	
10	Agree	
11	Agree	Article 30 & 31 are acceptable.
12	Agree	Article 28(3) sets the specs of the shredder output fractions when shredding ELV's together with other waste. Whereas Article 30(2) sets the specs of the shredder output fractions if some ELV components are not removed prior to shredding. Both articles are necessary because they clarify the conditions that must be met in two different cases. Agree for both articles to become acceptable and also agree on the modification of Article 28(3).
13	Scrutiny	
14	Not agree	Articles 15(3) is proposed to be modified so that ELV's may not be handled unless the ATF has a contract with the producer or, where appointed with the producer responsibility organization.

15	Not agree	By allowing the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle there is the risk that the vehicle may be subjected to scavenging of valuable parts by non-authorised operators.
16	We do not agree	Is Red line for us, the text as it stands, i.e. not to apply this possibility, because in case of missing essential parts of the vehicle, who will compensate the ATF? The owner would then have to pay and not the producer who pays it now.
17	Positive scrutiny	
18	Option 2	Consider the answer to question 17, although with a preference for Option 2

Member State	Question No	Reference Art	Question
Spain	1	Annex I Part A and B	In Annex I part A point b ( <i>it has one or more entry points been welded up or closed by insulating foam</i> ) should be moved to part B of Annex I and added to point h. <b>Do the Member States agree with the above proposal?</b>
	2	Annex I Part A and B	<b>Do the Member States believe that some other binding (A) or indicative (B) criteria should be deleted or moved from part A to part B? If so please specify which ones.</b>
	3	Annex I	<b>Do the Member States accept the current wording of the introductory part of Annex I? If not, what changes do the Member States wish to propose?</b>
	4	36	<b>Do the Member States believe that article 36(1) should be amended in order to be consistent with article 72(1) of the Batteries Regulation and take into account the requirements of the Waste Shipment Regulation concerning shipment between Member States? If so, could the following wording of <u>Article 36(1)</u> be accepted?</b> <i>Treatment of end-of-life vehicles may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of end-of-life vehicles or waste produced in the process of their treatment is in compliance with Regulation (EU) 2024/1157.</i>

	5a	36	<p><b>Do the Member States believe that the proposed ELV Regulation should contain a provision mirroring Article 72(2) of the Batteries regulation? If so, can the following wording be accepted?</b></p> <p><i>NEW Article : In order to distinguish between used vehicles and end-of-life vehicles, the competent authorities of Member States may inspect shipments of used vehicles suspected to be end-of-life vehicles for compliance with the requirements set out in Article 37 and Annex I and monitor such shipments accordingly.</i></p> <p><i>Where the competent authorities in a Member State establish that an intended shipment of used vehicle consists of end-of-life vehicle, the costs of appropriate analyses, inspections and storage of the vehicles suspected to be end-of-life vehicles may be charged to the persons arranging the shipment.</i></p>
	5b	36, 46	<p><b>Should it [NEW Article above] be added to Article 36 (which would be an approach consistent with the Batteries Regulation) or added to Article 46 (which deals with inspections)?</b></p>
	6	37	<p><i>37(4): When assessing the damage of an accidented vehicle, the insurance company or any other economic operator conducting the assessment on its behalf shall also assess whether the vehicle is an end-of-life vehicle or not according to Annex I.</i></p> <p><i>Insurance companies shall ensure that competent authorities are provided at least once a year with a list of: (...).</i></p> <p><b>Do the Member States support the wording of article 37(4) suggested above?</b></p>

7a	38	<p><b>Do the Member States agree that an amendment of Article 38(3) is needed?</b> If so, which of the options above do the Member States prefer?</p> <p><u>Option 1:</u>  <i>3. Used vehicles may be exported only if they are roadworthy.</i></p> <p><u>Option 2:</u>  <i>3. Used vehicles may be exported only if the documentation that they are roadworthy has been presented.</i></p>
7b	38	<p><b>Do the Member States agree that exports to third countries should be subject to a stricter regime than transfers of ownership within the Union?</b> If so – should the stricter regime apply in the same way for exports to both OECD and non-OECD countries, or should just export to non-OECD countries be subject to a stricter regime?</p>
8	Chapter Va	<p>change the title of Chapter Va to:  <b>EXPORT OF USED VEHICLES TO THIRD COUNTRIES</b>  <b>Do the Member States agree with the above proposal?</b></p>
9	37	<p>change the title of Article 37 as follows:  <i>Distinction between used vehicles and end-of-life vehicles upon transfer of ownership</i>  <b>Do Member States agree with the above proposal?</b></p>
10	2	<p><b>Do the Member States agree that in Article 2(4), the following point should be added?</b>  <i>2(4): (a1) Article 37a on competent authority;</i></p>
11	30, 31	<p><b>Delegations are invited to indicate whether they support the current wording of Articles 30 and 31 on the basis of the explanations provided in the steering note.</b></p>
12	28, 30	<p><b>Delegations are invited to indicate whether they accept the current wording of Articles 28(3) and 30(2) on the basis of the explanations provided in the steering note.</b></p>

	13	Annex VII Part G	Delegations are invited to indicate whether Annex VII Part G point 2 letter (a) should refer the 0.1% value to free copper, or 0.15% or 0.20% of total copper content , or if any other specific amendments would be required to make it acceptable.
	14	15	Delegations are invited to indicate whether they accept the current wording of Article 15(3) on the basis of the explanations provided in the steering note; or which specific amendments would be required to make it acceptable.
	15	24	<i>NEW Article 24(4): By derogation from paragraph 2, Member States may provide that the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle.</i> <b>Do the Member States agree with the above proposal?</b>
	16	24	<b>Should such a possibility [NEW Article 24(4)] be conditional, e.g. upon the relevant Member State ensuring that ATFs are compensated for providing free of charge delivery of incomplete end-of-life vehicles?</b>

	17	46	<p><b>Article 46</b>  <i>1. Member States shall, for the purpose of enforcing this Regulation, inspect:</i>  <i>(a) authorised treatment facilities;</i>  <i>(b) collection points;</i>  <i>(c) other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components.</i>  <i>2. The inspections shall cover at least 10 % of the operators listed in paragraph 1, points (a) and (c), in each calendar year.</i>  <i>3. Member States shall also carry out inspections concerning export of used vehicles in order to verify compliance with Article 38.</i>  <i>4. Member States should also establish inspection strategies aimed at detecting illegal activities in the area of collection and treatment of end-of-life vehicles and their parts and components.</i>  <b>Do the Member States agree with the above proposal?</b></p>
	18	46	<p><b>Which option do the Member States prefer? [for the 10% inspection target]</b>  <u>Option 1</u> – only authorised treatment facilities (point a);  <u>Option 2</u> – authorised treatment facilities, collection points and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a, b and c);  <u>Option 3</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a and c);  <u>Option 4</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles (point a and part of point c).</p>



MS position	MS Comments
In favor	ES supports the presidency's proposal.
Object	ES does not consider it necessary to make any changes in Annex I, Part a and B
In favor	ES supports the current wording of the introductory party of Annex I.
In favor	ES supports the amendments proposed by the presidency.

<b>In favor</b>	ES agrees with the provision and wording proposed by the presidency.
-	ES has no particular preference on this question.
<b>In favor</b>	<p>ES fully agrees that the regulations governing this matter should clearly establish who is responsible for notifying the competent authorities that a vehicle has been classified as an ELV due to damage. Since this information will be recorded in the vehicle registry, it is essential for the DGT (Spanish registration authority) that the regulation clearly identifies who must report this information. In Spain, everything seems to indicate that insurance companies will take on this responsibility.</p> <p>We would support more frequent information exchanges, similar to what happens with insurance data, which at the DGT are received daily through the FIVA (Vehicle Insurance Information File).</p>

<b>In favor</b>	In the case of Spain, the results of the technical inspection (ITV) are available in the Vehicle Registry, and we will provide this information to the customs authorities. Therefore, <b>OPTION 1</b> is valid -it is not necessary to present the documentation physically, as it can be verified through electronic means such as the Vehicle Registry.
<b>In favor</b>	ES supports a stricter export regime to third countries. We are not in favor of a distinction between OECD and non-OECD countries.
<b>In favor</b>	ES supports this clarification.
<b>In favor</b>	ES supports this clarification.
<b>In favor</b>	ES supports this clarification.
<b>Object</b>	We believe that a high burden is still being imposed. In certain cases, for example, when there is already sufficient stock of spare parts and neither a high nor increasing demand is expected (in the case of very new ELVs), it could be justified that they are not reused.
<b>Scrutiny</b>	

<b>Scrutiny</b>	
<b>In favor</b>	ES supports the current wording, that leaves flexibility for the MS to require the mentioned contracts with authorised treatment facilities.
<b>Object</b>	ES does not support adding the new paragraph since it could lead to illegal dismantling activities. ES proposal is not to amend Article 24.
<b>Object</b>	ES does not agree.

In favor	ES supports the presidency's proposal.
In favor	ES supports <b>OPTION 2</b> .

**MS**

Austria
Belgium
Bulgaria
Croatia
Republic of Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

**Position**

-
In favor
Object
Neutral
Scrutiny

## FINLAND

### **Comments from Finland following the Working Party on the Environment on 20 January 2025, Proposal for a Regulation on circularity requirements for vehicle design and on management of end-of-life vehicles**

27 January 2025

In addition to these comments, we kindly ask the Presidency to consider our written comments on export of used vehicles, treatment, collection, and enforcement and reporting submitted after the Working Party on the Environment on December 2, 2024.

#### **Definition of ELV, Article 37 and Annex I**

##### Definition of ELV

- It is unclear in the current text, when Annex I should be applied. Does it apply to the obligation of the vehicle owner to deliver the vehicle to a collection point or an authorised treatment facility or when a used vehicle is exported? To clarify this, we suggest deleting the reference to Annex I from the definition of ELV and referring to Annex I explicitly in the provisions that require an assessment if the vehicle is an ELV or not. In our view, these provisions should be Article 37 paragraphs 1 and 5 and Article 41 paragraph 2 (see our comments to these Articles below). This would clarify the role of Annex I in the Regulation and the situations it applies to.

##### Article 37

- To reduce the burden for vehicle owners, to enable the transfers of ownership of vehicles of historical and cultural interest more easily and to ensure that Article 37(1) targets illegal activities, we propose the following amendments to Article 37(1):
  1. *For the purpose of transferring ... .. **Annex I, or a valid roadworthiness certificate.***  
  
***The first subparagraph shall not apply when ownership of ~~used roadworthy~~ vehicles is transferred by natural persons who are not economic operators, ~~for sales other than those concluded by means of distance contracts or online platforms.~~***
- The meaning of economic operators in the second subparagraph of Article 37(1) is unclear. To clarify it, we suggest the following addition to the definition of economic operators:

(35) 'economic operators' means producers, ~~collectors~~, vehicle insurance companies, suppliers, repair and maintenance operators, waste management operators and any other operators involved **on a regular basis** in design of vehicles, trade in used vehicles, **reuse, remanufacturing and refurbishment of parts and components from** vehicles;
- In Article 37(2), we think it should be clarified that the vehicle is declared as an economic total loss by an insurance company. We would also like to point out that the insurance company may not have all the information required to assess the whole damage history of a vehicle. Therefore, we suggest the following amendments to Article 37(2):
  2. *For the purpose of a transfer of ownership of a vehicle that has been declared as an economic total loss **by an insurance company**, the owner shall provide the following documentation, in addition to the requirements set out in paragraph 1:*
    - (a) ~~a copy of the damage history based on the~~ **an assessment of the damage of the vehicle** by the insurance company;

*(b) an estimate of the costs of the repairs that are necessary to repair the vehicle to a technical condition sufficient to pass the roadworthiness test in accordance with Directive 2014/45/EU.*

- We object to empowering the Commission to adopt delegated acts to amend the criteria in Annex I and, thus, suggest deleting Article 37(6).

#### Introductory part of Annex I

- We suggest clarifying the introductory part of Annex I. We also suggest flexibility for the Member States in defining the rules concerning the independent automotive experts. Additionally, we do not think a time limit for repairing the vehicle is relevant when determining if it is an ELV or not. The vehicle owner should be allowed to decide when they will repair the vehicle. Therefore, we propose the following changes to the introductory part of Annex I:

**This Annex establishes the criteria determining whether a vehicle is an end-of-life vehicle, and shall be applied as follows:**

1. Part A lays down the criteria to assess the irreparability of a vehicle. If one or more of these criteria are met, the vehicle shall be considered an end-of-life vehicle.

To determine whether the vehicle is an end-of-life vehicle or not, an independent automotive expert shall assess if the vehicle meets the criteria of Part A of Annex I.

~~Member States may establish a list of independent automotive experts to carry out these assessments.~~

2. If none of the criteria of Part A apply, **an independent automotive expert shall assess the vehicle** ~~shall also be assessed~~ against the criteria of Part B. If one or more of the criteria of Part B apply, further analysis is required to determine whether the vehicle can be sufficiently repaired, ~~within two years after the assessment,~~ to obtain a roadworthiness certificate in accordance with Directive 2014/45/EU in the Member State where the vehicle was registered before repair.

If the assessment determines that the vehicle cannot be repaired ~~within this period,~~ it shall be considered an end-of-life vehicle. If the assessment determines that the vehicle can be repaired ~~within this period,~~ it shall not be considered an end-of-life vehicle. ~~If within two years following that technical assessment, the vehicle owner does not provide a roadworthiness certificate to the competent authority in accordance with Directive 2014/45/EU, the vehicle shall be considered an end-of-life vehicle.~~

~~To determine whether the vehicle is an end-of-life vehicle or not, an independent automotive expert shall assess the vehicle according to the first subparagraph of paragraph two. Member States may establish a list of independent automotive experts to carry out these assessments.~~

3. A vehicle that fulfils the criteria of Part A or Part B is not an end-of-life vehicle as long as it meets the criteria of Part C.
4. **Member States may lay down the rules concerning the independent automotive experts.**



## Cluster 8: Export of used vehicles

### Article 37a

- We can accept Article 37a otherwise, but we stress that Member States should have at least 12 months to notify the competent authorities to the Commission. We need time to decide the authorities and make the necessary regulatory changes.

### Article 41

- We stress that it should be possible to export vehicles of special cultural or historical interest that meet the criteria in Annex I part C section 1 to third countries even if they are not roadworthy. To our knowledge, these vehicles are exported outside the EU for exhibitions and for restoration. Therefore, we suggest adding a derogation for vehicles of special historical or cultural interest to Article 41(2) to enable their export to third countries. This would allow both the automatic digital control of exports used vehicles according to Article 39 and, in the case of vehicles of special cultural or historical interest, that the competent authority would verify that the vehicle fulfils the criteria in Annex I part C section 1. Therefore, we propose the following addition to Article 41(2):
  2. For the purpose of determining whether a used vehicle, subject to suspension as referred to in paragraph 1, complies with this Regulation, the competent authorities may request, from any person involved in the export of that used vehicle, additional information, including information on the sale or transfer of vehicle ownership, such as a copy of the invoice or contract, and documentary evidence that that used vehicle is destined for further use. **As a derogation from Article 38 paragraph 3, a used vehicle can be exported if an assessment is provided for the competent authority according to Annex I Part C Section 1 that the vehicle is not an end-of-life vehicle.**

## Cluster 9: Enforcement and reporting

### Article 48

- We prefer replacing the list of Articles with the more flexible text we proposed in our written comments following the Working Party on the Environment on 2 December 2024, but if that is not possible, we suggest adding the word 'at least' before the list of Articles so that the wording would be '*...Member States shall lay down the rules on penalties applicable **at least** to infringements of...*'

Member State	Question No	Reference Art	Question
Finland	1	Annex I Part A and B	In Annex I part A point b ( <i>it has one or more entry points been welded up or closed by insulating foam</i> ) should be moved to part B of Annex I and added to point h. <b>Do the Member States agree with the above proposal?</b>
	2	Annex I Part A and B	<b>Do the Member States believe that some other binding (A) or indicative (B) criteria should be deleted or moved from part A to part B?</b> If so please specify which ones.
	3	Annex I	<b>Do the Member States accept the current wording of the introductory part of Annex I?</b> If not, what changes do the Member States wish to propose?

4	36	<p><b>Do the Member States believe that article 36(1) should be amended in order to be consistent with article 72(1) of the Batteries Regulation and take into account the requirements of the Waste Shipment Regulation concerning shipment between Member States?</b> If so, could the following wording of <u>Article 36(1)</u> be accepted?</p> <p><i>Treatment of end-of-life vehicles may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of end-of-life vehicles or waste produced in the process of their treatment is in compliance with Regulation (EU) 2024/1157.</i></p>
5a	36	<p><b>Do the Member States believe that the proposed ELV Regulation should contain a provision mirroring Article 72(2) of the Batteries regulation?</b> If so, can the following wording be accepted?</p> <p><i><u>NEW Article</u> : In order to distinguish between used vehicles and end-of-life vehicles, the competent authorities of Member States may inspect shipments of used vehicles suspected to be end-of-life vehicles for compliance with the requirements set out in Article 37 and Annex I and monitor such shipments accordingly.</i></p> <p><i>Where the competent authorities in a Member State establish that an intended shipment of used vehicle consists of end-of-life vehicle, the costs of appropriate analyses, inspections and storage of the vehicles suspected to be end-of-life vehicles may be charged to the persons arranging the shipment.</i></p>
5b	36, 46	<p><b>Should it [NEW Article above] be added to Article 36 (which would be an approach consistent with the Batteries Regulation) or added to Article 46 (which deals with inspections)?</b></p>

	6	37	<p>37(4): <i>When assessing the damage of an accidented vehicle, the insurance company or any other economic operator conducting the assessment on its behalf shall also assess whether the vehicle is an end-of-life vehicle or not according to Annex I.</i></p> <p><i>Insurance companies shall ensure that competent authorities are provided at least once a year with a list of: (...).</i></p> <p><b>Do the Member States support the wording of article 37(4) suggested above?</b></p>
	7a	38	<p><b>Do the Member States agree that an amendment of Article 38(3) is needed?</b> If so, which of the options above do the Member States prefer?</p> <p><u>Option 1:</u></p> <p><i>3. Used vehicles may be exported only if they are roadworthy.</i></p> <p><u>Option 2:</u></p> <p><i>3. Used vehicles may be exported only if the documentation that they are roadworthy has been presented.</i></p>
	7b	38	<p><b>Do the Member States agree that exports to third countries should be subject to a stricter regime than transfers of ownership within the Union?</b> If so – should the stricter regime apply in the same way for exports to both OECD and non-OECD countries, or should just export to non-OECD countries be subject to a stricter regime?</p>

	8	Chapter Va	change the title of Chapter Va to: <i>EXPORT OF USED VEHICLES TO THIRD COUNTRIES</i> <b>Do the Member States agree with the above proposal?</b>
	9	37	change the title of Article 37 as follows: <i>Distinction between used vehicles and end-of-life vehicles upon transfer of ownership</i> <b>Do Member States agree with the above proposal?</b>
	10	2	<b>Do the Member States agree that in Article 2(4), the following point should be added?</b> <i>2(4): (a1) Article 37a on competent authority;</i>
	11	30, 31	<b>Delegations are invited to indicate whether they support the current wording of Articles 30 and 31 on the basis of the explanations provided in the steering note.</b>

	12	28, 30	Delegations are invited to indicate whether they accept the current wording of Articles 28(3) and 30(2) on the basis of the explanations provided in the steering note.
	13	Annex VII Part G	Delegations are invited to indicate whether Annex VII Part G point 2 letter (a) should refer the 0.1% value to free copper, or 0.15% or 0.20% of total copper content , or if any other specific amendments would be required to make it acceptable.

	14	15	<p>Delegations are invited to indicate whether they accept the current wording of Article 15(3) on the basis of the explanations provided in the steering note; or which specific amendments would be required to make it acceptable.</p>
	15	24	<p><i>NEW Article 24(4): By derogation from paragraph 2, Member States may provide that the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle.</i></p> <p><b>Do the Member States agree with the above proposal?</b></p>
	16	24	<p><b>Should such a possibility [NEW Article 24(4)] be conditional, e.g. upon the relevant Member State ensuring that ATFs are compensated for providing free of charge delivery of incomplete end-of-life vehicles?</b></p>

	17	46	<p><b>Article 46</b>  <i>1. Member States shall, for the purpose of enforcing this Regulation, inspect:</i>  <i>(a) authorised treatment facilities;</i>  <i>(b) collection points;</i>  <i>(c) other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components.</i>  <i>2. The inspections shall cover at least 10 % of the operators listed in paragraph 1, points (a) and (c), in each calendar year.</i>  <i>3. Member States shall also carry out inspections concerning export of used vehicles in order to verify compliance with Article 38.</i>  <i>4. Member States should also establish inspection strategies aimed at detecting illegal activities in the area of collection and treatment of end-of-life vehicles and their parts and components.</i>  <b>Do the Member States agree with the above proposal?</b></p>
	18	46	<p><b>Which option do the Member States prefer? [for the 10% inspection target]</b>  <u>Option 1</u> – only authorised treatment facilities (point a);  <u>Option 2</u> – authorised treatment facilities, collection points and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a, b and c);  <u>Option 3</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a and c);  <u>Option 4</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles (point a and part of point c).</p>



MS position	MS Comments
In favor	<p>We support moving point b from part A to part B, but suggest deleting point h from part B. Doors can be easily attached to a vehicle if it doesn't have doors. Thus, we suggest the following wording to part B point h: <del><b>one or more of its doors are not attached to it, or</b></del> <i>it has one or more entry points welded up or closed by insulating foam;</i></p>
In favor	<p>We suggest moving points c and d from part A to part B and deleting points c, h, l, and m from part B. A vehicle that meets the criteria in point c or d in part A or point h, l or m in part B can be repaired. Point c of part B doesn't necessarily indicate that a vehicle may be an ELV. A vehicle may be roadworthy even if it hasn't had a roadworthiness test or hasn't been insured for more than two years.</p> <p>Concerning Annex I part C section 1, we insist on deleting point c from paragraph 1 and the whole paragraph 3. This would reduce the burden for the vehicle owner and authorities.</p> <p>We also support the changes DE has proposed to Annex I, part C, section 2:</p> <ul style="list-style-type: none"> <li>- The following deletion in paragraph 1, subparagraph 3: <i>Competent authorities may grant the exemption if the vehicle can be restored within two years to a technical condition that is sufficient to pass the roadworthiness test in accordance with Directive 2014/45/EU. <del><b>if competent authorities consider that the restoration plan does not provide sufficient information demonstrating that the vehicles can be restored to the required condition, competent authorities may request the vehicle owner to revise the restoration plan.</b></del></i></li> <li>- The deletion of the entire paragraph 3.</li> </ul>
Object	See our separate proposal for the changes to the introductory part of Annex I.

<b>In favor</b>	We support the proposed wording.
<b>In favor</b>	We can accept the proposed addition, but we suggest that the provision would refer to both Article 37 and Article 38. This would make the Regulation more coherent as Article 38 sets out the rules for the export of used vehicles. In our view, a reference to Annex I is not needed as Article 37 already refers to it.
	We prefer adding the proposed provision to Article 46 as it is related to the distinction between used vehicles and ELVs, export of used vehicles and shipments of waste. Article 36 is only related to shipments of ELVs for treatment.

<b>In favor</b>	We can accept the proposed wording.
	We prefer maintaining the current wording or amending the wording according to option 1 as these wordings are more in line with Article 39 according to which the customs shall verify the roadworthiness of the vehicle automatically through the electronic systems. In our view, it is essential that the monitoring of the export of used vehicles is based on fully automatic digital checks.
-	We can accept that the exports to third countries would be subject to a stricter regime than transfers of ownership but we stress that it should be possible to export vehicles of special cultural or historical interest that meet the criteria in Annex I part C section 1 to third countries. To our knowledge, these vehicles are exported outside EU for exhibitions and for restoration. Therefore, we suggest adding a derogation for vehicles of special historical or cultural interest to Article 41(2) to enable their export to third countries (see our separate proposal for changes to Article 41(2)). We can be flexible about whether a stricter regime should be applied to non-OECD countries.

<b>In favor</b>	We agree with the change of the title of Chapter Va.
<b>Object</b>	Article 37 doesn't concern only transfers of ownership of used vehicles, so we prefer not to amend the title.
<b>In favor</b>	We agree that Article 37a should not apply to vehicles of categories L3e to L7e.
<b>Object</b>	<p>Unfortunately, the explanation of the steering note doesn't alleviate our concern that the authorised treatment facilities would be obliged to remove parts and components for reuse even if there is no demand for them. Therefore, we suggest the following addition to Article 30(1): <i>When assessing the reuse, remanufacturing or refurbishment potential, authorised treatment facilities may take into account whether there is demand for the parts and components on the market.</i></p> <p>We support the provision that the parts and components fit for reuse, remanufacturing or refurbishment would not be considered waste but concerning batteries, the relationship between ELV-Regulation and Battery Regulation should be considered carefully. We think this needs further discussion and a clarifying non-paper from the Commission could be helpful.</p>

-	<p>We prefer not to add the proposed new text to Article 28(3).</p> <p>We are also concerned that the limit values for metal content and total organic content in Annex VII Part G points 2(c) and 2(d) are unachievable and suggest setting more realistic limit values based on studies or information from the treatment facilities. It is also unclear if the limit values concern the fractions before or after removal of moisture.</p> <p>In addition, we are concerned if the transitional period of 36 months is sufficient for the treatment facilities to develop their processes to meet the treatment requirements of the Regulation. Therefore, we suggest considering a longer transitional period for the treatment requirements (for example 60 months).</p> <p>We also suggest deleting the mentions of 'other waste management operators' from Article 28 as only authorised treatment facilities should be allowed to carry out shredding operations. Article 15(1) states that any establishment or undertaking that intends to carry out treatment operations on end-of-life vehicles shall obtain a permit from the competent authority. This means that no other establishment or undertaking than the ones that have obtained a permit from the competent authority, i.e. authorised treatment facilities, can treat ELVs. The definition of 'treatment' includes the shredding of end of life vehicles and any other operation carried out for the recovery or disposal of the end-of-life vehicle and its parts, components and materials.</p>
	<p>In our view, the limit value of Annex VII Part G point 2(a) should be set for total copper content because the total copper content is easier to measure and the users of recycled steel are interested in the total copper content. Keeping in mind the Commission's comments, we stress that the limit value should be set on a level that the treatment facilities can realistically achieve in the time line of the Regulation.</p>

-	<p>We can accept adding the proposed paragraph 3a to Article 15, but we insist that the Member States should also have the possibility regulate that authorised treatment facilities and collection points can only accept ELVs, or parts and components of ELVs in cooperation with the producers or producer responsibility organisations. This would also be an option for the Member States, not an obligation, and enable the implementation of the EPR taking into account the current EPR systems of the Member States. This would also be in line with the Battery Regulation. We propose the following addition to Article 15: <i>Member States may adopt measures to require that the authorised treatment facilities may collect, store and treat end-of-life vehicles, or parts and components of vehicles, only in cooperation with the producers or, where appointed in accordance with Article 17(1), producer responsibility organisations.</i></p> <p>Similar provision should also be added to Article 23(4) concerning collection points.</p>
In favor	<p>We support the proposed change. It is important that the vehicle owner can deliver an ELV free of charge to a collection point or an authorised treatment facility to ensure that all ELVs are collected and treated in an appropriate manner. To reduce the risk of widespread scavenging of valuable parts by non-authorised operators, we suggest the following wording to the provision: <i>By derogation from paragraph 2, Member States may provide that the delivery of end-of life vehicles is fully free of charge <b>for the vehicle owner</b> even if the end-of life vehicle does not contain some or all of the essential components of a vehicle.</i></p>
Object	<p>We don't think the possibility should be conditional. Producers are responsible for the costs of the collection and treatment of ELVs in any case.</p>

-

We can accept the proposed changes but insist on deleting the 10 % inspection requirement.  
We think Member States should have flexibility concerning the amount of inspections.

If the 10 % requirement is not deleted, we prefer option 4.

**MS**

Austria
Belgium
Bulgaria
Croatia
Republic of Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

**Position**

-
In favor
Object
Neutral
Scrutiny





**PREMIER  
MINISTRE**

*Liberté  
Égalité  
Fraternité*

**Secrétariat général  
des affaires européennes**

Secteur  
Réf. : SGAE/EEC/2025/0030

Paris, le 24 janvier 2025

**Objet : Commentaires des autorités françaises à la suite du groupe de travail du 20 janvier 2025 sur la proposition de règlement du Parlement européen et du Conseil relatif au règlement relatif, d'une part, aux exigences en matière de circularité applicables à la conception des véhicules et, d'autre part, à la gestion des véhicules hors d'usage, et modifiant plusieurs textes (règlement dit VHU)**

Les autorités françaises prient la Présidence de bien vouloir trouver ci-dessous leurs commentaires à la suite du groupe de travail du 20 janvier 2025 sur la proposition de règlement relatif à la fin de vie des véhicules.

Les autorités françaises remercient la présidence polonaise pour sa note de cadrage qui permet de travailler sur certains aspects du règlement et notamment la définition des VHU et véhicule d'occasion, l'exportation des véhicules et une partie du traitement.

## **I. Définition des VHU et annexe I**

La présidence propose de passer le critère « le véhicule a un ou plusieurs points d'entrée soudés ou fermés par de la mousse isolante » qui est actuellement dans la partie A vers la partie B.

**Question 1 : Les États membres sont-ils d'accord avec la proposition ci-dessus ?**

Les autorités françaises sont **favorables** au déplacement de ce critère contraignant vers les critères indicatifs.

**Question 2 : Les États membres estiment-ils que d'autres critères contraignants (A) ou indicatifs (B) devraient être supprimés ou déplacés de la partie A vers la partie B ? Dans l'affirmative, veuillez préciser lesquels.**

Les autorités françaises **ne proposent pas de modifier d'autres critères** d'autant que la notion de techniquement irréparable a été introduite dans les critères contraignants.

**Question 3 : Les États membres acceptent-ils le libellé actuel de la partie introductive de l'annexe I ? Dans la négative, quels changements souhaitent-ils proposer ?**

Les autorités françaises **sont d'accord** sur la partie introductive de l'annexe I.

## II. Exportation de véhicules

### Expédition de véhicules hors d'usage

Question 4 : Les États membres estiment-ils que l'article 36(1) devrait être modifié afin d'être cohérent avec l'article 72(1) du règlement sur les piles et de tenir compte des exigences du règlement sur les transferts de déchets concernant les transferts entre États membres ? Dans l'affirmative, la formulation suivante de l'article 36(1) pourrait-elle être acceptée ?

« Le traitement des véhicules hors d'usage peut être entrepris **en dehors de l'État membre concerné ou en dehors de l'Union, à condition que l'expédition des véhicules hors d'usage ou les déchets produits au cours de leur traitement** sont conformes au Règlement (UE) 2024/1157. »

Les autorités françaises sont **favorables à cette proposition**.

Question 5a : Les États membres estiment-ils que le règlement proposé sur les véhicules hors d'usage devrait contenir une disposition reflétant l'article 72(2) du règlement sur les batteries ?

« Article 36, paragraphe 1, point a): Afin d'établir une distinction entre les véhicules d'occasion et les véhicules hors d'usage, les autorités compétentes des États membres peuvent inspecter les expéditions de véhicules d'occasion suspectés d'être des véhicules hors d'usage afin de vérifier leur conformité avec les exigences énoncées à l'article 37 et à l'annexe I et de surveiller ces expéditions en conséquence. Lorsque les autorités compétentes d'un État membre établissent qu'un envoi prévu de véhicules d'occasion consiste en des véhicules hors d'usage, les coûts des mesures appropriées les analyses, les contrôles et le stockage des véhicules suspectés d'être hors d'usage peuvent être facturés aux personnes organisant l'expédition. »

Les autorités françaises **soutiennent** cette proposition et elles précisent qu'elle est utile afin d'éviter les risques de contournement du règlement TTD.

Question 5b : Faut-il l'ajouter à l'article 36 (ce qui serait une approche cohérente avec le règlement sur les piles) ou l'ajouter à l'article 46 (qui traite des inspections) ?

Les autorités françaises sont **plutôt favorables** à l'introduction de cette rédaction à l'**article 36**.

Question 6 : Les États membres soutiennent-ils la formulation de l'article 37(4) suggérée

Les autorités françaises **sont favorables** à la proposition de rédaction de l'article 37 (4). En France, les compagnies d'assurance passent par un expert pour évaluer l'état du véhicule après accident.

### Régime d'export des véhicules d'occasion

La présidence propose de clarifier les exportations de véhicules comme suit à l'article 38 (3) :

Option 1 : « Les véhicules d'occasion ne peuvent être exportés que s'ils sont en état de rouler. »

Option 2 : « Les véhicules d'occasion ne peuvent être exportés que si les documents attestant qu'ils sont en état de rouler ont été présentés »

Question 7a : Les États membres conviennent-ils qu'une modification de l'article 38, paragraphe 3, est nécessaire ? Si oui, laquelle des options ci-dessus les États membres préfèrent-ils ?

Les autorités françaises sont **favorables** à cette clarification et proposera de retenir l'**option 1** puisque l'article 38(4) précise la fourniture des documents qui atteste le 38(3).

Question 7b : Les États membres conviennent-ils que les exportations vers des pays tiers devraient être soumises à un régime plus strict que les transferts de propriété au sein de l'Union ? Dans l'affirmative, le régime plus strict devrait-il s'appliquer de la même manière aux exportations vers les pays membres et non membres de l'OCDE, ou bien les exportations vers les pays non membres de l'OCDE devraient-elles être soumises à un régime plus strict ?

Les autorités françaises sont **favorables** à un régime plus strict pour l'exportation des véhicules vers des pays tiers. Elles proposent de **ne pas distinguer les pays membre de l'OCDE des pays non membres** afin d'éviter que les pays de l'OCDE soient une porte de sortie vers les pays non OCDE.

### **Export de véhicules vers les pays tiers**

La présidence propose de clarifier le titre du chapitre V ainsi : « *EXPORTATION DE VÉHICULES D'OCCASION* **VERS DES PAYS TIERS** »

Question 8 : Les États membres sont-ils d'accord avec la proposition ci-dessus ?

Les autorités françaises **ne sont pas opposées** à cette proposition d'ajout.

### **Distinction entre VHU et véhicules d'occasion lors du transfert de propriété**

La présidence propose également de clarifier le titre de l'article 37 ainsi : « *Distinction entre véhicules d'occasion et véhicules hors d'usage* **lors du transfert de propriété** »

Question 9 : Les États membres sont-ils d'accord avec la proposition ci-dessus ?

Les autorités françaises **ne s'opposent pas** à cette précision.

### **Périmètre**

Question 10 : Les États membres conviennent-ils qu'il convient d'ajouter à l'article 2, paragraphe 4, le point suivant : « (a1) Article 37a sur l'autorité compétente »

Les autorités françaises sont **d'accord avec cette proposition** puisque les articles concernant l'exportation ne s'appliquent pas aux véhicules de catégorie L.

## **III. Traitement**

### **Pièces et composants dont la dépose est obligatoire**

Question 11 : Les délégations sont invitées à indiquer si les articles 30 et 31 deviennent acceptables sur la base des explications ci-dessus.

Les autorités françaises sont **favorables** à la rédaction actuelle des article 30 et 31.

## Exigences générales en matière de broyage

Question 12 : Les délégations sont invitées à indiquer si les articles 28(3) et 30(2) deviennent acceptables sur la base des explications ci-dessus.

Les autorités françaises soutiennent la proposition de la Présidence, elles sont **d'accord** pour imposer des exigences aux installations de broyage sur la matière en sortie afin d'obtenir des matières plus nobles pour le recyclage. **Cependant, elles s'interrogent** sur les limites imposées au point 2) de la partie G de l'annexe VII dès la publication du règlement sans aucune exigence de recyclage imposé, elles souhaitent que les exigences attendues correspondent à la demande du marché.

Question 13 : Les délégations sont invitées à indiquer si l'annexe VII, partie G, point 2, lettre a), devrait faire référence à la valeur de 0,1 % pour le cuivre libre, ou à 0,15 % ou 0,20 % du total.

Les autorités françaises sont d'accord avec la remise en cause de ce paramètre. La valeur à mentionner est à définir avec les recycleurs et les opérateurs de traitement

## Contrats obligatoires producteur/ATF

Question 14 : Les délégations sont invitées à indiquer si l'article 15(3) devient acceptable sur la base des explications ci-dessus, ou quelles modifications spécifiques seraient nécessaires pour le rendre acceptable.

Les autorités françaises sont d'accord avec la rédaction actuelle de l'article 15(3) qui offre la possibilité aux Etats membres d'imposer un contrat entre les producteurs et les opérateurs de traitement dans le cadre de la REP. Elles précisent qu'en France, de tels contrats sont mis en place pour permettre la couverture du territoire en matière de traitement et une meilleure traçabilité du traitement des véhicules. Par ailleurs, les installations de traitement autorisées doivent toutes disposées d'un contrat avec un constructeur ou un éco-organisme ce qui permet de lutter contre la filière illégale.

## IV. Collecte

Proposition d'ajout après le §3 de l'article 24 ainsi : « 4. *Par dérogation au paragraphe 2, les États membres peuvent prévoir que La livraison des véhicules hors d'usage est entièrement gratuite même si le véhicule hors d'usage ne contient pas tout ou partie des composants essentiels d'un véhicule* »

Question 15 : Les États membres sont-ils d'accord avec la proposition ci-dessus ?

Pas de commentaires.

Question 16 : Une telle possibilité devrait-elle être conditionnée, par exemple, à ce que l'État membre concerné veille à ce que les transporteurs de véhicules soient rémunérés pour la livraison gratuite de véhicules hors d'usage incomplets ?

Les autorités françaises ne sont pas favorables à la proposition de la présidence. En revanche, elles sont **favorables à la collecte gratuite des VHU abandonnés sur des lieux publics**, même s'ils sont incomplets. Elles sont également **favorables à la collecte gratuite des VHU complet chez le détenteur** afin d'éviter les transferts de VHU à la filière illégale qui rémunère la récupération de ces véhicules hors d'usage. **Le coût de la collecte doit être inclus dans les charges à prendre en compte par les producteurs et définies à l'article 20 (1).**

## V. Inspections et rapportage

Proposition de rédaction :

« Art 46 :

1 -Aux fins de l'application du présent règlement, les États membres inspectent :

- a) les installations de traitement autorisées;
- b) les points de collecte;
- c) d'autres installations et opérateurs économiques **identifiés**, susceptibles de traiter des véhicules hors d'usage ou de vendre des pièces détachées et des composants usagés.

2- Les inspections couvrent au moins 10 % des opérateurs énumérés au paragraphe 1 points a) et c), au cours de chaque année civile.

3- Les États membres effectuent également des contrôles concernant l'exportation de véhicules d'occasion afin de vérifier le respect de l'article 38.

**4- Les États membres devraient également établir des stratégies d'inspection visant à détecter les activités illégales dans le domaine de la collecte et du traitement des véhicules hors d'usage et de leurs pièces et composants. »**

La présidence présente plusieurs options pour les inspections à inclure dans l'objectif des 10% :

Option 1 : point a

Option 2 : point a+b+c

Option 3 : point a+c

Option 4 : point a + installations susceptibles de traiter des VHU du c

Question 17 : Les États membres sont-ils d'accord avec la proposition ci-dessus ?

Les autorités françaises sont **d'accord avec l'ajout du 4)** pour la lutte contre les situations illégales.

Question 18 : Quelle option privilégient les États membres

Les autorités françaises privilégient l'option 4.

.....

**En vue du prochain groupe de travail, qui concernera notamment le cluster 3, les autorités françaises souhaitent attirer l'attention de la Présidence sur l'importance des contrôles relatifs aux introductions de matière recyclée dans les nouveaux véhicules (article 6).**

Elles proposent la rédaction suivante :

### Article 6 Minimum recycled content in vehicles

1. The plastic contained in each vehicle type that is type-approved as of [OP: Please insert the date = the first day of the month following 72 months after the date of entry into force of the Regulation] under Regulation (EU) 2018/858 shall contain a minimum of [ %] of plastic recycled by weight from post-consumer plastic waste.

At least [ %] of the target set out in the first subparagraph shall be achieved by including plastics recycled from end-of-life vehicles in the vehicle type concerned.

~~[The weight of the plastic contained in each vehicle and the weight of recycled plastic referred to in the first subparagraph shall exclude elastomers, thermosets other than polyurethane foams used for cushioning and plastics that contain or are contaminated by any substance regulated by Article 7 of Regulation (EU) 2019/1021 when the thresholds of Annex IV of that Regulation are exceeded.]~~

1a. For the purposes of this Article, recycled content is derived from the recovery of post-consumer plastic waste which:

(a) has been collected in the Union in accordance with this Regulation, national rules transposing Directive (EU) 2019/904 and Directive 2008/98/EC, where applicable, or has been collected in a third country in accordance with separate collection standards to promote high quality recycling equivalent to those referred to in this Regulation, Directive (EU) 2019/904 and Directive 2008/98/EC, where applicable; and

(b) where applicable, has been recycled in a facility located in the Union to which Directive 2010/75/EU of the European Parliament and of the Council applies, or has been recycled in a facility located in a third country to which the rules on the prevention and reduction of emissions to air, water and land associated with recycling operations apply ; these rules are equivalent to those concerning emission limits and environmental performance levels established in accordance with Directive 2010/75/EU applicable to an installation in the Union carrying out the same activity; this condition applies only in cases where these limits and levels would be applicable to an installation located in the Union and carrying out the same activity as a similar installation located in the third country.

2. By [OP: Please insert the date = the last day of the month following 23 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts in accordance with Article 51(2) to supplement this Regulation by establishing the methodology for the calculation and verification, for the purposes of paragraph 1 of this Article, of the share of plastics recovered from post-consumer waste, and from end-of-life vehicles respectively, present in and incorporated into the vehicle type **and recycled and collected in the Union in accordance with the conditions referred to in paragraph 1a. The verification method may include the obligation to carry out a third-party audit of manufacturers of recycled content in the Union and vehicle production sites, in order to ensure compliance with the conditions set out in paragraph 1a.**

When adopting the implementing acts, the Commission shall assess, in relation to the available recycling technologies, their economic and environmental performance, including the quality of the result, waste availability, energy required, GHG emissions and other relevant environmental impacts.

If the producer fails to comply with the audit obligation, the vehicles cannot be placed on the European market.

## **Courtesy translation**

*This is a courtesy translation; in the event of differences between the French and English texts, the French text governs.*

**Subject: Comments from the French authorities following the working group of 20 January 2025 on the proposal for a Regulation of the European Parliament and of the Council on the Regulation concerning, on the one hand, the circularity requirements applicable to the design of vehicles and, on the other hand, the management of end-of-life vehicles and amending several texts (ELV Regulation)**

The French authorities would kindly ask the Presidency to find their comments below following the working group of 20 January 2025 on the proposal for a regulation on the end-of-life of vehicles.

The French authorities would like to thank the Polish Presidency for its framework note, which enabled work to be carried out on certain aspects of the regulation, in particular the definition of ELV and second-hand vehicles, the export of vehicles and part of the treatment.

### **II. ELV definition and annex I**

The Presidency proposes that the criterion "the vehicle has one or more entry points welded or sealed with insulating foam", currently in part A, be moved to part B.

[Question 1 : Do the Member States agree with the above proposal?](#)

The French authorities are in favour of moving this binding criterion to the indicative criteria.

[Question 2 : Do the Member States believe that some other binding \(A\) or indicative \(B\) criteria should be deleted or moved from part A to part B? If so please specify which ones.](#)

The French authorities are not proposing to change any other criteria especially as the concept of technically irreparable has been introduced into the binding criteria.

[Question 3 : Do the Member States accept the current wording of the introductory part of Annex I? If not, what changes do the Member States wish to propose?](#)

The French authorities agree with the introductory part of Annex I.

### **VI. Export of vehicles**

#### **Export of ELV**

[Question 4 : Do the Member States believe that article 36\(1\) should be amended in order to be consistent with article 72\(1\) of the Batteries Regulation and take into account the requirements of the Waste Shipment Regulation concerning shipment between Member States? If so, could the following wording of Article 36\(1\) be accepted?](#)

*Treatment of end-of-life vehicles may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of end-of-life vehicles or waste produced in the process of their treatment is in compliance with Regulation (EU) 2024/1157.*

The French authorities are in favour of this proposal.

Question 5a : Question 5a: Do the Member States believe that the proposed ELV Regulation should contain a provision mirroring Article 72(2) of the Batteries regulation? If so, can the following wording be accepted?

*Article 36(1a): In order to distinguish between used vehicles and end-of-life vehicles, the competent authorities of Member States may inspect shipments of used vehicles suspected to be end-of-life vehicles for compliance with the requirements set out in Article 37 and Annex I and monitor such shipments accordingly. Where the competent authorities in a Member State establish that an intended shipment of used vehicle consists of end-of-life vehicle, the costs of appropriate analyses, inspections and storage of the vehicles suspected to be end-of-life vehicles may be charged to the persons arranging the shipment.*

The French authorities support this proposal and state that it is useful in order to avoid the risks of circumvention of the TTD Regulation.

Question 5b : Should it be added to Article 36 (which would be an approach consistent with the Batteries Regulation) or added to Article 46 (which deals with inspections)?

The French authorities are rather in favour of introducing this wording into Article 36.

Question 6 : Do the Member States support the wording of article 37(4) suggested above?

*4. When assessing the damage of an accidented vehicle, the insurance company or any other economic operator conducting the assessment on its behalf shall also assess whether the vehicle is an end-of-life vehicle or not according to Annex I. Insurance companies shall ensure that provide competent authorities are provided at least once a year with a list of: (...)*

The French authorities are in favour of the proposed wording of Article 37(4). In France, insurance companies use an expert to assess the condition of the vehicle after an accident.

## **Export regime for second-hand vehicles**

*The Presidency proposes to clarify vehicle exports as follows in Article 38(3):*

*Option 1: "Second-hand vehicles may be exported only if they are roadworthy."*

*Option 2: "Second-hand vehicles may be exported only if the documents certifying that they are roadworthy have been presented."*

Question 7a : Do the Member States agree that an amendment of Article 38(3) is needed? If so, which of the options above do the Member States prefer?

The French authorities are in favour of this clarification and will propose to retain option 1 since Article 38(4) specifies the provision of documents attesting to 38(3).

Question 7b : Do the Member States agree that exports to third countries should be subject to a stricter regime than transfers of ownership within the Union? If so – should the stricter regime apply in the same



way for exports to both OECD and non-OECD countries, or should just export to non-OECD countries be subject to a stricter regime?

The French authorities are in favour of a stricter regime for the export of vehicles to third countries. They propose that no distinction should be made between OECD and non-OECD countries in order to avoid OECD countries being a gateway to non-OECD countries.

### **Vehicle exports to third countries**

Question 8 : Do the Member States agree with the above proposal?

*For complete clarity, the Presidency suggests to change the title of Chapter Va to: "EXPORT OF USED VEHICLES TO THIRD COUNTRIES"*

The French authorities are not opposed to this proposed addition.

### **Distinction between end-of-life vehicles and used vehicles at the time of transfer of ownership**

Question 9 : Do Member States agree with the above proposal?

*It has also been suggested that the title of Article 37 could be amended as follows: "Distinction between used vehicles and end-of-life vehicles upon transfer of ownership"*

The French authorities do not object to this clarification.

### **Scope**

Question 10 : Do the Member States agree that in Article 2(4), the following point should be added: *(a1) Article 37a on competent authority;*

The French authorities agree with this proposal, since the articles concerning exports do not apply to category L vehicles.

## **VII. Treatment**

### **Parts and components that must be removed**

Question 11 : Delegations are invited to indicate whether Articles 30 and 31 become acceptable on the basis of the above explanations.

The French authorities are in favour of the current wording of Articles 30 and 31.

### **General shredding requirements**

Question 12 : Delegations are invited to indicate whether Articles 28(3) and 30(2) become acceptable on the basis of the above explanations.

The French authorities support the Presidency's proposal. They agree that shredding plants should be required to shred the output material in order to obtain more valuable materials for recycling. However, they question the limits imposed in point 2) of part G of Annex VII as soon as the regulation is published

without any imposed recycling requirement, they would like the expected requirements to correspond to market demand.

Question 13 : Delegations are invited to indicate whether Annex VII Part G point 2 letter (a) should refer the 0.1% value to free copper, or 0.15% or 0.20% of total copper content , or if any other specific amendments would be required to make it acceptable.

The French authorities agree that this parameter should be reconsidered. The value to be mentioned is to be defined with recyclers and treatment operators.

### **Mandatory producer/ATF contracts**

Question 14 : Delegations are invited to indicate whether Article 15(3) becomes acceptable on the basis of the above explanations, or which specific amendments would be required to make it acceptable.

The French authorities agree with the current wording of Article 15(3), which allows Member States to impose a contract between producers and treatment operators under EPR. They point out that in France, such contracts are put in place to ensure territorial coverage of treatment facilities and better traceability of vehicle treatment. In addition, all authorised treatment facilities must have a contract with a manufacturer or an eco-organisation, which helps to combat the illegal sector.

## **VIII. Collect**

Question 15 : Do the Member States agree with the above proposal?

*3. The requirements set out in paragraph 2 shall not apply for vehicles that have been declared as technical total loss by the insurance companies.*

*4. By derogation from paragraph 2, Member States may provide that the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle.*

No comments.

Question 16 : Should such a possibility be conditional, e.g. upon the relevant Member State ensuring that ATFs are compensated for providing free of charge delivery of incomplete end-of-life vehicles?

The French authorities are not in favour of the Presidency's proposal. However, they are in favour of the free collection of ELVs abandoned in public places, even if they are incomplete. They are also in favour of the free collection of complete ELVs from their owners in order to prevent the transfer of ELVs to the illegal sector, which pays for the recovery of these end-of-life vehicles. The cost of collection must be included in the costs to be borne by producers as defined in Article 20 (1).

## **IX. Inspections and reporting**

Question 17 : Do the Member States agree with the above proposal?

The French authorities agree with the addition of 4) for the fight against illegal situations.

Question 18 : Which option do the Member States prefer?

The French delegation favours option 4.

.....

Member State	Question No	Reference Art	Question
France	1	Annex I Part A and B	In Annex I part A point b ( <i>it has one or more entry points been welded up or closed by insulating foam</i> ) should be moved to part B of Annex I and added to point h. <b>Do the Member States agree with the above proposal?</b>
	2	Annex I Part A and B	<b>Do the Member States believe that some other binding (A) or indicative (B) criteria should be deleted or moved from part A to part B? If so please specify which ones.</b>
	3	Annex I	<b>Do the Member States accept the current wording of the introductory part of Annex I? If not, what changes do the Member States wish to propose?</b>
	4	36	<b>Do the Member States believe that article 36(1) should be amended in order to be consistent with article 72(1) of the Batteries Regulation and take into account the requirements of the Waste Shipment Regulation concerning shipment between Member States? If so, could the following wording of <u>Article 36(1)</u> be accepted?</b> <i>Treatment of end-of-life vehicles may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of end-of-life vehicles or waste produced in the process of their treatment is in compliance with Regulation (EU) 2024/1157.</i>

	5a	36	<p><b>Do the Member States believe that the proposed ELV Regulation should contain a provision mirroring Article 72(2) of the Batteries regulation?</b> If so, can the following wording be accepted?</p> <p><i>NEW Article : In order to distinguish between used vehicles and end-of-life vehicles, the competent authorities of Member States may inspect shipments of used vehicles suspected to be end-of-life vehicles for compliance with the requirements set out in Article 37 and Annex I and monitor such shipments accordingly.</i></p> <p><i>Where the competent authorities in a Member State establish that an intended shipment of used vehicle consists of end-of-life vehicle, the costs of appropriate analyses, inspections and storage of the vehicles suspected to be end-of-life vehicles may be charged to the persons arranging the shipment.</i></p>
	5b	36, 46	<p><b>Should it [NEW Article above] be added to Article 36 (which would be an approach consistent with the Batteries Regulation) or added to Article 46 (which deals with inspections)?</b></p>
	6	37	<p><i>37(4): When assessing the damage of an accidented vehicle, the insurance company or any other economic operator conducting the assessment on its behalf shall also assess whether the vehicle is an end-of-life vehicle or not according to Annex I.</i></p> <p><i>Insurance companies shall ensure that competent authorities are provided at least once a year with a list of: (...).</i></p> <p><b>Do the Member States support the wording of article 37(4) suggested above?</b></p>

7a	38	<p><b>Do the Member States agree that an amendment of Article 38(3) is needed?</b> If so, which of the options above do the Member States prefer?</p> <p><u>Option 1:</u> 3. <i>Used vehicles may be exported only if they are roadworthy.</i></p> <p><u>Option 2:</u> 3. <i>Used vehicles may be exported only if the documentation that they are roadworthy has been presented.</i></p>
7b	38	<p><b>Do the Member States agree that exports to third countries should be subject to a stricter regime than transfers of ownership within the Union?</b> If so – should the stricter regime apply in the same way for exports to both OECD and non-OECD countries, or should just export to non-OECD countries be subject to a stricter regime?</p>
8	Chapter Va	<p>change the title of Chapter Va to: <i>EXPORT OF USED VEHICLES TO THIRD COUNTRIES</i></p> <p><b>Do the Member States agree with the above proposal?</b></p>
9	37	<p>change the title of Article 37 as follows: <i>Distinction between used vehicles and end-of-life vehicles upon transfer of ownership</i></p> <p><b>Do Member States agree with the above proposal?</b></p>
10	2	<p><b>Do the Member States agree that in Article 2(4), the following point should be added?</b></p> <p><i>2(4): (a1) Article 37a on competent authority;</i></p>
11	30, 31	<p><b>Delegations are invited to indicate whether they support the current wording of Articles 30 and 31 on the basis of the explanations provided in the steering note.</b></p>
12	28, 30	<p><b>Delegations are invited to indicate whether they accept the current wording of Articles 28(3) and 30(2) on the basis of the explanations provided in the steering note.</b></p>

	13	Annex VII Part G	Delegations are invited to indicate whether Annex VII Part G point 2 letter (a) should refer the 0.1% value to free copper, or 0.15% or 0.20% of total copper content , or if any other specific amendments would be required to make it acceptable.
	14	15	Delegations are invited to indicate whether they accept the current wording of Article 15(3) on the basis of the explanations provided in the steering note; or which specific amendments would be required to make it acceptable.
	15	24	<i>NEW Article 24(4): By derogation from paragraph 2, Member States may provide that the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle.</i> <b>Do the Member States agree with the above proposal?</b>
	16	24	<b>Should such a possibility [NEW Article 24(4)] be conditional, e.g. upon the relevant Member State ensuring that ATFs are compensated for providing free of charge delivery of incomplete end-of-life vehicles?</b>

	17	46	<p><b>Article 46</b>  <i>1. Member States shall, for the purpose of enforcing this Regulation, inspect:</i>  <i>(a) authorised treatment facilities;</i>  <i>(b) collection points;</i>  <i>(c) other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components.</i>  <i>2. The inspections shall cover at least 10 % of the operators listed in paragraph 1, points (a) and (c), in each calendar year.</i>  <i>3. Member States shall also carry out inspections concerning export of used vehicles in order to verify compliance with Article 38.</i>  <i>4. Member States should also establish inspection strategies aimed at detecting illegal activities in the area of collection and treatment of end-of-life vehicles and their parts and components.</i>  <b>Do the Member States agree with the above proposal?</b></p>
	18	46	<p><b>Which option do the Member States prefer? [for the 10% inspection target]</b>  <u>Option 1</u> – only authorised treatment facilities (point a);  <u>Option 2</u> – authorised treatment facilities, collection points and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a, b and c);  <u>Option 3</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a and c);  <u>Option 4</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles (point a and part of point c).</p>

MS position	MS Comments
In favor	
Object	The French authorities are not proposing to modify any other criteria, especially as the concept of technical irreparability has been introduced into the binding criteria.
In favor	
In favor	



In favor	
	article 36
In favor	In France, insurance companies use an expert to assess the condition of the vehicle after an accident.

	option 1 - since article 38(4) specifies the provision of documents attesting to 38(3).
<b>In favor</b>	not distinguish between OECD and non-OECD countries, so as to avoid OECD countries being a gateway to non-OECD countries.
<b>Neutral</b>	
<b>Neutral</b>	
<b>In favor</b>	
<b>In favor</b>	
<b>In favor</b>	However, the French authorities are concerned about the limits imposed in point 2) of part G of Annex VII as soon as the regulation is published, without any requirement for mandatory recycling, and they want the expected requirements to correspond to market demand.

	The French authorities agree that this parameter should be reconsidered. The value to be mentioned is to be defined with recyclers and treatment operators.
<b>In favor</b>	The French authorities point out that in France, such contracts are put in place to ensure nationwide coverage of treatment facilities and better traceability of vehicle treatment. In addition, all authorised treatment facilities must have a contract with a manufacturer or an eco-organisation, which helps to combat the illegal sector.
<b>Object</b>	On the other hand, the French authorities are in favour of the free collection of ELVs abandoned in public places, even if they are incomplete. They are also in favour of the free collection of complete ELVs from their owners, in order to prevent the transfer of ELVs to the illegal sector, which pays for the recovery of these end-of-life vehicles.
<b>In favor</b>	The cost of collection must be included in the charges to be taken into account by producers and defined in Article 20 (1).

<b>In favor</b>	
	Option 4

**MS**

Austria
Belgium
Bulgaria
Croatia
Republic of Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

**Position**

-
In favor
Object
Neutral
Scrutiny

Member State	Question No	Reference Art	Question
Ireland	1	Annex I Part A and B	In Annex I part A point b ( <i>it has one or more entry points been welded up or closed by insulating foam</i> ) should be moved to part B of Annex I and added to point h. <b>Do the Member States agree with the above proposal?</b>
	2	Annex I Part A and B	<b>Do the Member States believe that some other binding (A) or indicative (B) criteria should be deleted or moved from part A to part B? If so please specify which ones.</b>
	3	Annex I	<b>Do the Member States accept the current wording of the introductory part of Annex I? If not, what changes do the Member States wish to propose?</b>
	4	36	<b>Do the Member States believe that article 36(1) should be amended in order to be consistent with article 72(1) of the Batteries Regulation and take into account the requirements of the Waste Shipment Regulation concerning shipment between Member States? If so, could the following wording of <u>Article 36(1)</u> be accepted?</b> <i>Treatment of end-of-life vehicles may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of end-of-life vehicles or waste produced in the process of their treatment is in compliance with Regulation (EU) 2024/1157.</i>

	5a	36	<p><b>Do the Member States believe that the proposed ELV Regulation should contain a provision mirroring Article 72(2) of the Batteries regulation? If so, can the following wording be accepted?</b></p> <p><i>NEW Article : In order to distinguish between used vehicles and end-of-life vehicles, the competent authorities of Member States may inspect shipments of used vehicles suspected to be end-of-life vehicles for compliance with the requirements set out in Article 37 and Annex I and monitor such shipments accordingly.</i></p> <p><i>Where the competent authorities in a Member State establish that an intended shipment of used vehicle consists of end-of-life vehicle, the costs of appropriate analyses, inspections and storage of the vehicles suspected to be end-of-life vehicles may be charged to the persons arranging the shipment.</i></p>
	5b	36, 46	<p><b>Should it [NEW Article above] be added to Article 36 (which would be an approach consistent with the Batteries Regulation) or added to Article 46 (which deals with inspections)?</b></p>
	6	37	<p><i>37(4): When assessing the damage of an accidented vehicle, the insurance company or any other economic operator conducting the assessment on its behalf shall also assess whether the vehicle is an end-of-life vehicle or not according to Annex I.</i></p> <p><i>Insurance companies shall ensure that competent authorities are provided at least once a year with a list of: (...).</i></p> <p><b>Do the Member States support the wording of article 37(4) suggested above?</b></p>

7a	38	<p><b>Do the Member States agree that an amendment of Article 38(3) is needed?</b> If so, which of the options above do the Member States prefer?</p> <p><u>Option 1:</u>  <i>3. Used vehicles may be exported only if they are roadworthy.</i></p> <p><u>Option 2:</u>  <i>3. Used vehicles may be exported only if the documentation that they are roadworthy has been presented.</i></p>
7b	38	<p><b>Do the Member States agree that exports to third countries should be subject to a stricter regime than transfers of ownership within the Union?</b> If so – should the stricter regime apply in the same way for exports to both OECD and non-OECD countries, or should just export to non-OECD countries be subject to a stricter regime?</p>
8	Chapter Va	<p>change the title of Chapter Va to:  <b>EXPORT OF USED VEHICLES TO THIRD COUNTRIES</b>  <b>Do the Member States agree with the above proposal?</b></p>
9	37	<p>change the title of Article 37 as follows:  <i>Distinction between used vehicles and end-of-life vehicles upon transfer of ownership</i>  <b>Do Member States agree with the above proposal?</b></p>
10	2	<p><b>Do the Member States agree that in Article 2(4), the following point should be added?</b>  <i>2(4): (a1) Article 37a on competent authority;</i></p>
11	30, 31	<p><b>Delegations are invited to indicate whether they support the current wording of Articles 30 and 31 on the basis of the explanations provided in the steering note.</b></p>
12	28, 30	<p><b>Delegations are invited to indicate whether they accept the current wording of Articles 28(3) and 30(2) on the basis of the explanations provided in the steering note.</b></p>



	13	Annex VII Part G	Delegations are invited to indicate whether Annex VII Part G point 2 letter (a) should refer the 0.1% value to free copper, or 0.15% or 0.20% of total copper content , or if any other specific amendments would be required to make it acceptable.
	14	15	Delegations are invited to indicate whether they accept the current wording of Article 15(3) on the basis of the explanations provided in the steering note; or which specific amendments would be required to make it acceptable.
	15	24	<i>NEW Article 24(4): By derogation from paragraph 2, Member States may provide that the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle.</i> <b>Do the Member States agree with the above proposal?</b>
	16	24	<b>Should such a possibility [NEW Article 24(4)] be conditional, e.g. upon the relevant Member State ensuring that ATFs are compensated for providing free of charge delivery of incomplete end-of-life vehicles?</b>

	17	46	<p><b>Article 46</b>  <i>1. Member States shall, for the purpose of enforcing this Regulation, inspect:</i>  <i>(a) authorised treatment facilities;</i>  <i>(b) collection points;</i>  <i>(c) other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components.</i>  <i>2. The inspections shall cover at least 10 % of the operators listed in paragraph 1, points (a) and (c), in each calendar year.</i>  <i>3. Member States shall also carry out inspections concerning export of used vehicles in order to verify compliance with Article 38.</i>  <i>4. Member States should also establish inspection strategies aimed at detecting illegal activities in the area of collection and treatment of end-of-life vehicles and their parts and components.</i>  <b>Do the Member States agree with the above proposal?</b></p>
	18	46	<p><b>Which option do the Member States prefer? [for the 10% inspection target]</b>  <u>Option 1</u> – only authorised treatment facilities (point a);  <u>Option 2</u> – authorised treatment facilities, collection points and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a, b and c);  <u>Option 3</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a and c);  <u>Option 4</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles (point a and part of point c).</p>

MS position	MS Comments
In favor	We agree with this proposal.
Neutral	.We have no further observations at this stage.
Scrutiny	For clarity, we suggest the following wording in point 3: “A vehicle for which either Part A or Part B applies, and which meets the criteria of Part C, is not an end-of-life vehicle.”
In favor	We agree with this wording.

<b>In favor</b>	We agree with this wording.
<b>Neutral</b>	We are open on this point.
<b>In favor</b>	We can agree with this wording. We consider that an appropriately qualified and independent economic operator should be certified to make a determination that the used vehicle is roadworthy.

<b>In favor</b>	We agree that an amendment to Article 38(3) is needed. We are open as to the wording.
<b>In favor</b>	Making a distinction between intra EU shipments and those destined for either OECD or non-OECD countries would be consistent with the rationale applied in the Waste Shipment Regulation. A stricter regime should apply to shipments with a final destination outside the EU, with the strictest regime applying to those destined for non-OECD countries.
<b>In favor</b>	We agree with this change.
<b>In favor</b>	We agree with this change.
<b>In favor</b>	We agree with this change.
<b>Scrutiny</b>	We are still examining this point.
<b>Scrutiny</b>	We are still examining this point.

<b>Scrutiny</b>	We are still examining this point.
<b>In favor</b>	We can accept, as long as it remains a “may” provision i.e. at the Member State discretion.
<b>Neutral</b>	We can accept, as long as it remains a “may” provision i.e. at the Member State discretion. However, we would be concerned that availing of this derogation may undermine efforts to to discourage non-authorised operators from scavenging parts.
<b>Neutral</b>	As above, we can accept. However, we would be concerned that a compensation mechanism may have the unintended consequence of incentivising the removal of parts.

<b>In favor</b>	<p>We agree with the establishment of Inspection Strategies aimed at detecting illegal activities in this area. Such Inspection Strategies should require the involvement and support of the relevant Producer Responsibility Organisation in detecting illegal activities, as well as other regulatory agencies, as appropriate.</p>
<b>In favor</b>	<p>We prefer Option 2 here.</p>

**MS**

Austria
Belgium
Bulgaria
Croatia
Republic of Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

**Position**

-
In favor
Object
Neutral
Scrutiny



## ITALY

### **Article 15 Authorised treatment facilities**

3a. ~~Member States may adopt measures to require that~~ Producers or, where appointed in accordance with Article 17(1), producer responsibility organisations, may conclude adequate contracts with authorised treatment facilities for the purposes of implementing their producer responsibility obligations. **Such contracts shall be based on a model contract established by the Member State with detailed requirements to ensure appropriate, transparent and non-discriminatory terms and conditions.**

*Nel caso, occorrerebbe sostenere anche lo stralcio del paragrafo 5:*

5. The Commission shall, by [OP: please enter the date = the last day of the month following 24 months after the date of entry into force of this Regulation], adopt an implementing act laying down detailed requirements applicable to the contracts referred to in paragraph 3a, with a view to ensuring fair, transparent and non discriminatory terms and conditions. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 51(2).

Member State	Question No	Reference Art	Question
Italy	1	Annex I Part A and B	In Annex I part A point b ( <i>it has one or more entry points been welded up or closed by insulating foam</i> ) should be moved to part B of Annex I and added to point h. <b>Do the Member States agree with the above proposal?</b>
	2	Annex I Part A and B	<b>Do the Member States believe that some other binding (A) or indicative (B) criteria should be deleted or moved from part A to part B? If so please specify which ones.</b>
	3	Annex I	<b>Do the Member States accept the current wording of the introductory part of Annex I? If not, what changes do the Member States wish to propose?</b>
	4	36	<b>Do the Member States believe that article 36(1) should be amended in order to be consistent with article 72(1) of the Batteries Regulation and take into account the requirements of the Waste Shipment Regulation concerning shipment between Member States? If so, could the following wording of <u>Article 36(1)</u> be accepted?</b> <i>Treatment of end-of-life vehicles may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of end-of-life vehicles or waste produced in the process of their treatment is in compliance with Regulation (EU) 2024/1157.</i>

	5a	36	<p><b>Do the Member States believe that the proposed ELV Regulation should contain a provision mirroring Article 72(2) of the Batteries regulation? If so, can the following wording be accepted?</b></p> <p><i>NEW Article : In order to distinguish between used vehicles and end-of-life vehicles, the competent authorities of Member States may inspect shipments of used vehicles suspected to be end-of-life vehicles for compliance with the requirements set out in Article 37 and Annex I and monitor such shipments accordingly.</i></p> <p><i>Where the competent authorities in a Member State establish that an intended shipment of used vehicle consists of end-of-life vehicle, the costs of appropriate analyses, inspections and storage of the vehicles suspected to be end-of-life vehicles may be charged to the persons arranging the shipment.</i></p>
	5b	36, 46	<p><b>Should it [NEW Article above] be added to Article 36 (which would be an approach consistent with the Batteries Regulation) or added to Article 46 (which deals with inspections)?</b></p>
	6	37	<p><i>37(4): When assessing the damage of an accidented vehicle, the insurance company or any other economic operator conducting the assessment on its behalf shall also assess whether the vehicle is an end-of-life vehicle or not according to Annex I.</i></p> <p><i>Insurance companies shall ensure that competent authorities are provided at least once a year with a list of: (...).</i></p> <p><b>Do the Member States support the wording of article 37(4) suggested above?</b></p>

	7a	38	<p><b>Do the Member States agree that an amendment of Article 38(3) is needed?</b> If so, which of the options above do the Member States prefer?</p> <p><u>Option 1:</u> 3. <i>Used vehicles may be exported only if they are roadworthy.</i></p> <p><u>Option 2:</u> 3. <i>Used vehicles may be exported only if the documentation that they are roadworthy has been presented.</i></p>
	7b	38	<p><b>Do the Member States agree that exports to third countries should be subject to a stricter regime than transfers of ownership within the Union?</b> If so – should the stricter regime apply in the same way for exports to both OECD and non-OECD countries, or should just export to non-OECD countries be subject to a stricter regime?</p>
	8	Chapter Va	<p>change the title of Chapter Va to: <i>EXPORT OF USED VEHICLES TO THIRD COUNTRIES</i></p> <p><b>Do the Member States agree with the above proposal?</b></p>
	9	37	<p>change the title of Article 37 as follows: <i>Distinction between used vehicles and end-of-life vehicles upon transfer of ownership</i></p> <p><b>Do Member States agree with the above proposal?</b></p>
	10	2	<p><b>Do the Member States agree that in Article 2(4), the following point should be added?</b></p> <p>2(4): (a1) <i>Article 37a on competent authority;</i></p>

	11	30, 31	Delegations are invited to indicate whether they support the current wording of Articles 30 and 31 on the basis of the explanations provided in the steering note.
	12	28, 30	Delegations are invited to indicate whether they accept the current wording of Articles 28(3) and 30(2) on the basis of the explanations provided in the steering note.
	13	Annex VII Part G	Delegations are invited to indicate whether Annex VII Part G point 2 letter (a) should refer the 0.1% value to free copper, or 0.15% or 0.20% of total copper content , or if any other specific amendments would be required to make it acceptable.
	14	15	Delegations are invited to indicate whether they accept the current wording of Article 15(3) on the basis of the explanations provided in the steering note; or which specific amendments would be required to make it acceptable.

	15	24	<p><i>NEW Article 24(4): By derogation from paragraph 2, Member States may provide that the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle.</i></p> <p><b>Do the Member States agree with the above proposal?</b></p>
	16	24	<p><b>Should such a possibility [NEW Article 24(4)] be conditional, e.g. upon the relevant Member State ensuring that ATFs are compensated for providing free of charge delivery of incomplete end-of-life vehicles?</b></p>
	17	46	<p><i>Article 46</i></p> <p><i>1. Member States shall, for the purpose of enforcing this Regulation, inspect:</i></p> <p><i>(a) authorised treatment facilities;</i></p> <p><i>(b) collection points;</i></p> <p><i>(c) other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components.</i></p> <p><i>2. The inspections shall cover at least 10 % of the operators listed in paragraph 1, points (a) and (c), in each calendar year.</i></p> <p><i>3. Member States shall also carry out inspections concerning export of used vehicles in order to verify compliance with Article 38.</i></p> <p><i>4. Member States should also establish inspection strategies aimed at detecting illegal activities in the area of collection and treatment of end-of-life vehicles and their parts and components.</i></p> <p><b>Do the Member States agree with the above proposal?</b></p>

	18	46	<p><b>Which option do the Member States prefer? [for the 10% inspection target]</b></p> <p><u>Option 1</u> – only authorised treatment facilities (point a);</p> <p><u>Option 2</u> – authorised treatment facilities, collection points and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a, b and c);</p> <p><u>Option 3</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a and c);</p> <p><u>Option 4</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles (point a and part of point c).</p>
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MS position	MS Comments
In favor	We can agree to move this criterion to Part B of Annex I.
Scrutiny	
Scrutiny	
In favor	This observation and the proposed amendment are acceptable

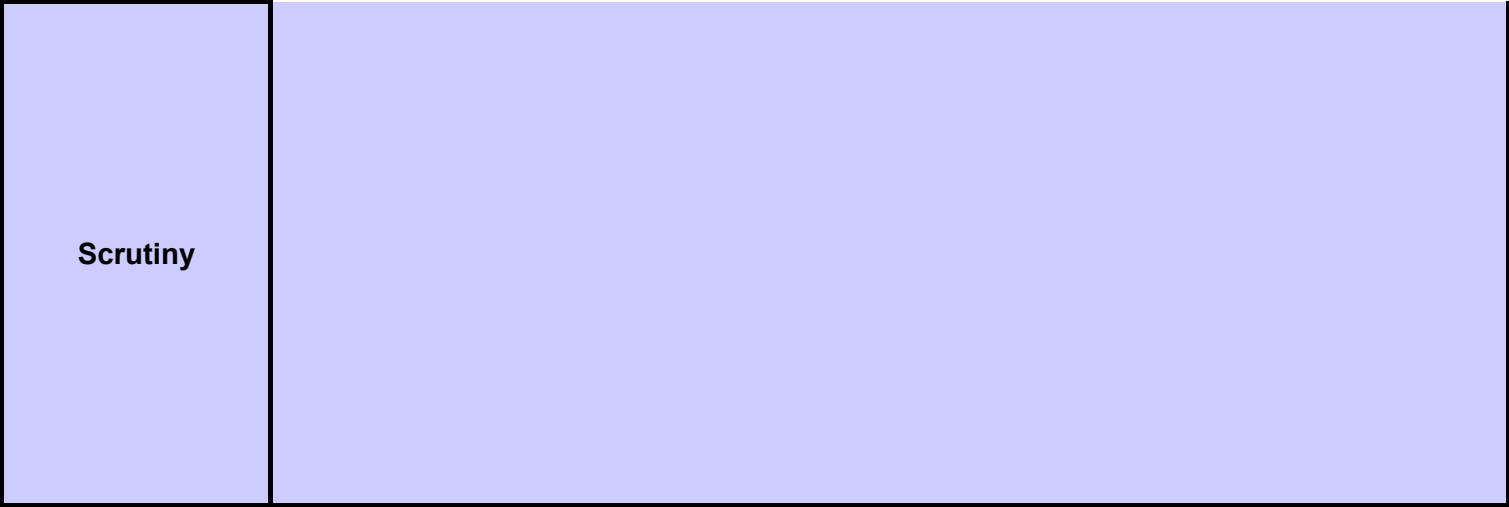


<b>In favor</b>	The proposed text could be supported, but it needs to be clarified which authorities are competent in this case. The Waste Shipment Regulation, for example, refers to the authorities involved in inspections.
<b>Scrutiny</b>	
<b>In favor</b>	

	<p>It is agreed that Article 38(3) should be amended. Option 2 seems preferable. It would be useful to be able to cross-check with the destination country to ensure that the dispatched vehicle is used as per the dispatch specification (e.g. used vehicle dispatched and then catalogued by the receiving country as an end-of-life vehicle).</p>
<b>In favor</b>	<p>We agree that there is a need for greater stringency and control with regard to exports to third countries, with no preferential treatment in the case of exports to OECD countries.</p>
<b>Scrutiny</b>	
<b>Scrutiny</b>	
<b>In favor</b>	<p>We agree with the proposal as it provides more clarity.</p>

-	<p>We agree that there is a need to increase the recovery of materials included in the parts and components of end-of-life vehicles through specific treatment methods that also allow maximum recycling of critical raw materials. However, it is pointed out that for many of the parts listed in Annex VII, Part C, the recovery of certain materials (e.g. copper) could also take place at the post-shredding stage. For other parts, on the other hand, removal would not bring benefits as they are composed of many materials. For this reason, it is considered that Part C of Annex VII should be amended. Regarding Article 30, paragraph 2 could be reworded to make it clearer, indicating that for the parts or components listed in the second column of Part C of Annex VII, there is no obligation for ATFs to remove them if they consider that these parts and components have no potential for reuse, reclamation or reconditioning.</p>
	See question 11.
Scrutiny	
Object	<p>We confirm our opposition to Article 15(3a). We do not believe that a contract between the producer and ATF is essential to allow the latter to freely exercise its activities, for which it has been authorised by the competent national authority. We propose this amendment: <b>3a.</b> Producers or, where appointed in accordance with Article 17(1), producer responsibility organisations <b>may</b> conclude <u>adequate</u> contracts with authorised treatment facilities for the purposes of implementing their producer responsibility obligations. <b><u>Such contracts shall be based on a model contract established by the Member State with detailed requirements to ensure appropriate, transparent and non-discriminatory terms and conditions.</u></b></p> <p>Art. 15(5) should be deleted.</p>

<b>Object</b>	We do not support the introduction of paragraph 4 as it would encourage the collection of valuable parts and components by unauthorised operators.
<b>Object</b>	We do not agree with this in order to prevent non-professionals from disassembling components for resale.
<b>Scrutiny</b>	



**MS**

Austria
Belgium
Bulgaria
Croatia
Republic of Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

**Position**

-
In favor
Object
Neutral
Scrutiny

Member State	Question No	Reference Art	Question
Lithuania	1	Annex I Part A and B	In Annex I part A point b ( <i>it has one or more entry points been welded up or closed by insulating foam</i> ) should be moved to part B of Annex I and added to point h. <b>Do the Member States agree with the above proposal?</b>
	2	Annex I Part A and B	<b>Do the Member States believe that some other binding (A) or indicative (B) criteria should be deleted or moved from part A to part B?</b> If so please specify which ones.
	3	Annex I	<b>Do the Member States accept the current wording of the introductory part of Annex I?</b> If not, what changes do the Member States wish to propose?

4	36	<p><b>Do the Member States believe that article 36(1) should be amended in order to be consistent with article 72(1) of the Batteries Regulation and take into account the requirements of the Waste Shipment Regulation concerning shipment between Member States?</b> If so, could the following wording of <u>Article 36(1)</u> be accepted?</p> <p><i>Treatment of end-of-life vehicles may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of end-of-life vehicles or waste produced in the process of their treatment is in compliance with Regulation (EU) 2024/1157.</i></p>
5a	36	<p><b>Do the Member States believe that the proposed ELV Regulation should contain a provision mirroring Article 72(2) of the Batteries regulation?</b> If so, can the following wording be accepted?</p> <p><i><u>NEW Article</u> : In order to distinguish between used vehicles and end-of-life vehicles, the competent authorities of Member States may inspect shipments of used vehicles suspected to be end-of-life vehicles for compliance with the requirements set out in Article 37 and Annex I and monitor such shipments accordingly.</i></p> <p><i>Where the competent authorities in a Member State establish that an intended shipment of used vehicle consists of end-of-life vehicle, the costs of appropriate analyses, inspections and storage of the vehicles suspected to be end-of-life vehicles may be charged to the persons arranging the shipment.</i></p>
5b	36, 46	<p><b>Should it [NEW Article above] be added to Article 36 (which would be an approach consistent with the Batteries Regulation) or added to Article 46 (which deals with inspections)?</b></p>



	6	37	<p>37(4): <i>When assessing the damage of an accidented vehicle, the insurance company or any other economic operator conducting the assessment on its behalf shall also assess whether the vehicle is an end-of-life vehicle or not according to Annex I.</i></p> <p><i>Insurance companies shall ensure that competent authorities are provided at least once a year with a list of: (...).</i></p> <p><b>Do the Member States support the wording of article 37(4) suggested above?</b></p>
	7a	38	<p><b>Do the Member States agree that an amendment of Article 38(3) is needed?</b> If so, which of the options above do the Member States prefer?</p> <p><u>Option 1:</u></p> <p><i>3. Used vehicles may be exported only if they are roadworthy.</i></p> <p><u>Option 2:</u></p> <p><i>3. Used vehicles may be exported only if the documentation that they are roadworthy has been presented.</i></p>
	7b	38	<p><b>Do the Member States agree that exports to third countries should be subject to a stricter regime than transfers of ownership within the Union?</b> If so – should the stricter regime apply in the same way for exports to both OECD and non-OECD countries, or should just export to non-OECD countries be subject to a stricter regime?</p>
	8	Chapter Va	<p>change the title of Chapter Va to:</p> <p><b>EXPORT OF USED VEHICLES TO THIRD COUNTRIES</b></p> <p><b>Do the Member States agree with the above proposal?</b></p>

9	37	change the title of Article 37 as follows: <i>Distinction between used vehicles and end-of-life vehicles upon transfer of ownership</i> <b>Do Member States agree with the above proposal?</b>
10	2	<b>Do the Member States agree that in Article 2(4), the following point should be added?</b> <i>2(4): (a1) Article 37a on competent authority;</i>
11	30, 31	<b>Delegations are invited to indicate whether they support the current wording of Articles 30 and 31 on the basis of the explanations provided in the steering note.</b>
12	28, 30	<b>Delegations are invited to indicate whether they accept the current wording of Articles 28(3) and 30(2) on the basis of the explanations provided in the steering note.</b>
13	Annex VII Part G	<b>Delegations are invited to indicate whether Annex VII Part G point 2 letter (a) should refer the 0.1% value to free copper, or 0.15% or 0.20% of total copper content , or if any other specific amendments would be required to make it acceptable.</b>
14	15	<b>Delegations are invited to indicate whether they accept the current wording of Article 15(3) on the basis of the explanations provided in the steering note; or which specific amendments would be required to make it acceptable.</b>
15	24	<i>NEW Article 24(4): By derogation from paragraph 2, Member States may provide that the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle.</i> <b>Do the Member States agree with the above proposal?</b>
16	24	<b>Should such a possibility [NEW Article 24(4)] be conditional, e.g. upon the relevant Member State ensuring that ATFs are compensated for providing free of charge delivery of incomplete end-of-life vehicles?</b>

	17	46	<p><b>Article 46</b>  <i>1. Member States shall, for the purpose of enforcing this Regulation, inspect:</i>  <i>(a) authorised treatment facilities;</i>  <i>(b) collection points;</i>  <i>(c) other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components.</i>  <i>2. The inspections shall cover at least 10 % of the operators listed in paragraph 1, points (a) and (c), in each calendar year.</i>  <i>3. Member States shall also carry out inspections concerning export of used vehicles in order to verify compliance with Article 38.</i>  <i>4. Member States should also establish inspection strategies aimed at detecting illegal activities in the area of collection and treatment of end-of-life vehicles and their parts and components.</i>  <b>Do the Member States agree with the above proposal?</b></p>
	18	46	<p><b>Which option do the Member States prefer? [for the 10% inspection target]</b>  <u>Option 1</u> – only authorised treatment facilities (point a);  <u>Option 2</u> – authorised treatment facilities, collection points and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a, b and c);  <u>Option 3</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a and c);  <u>Option 4</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles (point a and part of point c).</p>

MS position	MS Comments
In favor	
In favor	<p>There are cases when a vehicle is transferred or imported in a dismatled form and is later assembled and completed for a further use. This aspect is in particular relevant in respect of other vehicle categories, namely, motorcycles.</p> <p>Therefore, the criterion a) of Part A, Annex I, is not always absolute. For this purpose, LT suggests dividing it between Part A and Part B as follows:</p> <p><b>Part A - Mandatory criteria</b></p> <p>(a) it has been cut into pieces <del>or stripped dismantled for reuse of parts and no longer used as a vehicle;</del></p> <p><b>Part B - Indicative criteria</b></p> <p><b>(x) <u>it has been dismantled.</u></b></p> <p>Based on this change, the vehicle owner would have the possibility to restore the vehicle. Its suitability and technical status would be assessed in accordance with the procedure set out in the introductory paragraph 2 of Annex I:</p> <p>&lt;...&gt; If one or more of the criteria of Part B apply, further analysis is required to determine whether the vehicle can be sufficiently repaired, within two years after the assessment, to obtain a roadworthiness certificate in accordance with Directive 2014/45/EU in the Member State where the vehicle was registered before repair.</p>
In favor	

In favor	
In favor	
In favor	The provisions should be added to <b>Article 36</b>

<p><b>Scrutiny</b></p>	<p>LT supports the proposal that the damage to the vehicle may be assessed by another entity on behalf of the insurance company. However, we consider that the reference to the definition of "economic operator" in this case is too broad and should be narrowed. It is therefore suggested that the wording of the provision has to be clarified by referring to "an automotive expert" instead of economic operator. Such model is already set out in the introductory part of Annex I.</p> <p>When assessing the damage of an accidented vehicle, the insurance company <del>or any other-economic operator conducting the assessment- its appointed automotive expert on its-behalf</del> shall also assess whether the vehicle is an end-of-life vehicle or not according to Annex I.</p>
<p><b>No</b></p>	<p>LT is not in favour with the proposed changes to Article 38(3). In practice, there are cases where a damaged/accidented vehicle still holds a valid roadworthiness certificate, however, due to its damages its should be considered as an ELV.</p> <p>It is suggested to amend Article 38(3) as follows:  Used vehicles may be exported only if they are:  (a) not end-of-life vehicles <b>in accordance with Annex I;</b>  (b) roadworthy vehicles.</p> <p>Accordingly, the exporters shall be requested to explicitly declare/state, prior to the export, that the vehicle concerned is not an ELV in accordance with Annex I of the Regulation.</p>
<p><b>In favor</b></p>	<p>LT agrees with the approach that the export of used vehicles to third countries should be subject to a stricter regime than transfers of ownership within the EU. As regards the export regime to OECD and non-OECD countries, the rules should be the same, in order to prevent the circumvention of the stricter requirements via the re-exports.</p>
<p><b>In favor</b></p>	

-	Based on the explanations at the WPE, LT agrees that Article 37 covers broader aspects than only "transfer of ownership" and this should be reflected in the title.
In favor	
In favor	
In favor	
Scrutiny	LT is analysing the requirements and is open for the follow-up clarifications, including the the possibility to set out transitional provisions.
In favor	LT supports this suggestion under condition it remains non-mandatory.
Object	
Object	

<b>In favor</b>	LT supports this suggestion under condition the preparation of a strategy is left for the MS discretion and it is not followed with the procedural requirement to notify the strategy to the COM for a subsequent approval.
<b>Option 4</b>	LT supports a mandatory 10% inspection target if Option 4 is maintained.



**MS**

Austria
Belgium
Bulgaria
Croatia
Republic of Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

**Position**

-
In favor
Object
Neutral
Scrutiny

## **LUXEMBOURG COMMENTS on the Proposal for a Regulation of the European Parliament and of the Council on circularity requirements for vehicle design and on management of end-of-life vehicles**

***Follow-up to the WPE of 20.01.25: Written comments on the Steering Note WK 454/2025 PRESIDENCY COMPROMISE***

### **II.2. Cluster 8: Export of Used Vehicles**

#### **Shipment of end-of-life vehicles**

**Question 4:** LU supports the PRES proposal.

**Question 6:** LU has a concern with the “shall ensure that ” formulation in the second sentences. We would suggest to clearly assign the task to one single actor.

#### **Export regime of used vehicles**

**Question 7a:** LU supports this addition.

We are in favour of option 2 but with the following addition: “to which authority the certificate needs to be presented”. It could for instance be the “customs authorities”. Otherwise, it is not clear to whom the roadworthiness certificate must be presented.

Another possibility would be to ask for this in paragraph 4, by replacing point (b) with the following:

*“(b) the roadworthiness certificate”*

This would be more reliable than just a statement of the roadworthiness of the vehicle.

### **II.3. Cluster 7: Treatment**

#### **General requirements for shredding**

**Question 12:** LU is in favour of the proposed changes in article 28 paragraph 3 and in the title of Annex VII part G, article 49(5) as well as recital 64.

#### **Mandatory contracts producer/ATF**

**Question 14:** Article 15(3) as well as 15(3a) are acceptable for LU.

### **II.5. Cluster 9: Enforcement and reporting**

#### **Inspections**

**Question 18:** LU is in favour of a mixed option between options 2 and 4, that could read as follows :

*“new Option– authorised treatment facilities, collection points and other identified facilities and economic operators, which may treat end-of-life vehicles (points a, b and part of point c)”*

It seems important to conduct inspections at the places where pollution by ELVs can happen (leakage...) and thus conformity of these places must be checked. We think that the places that must be inspected should only be the places that are submitted to a permit according to this regulation. That is why we would keep point b (collection points) and not have the repair and maintenance operators, unless they are active operators for ELVs – then they would fall under point c.

With the same reasoning and to encourage the reuse of spare parts and components, we don't think that the operators who just sell these spare parts and components should be inspected. That is why we would delete the second part of point c.

Member State	Question No	Reference Art	Question
Latvia	1	Annex I Part A and B	In Annex I part A point b ( <i>it has one or more entry points been welded up or closed by insulating foam</i> ) should be moved to part B of Annex I and added to point h. <b>Do the Member States agree with the above proposal?</b>
	2	Annex I Part A and B	<b>Do the Member States believe that some other binding (A) or indicative (B) criteria should be deleted or moved from part A to part B? If so please specify which ones.</b>
	3	Annex I	<b>Do the Member States accept the current wording of the introductory part of Annex I? If not, what changes do the Member States wish to propose?</b>

4	36	<p><b>Do the Member States believe that article 36(1) should be amended in order to be consistent with article 72(1) of the Batteries Regulation and take into account the requirements of the Waste Shipment Regulation concerning shipment between Member States?</b> If so, could the following wording of <u>Article 36(1)</u> be accepted?</p> <p><i>Treatment of end-of-life vehicles may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of end-of-life vehicles or waste produced in the process of their treatment is in compliance with Regulation (EU) 2024/1157.</i></p>
5a	36	<p><b>Do the Member States believe that the proposed ELV Regulation should contain a provision mirroring Article 72(2) of the Batteries regulation?</b> If so, can the following wording be accepted?</p> <p><u>NEW Article</u> : <i>In order to distinguish between used vehicles and end-of-life vehicles, the competent authorities of Member States may inspect shipments of used vehicles suspected to be end-of-life vehicles for compliance with the requirements set out in Article 37 and Annex I and monitor such shipments accordingly.</i></p> <p><i>Where the competent authorities in a Member State establish that an intended shipment of used vehicle consists of end-of-life vehicle, the costs of appropriate analyses, inspections and storage of the vehicles suspected to be end-of-life vehicles may be charged to the persons arranging the shipment.</i></p>
5b	36, 46	<p><b>Should it [NEW Article above] be added to Article 36 (which would be an approach consistent with the Batteries Regulation) or added to Article 46 (which deals with inspections)?</b></p>

	6	37	<p><i>37(4): When assessing the damage of an accidented vehicle, the insurance company or any other economic operator conducting the assessment on its behalf shall also assess whether the vehicle is an end-of-life vehicle or not according to Annex I.</i></p> <p><i>Insurance companies shall ensure that competent authorities are provided at least once a year with a list of: (...).</i></p> <p><b>Do the Member States support the wording of article 37(4) suggested above?</b></p>
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7a	38	<p><b>Do the Member States agree that an amendment of Article 38(3) is needed?</b> If so, which of the options above do the Member States prefer?</p> <p><u>Option 1:</u>  3. <i>Used vehicles may be exported only if they are roadworthy.</i></p> <p><u>Option 2:</u>  3. <i>Used vehicles may be exported only if the documentation that they are roadworthy has been presented.</i></p>
7b	38	<p><b>Do the Member States agree that exports to third countries should be subject to a stricter regime than transfers of ownership within the Union?</b> If so – should the stricter regime apply in the same way for exports to both OECD and non-OECD countries, or should just export to non-OECD countries be subject to a stricter regime?</p>
8	Chapter Va	<p>change the title of Chapter Va to:  <b>EXPORT OF USED VEHICLES TO THIRD COUNTRIES</b>  <b>Do the Member States agree with the above proposal?</b></p>
9	37	<p>change the title of Article 37 as follows:  <i>Distinction between used vehicles and end-of-life vehicles upon transfer of ownership</i>  <b>Do Member States agree with the above proposal?</b></p>
10	2	<p><b>Do the Member States agree that in Article 2(4), the following point should be added?</b>  2(4): (a1) <i>Article 37a on competent authority;</i></p>
11	30, 31	<p><b>Delegations are invited to indicate whether they support the current wording of Articles 30 and 31 on the basis of the explanations provided in the steering note.</b></p>
12	28, 30	<p><b>Delegations are invited to indicate whether they accept the current wording of Articles 28(3) and 30(2) on the basis of the explanations provided in the steering note.</b></p>

	13	Annex VII Part G	Delegations are invited to indicate whether Annex VII Part G point 2 letter (a) should refer the 0.1% value to free copper, or 0.15% or 0.20% of total copper content , or if any other specific amendments would be required to make it acceptable.
	14	15	Delegations are invited to indicate whether they accept the current wording of Article 15(3) on the basis of the explanations provided in the steering note; or which specific amendments would be required to make it acceptable.
	15	24	<i>NEW Article 24(4): By derogation from paragraph 2, Member States may provide that the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle.</i> <b>Do the Member States agree with the above proposal?</b>
	16	24	<b>Should such a possibility [NEW Article 24(4)] be conditional, e.g. upon the relevant Member State ensuring that ATFs are compensated for providing free of charge delivery of incomplete end-of-life vehicles?</b>



	17	46	<p><b>Article 46</b>  <i>1. Member States shall, for the purpose of enforcing this Regulation, inspect:</i>  <i>(a) authorised treatment facilities;</i>  <i>(b) collection points;</i>  <i>(c) other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components.</i>  <i>2. The inspections shall cover at least 10 % of the operators listed in paragraph 1, points (a) and (c), in each calendar year.</i>  <i>3. Member States shall also carry out inspections concerning export of used vehicles in order to verify compliance with Article 38.</i>  <i>4. Member States should also establish inspection strategies aimed at detecting illegal activities in the area of collection and treatment of end-of-life vehicles and their parts and components.</i>  <b>Do the Member States agree with the above proposal?</b></p>
	18	46	<p><b>Which option do the Member States prefer? [for the 10% inspection target]</b>  <u>Option 1</u> – only authorised treatment facilities (point a);  <u>Option 2</u> – authorised treatment facilities, collection points and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a, b and c);  <u>Option 3</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a and c);  <u>Option 4</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles (point a and part of point c).</p>

MS position	MS Comments
In favor	We are in favor of moving the criteria "it has one or more entry points been welded up or closed by insulating foam" to the part B of Annex I.
-	Currently, we don't see a need to delete any binding (A) or indicative (B) criteria from the lists.
In favor	

In favor	
In favor	
	We think the text should be added to Article 36.

-

There are no objections from our side; the text can be amended as suggested. At the same time, we believe that insurance companies should provide the competent authorities with information on recognising a vehicle as an end-of-life vehicle immediately after the assessment has been carried out rather than within a year. This approach would improve the control over vehicles that become end-of-life vehicles after accidents and ensure that those kinds of vehicles are treated as end-of-life vehicles immediately.

We want to draw the Presidency's attention to Article 37(1) and comments made by multiple countries on its text and obligations applied to citizens, vehicle registration authorities and businesses. The current version of Article 37(1) wording provides the possibility of carrying out a change of ownership procedure for a used vehicle only if the vehicle has a valid roadworthiness certificate (RC) or for a vehicle that does not have a valid RT but has undergone an assessment in accordance with Annex I to the proposal. An exception is provided that the above requirement does not apply to the procedure for the change of ownership carried out by natural persons at the premises of the relevant vehicle registration authority in person. We believe that the current wording will place a disproportionate burden on EU citizens and businesses:

-We agree that one of the best ways to monitor and track the technical condition of vehicles and their non-compliance with the status of an end-of-life vehicle is at the moment of the roadworthiness testing (RT) or the moment of change of ownership, but the requirement in the proposal to deny the conduct of the change of ownership procedure and the requirement to carry out an assessment according to Annex I for each vehicle which has no valid RC is disproportionate. Very frequent situations are possible when the vehicle's RC has expired yesterday and today or after a month, a person wants to make a change of ownership.

We believe that the requirement in the proposal could apply to vehicles whose national technical roadworthiness test validity date ended more than 12 months before the application for the ownership transfer, so within 1 year, the registration authority and the RT authority have not seen or checked the vehicle, assessed its technical condition and cannot be sure of

	We suggest the wording: Used vehicles may be exported only if the documentation that they are roadworthy has been presented or if the information on their roadworthiness is available to the competent authorities electronically from a trustworthy public source.
-	Please refer to the answer to Question 6 and the comments made on Article 37(1). We think that the best practice for dealing with vehicles exported to third countries would be: In case of export to a third country, evidence of roadworthiness is required. If the evidence of roadworthiness is missing, an assessment in accordance with Annex I may be presented.
In favor	Yes, we fully support the Presidency's suggestion to change the title of Chapter Va to "EXPORT OF USED VEHICLES TO THIRD COUNTRIES". We thank the Presidency for considering our request.
In favor	
In favor	
In favor	
In favor	

	We accepted the COM explanation, it looks like this rate would be ok.
<b>Neutral</b>	
<b>In favor</b>	We ask the Presidency to explain what the term "Delivery" means. Does the wording stipulate that the transportation of vehicles to a collection point or recycling facility should be free of charge? If by "Delivery" means that the acceptance of vehicles must be free of charge, but the transport costs for delivering the vehicle to the collection point or authorised treatment facility are covered by the last owner of the vehicle, we ask the Presidency to consider changing the wording. A possible corresponding term could be "Acceptance".
-	We believe the possibility could remain unconditional. However, if such a point is included, it should be a requirement that is not mandatory (as indicated in the previous question).

-	<p>We do not believe that the currently proposed wording addresses the problem described, as pointed out by the Member States (in the attached clarification). The issue of how to determine which installations constitute the specified 10% is not addressed. Previously, it could be assumed that these 10% were determined from the number of operators who had been issued permits for the acceptance, management, etc., of end-of-life vehicles, but if the point (c) is amended with "identified", it is unclear in the proposed wording what number the 10% is based on, and consequently, the number of installations to be verified. It may be necessary to clarify this (since it is impossible to know how many operators might be operating or are operating without permits, and therefore, the total number against which the 10% is calculated is unknown).</p>
	<p>To enable the determination of the number of installations to be verified, it is necessary to include both a and b – ATF and collection points, i.e., operators who have been issued permits for waste management (since they are traceable). If only one of the proposed options must be selected, the best option is Option 1, which includes only ATFs, as these installations have been issued permits, and therefore, the total number is known.</p>

**MS**

Austria
Belgium
Bulgaria
Croatia
Republic of Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

**Position**

-
In favor
Object
Neutral
Scrutiny



Member State	Question No	Reference Art	Question	MS position
Hungary	1	Annex I Part A and B	In Annex I part A point b ( <i>it has one or more entry points been welded up or closed by insulating foam</i> ) should be moved to part B of Annex I and added to point h. <b>Do the Member States agree with the above proposal?</b>	In favor
	2	Annex I Part A and B	<b>Do the Member States believe that some other binding (A) or indicative (B) criteria should be deleted or moved from part A to part B?</b> If so please specify which ones.	In favor
	3	Annex I	<b>Do the Member States accept the current wording of the introductory part of Annex I?</b> If not, what changes do the Member States wish to propose?	In favor
	4	36	<b>Do the Member States believe that article 36(1) should be amended in order to be consistent with article 72(1) of the Batteries Regulation and take into account the requirements of the Waste Shipment Regulation concerning shipment between Member States?</b> If so, could the following wording of <u>Article 36(1)</u> be accepted? <i>Treatment of end-of-life vehicles may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of end-of-life vehicles or waste produced in the process of their treatment is in compliance with Regulation (EU) 2024/1157.</i>	Object
	5a	36	<b>Do the Member States believe that the proposed ELV Regulation should contain a provision mirroring Article 72(2) of the Batteries regulation?</b> If so, can the following wording be accepted? <u>NEW Article</u> : <i>In order to distinguish between used vehicles and end-of-life vehicles, the competent authorities of Member States may inspect shipments of used vehicles suspected to be end-of-life vehicles for compliance with the requirements set out in Article 37 and Annex I and monitor such shipments accordingly.</i> <i>Where the competent authorities in a Member State establish that an intended shipment of used vehicle consists of end-of-life vehicle, the costs of appropriate analyses, inspections and storage of the vehicles suspected to be end-of-life vehicles may be charged to the persons arranging the shipment.</i>	Neutral
	5b	36, 46	<b>Should it [NEW Article above] be added to Article 36 (which would be an approach consistent with the Batteries Regulation) or added to Article 46 (which deals with inspections)?</b>	

6	37	<p>37(4): When assessing the damage of an accidented vehicle, the insurance company or any other economic operator conducting the assessment on its behalf shall also assess whether the vehicle is an end-of-life vehicle or not according to Annex I.</p> <p>Insurance companies shall ensure that competent authorities are provided at least once a year with a list of: (...).</p> <p><b>Do the Member States support the wording of article 37(4) suggested above?</b></p>	In favor
7a	38	<p><b>Do the Member States agree that an amendment of Article 38(3) is needed?</b> If so, which of the options above do the Member States prefer?</p> <p><u>Option 1:</u></p> <p>3. Used vehicles may be exported only if they are roadworthy.</p> <p><u>Option 2:</u></p> <p>3. Used vehicles may be exported only if the documentation that they are roadworthy has been presented.</p>	In favor
7b	38	<p><b>Do the Member States agree that exports to third countries should be subject to a stricter regime than transfers of ownership within the Union?</b> If so – should the stricter regime apply in the same way for exports to both OECD and non-OECD countries, or should just export to non-OECD countries be subject to a stricter regime?</p>	In favor
8	Chapter Va	<p>change the title of Chapter Va to:</p> <p><b>EXPORT OF USED VEHICLES TO THIRD COUNTRIES</b></p> <p><b>Do the Member States agree with the above proposal?</b></p>	Neutral
9	37	<p>change the title of Article 37 as follows:</p> <p><i>Distinction between used vehicles and end-of-life vehicles upon transfer of ownership</i></p> <p><b>Do Member States agree with the above proposal?</b></p>	Object
10	2	<p><b>Do the Member States agree that in Article 2(4), the following point should be added?</b></p> <p>2(4): (a1) Article 37a on competent authority;</p>	In favor

	11	30, 31	Delegations are invited to indicate whether they support the current wording of Articles 30 and 31 on the basis of the explanations provided in the steering note.	Object
	12	28, 30	Delegations are invited to indicate whether they accept the current wording of Articles 28(3) and 30(2) on the basis of the explanations provided in the steering note.	In favor
	13	Annex VII Part G	Delegations are invited to indicate whether Annex VII Part G point 2 letter (a) should refer the 0.1% value to free copper, or 0.15% or 0.20% of total copper content , or if any other specific amendments would be required to make it acceptable.	Object

14	15	Delegations are invited to indicate whether they accept the current wording of Article 15(3) on the basis of the explanations provided in the steering note; or which specific amendments would be required to make it acceptable.	In favor
15	24	<i>NEW Article 24(4): By derogation from paragraph 2, Member States may provide that the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle.</i> <b>Do the Member States agree with the above proposal?</b>	Object
16	24	<b>Should such a possibility [NEW Article 24(4)] be conditional, e.g. upon the relevant Member State ensuring that ATFs are compensated for providing free of charge delivery of incomplete end-of-life vehicles?</b>	Object
17	46	<i>Article 46</i> <i>1. Member States shall, for the purpose of enforcing this Regulation, inspect:</i> <i>(a) authorised treatment facilities;</i> <i>(b) collection points;</i> <i>(c) other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components.</i> <i>2. The inspections shall cover at least 10 % of the operators listed in paragraph 1, points (a) and (c), in each calendar year.</i> <i>3. Member States shall also carry out inspections concerning export of used vehicles in order to verify compliance with Article 38.</i> <i>4. Member States should also establish inspection strategies aimed at detecting illegal activities in the area of collection and treatment of end-of-life vehicles and their parts and components.</i> <b>Do the Member States agree with the above proposal?</b>	In favor

	18	46	<p><b>Which option do the Member States prefer? [for the 10% inspection target]</b></p> <p><u>Option 1</u> – only authorised treatment facilities (point a);</p> <p><u>Option 2</u> – authorised treatment facilities, collection points and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a, b and c);</p> <p><u>Option 3</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a and c);</p> <p><u>Option 4</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles (point a and part of point c).</p>	
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MS Comments
We support the proposed amendment and this requirements should be set out as an indicative criteria. However, we believe that further clarification might be necessary. In case that the hinges are intact and functioning properly, it is possible to install used doors, thereby still <u>meeting the requirements for passing a roadworthiness test.</u>
We may propose to delete point (d) of Part B, since this requirement is not sufficiently formulated, it needs further explanation. Some of the wordings such as "storage", "transport", "loading" and "unloading" provide excessively wide range of interpretation in the implementation.
We do not propose any amendments in this regard
Hungary has concerns in this regard. We believe that we cannot adopt automatically a text from another act without the consideration of the specificities of that waste stream.
Hungary is flexible in this regard.
We propose to accomodate the proposed text into Article 46.

We accept the proposed text.

Exports should only be allowed if documentary proof of roadworthiness for transport is provided. This solution is in line with the Correspondents' Guidelines 9 and could contribute to reducing illegal exports of ELVs. We propose Option 2.

We agree that exports to third countries should be subject to stricter conditions, and the conditions should be equal to OECD and non-OECD countries.

We are flexible in this regard.

Distinction between the two categories should apply not only to transfers of ownership but also to a number of other cases. As we understood in the working party, the PRES will drop this proposal.

We accept the proposed text

At the Environment Council meeting on 17/12/2024, the ministers agreed that the list of parts and components to be compulsorily removed should be made more flexible to ensure that only marketable parts are manually removed. Mandatory removal of parts shall therefore not apply for reuse, refurbishment or remanufacturing purposes but only be based on compelling safety reasons or when the subsequent shredding and post-shredding processes cannot extract and separate materials as efficiently as manual dismantling processes or semi-automated disassembly processes. The removal obligations for components need to be technically possible, financially sound, proportionate, and in line with the goals of the European Green Deal, with a clear purpose for reuse. Only when necessary for achieving desired outcomes should mandatory manual dismantling be required. Whenever possible, the most advanced technology should be utilized for recycling processes. **We believe that the current wording does not provide the necessary safeguard in this regard.**

1. We agree with the addition marked in red. However, we disagree with the steering note's statement that the word "combined" should be deleted from the title of Annex VII. G, since the text should explicitly prohibit if combined treatment with other waste streams, if they reduce the quality of the output material. 2. It should be clarified that only waste management operators contracted by the producer will be authorized to treat the end-of-life vehicles of that producer. Compliance with these aspects of the regulation should be monitored by local competent authorities. It's important to ensure that only treatment facilities that have been authorized and have contractual agreements with the producer or producer responsibility organization are permitted to handle end-of-life vehicles. This helps to regulate and monitor the responsible treatment and disposal of these vehicles to comply with environmental regulations and ensure proper recycling and processing. By requiring these facilities to meet specific requirements and pass inspection, it helps guarantee that the end-of-life vehicles are processed in an environmentally friendly and safe manner, ultimately protecting the environment and public health. Therefore, we propose to insert the following text to "28 (1) Only authorized treatment facilities that are in contract with the producer or, where appointed in accordance with Article 18, the producer responsibility organisation and that are not suspended after inspection in accordance with Art. 46, are allowed to treat end-of-life vehicles."

As the Commission presented at the WPE meeting, there is currently only very limited capacity for post-shredder technology, making copper content reduction problematic. The Commission also stated that currently, shredder technology can achieve a copper content of around 0.5%, but if the components listed in Annex VII. C are removed beforehand, it is possible to go below 0.5% without post-shredder technology. We do not propose setting a limit value for copper at this time, without a detailed study.



The current wording seems sufficient.

We do not agree with the proposal, even if it were an option for Member States. Such a deviation would change market conditions and the burden on manufacturers. In addition, it would open up space for illegal parts trade. **Also, we would like to propose the following amendments regarding article 24(2):** "Delivery of an end-of-life vehicle to an authorised treatment facility or a collection point shall be free of charge for the last owner of a vehicle unless the end-of-life vehicle lacks any of the essential vehicle parts or components except the electric vehicle battery, or contains waste which has been added to the end-of-life vehicle."

See our opinion under question 15.

We prefer Option 2.

**MS**

Austria
Belgium
Bulgaria
Croatia
Republic of Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

**Position**

-
In favor
Object
Neutral
Scrutiny

Member State	Question No	Reference Art	Question
Malta	1	Annex I Part A and B	In Annex I part A point b ( <i>it has one or more entry points been welded up or closed by insulating foam</i> ) should be moved to part B of Annex I and added to point h. <b>Do the Member States agree with the above proposal?</b>
	2	Annex I Part A and B	<b>Do the Member States believe that some other binding (A) or indicative (B) criteria should be deleted or moved from part A to part B? If so please specify which ones.</b>
	3	Annex I	<b>Do the Member States accept the current wording of the introductory part of Annex I? If not, what changes do the Member States wish to propose?</b>
	4	36	<b>Do the Member States believe that article 36(1) should be amended in order to be consistent with article 72(1) of the Batteries Regulation and take into account the requirements of the Waste Shipment Regulation concerning shipment between Member States? If so, could the following wording of <u>Article 36(1)</u> be accepted?</b> <i>Treatment of end-of-life vehicles may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of end-of-life vehicles or waste produced in the process of their treatment is in compliance with Regulation (EU) 2024/1157.</i>

	5a	36	<p><b>Do the Member States believe that the proposed ELV Regulation should contain a provision mirroring Article 72(2) of the Batteries regulation? If so, can the following wording be accepted?</b></p> <p><i>NEW Article : In order to distinguish between used vehicles and end-of-life vehicles, the competent authorities of Member States may inspect shipments of used vehicles suspected to be end-of-life vehicles for compliance with the requirements set out in Article 37 and Annex I and monitor such shipments accordingly.</i></p> <p><i>Where the competent authorities in a Member State establish that an intended shipment of used vehicle consists of end-of-life vehicle, the costs of appropriate analyses, inspections and storage of the vehicles suspected to be end-of-life vehicles may be charged to the persons arranging the shipment.</i></p>
	5b	36, 46	<p><b>Should it [NEW Article above] be added to Article 36 (which would be an approach consistent with the Batteries Regulation) or added to Article 46 (which deals with inspections)?</b></p>
	6	37	<p><i>37(4): When assessing the damage of an accidented vehicle, the insurance company or any other economic operator conducting the assessment on its behalf shall also assess whether the vehicle is an end-of-life vehicle or not according to Annex I.</i></p> <p><i>Insurance companies shall ensure that competent authorities are provided at least once a year with a list of: (...).</i></p> <p><b>Do the Member States support the wording of article 37(4) suggested above?</b></p>

7a	38	<p><b>Do the Member States agree that an amendment of Article 38(3) is needed?</b> If so, which of the options above do the Member States prefer?</p> <p><u>Option 1:</u>  <i>3. Used vehicles may be exported only if they are roadworthy.</i></p> <p><u>Option 2:</u>  <i>3. Used vehicles may be exported only if the documentation that they are roadworthy has been presented.</i></p>
7b	38	<p><b>Do the Member States agree that exports to third countries should be subject to a stricter regime than transfers of ownership within the Union?</b> If so – should the stricter regime apply in the same way for exports to both OECD and non-OECD countries, or should just export to non-OECD countries be subject to a stricter regime?</p>
8	Chapter Va	<p>change the title of Chapter Va to:  <b>EXPORT OF USED VEHICLES TO THIRD COUNTRIES</b>  <b>Do the Member States agree with the above proposal?</b></p>
9	37	<p>change the title of Article 37 as follows:  <i>Distinction between used vehicles and end-of-life vehicles upon transfer of ownership</i>  <b>Do Member States agree with the above proposal?</b></p>
10	2	<p><b>Do the Member States agree that in Article 2(4), the following point should be added?</b>  <i>2(4): (a1) Article 37a on competent authority;</i></p>
11	30, 31	<p><b>Delegations are invited to indicate whether they support the current wording of Articles 30 and 31 on the basis of the explanations provided in the steering note.</b></p>
12	28, 30	<p><b>Delegations are invited to indicate whether they accept the current wording of Articles 28(3) and 30(2) on the basis of the explanations provided in the steering note.</b></p>

	13	Annex VII Part G	Delegations are invited to indicate whether Annex VII Part G point 2 letter (a) should refer the 0.1% value to free copper, or 0.15% or 0.20% of total copper content , or if any other specific amendments would be required to make it acceptable.
	14	15	Delegations are invited to indicate whether they accept the current wording of Article 15(3) on the basis of the explanations provided in the steering note; or which specific amendments would be required to make it acceptable.
	15	24	<i>NEW Article 24(4): By derogation from paragraph 2, Member States may provide that the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle.</i> <b>Do the Member States agree with the above proposal?</b>
	16	24	<b>Should such a possibility [NEW Article 24(4)] be conditional, e.g. upon the relevant Member State ensuring that ATFs are compensated for providing free of charge delivery of incomplete end-of-life vehicles?</b>

	17	46	<p><i>Article 46</i></p> <p><i>1. Member States shall, for the purpose of enforcing this Regulation, inspect:</i></p> <p><i>(a) authorised treatment facilities;</i></p> <p><i>(b) collection points;</i></p> <p><i>(c) other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components.</i></p> <p><i>2. The inspections shall cover at least 10 % of the operators listed in paragraph 1, points (a) and (c), in each calendar year.</i></p> <p><i>3. Member States shall also carry out inspections concerning export of used vehicles in order to verify compliance with Article 38.</i></p> <p><i>4. Member States should also establish inspection strategies aimed at detecting illegal activities in the area of collection and treatment of end-of-life vehicles and their parts and components.</i></p> <p><b>Do the Member States agree with the above proposal?</b></p>
	18	46	<p><b>Which option do the Member States prefer? [for the 10% inspection target]</b></p> <p><u>Option 1</u> – only authorised treatment facilities (point a);</p> <p><u>Option 2</u> – authorised treatment facilities, collection points and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a, b and c);</p> <p><u>Option 3</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a and c);</p> <p><u>Option 4</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles (point a and part of point c).</p>



MS position	MS Comments
<b>In favor</b>	Malta is in favour of the proposed amendments.
<b>Scrutiny</b>	<p>It is unclear to Malta why item 1.1.1.9 in Part A of Annex I was included. In Malta there are legal procedures in place and Police investigations are carried out when a vehicle is found to have a missing or unidentifiable VIN. Only after those procedures and investigations have been exhausted and the vehicle remains unidentifiable can it be considered an ELV and scrapped. We would like to seek clarification for the inclusion of this point.</p> <p>Malta is in agreement with other points in Parts A and B of Annex I.</p>
<b>In favor</b>	Malta can accept the current wording of the introductory part of Annex I.
<b>In favor</b>	Malta can accept the suggested amendment. Such wording will ensure harmonization and standardization with and across other relevant EU legislations, as well as cater for the environmentally sound management of all waste fractions in third countries.

<b>In favor</b>	Malta is in favour of the proposed changes.
<b>In favor</b>	Malta can support the proposed changes, and has a preference for its addition to Article 46.
<b>In favor</b>	Malta agrees with the proposed wording, as it would provide flexibility to relevant economic operators based on their specific operational/situational requirements.

<b>In favor</b>	Malta can support the proposed changes and prefers Option 2 as it would facilitate compliance checks and ensure that roadworthiness is proven by documentation presented.
<b>Object</b>	Malta would prefer that the strictest levels of control apply in all cases, regardless of whether the transfers of ownership are within the Union or to third countries. In addition to this, the roadworthiness certificate should be provided in all cases, as it is the best indicator that the vehicle in question is not an ELV.
<b>Neutral</b>	Malta can agree to the proposed title amendment for the sake of clarity.
<b>Neutral</b>	Malta does not object to the proposed amendment.
<b>In favor</b>	Malta is in favour of the proposed amendments.
<b>Object</b>	Malta would like to reiterate its previous position that that ATFs should not be made to bear the financial and operational burden of having to mandatorily remove parts that would not have any market value/demand, without any added environmental benefits.
<b>Neutral</b>	Malta does not foresee any major concerns.

<b>Neutral</b>	Malta prefers the PRES proposal to the original text due to the more lenient values, however the capabilities of ATFs across all Member States should be taken into consideration and catered for. In this regard, Malta looks forward to reviewing the proposals from other Member States on this question, especially in view that shredding technology in Malta is very limited.
<b>In favor</b>	Malta is in favour of the flexibility provided to Member States.
<b>In favor</b>	Malta is in favour of the proposed amendment as long as it remains a "may" provision, providing flexibility to Member States while ensure that such ELVs would be collected and treated in an environmentally sound manner.
<b>In favor</b>	Malta is in favour of having such a condition only if said condition is determined by Member States.

<b>Object</b>	<p>Malta would like to reiterate its previous comment that the minimum 10% inspection rate on relevant operators highlighted should be removed completely in order to allow Member States to plan their inspections according to the local context.</p> <p>As such, Malta is against the proposed amendment.</p>
<b>Scrutiny</b>	<p>Malta is in favour of Option 1, however please refer to above comment concerning the minimum 10% inspection target and inspection staretgies.</p>

**MS**

Austria
Belgium
Bulgaria
Croatia
Republic of Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

**Position**

-
In favor
Object
Neutral
Scrutiny

## Written comments from the Netherlands

### Regarding the proposal for a Regulation on circularity requirements for vehicles and management of waste vehicles.

WPE 20<sup>th</sup> of January, 2025

We like to thank the Presidency for the invitation to send in written comments.

Q	Position	Comments
1	Positive	
2		Our experts have a question on what the difference is between hull (point e) and shell (point i) in part A?
3		We have added proposals below.
4	scrutiny	We are wondering why it is necessary to make this amendment. It is clear that whenever an item is declared waste, that the WSR is applicable. This can only lead to more confusion on which legislation prevails.
5a	Positive	
5b	Flexible	
6	Positive	
7a	Combination of option 1 and 2 →	Proposal wording 38.3: Used vehicles may be exported only if they are <b>proven</b> roadworthy by <b>presenting documentation</b> .
7b	Positive	Agree with stricter export regime towards non-EU countries. Besides, NO distinction should be made between OECD and non-OECD countries.
8	Positive	
9	Negative	the article also refers to situations when insurance companies need to assess whether a vehicle is an ELV or not. Therefore the title of article 37 would be too narrow
10	Positive	
11	Positive	
12	Positive	
13	0.1% of total copper content.	NL wishes to keep the text of the Commission proposal of a <b>0.1% value of total copper content</b> . Such values are already current practice with the Best Available Techniques (BAT) in Germany and the Netherlands. Also a maximum value for free copper will be difficult to inspect without a maximum value of total copper. We are not opposed a target of free copper content, but such a target is only feasible and inspectable if there is a target for total copper.
14	Positive	
15	Negative	This will create an opportunity for unauthorised facilities to treat ELV's
16	Negative	
17	Positive	
18	Option 4	

### We have a few additional proposals.

#### Article 37:

Art. 37(1): **The first subparagraph shall not apply when ownership of roadworthy vehicles is transferred by natural persons who are not economic operators, ~~for sales other than those concluded by means of distance contracts or online platforms.~~**

*Explanation: We believe that the last part creates an unnecessary ambiguity.*

#### New paragraph 7 – laying down rules for the independent automotive expert

*The Commission shall, by two months after the entry into force of this regulation, adopt an implementing act laying down the conditions for becoming an independent automotive expert referred to in annex 1, in order to ensure uniformity of the assessment of annex 1.*

*That implementing act shall be adopted in accordance with the examination procedure referred to in Article 51(2).*

*Explanation: Laying down rules for the independent automotive expert via an implementing act will lead to more uniformity in the assessment of annex 1. The absence of uniformity can only lead to more loopholes in defining ELV's and export of ELV's as used vehicles.*

**Article 38.4:**

4. The following information shall be provided or made available to customs authorities for each used vehicle to be exported:

- (a) the Vehicle Identification Number (VIN) of the used vehicle and the identification of the Member State where the vehicle was last registered;
- (b) a statement confirming that the used vehicle fulfills the requirements set out in paragraph 3, **including the assessment according to annex 1.**

*Explanation: We understand and support the proposed amendment in 38.3, however we feel that the text does not explicitly enough mention that an assessment according to annex 1 should be conducted when exporting a used vehicle to third countries. With such an addition this is made clear.*

**Annex 1**

**Part a: suggested title change**

**CRITERIA FOR ASSESSMENT OF REPARABILITY OF **END OF LIFE** VEHICLES**

1. A vehicle is ~~technically irreparable~~ if **an end of life vehicle when** it meets one or more of the following criteria

*Explanation: Part A refers to the reparability of vehicles, however a common response is that many parts and components of vehicles are reparable. Furthermore, point h, i and j of part A do not refer to the reparability of the vehicle, changing the title solves this problem as well. We believe that changing the title of part a of annex 1 will therefore, lead to more clarity on how to interpret this part and make the difference between part a and part b more clear.*



Member State	Question No	Reference Art	Question
Austria	1	Annex I Part A and B	In Annex I part A point b ( <i>it has one or more entry points been welded up or closed by insulating foam</i> ) should be moved to part B of Annex I and added to point h. <b>Do the Member States agree with the above proposal?</b>
	2	Annex I Part A and B	<b>Do the Member States believe that some other binding (A) or indicative (B) criteria should be deleted or moved from part A to part B? If so please specify which ones.</b>
	3	Annex I	<b>Do the Member States accept the current wording of the introductory part of Annex I? If not, what changes do the Member States wish to propose?</b>
	4	36	<b>Do the Member States believe that article 36(1) should be amended in order to be consistent with article 72(1) of the Batteries Regulation and take into account the requirements of the Waste Shipment Regulation concerning shipment between Member States? If so, could the following wording of <u>Article 36(1)</u> be accepted?</b> <i>Treatment of end-of-life vehicles may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of end-of-life vehicles or waste produced in the process of their treatment is in compliance with Regulation (EU) 2024/1157.</i>

	5a	36	<p><b>Do the Member States believe that the proposed ELV Regulation should contain a provision mirroring Article 72(2) of the Batteries regulation?</b> If so, can the following wording be accepted?</p> <p><i>NEW Article : In order to distinguish between used vehicles and end-of-life vehicles, the competent authorities of Member States may inspect shipments of used vehicles suspected to be end-of-life vehicles for compliance with the requirements set out in Article 37 and Annex I and monitor such shipments accordingly.</i></p> <p><i>Where the competent authorities in a Member State establish that an intended shipment of used vehicle consists of end-of-life vehicle, the costs of appropriate analyses, inspections and storage of the vehicles suspected to be end-of-life vehicles may be charged to the persons arranging the shipment.</i></p>
	5b	36, 46	<p><b>Should it [NEW Article above] be added to Article 36 (which would be an approach consistent with the Batteries Regulation) or added to Article 46 (which deals with inspections)?</b></p>
	6	37	<p><i>37(4): When assessing the damage of an accidented vehicle, the insurance company or any other economic operator conducting the assessment on its behalf shall also assess whether the vehicle is an end-of-life vehicle or not according to Annex I.</i></p> <p><i>Insurance companies shall ensure that competent authorities are provided at least once a year with a list of: (...).</i></p> <p><b>Do the Member States support the wording of article 37(4) suggested above?</b></p>

	7a	38	<p><b>Do the Member States agree that an amendment of Article 38(3) is needed?</b> If so, which of the options above do the Member States prefer?</p> <p><u>Option 1:</u>  <i>3. Used vehicles may be exported only if they are roadworthy.</i></p> <p><u>Option 2:</u>  <i>3. Used vehicles may be exported only if the documentation that they are roadworthy has been presented.</i></p>
	7b	38	<p><b>Do the Member States agree that exports to third countries should be subject to a stricter regime than transfers of ownership within the Union?</b> If so – should the stricter regime apply in the same way for exports to both OECD and non-OECD countries, or should just export to non-OECD countries be subject to a stricter regime?</p>
	8	Chapter Va	<p>change the title of Chapter Va to:  <b>EXPORT OF USED VEHICLES TO THIRD COUNTRIES</b>  <b>Do the Member States agree with the above proposal?</b></p>
	9	37	<p>change the title of Article 37 as follows:  <i>Distinction between used vehicles and end-of-life vehicles upon transfer of ownership</i>  <b>Do Member States agree with the above proposal?</b></p>

	10	2	<p><b>Do the Member States agree that in Article 2(4), the following point should be added?</b></p> <p><i>2(4): (a1) Article 37a on competent authority;</i></p>
	11	30, 31	<p><b>Delegations are invited to indicate whether they support the current wording of Articles 30 and 31 on the basis of the explanations provided in the steering note.</b></p>
	12	28, 30	<p><b>Delegations are invited to indicate whether they accept the current wording of Articles 28(3) and 30(2) on the basis of the explanations provided in the steering note.</b></p>
	13	Annex VII Part G	<p><b>Delegations are invited to indicate whether Annex VII Part G point 2 letter (a) should refer the 0.1% value to free copper, or 0.15% or 0.20% of total copper content , or if any other specific amendments would be required to make it acceptable.</b></p>
	14	15	<p><b>Delegations are invited to indicate whether they accept the current wording of Article 15(3) on the basis of the explanations provided in the steering note; or which specific amendments would be required to make it acceptable.</b></p>

	15	24	<p><i>NEW Article 24(4): By derogation from paragraph 2, Member States may provide that the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle.</i></p> <p><b>Do the Member States agree with the above proposal?</b></p>
	16	24	<p><b>Should such a possibility [NEW Article 24(4)] be conditional, e.g. upon the relevant Member State ensuring that ATFs are compensated for providing free of charge delivery of incomplete end-of-life vehicles?</b></p>
	17	46	<p><i>Article 46</i></p> <p><i>1. Member States shall, for the purpose of enforcing this Regulation, inspect:</i></p> <p><i>(a) authorised treatment facilities;</i></p> <p><i>(b) collection points;</i></p> <p><i>(c) other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components.</i></p> <p><i>2. The inspections shall cover at least 10 % of the operators listed in paragraph 1, points (a) and (c), in each calendar year.</i></p> <p><i>3. Member States shall also carry out inspections concerning export of used vehicles in order to verify compliance with Article 38.</i></p> <p><i>4. Member States should also establish inspection strategies aimed at detecting illegal activities in the area of collection and treatment of end-of-life vehicles and their parts and components.</i></p> <p><b>Do the Member States agree with the above proposal?</b></p>

	18	46	<p><b>Which option do the Member States prefer? [for the 10% inspection target]</b></p> <p><u>Option 1</u> – only authorised treatment facilities (point a);</p> <p><u>Option 2</u> – authorised treatment facilities, collection points and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a, b and c);</p> <p><u>Option 3</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a and c);</p> <p><u>Option 4</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles (point a and part of point c).</p>
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MS position	MS Comments
Object	
Object	
In favor	
In favor	

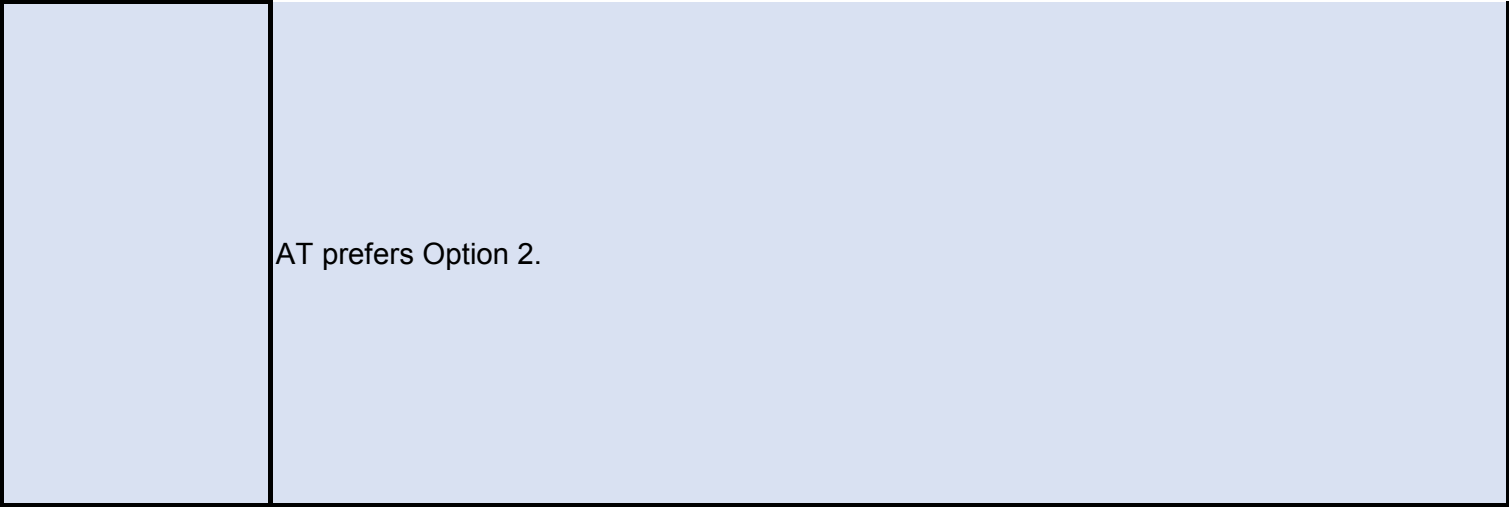
<b>Object</b>	Checks by the MS are necessary (the 'may' in the first sentence would be an unintentional softening). The second paragraph appears to be a provision on the bearing of costs in the official procedure. The 'initiator of the shipment' is obliged to bear the costs of analysis, inspection and storage.
	Inspections could be carried out in accordance with the first paragraph of Art. 36; while the intention of the second paragraph could be described in a recital.
<b>Scrutiny</b>	The first addition (any other economic operator) is viewed critically.



	<p>Option 1 is rejected because the criteria for 'roadworthy' and 'not ELV' cannot be equated. With two broken tyres, a vehicle is cannot be considered 'roadworthy' but may not be an ELV. Option 2 goes in the right direction, but in our view should be adapted so that it is not based on 'roadworthy', but (as in Recital 68) on the presentation of documentation proving that the vehicle is not an ELV.</p>
<b>Neutral</b>	
<b>Neutral</b>	The wording should be in line with the shipment of waste regulation.
<b>Object</b>	No, the transfer of ownership is irrelevant.

<b>In favor</b>	Note: AT is still of the opinion that the export should not be authorised in the case of existing import bans in the country of destination. The following should therefore be added to para. 3: ' (c) unless there is an import ban for these vehicles in the country of destination.' The existence of import bans in third countries could in any case be checked automatically. In addition, new paragraphs 3a and 3b should be added, similar to Art. 37 (1) and (2) of the EU Transfer Regulation: '3a. In the case of used vehicles, the Commission shall, within 20 days of the entry into force of this Regulation, send a written request to each country to which the OECD Decision does not apply, seeking a notification on the extent of existing import bans on used vehicles covered by this Regulation. 3b. Before the date of application of this Regulation, the Commission shall adopt a delegated act taking into account all replies received pursuant to paragraph 1. The Commission shall periodically update this delegated act.'"]
<b>In favor</b>	Focusing solely on market interest is not considered expedient. The focus should be on whether certain parts are at least recyclable. Articles 30 and 31 are considered necessary.
<b>In favor</b>	
	AT is open to an interim period for the value 0,1 as suggested by Germany.
<b>In favor</b>	AT does not see any necessity for further amendments.

<b>In favor</b>	
<b>Object</b>	Any compensation for the treatment facility should also be left to the MS.
<b>Scrutiny</b>	Effective enforcement should always take place under certain plan parameters and detect or prevent irregularities or violations as far as possible. It is requested to explain what is meant by 'inspection strategies'.



AT prefers Option 2.

**MS**

Austria
Belgium
Bulgaria
Croatia
Republic of Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

**Position**

-
In favor
Object
Neutral
Scrutiny

Member State	Question No	Reference Art	Question
Portugal	1	Annex I Part A and B	In Annex I part A point b ( <i>it has one or more entry points been welded up or closed by insulating foam</i> ) should be moved to part B of Annex I and added to point h. <b>Do the Member States agree with the above proposal?</b>
	2	Annex I Part A and B	<b>Do the Member States believe that some other binding (A) or indicative (B) criteria should be deleted or moved from part A to part B? If so please specify which ones.</b>
	3	Annex I	<b>Do the Member States accept the current wording of the introductory part of Annex I? If not, what changes do the Member States wish to propose?</b>
	4	36	<b>Do the Member States believe that article 36(1) should be amended in order to be consistent with article 72(1) of the Batteries Regulation and take into account the requirements of the Waste Shipment Regulation concerning shipment between Member States? If so, could the following wording of <u>Article 36(1)</u> be accepted?</b> <i>Treatment of end-of-life vehicles may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of end-of-life vehicles or waste produced in the process of their treatment is in compliance with Regulation (EU) 2024/1157.</i>

	5a	36	<p><b>Do the Member States believe that the proposed ELV Regulation should contain a provision mirroring Article 72(2) of the Batteries regulation? If so, can the following wording be accepted?</b></p> <p><i>NEW Article : In order to distinguish between used vehicles and end-of-life vehicles, the competent authorities of Member States may inspect shipments of used vehicles suspected to be end-of-life vehicles for compliance with the requirements set out in Article 37 and Annex I and monitor such shipments accordingly.</i></p> <p><i>Where the competent authorities in a Member State establish that an intended shipment of used vehicle consists of end-of-life vehicle, the costs of appropriate analyses, inspections and storage of the vehicles suspected to be end-of-life vehicles may be charged to the persons arranging the shipment.</i></p>
	5b	36, 46	<p><b>Should it [NEW Article above] be added to Article 36 (which would be an approach consistent with the Batteries Regulation) or added to Article 46 (which deals with inspections)?</b></p>
	6	37	<p><i>37(4): When assessing the damage of an accidented vehicle, the insurance company or any other economic operator conducting the assessment on its behalf shall also assess whether the vehicle is an end-of-life vehicle or not according to Annex I.</i></p> <p><i>Insurance companies shall ensure that competent authorities are provided at least once a year with a list of: (...).</i></p> <p><b>Do the Member States support the wording of article 37(4) suggested above?</b></p>

7a	38	<p><b>Do the Member States agree that an amendment of Article 38(3) is needed?</b> If so, which of the options above do the Member States prefer?</p> <p><u>Option 1:</u>  <i>3. Used vehicles may be exported only if they are roadworthy.</i></p> <p><u>Option 2:</u>  <i>3. Used vehicles may be exported only if the documentation that they are roadworthy has been presented.</i></p>
7b	38	<p><b>Do the Member States agree that exports to third countries should be subject to a stricter regime than transfers of ownership within the Union?</b> If so – should the stricter regime apply in the same way for exports to both OECD and non-OECD countries, or should just export to non-OECD countries be subject to a stricter regime?</p>
8	Chapter Va	<p>change the title of Chapter Va to:  <b>EXPORT OF USED VEHICLES TO THIRD COUNTRIES</b>  <b>Do the Member States agree with the above proposal?</b></p>
9	37	<p>change the title of Article 37 as follows:  <i>Distinction between used vehicles and end-of-life vehicles upon transfer of ownership</i>  <b>Do Member States agree with the above proposal?</b></p>
10	2	<p><b>Do the Member States agree that in Article 2(4), the following point should be added?</b>  <i>2(4): (a1) Article 37a on competent authority;</i></p>



	11	30, 31	Delegations are invited to indicate whether they support the current wording of Articles 30 and 31 on the basis of the explanations provided in the steering note.
	12	28, 30	Delegations are invited to indicate whether they accept the current wording of Articles 28(3) and 30(2) on the basis of the explanations provided in the steering note.
	13	Annex VII Part G	Delegations are invited to indicate whether Annex VII Part G point 2 letter (a) should refer the 0.1% value to free copper, or 0.15% or 0.20% of total copper content , or if any other specific amendments would be required to make it acceptable.
	14	15	Delegations are invited to indicate whether they accept the current wording of Article 15(3) on the basis of the explanations provided in the steering note; or which specific amendments would be required to make it acceptable.

15	24	<p><i>NEW Article 24(4): By derogation from paragraph 2, Member States may provide that the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle.</i></p> <p><b>Do the Member States agree with the above proposal?</b></p>
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17	46	<p><i>Article 46</i></p> <p><i>1. Member States shall, for the purpose of enforcing this Regulation, inspect:</i></p> <p><i>(a) authorised treatment facilities;</i></p> <p><i>(b) collection points;</i></p> <p><i>(c) other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components.</i></p> <p><i>2. The inspections shall cover at least 10 % of the operators listed in paragraph 1, points (a) and (c), in each calendar year.</i></p> <p><i>3. Member States shall also carry out inspections concerning export of used vehicles in order to verify compliance with Article 38.</i></p> <p><i>4. Member States should also establish inspection strategies aimed at detecting illegal activities in the area of collection and treatment of end-of-life vehicles and their parts and components.</i></p> <p><b>Do the Member States agree with the above proposal?</b></p>

	18	46	<p><b>Which option do the Member States prefer? [for the 10% inspection target]</b></p> <p><u>Option 1</u> – only authorised treatment facilities (point a);</p> <p><u>Option 2</u> – authorised treatment facilities, collection points and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a, b and c);</p> <p><u>Option 3</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a and c);</p> <p><u>Option 4</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles (point a and part of point c).</p>
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MS position	MS Comments
<b>In favor</b>	We agree with the Presidency proposal as we understand that the inclusion of point (h) <i>"one or more of its doors are not attached to it, or it has one or more entry points welded up or closed by insulating foam"</i> on annex I, Part B, contributes to reduce subjectivity on the classification as ELV or used vehicle. We believe it is important to simplify and objectify this evaluation, and to focus on more relevant and easily verifiable criteria, considering guarantees of environmental protection.
<b>In favor</b>	Nothing to oppose.
<b>In favor</b>	Nothing to oppose.
<b>In favor</b>	<p>We believe that it is necessary to develop appropriate solutions for the disposal of non-recyclable or reusable fractions, thus avoiding the lack of an appropriate destination and excessively long temporary storage, which is incompatible with the activity. To this end, we agree with the proposed wording for the amendment to Article 36(1), in line with Article 72(1) of the Batteries Regulation and to comply with the provisions of the Waste Shipment Regulation. We would like to recall that Regulation (EU) 2024/1157 introduced significant, more stringent demands to the transboundary movement of waste with regard to the shipment of waste to third countries.</p> <p>Despite its entry into force on May 20, 2024, most of its provisions will only apply from May 2026, and we believe that there should be full harmonization between Regulations.</p> <p>Article 36 of the ELV Regulation does not have a similar provision to Article 72(2) of the Battery Regulation. Article 36 only deals with inspections of used vehicles, without addressing the charging of costs to economic operators.</p>

<b>In favor</b>	We agree with the wording of the provision, which reflects the provisions of Article 72(2) of the Batteries Regulation.
<b>In favor</b>	We support an approach in line with the Batteries Regulation.
<b>In favor</b>	We support it because we believe that the proposed amendment could potentially lead to a reduction in the amount of unclassified ELVs sent to unlicensed operators.

<b>In favor</b>	We agree with Option 2: Used vehicles may be exported only if the documentation that they are roadworthy has been presented.
<b>In favor</b>	We support making exports to non-OECD countries subject to a stricter regime, as established in the current Waste Shipment Regulation.
<b>In favor</b>	Nothing to oppose.
<b>In favor</b>	Nothing to oppose. According to Article 2(4), the provisions on the export of used vehicles in Articles 38 to 45 do not apply to categories L3e, L4e, L5e, L6e and L7e. However, Article 37a is not included in this list of exclusions. Article 37a, which is part of Chapter Va, deals with the designation of the authority responsible for the obligations of Articles 38 to 45. As these obligations do not apply to categories L3e, L4e, L5e, L6e and L7e, the designation of an authority should not be required for these categories.
<b>In favor</b>	Nothing to oppose.

<b>Object</b>	<p>We support the dismantling of parts for reuse. However, when there is no demand for these parts, we question the pertinence of this operation, as it could jeopardize the improvement of the environmental and ecological footprint. On the one hand, we believe that obligations to remove components should always take into account technical feasibility, with due proportionality and reasonableness, and have a specific destination for their use. Mandatory manual dismantling can be counterproductive and should only be considered when the intended objectives cannot be achieved in any other way. On the other hand, we consider it useful to analyze whether the guarantee of a “genuine market interest” will be sufficient to justify the joint effort described. In this sense, within the scope of Articles 30 and 31, we recognize the importance of considering the costs associated with removing parts for recycling and reuse. We believe that by finding ways to accommodate these costs, it will be possible to leverage the circularity of vehicles and the environmental sustainability of operations.</p>
<b>In favor</b>	<p>We believe that Articles 28(3) and 30(2) are acceptable if the extension of the criteria in Part G of Annex VII guarantees efficiency in the separation of materials and is in line with the search for a balance between the need to increase the circularity of materials and the economic viability of waste treatment operators.</p>
<b>In favor</b>	<p>Nothing to oppose.</p>
<b>In favor</b>	<p>We support the need for Member States to require contracts between producers/extended producer responsibility organizations and licensed waste treatment operators, but stress the need to include safeguards to ensure a fair balance of power between the parties.</p>

<b>Object</b>	<p>While we respect the Presidency's proposal, and understand the reasoning, we believe that it may inadvertently facilitate the unauthorized dismantling of ELVs before they are handed over to authorized treatment operators. We advocate that the handover of ELVs should be free of charge, unless the vehicle lacks essential parts, including the battery of electric vehicles. We have some concerns about the possibility of legalizing the dismantling of vehicles at unauthorized sites. Allowing the dismantling of parts outside authorized centers could represent a very significant step backwards, corresponding to decades in the sector's good environmental practices, resulting in workshops, car repair facilities or "collection points" carrying out disorganized dismantling and sending only carcasses to authorized dismantling centers.</p>
<b>In favor</b>	<p>Nothing to oppose. In order to prevent ELVs from being abandoned, dismantling operators who actually receive incomplete ELVs, as is already the case in Portugal, should receive compensation from the owner/holder.</p>
<b>In favor</b>	<p>We advocate a system of inspections aimed at ensuring compliance with the regulation, environmental protection and road safety. In this sense, we agree with the addition of the aforementioned clause as we believe it reinforces the need to inspect unlicensed dismantling activities.</p>



**In favor**

We support option 2 because it is the most comprehensive option given the 10% inspection target. The Option 2 covers

- Authorised treatment facilities (point a)).
- Collection points (point b)).
- Other identified facilities and economic operators that may treat end-of-life vehicles or sell used spare parts and components (points a), b), and c)).

Option 2 covers a wider range of entities involved in the treatment of end-of-life vehicles, recognizing that illegal activities may occur at different points in the treatment chain. By including collection points and other economic operators who place used parts and components on the market, Option 2 aims to increase transparency and traceability, making it more difficult to circumvent legal obligations.

**MS**

Austria
Belgium
Bulgaria
Croatia
Republic of Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

**Position**

-
In favor
Object
Neutral
Scrutiny

Member State	Question No	Reference Art	Question
Sweden	1	Annex I Part A and B	In Annex I part A point b ( <i>it has one or more entry points been welded up or closed by insulating foam</i> ) should be moved to part B of Annex I and added to point h. <b>Do the Member States agree with the above proposal?</b>
	2	Annex I Part A and B	<b>Do the Member States believe that some other binding (A) or indicative (B) criteria should be deleted or moved from part A to part B?</b> If so please specify which ones.
	3	Annex I	<b>Do the Member States accept the current wording of the introductory part of Annex I?</b> If not, what changes do the Member States wish to propose?
	4	36	<b>Do the Member States believe that article 36(1) should be amended in order to be consistent with article 72(1) of the Batteries Regulation and take into account the requirements of the Waste Shipment Regulation concerning shipment between Member States?</b> If so, could the following wording of <u>Article 36(1)</u> be accepted? <i>Treatment of end-of-life vehicles may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of end-of-life vehicles or waste produced in the process of their treatment is in compliance with Regulation (EU) 2024/1157.</i>

	5a	36	<p><b>Do the Member States believe that the proposed ELV Regulation should contain a provision mirroring Article 72(2) of the Batteries regulation? If so, can the following wording be accepted?</b></p> <p><i>NEW Article : In order to distinguish between used vehicles and end-of-life vehicles, the competent authorities of Member States may inspect shipments of used vehicles suspected to be end-of-life vehicles for compliance with the requirements set out in Article 37 and Annex I and monitor such shipments accordingly.</i></p> <p><i>Where the competent authorities in a Member State establish that an intended shipment of used vehicle consists of end-of-life vehicle, the costs of appropriate analyses, inspections and storage of the vehicles suspected to be end-of-life vehicles may be charged to the persons arranging the shipment.</i></p>
	5b	36, 46	<p><b>Should it [NEW Article above] be added to Article 36 (which would be an approach consistent with the Batteries Regulation) or added to Article 46 (which deals with inspections)?</b></p>
	6	37	<p><i>37(4): When assessing the damage of an accidented vehicle, the insurance company or any other economic operator conducting the assessment on its behalf shall also assess whether the vehicle is an end-of-life vehicle or not according to Annex I.</i></p> <p><i>Insurance companies shall ensure that competent authorities are provided at least once a year with a list of: (...).</i></p> <p><b>Do the Member States support the wording of article 37(4) suggested above?</b></p>

	7a	38	<p><b>Do the Member States agree that an amendment of Article 38(3) is needed?</b> If so, which of the options above do the Member States prefer?</p> <p><u>Option 1:</u>  <i>3. Used vehicles may be exported only if they are roadworthy.</i></p> <p><u>Option 2:</u>  <i>3. Used vehicles may be exported only if the documentation that they are roadworthy has been presented.</i></p>
	7b	38	<p><b>Do the Member States agree that exports to third countries should be subject to a stricter regime than transfers of ownership within the Union?</b> If so – should the stricter regime apply in the same way for exports to both OECD and non-OECD countries, or should just export to non-OECD countries be subject to a stricter regime?</p>
	8	Chapter Va	<p>change the title of Chapter Va to:  <b>EXPORT OF USED VEHICLES TO THIRD COUNTRIES</b>  <b>Do the Member States agree with the above proposal?</b></p>

	9	37	<p>change the title of Article 37 as follows:  <i>Distinction between used vehicles and end-of-life vehicles upon transfer of ownership</i>  <b>Do Member States agree with the above proposal?</b></p>
	10	2	<p><b>Do the Member States agree that in Article 2(4), the following point should be added?</b>  <i>2(4): (a1) Article 37a on competent authority;</i></p>

11	30, 31	Delegations are invited to indicate whether they support the current wording of Articles 30 and 31 on the basis of the explanations provided in the steering note.
12	28, 30	Delegations are invited to indicate whether they accept the current wording of Articles 28(3) and 30(2) on the basis of the explanations provided in the steering note.
13	Annex VII Part G	Delegations are invited to indicate whether Annex VII Part G point 2 letter (a) should refer the 0.1% value to free copper, or 0.15% or 0.20% of total copper content , or if any other specific amendments would be required to make it acceptable.
14	15	Delegations are invited to indicate whether they accept the current wording of Article 15(3) on the basis of the explanations provided in the steering note; or which specific amendments would be required to make it acceptable.
15	24	<i>NEW Article 24(4): By derogation from paragraph 2, Member States may provide that the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle.</i> <b>Do the Member States agree with the above proposal?</b>

	16	24	Should such a possibility [NEW Article 24(4)] be conditional, e.g. upon the relevant Member State ensuring that ATFs are compensated for providing free of charge delivery of incomplete end-of-life vehicles?
	17	46	<p>Article 46</p> <p><i>1. Member States shall, for the purpose of enforcing this Regulation, inspect:</i></p> <p><i>(a) authorised treatment facilities;</i></p> <p><i>(b) collection points;</i></p> <p><i>(c) other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components.</i></p> <p><i>2. The inspections shall cover at least 10 % of the operators listed in paragraph 1, points (a) and (c), in each calendar year.</i></p> <p><i>3. Member States shall also carry out inspections concerning export of used vehicles in order to verify compliance with Article 38.</i></p> <p><i>4. Member States should also establish inspection strategies aimed at detecting illegal activities in the area of collection and treatment of end-of-life vehicles and their parts and components.</i></p> <p><b>Do the Member States agree with the above proposal?</b></p>



	18	46	<p><b>Which option do the Member States prefer? [for the 10% inspection target]</b></p> <p><u>Option 1</u> – only authorised treatment facilities (point a);</p> <p><u>Option 2</u> – authorised treatment facilities, collection points and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a, b and c);</p> <p><u>Option 3</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a and c);</p> <p><u>Option 4</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles (point a and part of point c).</p>
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MS position	MS Comments
Neutral	Sweden has a flexible position on this proposal.
Neutral	—
-	We have a general remark that we would like to raise on Annex I, that we also raised on the WPE 20th of January. SE can not accept changes to annex 1, or other parts of the regulation, that would negatively affect this exemption for vehicles of special cultural interest.
In favor	—

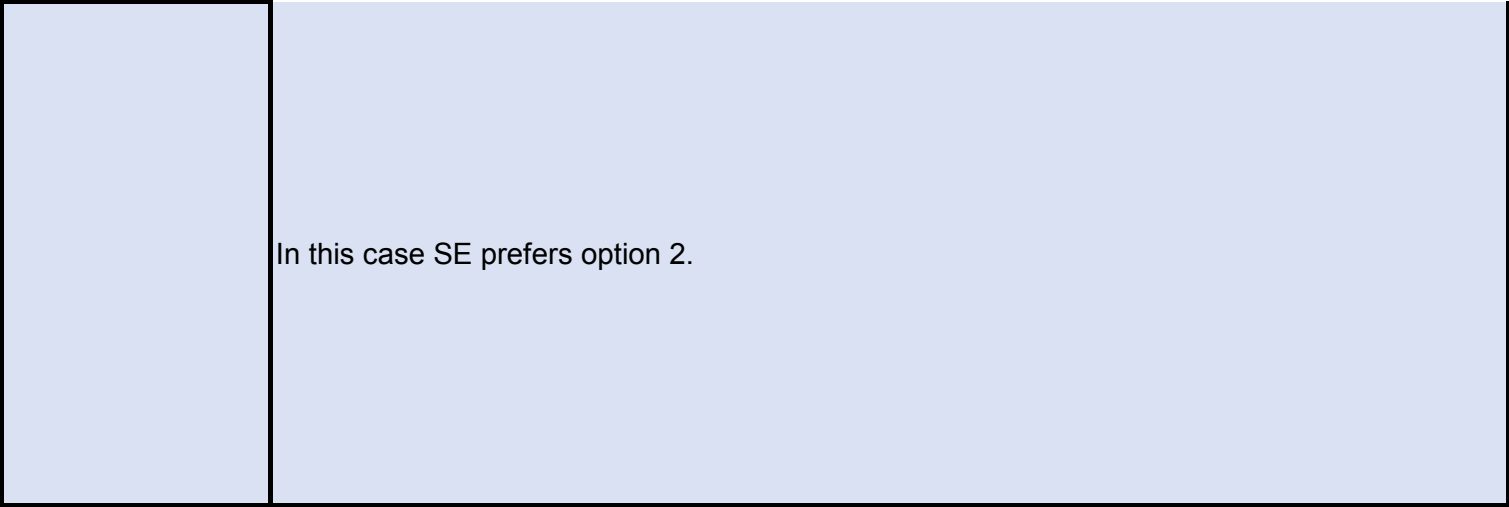
<b>In favor</b>	
	SE belivies it should be in Art 36.
<b>Neutral</b>	

Neutral	SE considers that this should already be taken care of within the scope of the waste shipment regulation, OECD-agreement and the Basel convention.
Neutral	

<p><b>Object</b></p>	<p>SE would like to generally comment on Art 37 that not specifically refers to the question. SE would like to ask some clarifying questions regarding Article 37. Firstly, we seek to understand if the new requirement for presenting documentation that a vehicle is not an End-of-Life Vehicle (ELV) imposes any additional obligations on the competent authority responsible for processing the change of ownership. Specifically, does this requirement necessitate that the authority assess whether a vehicle is an ELV before completing the ownership transfer?</p> <p>Our understanding is that this requirement primarily impacts the seller of the vehicle and does not entail requirements for the registration authority to control these requirements, before registration of transfer of a vehicle. We believe that the authority responsible for the change of ownership can continue with their existing procedures without additional assessments. Instead, an independent automotive expert should conduct the assessment according to the criteria outlined in Annex I. In relation to this question, we are curious about the reference to 'roadworthy vehicle' in the second paragraph of Article 37(1). In Sweden, there are approximately 10,000 changes of ownership per day. Not all of these involve 'roadworthy vehicles'; there is also a significant market for end-of-life vehicles that are bought and sold for example refurbishment and repairing purposes.</p> <p>We believe this requirement could significantly impact private individuals who enter into purchase agreements for vehicles needing renovation, as they would be required to present documentation that the vehicle is not ELV. We see these as potentially far-reaching requirements for private individuals, especially when changes of ownership occur within a Member State.</p>
<p><b>In favor</b></p>	<p>—</p>

<b>Scrutiny</b>	Sweden is in favour of maintaining the level of ambition set out in article 30. However, we encourage PRES to clarify that article 30.1 does not make it conditional to identify a potential to reuse, remanufacture or refurbish in order to remove the parts listed in Part C, of Annex VII. A suggestion is to add a full stop after "have been completed" and start a new sentence along the lines of "Parts and components with a reuse, remanufacturing or refurbishment potential according to Article 31 shall be removed in a non-destructive way". In addition, SE wonders if the text in Art 31(1) means that parts that are taken from a ELV also can be used for "remanufacturing" and "refurbishment" purposes even though these treatments do not include parts removed from an ELV as defined in Article 3 (28) and (29). How do art 31 and the definitions synchronise with each other?
	No position
	We agree with the MS that asked for the KOM to provide a short non-paper on this matter. It would be appreciated.
<b>Neutral</b>	—
<b>In favor</b>	Sweden can support the new paragraph 24(4). However, SE sees that it should be clarified (like COM's original proposal of Art 26 and a reference to Annex I) that vehicle owners should hand in an ELV to an ATF immediately after they have been informed that the vehicle is ELV. Also, if new paragraph 24(4) is introduced we would then suggest removing the text about electric vehicle batteries below article 2 (f). We prefer the wording in 24(4) about leaving the choice with the member states and we see no reason why this should be different for electric vehicle batteries. Our proposal would in our view also simplify the reading of article 24, which is already becoming quite complicated.

<b>Scrutiny</b>	<p>It is unclear to us how to understand the proposal. Is the question whether member states should ensure that ATFs are compensated for going out and collecting vehicles that are incomplete and therefore cannot be driven to the ATF? We do not agree that the member state should compensate ATFs for the loss of income due to car parts having been removed. The producer responsibility fees should cover any net costs from treating the ELVs without essential car parts.</p>
<b>In favor</b>	<p>SE is positive to the amendment. However, SE considers that it should be 'may' instead of 'should', given that MS work with inspections in different ways and to increase flexibility in the approach. SE would once again like to raise that the 10% annual inspection requirement should be deleted.</p>



In this case SE prefers option 2.



**MS**

Austria
Belgium
Bulgaria
Croatia
Republic of Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

**Position**

-
In favor
Object
Neutral
Scrutiny

Member State	Question No	Reference Art	Question	MS position	MS Comments
Slovenia	1	Annex I Part A and B	In Annex I part A point b ( <i>it has one or more entry points been welded up or closed by insulating foam</i> ) should be moved to part B of Annex I and added to point h. <b>Do the Member States agree with the above proposal?</b>	Object	
	2	Annex I Part A and B	<b>Do the Member States believe that some other binding (A) or indicative (B) criteria should be deleted or moved from part A to part B?</b> If so please specify which ones.	Object	We believe that several criteria in Part A of Annex I require further consideration, as vehicles can often still be repaired, even in cases where new airbags or seatbelt tensioners need to be installed, or corroded parts need replacement. We propose an alternative approach, when a vehicle could only be designated as technically irreparable in cases of severe traffic or other accidents where the insurance company has declared it a technical "total loss" and proceeds with its transfer to a collection center. Similar goes for the indicative list in Part B, specifically where point C) should not include a deadline for repair and obtaining a certificate of technical roadworthiness. The principle should be that a vehicle is handed over for dismantling either voluntarily or if it has been so damaged in an accident that the insurance company assesses it as technically irreparable, takes possession of it, and sends it to a collection center. For part C, we believe that for vehicles of special cultural interest the definition from point 7 of Article 3 of Directive 2014/45 (on periodic roadworthiness tests for motor vehicles and their trailers) should be used instead. We also have concerns on the periodic vehicles inspections in the 3rd para.
	3	Annex I	<b>Do the Member States accept the current wording of the introductory part of Annex I?</b> If not, what changes do the Member States wish to propose?	Object	We do not support the wording of the introductory part in Annex I, based on the arguments explained under question 2.
	4	36	<b>Do the Member States believe that article 36(1) should be amended in order to be consistent with article 72(1) of the Batteries Regulation and take into account the requirements of the Waste Shipment Regulation concerning shipment between Member States?</b> If so, could the following wording of <u>Article 36(1)</u> be accepted? <i>Treatment of end-of-life vehicles may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of end-of-life vehicles or waste produced in the process of their treatment is in compliance with Regulation (EU) 2024/1157.</i>	In favor	
	5a	36	<b>Do the Member States believe that the proposed ELV Regulation should contain a provision mirroring Article 72(2) of the Batteries regulation?</b> If so, can the following wording be accepted? <u>NEW Article</u> : <i>In order to distinguish between used vehicles and end-of-life vehicles, the competent authorities of Member States may inspect shipments of used vehicles suspected to be end-of-life vehicles for compliance with the requirements set out in Article 37 and Annex I and monitor such shipments accordingly.</i> <i>Where the competent authorities in a Member State establish that an intended shipment of used vehicle consists of end-of-life vehicle, the costs of appropriate analyses, inspections and storage of the vehicles suspected to be end-of-life vehicles may be charged to the persons arranging the shipment.</i>	In favor	
	5b	36, 46	<b>Should it [NEW Article above] be added to Article 36 (which would be an approach consistent with the Batteries Regulation) or added to Article 46 (which deals with inspections)?</b>	Art. 36	Consistency with the Batteries Regulation.
	6	37	<i>37(4): When assessing the damage of an accidented vehicle, the insurance company or any other economic operator conducting the assessment on its behalf shall also assess whether the vehicle is an end-of-life vehicle or not according to Annex I.</i> <i>Insurance companies shall ensure that competent authorities are provided at least once a year with a list of: (...).</i> <b>Do the Member States support the wording of article 37(4) suggested above?</b>	Object	We would prefer to keep the assessment of damage to only insurance companies to ensure more uniform/consistent assessments.
	7a	38	<b>Do the Member States agree that an amendment of Article 38(3) is needed?</b> If so, which of the options above do the Member States prefer? <u>Option 1</u> : <i>3. Used vehicles may be exported only if they are roadworthy.</i> <u>Option 2</u> : <i>3. Used vehicles may be exported only if the documentation that they are roadworthy has been presented.</i>	Option 2	In the export process, used vehicles can be transported by other means of transport. In the case of exports, this may complicate control by the customs authority and cast doubt on the veracity of the statements in the export customs declaration ( whether it is a used vehicle or ELV). By submitting documentation on roadworthines, in most cases the doubt would be dispelled.
	7b	38	<b>Do the Member States agree that exports to third countries should be subject to a stricter regime than transfers of ownership within the Union?</b> If so – should the stricter regime apply in the same way for exports to both OECD and non-OECD countries, or should just export to non-OECD countries be subject to a stricter regime?	In favor	In favor of the same way of stricter regime for exports to third countries to both OECD and non-OECD countries.
	8	Chapter Va	change the title of Chapter Va to: <b>EXPORT OF USED VEHICLES TO THIRD COUNTRIES</b> <b>Do the Member States agree with the above proposal?</b>	In favor	
	9	37	change the title of Article 37 as follows: <i>Distinction between used vehicles and end-of-life vehicles upon transfer of ownership</i> <b>Do Member States agree with the above proposal?</b>	Object	We have concerns on the proposed change, due to the fact that paragraphs 4 and 5 of Article 37 are actually not dealing with the transfer of ownership. To mainin legal clarity it would be more appropriate not to make the change.
	10	2	<b>Do the Member States agree that in Article 2(4), the following point should be added?</b> <i>2(4): (a1) Article 37a on competent authority;</i>	In favor	
	11	30, 31	<b>Delegations are invited to indicate whether they support the current wording of Articles 30 and 31 on the basis of the explanations provided in the steering note.</b>	In favor	Additional comments:(1)Slovenia appreciates the provision in Article 31(4) that states, "The parts and components that are assessed as fit for reuse, remanufacturing or refurbishment shall not be considered waste." However, for greater legal clarity and to distinguish between different flows (reuse/ remanufacturing/refurbishment), Slovenia proposes the following revised wording: "The parts and components that are assessed as "fit for reuse", "fit for remanufacturing" or "fit for refurbishment" shall not be considered waste. This revision better defines the status of parts and components: -Fit for reuse: These parts remain on the product flow and are never considered waste. -Fit for remanufacturing or fit for refurbishment: These parts, while also on the product flow, may follow a dual pathway. Upon leaving an ATF, they are classified as fit for remanufacturing or refurbishment. However, when received by a remanufacturing or refurbishment operator, the operator assesses and processes them. At this stage, parts may either be successfully remanufactured/refurbished or, if not viable, be classified as waste. This revised language ensures that all parts assessed by ATFs as fit for reuse, remanufacturing, or refurbishment are not waste when they leave the ATF. At the same time, it acknowledges the possibility of subsequent waste designation during processing by remanufacturing or refurbishment operators. (2)The obligation for ATFs to maintain detailed records, conduct thorough technical assessments, and label and package parts for transportation imposes significant administrative and financial burdens. Slovenia recommends selectivity (that these requirements has to be streamlined), focusing on high-priority parts and components with a demonstrable market demand (for example motor), while relaxing the obligations for parts with lower reuse potential (for example front light).
	12	28, 30	<b>Delegations are invited to indicate whether they accept the current wording of Articles 28(3) and 30(2) on the basis of the explanations provided in the steering note.</b>	Object	We are more inclined to keep the reference also to the Part G, point 1 of Annex VII. Additional comments: (1) Annex VII Part G, point 1 establishes input criteria, such as the removal of waste batteries, selective treatment of WEEE, and removal of plastic packaging waste. However, by focusing predominantly on the output quality, the revised proposal may inadvertently deprioritize these input measures. Input controls are essential to ensure compatibility between waste streams. (2) Shredding of different waste streams together, even when meeting output criteria, could complicate compliance with collection and recycling targets and reporting obligations under various EU regulations (e.g., the Packaging and Packaging Waste Regulation (PPWR), Directive 2012/19/EU on WEEE, and Regulation (EU) 2023/1542 on batteries). (3) Without strict input criteria, the attribution of material recovery to specific waste streams becomes more challenging, potentially leading to inaccuracies in reports of recycling efficiency of MS.

	13	Annex VII Part G	Delegations are invited to indicate whether Annex VII Part G point 2 letter (a) should refer the 0.1% value to free copper, or 0.15% or 0.20% of total copper content , or if any other specific amendments would be required to make it acceptable.	Neutral	Neutral, due to lack of scientific data /technical basis.
	14	15	Delegations are invited to indicate whether they accept the current wording of Article 15(3) on the basis of the explanations provided in the steering note; or which specific amendments would be required to make it acceptable.	In favor	
	15	24	<i>NEW Article 24(4): By derogation from paragraph 2, Member States may provide that the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle.</i> Do the Member States agree with the above proposal?	Scrutiny	Additional comments: Slovenia believes that the decision to allow free-of-charge delivery of end-of-life vehicles (ELVs), even in cases where essential components are missing, should remain within the competence of individual Member States. Such a provision acknowledges national differences in the structure and organization of waste management systems, including the operation of ATFs and the availability of resources to support these systems. However, Slovenia emphasizes that any decision to implement such a derogation should ensure that all ELVs are properly managed and treated, in line with the the regulation and the circular economy. Member States should carefully consider the potential risks, such as increased scavenging of valuable parts or the unauthorized stripping of vehicles, and take measures to mitigate these risks.
	16	24	Should such a possibility [NEW Article 24(4)] be conditional, e.g. upon the relevant Member State ensuring that ATFs are compensated for providing free of charge delivery of incomplete end-of-life vehicles?	Object	Slovenia opposes making such a possibility conditional upon ATFs being compensated for the free-of-charge delivery of incomplete ELVs. Such an approach raises concerns due to the: 1.Conflict with Extended Producer Responsibility (EPR): The obligation to cover part of the costs of collection (management) of ELV, including cases where vehicles are incomplete, falls under the principle of Extended Producer Responsibility (EPR). Costs of conducting activities (collection, depollution ...) should be covered by producers within the extended producer responsibility scheme. Shifting the financial burden to ATFs, or requiring compensation from Member States, would contradict the EPR framework and undermine the accountability of producers. 2.Risk of Legal Loopholes and Exploitation: Allowing such compensation financial mechanisms could lead to attempts to circumventum and abuse of the rules (legislation). This could create unnecessary administrative complexities and undermine the integrity of the system. 3.Distortion of Economic Incentives: Compensating ATFs for managing incomplete ELVs could distort market dynamics and incentivize undesirable practices, such as the stripping of valuable components by unauthorized operators. It is critical to ensure that the system discourages such behavior and maintains a focus on proper and environmentally sound management of ELVs.
	17	46	<i>Article 46</i> 1. Member States shall, for the purpose of enforcing this Regulation, inspect: (a) authorised treatment facilities; (b) collection points; (c) other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components. 2. The inspections shall cover at least 10 % of the operators listed in paragraph 1, points (a) and (c), in each calendar year. 3. Member States shall also carry out inspections concerning export of used vehicles in order to verify compliance with Article 38. 4. Member States should also establish inspection strategies aimed at detecting illegal activities in the area of collection and treatment of end-of-life vehicles and their parts and components. Do the Member States agree with the above proposal?	Object	Slovenia opposes to the introduction of quantitative criteria (10 % of operators) and of specific inspection strategies, this have to be left to the member state and involved in the preparation of annual inspection plans.
	18	46	Which option do the Member States prefer? [for the 10% inspection target] <u>Option 1</u> – only authorised treatment facilities (point a); <u>Option 2</u> – authorised treatment facilities, collection points and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a, b and c); <u>Option 3</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a and c); <u>Option 4</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles (point a and part of point c).	Scrutiny	Scrunity, at the moment in favor of option 4.

**MS**

Austria
Belgium
Bulgaria
Croatia
Republic of Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

**Position**

-
In favor
Object
Neutral
Scrutiny

Member State	Question No	Reference Art	Question
Slovakia	1	Annex I Part A and B	In Annex I part A point b ( <i>it has one or more entry points been welded up or closed by insulating foam</i> ) should be moved to part B of Annex I and added to point h. <b>Do the Member States agree with the above proposal?</b>
	2	Annex I Part A and B	<b>Do the Member States believe that some other binding (A) or indicative (B) criteria should be deleted or moved from part A to part B? If so please specify which ones.</b>
	3	Annex I	<b>Do the Member States accept the current wording of the introductory part of Annex I? If not, what changes do the Member States wish to propose?</b>
	4	36	<b>Do the Member States believe that article 36(1) should be amended in order to be consistent with article 72(1) of the Batteries Regulation and take into account the requirements of the Waste Shipment Regulation concerning shipment between Member States? If so, could the following wording of <u>Article 36(1)</u> be accepted?</b> <i>Treatment of end-of-life vehicles may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of end-of-life vehicles or waste produced in the process of their treatment is in compliance with Regulation (EU) 2024/1157.</i>

	5a	36	<p><b>Do the Member States believe that the proposed ELV Regulation should contain a provision mirroring Article 72(2) of the Batteries regulation?</b> If so, can the following wording be accepted?</p> <p><i>NEW Article : In order to distinguish between used vehicles and end-of-life vehicles, the competent authorities of Member States may inspect shipments of used vehicles suspected to be end-of-life vehicles for compliance with the requirements set out in Article 37 and Annex I and monitor such shipments accordingly.</i></p> <p><i>Where the competent authorities in a Member State establish that an intended shipment of used vehicle consists of end-of-life vehicle, the costs of appropriate analyses, inspections and storage of the vehicles suspected to be end-of-life vehicles may be charged to the persons arranging the shipment.</i></p>
	5b	36, 46	<p><b>Should it [NEW Article above] be added to Article 36 (which would be an approach consistent with the Batteries Regulation) or added to Article 46 (which deals with inspections)?</b></p>
	6	37	<p><i>37(4): When assessing the damage of an accidented vehicle, the insurance company or any other economic operator conducting the assessment on its behalf shall also assess whether the vehicle is an end-of-life vehicle or not according to Annex I.</i></p> <p><i>Insurance companies shall ensure that competent authorities are provided at least once a year with a list of: (...).</i></p> <p><b>Do the Member States support the wording of article 37(4) suggested above?</b></p>

7a	38	<p><b>Do the Member States agree that an amendment of Article 38(3) is needed?</b> If so, which of the options above do the Member States prefer?</p> <p><u>Option 1:</u>  <i>3. Used vehicles may be exported only if they are roadworthy.</i></p> <p><u>Option 2:</u>  <i>3. Used vehicles may be exported only if the documentation that they are roadworthy has been presented.</i></p>
7b	38	<p><b>Do the Member States agree that exports to third countries should be subject to a stricter regime than transfers of ownership within the Union?</b> If so – should the stricter regime apply in the same way for exports to both OECD and non-OECD countries, or should just export to non-OECD countries be subject to a stricter regime?</p>
8	Chapter Va	<p>change the title of Chapter Va to:  <b>EXPORT OF USED VEHICLES TO THIRD COUNTRIES</b>  <b>Do the Member States agree with the above proposal?</b></p>
9	37	<p>change the title of Article 37 as follows:  <i>Distinction between used vehicles and end-of-life vehicles upon transfer of ownership</i>  <b>Do Member States agree with the above proposal?</b></p>
10	2	<p><b>Do the Member States agree that in Article 2(4), the following point should be added?</b>  <i>2(4): (a1) Article 37a on competent authority;</i></p>

11	30, 31	Delegations are invited to indicate whether they support the current wording of Articles 30 and 31 on the basis of the explanations provided in the steering note.
12	28, 30	Delegations are invited to indicate whether they accept the current wording of Articles 28(3) and 30(2) on the basis of the explanations provided in the steering note.
13	Annex VII Part G	Delegations are invited to indicate whether Annex VII Part G point 2 letter (a) should refer the 0.1% value to free copper, or 0.15% or 0.20% of total copper content , or if any other specific amendments would be required to make it acceptable.
14	15	Delegations are invited to indicate whether they accept the current wording of Article 15(3) on the basis of the explanations provided in the steering note; or which specific amendments would be required to make it acceptable.
15	24	<i>NEW Article 24(4): By derogation from paragraph 2, Member States may provide that the delivery of end-of life vehicles is fully free of charge even if the end-of life vehicle does not contain some or all of the essential components of a vehicle.</i> <b>Do the Member States agree with the above proposal?</b>
16	24	<b>Should such a possibility [NEW Article 24(4)] be conditional, e.g. upon the relevant Member State ensuring that ATFs are compensated for providing free of charge delivery of incomplete end-of-life vehicles?</b>



	17	46	<p><b>Article 46</b>  <i>1. Member States shall, for the purpose of enforcing this Regulation, inspect:</i>  <i>(a) authorised treatment facilities;</i>  <i>(b) collection points;</i>  <i>(c) other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components.</i>  <i>2. The inspections shall cover at least 10 % of the operators listed in paragraph 1, points (a) and (c), in each calendar year.</i>  <i>3. Member States shall also carry out inspections concerning export of used vehicles in order to verify compliance with Article 38.</i>  <i>4. Member States should also establish inspection strategies aimed at detecting illegal activities in the area of collection and treatment of end-of-life vehicles and their parts and components.</i>  <b>Do the Member States agree with the above proposal?</b></p>
	18	46	<p><b>Which option do the Member States prefer? [for the 10% inspection target]</b>  <u>Option 1</u> – only authorised treatment facilities (point a);  <u>Option 2</u> – authorised treatment facilities, collection points and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a, b and c);  <u>Option 3</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles, or sell used spare parts and components (points a and c);  <u>Option 4</u> - authorised treatment facilities and other identified facilities and economic operators, which may treat end-of-life vehicles (point a and part of point c).</p>

MS position	MS Comments
In favor	
Neutral	We do not comment on any changes and amendments to Annex I, Part B. We specifically support the retention of points h, i, j.
Object	<p>What we have a problem with is independent automotive experts. Annex I states: “Member States may establish a list of independent automotive experts to carry out these assessments.” We think that this should not only be an option for a Member State, but it should be an obligation. Therefore, the word “may” should be changed to “shall”.</p> <p>Furthermore, we are missing the provisions for independent automotive experts. We also understand that the intention is to set these provisions in national legislation. Therefore, we would like to add a new point 4 to Annex I in the introductory part, stating that Member States shall determine the provisions for the entry of independent automotive experts into this list.</p>
In favor	<p>Due to the rules of the functioning of the EU single market and also the general validity of Regulation (EU) 2024/1157 within the EU, the addition of another Member State is not necessary, but we accept it. In the same way, we consider what is waste under Regulation (EU) 2024/1157 to be covered by this Regulation, so this addition is not necessary either, but we accept it. Slovakia supports the idea that the export of old vehicles and their components should keep the necessary material and any critical raw materials within the Union's internal market.</p>

<b>Scrutiny</b>	We express our concern with the addition of the term suspect. This provision therefore needs to be made more specific. Also, the process under the article itself may create a negative aspect for inspections, for example, if an inspection body seizes a consignment under suspicion, then an analysis is carried out which proves that it is not an end-of-life vehicle, the person arranging the shipment still bears all the costs? This does not make rational sense to us and further work would be needed or the provision would be left unchanged.
<b>Scrutiny</b>	
<b>In favor</b>	

<b>No option</b>	we would need to maintain, for legal certainty, that a used vehicle can only be exported if it is not an end-of-life vehicle directly in the article.
<b>In favor</b>	On the issue of OECD and non-OECD exports, we support alignment with the Cross-Border Waste Shipment Regulation.
<b>Neutral</b>	we express flexibility
<b>Neutral</b>	
<b>In favor</b>	<p>If the provisions of Article 38 are to apply to motorcycles (categories L3e, L4e, L5e, L6e and L7e), then Article 37a must also apply to motorcycles.</p> <p>Where we see a problem is that under the current Directive 2014/45/EU, not all of these L3e, L4e, L5e, L6e and L7e categories are subject to the roadworthiness test.</p> <p>The question is that if a vehicle of category L3e or L6e up to 125 cm<sup>3</sup> is exported to a third country and it has been registered in a country where the roadworthiness test is not carried out for this category, what proof will be provided. This is an outstanding issue. That is why the Slovak Republic was also opposed to the extension of the scope in Article 2, and the Commission also drew attention to this.</p>

<b>Scrutiny</b>	In conjunction with Annex VII, Part C, it is necessary to determine the effectiveness of the non-destructive removal of specified parts and components on the basis of the feasibility principle, which is decisive. For example, on item 7, we find it difficult to set a 70 % dismantling rate for all windscreens, rear windows and possibly bonded roofscreens, as these are dismantled in a destructive manner and this provision would be difficult to implement or would impose significant costs on operators of old vehicles at the end of their useful life. We would also like to see an exemption for this section under Article 30(2).
<b>Scrutiny</b>	
<b>Scrutiny</b>	We could support the setting of a value of 0.1% to refer to free copper in long-term, but the determination of the percentage of total copper content in steel should be based on the principle of feasibility.
<b>In favor</b>	Maintaining that the producer/manufacturer responsibility organisation (MRO) in its jurisdiction has entered into a (framework) contract with an authorised treatment facility (ATF) is essential for us. We will support such retention.
<b>Object</b>	We do not support the proposed change and prefer the previous wording.
<b>Object</b>	We do not support the proposed change and prefer the previous wording.

**Object**

We do not support the development of inspection strategies aimed at detecting illegal activities in this area, given the potential burden on the competent authorities.

**Option 2**

**MS**

Austria
Belgium
Bulgaria
Croatia
Republic of Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

**Position**

-
In favor
Object
Neutral
Scrutiny