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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° Cion doc.:	11888/23 + ADD 1 to ADD 7
Subject:	End-of-Life Vehicles Regulation - WPE meeting on 17 February: non-paper by France, Italy and Spain

Delegations will find attached a non-paper by France, Italy and Spain on the possible inclusion of motorcycles in categories L1 and L2 to the scope of the ELV Regulation.

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INCLUDING ALL L-CATEGORY VEHICLES IN ELV FOR REGULATORY COHERENCE

France, Italy and Spain, call for including all L-category vehicles, including L1e and L2e, in the ELV Regulation, and make them comply by the same requirements, to ensure regulatory coherence.

1. Definition of L1e and L2e: why it should be considered like other L vehicles

The L1e and L2e categories cover the following vehicles:

- Mopeds (L1e-B - 2-wheels moped and L2e - 3-wheels moped).
Mopeds are characterized by an engine capacity ≤ 50 cm³ and a speed ≥ 6 km/h and ≤ 45 km/h. Electric mopeds are characterized by a power ≤ 4 kW and a speed ≥ 6 km/h and ≤ 45 km/h.
- Powered Cycles (L1e-A) are 2-wheels cycles designed to pedal equipped with an auxiliary propulsion, with the primary aim to aid pedalling. The output of auxiliary propulsion is cut off at a vehicle speed ≤ 25 km/h. The maximum power is ≤ 1 kW.

For example, in France, mopeds account for almost 40% of all 2 and 3-wheeled vehicles and buggies put on the road, and almost 20% of all end-of-life vehicles in these categories. In several European countries in 2024, L1e and L2e vehicles accounted for a considerable share of new registrations within the L category. Even if these vehicles are lighter than other L-category vehicles, there is no reason that they should be exempt from the efforts required of manufacturers to improve circularity.

The management of end-of-life mopeds should be subject to extended producer responsibility, to ensure that these vehicles are properly treated and not abandoned. It should be remembered that L1e and L2e category end-of-life vehicles are hazardous waste until they are completely depolluted, and that it is therefore important to ensure that they are properly managed in the same way as the other vehicle categories covered by the draft regulations. What's more, most of the parts and materials from these vehicles can be given a second life through the reuse of parts and the recycling of materials. It is therefore important that the vehicle regulations apply to L1e and L2e categories in the same way as they apply to other L categories.

Moreover, the distinction between categories like L1e and L3e can often be minimal, defined by electronic limits rather than significant physical differences. Concretely, if the current text is kept, two physically very similar products (e.g., an Electric Vespa L1e and L3e) would bear different requirements.

Moreover, tricycles would be totally excluded from the Regulation despite of their substantial size.

Furthermore, leaving L1e and L2e categories out of the scope would inevitably lead to Member States applying national regulations to those in many instances. This would lead to a "patchwork" or regulations, which creates an unbearable burden for OEMs.

2. Excluding L1e and L2e would create an overburden under ESPR

The Ecodesign for Sustainable Products Regulation ([ESPR](#)) entered into force on 18 July 2024.

According to Art 1.2/g, this Regulation applies to any physical goods that are placed on the market or put into service, including components and intermediate products. However, it does not apply to "vehicles as referred to in Article 2(1) of Regulation (EU) No 168/2013 (two- or three-wheel vehicles and quadricycles), in respect of those product aspects for which requirements are set under sector-specific Union legislative acts applicable to those vehicles.

Considering that, with the current text, the ELV Regulation will apply only to L3-L7 category vehicles the Ecodesign Regulation will be applicable for L1-L2 category vehicles creating an evident regulatory incoherence in the legislations and evident administrative burden for manufacturers that will be asked to implement two different schemes to prevent the waste of materials for similar (sometime almost identical) vehicles.

On the other hand, further integration of all L-category vehicles would increase the competitiveness of the industry, extending good practices to all type-approved vehicles produced by our manufacturers.

3. L1e and L2e can be covered by the ELV regulation like other L vehicles even if they aren't registered in some countries

The fact that some Member States do not have registration for these vehicle categories has no impact on the implementation of this regulation, since these vehicles are type-approved and have an identification number (VIN).

Only the provisions relating to the export of these vehicles are linked to vehicle registration, but we suggest that articles 38 to 45 don't apply to category L1 and L2 vehicles (these articles don't apply to other L vehicles either).