



## **Manual of European Environmental Policy**

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The Manual should be cited as follows:

Farmer, A.M. (2012) (Editor). Manual of European Environmental Policy. 1043pp. Routledge, London.



# End-of-life vehicles

<b>Formal references</b>	
<a href="#">2000/53/EC</a> (OJ L269 21.10.2000)	Directive on end-of-life vehicles
Proposed 9.7.97 – <a href="#">COM(97)358</a>	
<b>Legal base</b>	Article 192 TFEU (originally Article 175(1) TEC)
<a href="#">2005/64/EC</a> (OJ L310 25.11.2005)	Directive on the type approval of motor vehicles with regard to their reusability, recyclability and recoverability and amending Council Directive <a href="#">70/156/EEC</a> . As required by Directive <a href="#">2000/53/EC</a> .
<b>Amended by</b>	
<a href="#">2002/525/EC</a> (OJ L170 29.6.2002)	Decision amending Annex II to Directive <a href="#">2000/53/EC</a> , extending the list of exemptions
<a href="#">2005/438/EC</a> (OJ L152 15.6.2005)	Decision amending Annex II to Directive <a href="#">2000/53/EC</a> , clarifying the exemption relating to spare parts
<a href="#">2005/673/EC</a> (OJ L254 30.9.2005)	Decision amending Annex II to Directive <a href="#">2000/53/EC</a> , modifying the list of exemptions
<a href="#">2008/33/EC</a> (OJ L81 20.3.2008)	Directive amending Directive <a href="#">2000/53/EC</a> setting out new approaches to comitology with scrutiny from the European Parliament
<a href="#">2008/689/EC</a> (OJ L225 23.8.2008)	Decision amending Annex II to Directive <a href="#">2000/53/EC</a> , modifying the list of exemptions.
<a href="#">2010/115/EU</a> (OJ L48/12 25.2.2010)	Decision amending Annex II to Directive <a href="#">2000/53/EC</a> , modifying the list of exemptions.
<a href="#">2011/37/EU</a> (OJ L85 31.3.2011)	Commission Directive amending Annex II to Directive 2000/53/EC, modifying the list of exemptions.
<b>Binding dates</b>	
<b>2000/53/EC</b>	
Formal compliance	21 April 2002
Manufacturers liable for costs of take back of vehicles put on market after 1 July 2002	1 July 2002
Use of heavy metals banned	1 July 2003
85 per cent of end-of-life vehicle to be reused or recovered and 80 per cent reused or recycled	1 January 2006
Report by Member States on achievement of reuse/recovery and reuse/recycling targets	30 June 2008

Report by Member States on the implementation of the Directive	Every three years from 21 January 2006
Report of the Commission on the implementation of the Directive	Every three years from 21 October 2006
Manufacturers liable for costs of take back of vehicles put on market before 1 July 2002	1 January 2007
95 per cent of end-of-life vehicle to be reused or recovered and 85 per cent reused or recycled	1 January 2015
<b>2005/64/EC</b>	
Formal compliance	15 December 2006
Vehicles not complying with requirements of the Directive shall not be granted EC or national type approval	15 December 2008
If requirements of the Directive are not met Certificates of conformity for the purposes of Article 7(1) of Directive <a href="#">70/156/EEC</a> are to be considered no longer valid and the refusal of registration, sale or entry into service of new vehicles expect where Article 8(2)(b) of Directive <a href="#">70/156/EEC</a> applies	15 July 2010
<b>2002/525/EC</b>	
Entry into force	1 January 2003
<b>2005/438/EC</b>	
Entry into force	10 June 2005
<b>2005/673/EC</b>	
Entry into force	1 July 2005
<b>2008/33/EC</b>	
Entry into force	21 March 2008
<b>2008/689/EC</b>	
Entry into force	26 August 2008
<b>2010/115/EU</b>	
Entry into force	25 February 2010

## Purpose of the Directive

The Directive seeks to reduce the amount of waste, and therefore the adverse environmental effects, resulting from the disposal of vehicles at the end of their useful life. It also aims to improve the environmental performance of all the operators involved at each stage of a vehicle's life, particularly those involved in the treatment of 'end-of-life' vehicles (ELVs).

## Summary of the Directive

### Scope of Directive 2000/53/EC

The Directive applies to cars and light commercial vehicles, that is the vehicles designated as M<sub>1</sub> and N<sub>1</sub> under the EC vehicle classification system. The design of a vehicle is addressed, as Member States should encourage vehicle manufacturers and their component suppliers to:

- Limit the use of hazardous substances.

- Design and produce vehicles so as to facilitate their dismantling and the reuse and recovery of materials and components.
- Use recycled materials, so as to encourage the development of this market.

From 1 July 2003, the use of lead, mercury, cadmium and hexavalent chromium in materials and components of vehicles was banned, apart from in a number of specified uses – such as lead in batteries and certain alloys and mercury in instrument panel displays – that are set out in Annex II to the Directive. The Commission is committed to amending Annex II on a regular basis, so as to keep up with technical and scientific progress (though there was an embargo on deleting any of the original exemptions until 1 January 2003).

## **Collection**

Member States are to ensure that systems are in place to collect ELVs and that there are enough collection facilities available. They must also take the necessary measures to ensure that all ELVs are transferred to authorized treatment facilities. When an ELV has been transferred to such a facility, a certificate of destruction is to be issued to the last holder/owner. The minimum requirements for this certificate are set out in Commission Decision [2002/151/EC](#) of 19 February 2002.

Article 5(4) of the Directive states that the delivery of an ELV to an authorized treatment facility is to be undertaken without any cost to the final owner/user, but that manufacturers will be expected to bear a significant proportion of these costs. From 1 July 2002, this Article applied to vehicles put on the market after this date, and from 1 January 2007, it applied to all ELVs, no matter when they were put on the market. Member States were allowed to bring forward these two dates if they so wished.

## **Treatment**

Establishments or operations treating ELVs have to obtain a permit to do so or be registered with the relevant competent authority in compliance with Article 9 of the Directive on Waste [2008/98/EC](#). Annex I to the ELV Directive sets out minimum technical standards for the sites where ELVs are to be stored and treated. Minimum technical standards are also set out for the treatment of an ELV, for example the removal of batteries and oils, and the promotion of recycling by removing catalysts, metallic and plastic components, tyres and glass.

## **Reuse and recovery**

In order to promote the reuse of suitable components, the recovery of components that are not suitable for reuse and the recycling of material when environmentally viable, the Directive set targets for these:

- By 1 January 2006 on average at least 85 per cent by weight of all ELVs should be reused and recovered and at least 80 per cent should be reused and recycled. For cars produced before 1 January 1980, however, Member States were allowed to apply lower targets of 75 and 70 per cent, respectively; and
- By 1 January 2015, the equivalent figures should be at least 95 per cent and 85 per cent, respectively.

On the basis of proposals from the Commission, the Council and the European Parliament were to re-examine the targets for 2015 by the end of 2005 and set targets for the years beyond 2015. The Commission published the rules on the monitoring and reporting of these targets in Decision [2005/293/EC](#).

## **Coding standards and dismantling information**

The Commission was obliged to establish component and material coding standards to facilitate reuse and recovery by 21 October 2001. It eventually achieved this in February 2003 with Decision ([2003/138/EC](#)), which required Member States to take the necessary measures, working with manufacturers, to use the relevant ISO coding standards for plastics and rubber as set out in the Annex to the Decision. Member States are also required to ensure that producers supply dismantling information for each type of new vehicle within six months of that vehicle being put on the market.

## **Reporting and the use of voluntary agreements**

The use of voluntary agreements is allowed to meet certain provisions of the Directive. In October 2001, the Commission published Decision [2001/753/EC](#) detailing the questions to which Member States must respond in order to comply with the Directive's reporting requirements, as set out in Article 9. Member States are to report to the Commission on the implementation of the Directive every three years. The Commission subsequently publishes a consolidated implementation report based on Member State reporting.

## **Directive 2005/64/EC on type approval of motor vehicles**

Directive 2005/64/EC was developed as a requirement of Directive 2000/53/EC. It sets out the administrative and technical requirements for the type approval of M<sub>1</sub> and N<sub>1</sub> vehicles, with a view to the reuse, recyclability and recovery of their component parts. It sets provisions to ensure that the reuse of components does not lead to safety or environmental hazards. As a consequence, it also represents an amendment to the framework of the vehicle type-approval system, originally established by Council Directive [70/156/EEC](#). These amendments are set out in Annex VI. The Directive requires that, from 15 December 2008, Member States shall refuse to grant type approval to M<sub>1</sub> and N<sub>1</sub> vehicles that are less than 85 per cent reusable and/or recyclable by mass and less than 95 per cent reusable and recoverable by mass, where these terms have the same meaning as in Directive 2000/53/EC.

The granting of type approval is a two-stage process; the first is a preliminary assessment of the manufacturer carried out by the Member States' competent authority following the process in Annex IV. As part of this, the competent authority is responsible for the assessment of the arrangements and procedures of the manufacturer to manage the reuse, recyclability and recovery of vehicle components. The manufacturer is required to provide the relevant technical information on component materials and their masses to permit verification of manufacturers' calculations in accordance with ISO 22628: 2002.

Manufacturers are also required to provide a recommended strategy, based on proven technologies (available or in development), for the treatment of ELVs. The completion of this stage is the issuance to the manufacturer of a certificate of compliance; this is valid for a period no less than two years whereupon new checks can be conducted. Manufacturers are required to report any significant change that could affect the certificate's validity, to allow

the competent authority to determine whether new checks are necessary. The second stage in the process is the granting of full type approval. In order for the calculations and checks on the component parts in Annex I to be undertaken, the manufacturer is required to submit detailed technical information at an adequate level of detail. This is set out as part of the application for type-approval process in the form provided by Annex II. The model of the type-approval certificate to be granted once the calculations and checks have been carried out is provided in Annex III.

Three categories of exemptions are permitted: special purpose vehicles, such as ambulances and armoured vehicles; multi-stage N<sub>1</sub> vehicles where only the base vehicle must comply with the Directive; and small series vehicles, where market shares are so low as to present only a very marginal environmental benefit should they comply. In addition, Annex V provides a list of the component parts deemed to be non-reusable.

The implementation of Directive 2005/64/EC is to occur in three stages. Transposition into national law is required by 15 December 2006. From that date, vehicles that comply with the Directive cannot be refused EC or national type approval or new vehicles be prohibited from registration, sale or entry into service. From 15 December 2008, Member States can refuse EC and national type-approval vehicles that do not comply with the Directive. Finally, from 15 July 2010, Member States can consider certificates of conformity accompanying new vehicles no longer valid for the purposes of Article 7(1) of Directive 70/156/EEC and refuse registration, sale or entry into service of new vehicles, except where Article 8(2)(b) of Directive 70/156/EEC applies.

## **Development of the Directive**

### **Motivation**

The proposal for a Directive on ELVs was the first to arise from the Commission's priority waste streams programme, which sought to bring together government, environmental and industrial interests with the aim of building a consensus to identify how to address such waste streams. The aim of the proposal was to address the estimated 8–9 million tonnes of waste generated annually from the disposal of ELVs. Around 25 per cent of this waste is considered to be hazardous, which amounted to around 10 per cent of the total hazardous waste generated each year in the EU, and was landfilled.

### **Dispute and opposition from Member States and the motor industry**

Even though the proposal was published in July 1997, it did not receive its first reading in the European Parliament until early 1999. Progress in both the Parliament and Council was slow as a result of the concerns of some Member States and the motor industry. The Austrian Council Presidency in the second half of 1998 took the dossier forward, but was faced with a number of issues to resolve. Some Member States were concerned that the proposed targets for recycling and recovering were not possible with the exclusion of energy recovery from the definition of recycling. Other Member States were concerned that voluntary agreements, which already existed between governments and their respective motor industries would be threatened by the proposed Directive. At one point, it was thought that a target for reuse and recycling for 2015 might be excluded altogether. There were also concerns about making the

motor industry responsible for the cost of take back of vehicles, even though it was agreed that the final owner should not be liable.

The European vehicle manufacturers' association (ACEA) had three areas of concern in relation to the proposal. First, it was concerned that the targets for reuse and recycling would restrict the development of new concepts of lightweight construction and would adversely affect the functioning of existing national systems through the restriction of energy recovery to 5 per cent in 2005. Second, ACEA was concerned about the cost to manufacturers of the requirement that the take back of an ELV should be at no cost to the final owner/user. Finally, manufacturers were concerned that the restrictions on the use of heavy metals had not been thought through sufficiently as the requirement to remove these before recycling would restrict the use of lead in steel and aluminium alloys, for example, which could have an adverse effect on energy consumption.

### **Initial progress through Parliament**

The European Parliament in its first reading attempted to weaken the proposal in some respects and to refine it in others. In what was seen as a concession to industry, it rejected the Commission's proposal to make manufacturers liable for the costs of take back, but agreed that this should be cost-free for the final user, thus leaving it to individual Member States to decide who should pay. Parliament also weakened the proposal with respect to the disposal of lead, cadmium and hexavalent chromium by voting to allow these to be shredded and incinerated, but not landfilled, whereas the original proposal had banned all three means of disposal for these metals. However, it did propose that from 1 January 2005, the use of cadmium be banned in vehicles, while the use of lead, mercury and hexavalent chromium, be limited to specified uses. Parliament also strengthened the reuse, recovery and recycling targets for vehicles that gained type approval after 1 January 2005 by proposing that the targets originally set for 2015 (i.e. 95 per cent reuse and recovery and 85 per cent reuse and recycling) be applied from 2005.

### **Opposition from Germany**

The work previously undertaken by the Austrian Council Presidency laid the ground for a Common Position to be agreed at the Environment Council of March 1999. However, at the last minute, Germany, which was then holding the Presidency of the Council, tabled four amendments that eventually forced the postponement of an agreement until June's meeting. Many Member States were not happy with Germany's action, especially as the President of the Council is supposed to play a conciliatory role, rather than an obstructive one. Reports at the time suggested that Germany had bowed to high level pressure from the car industry and highlighted the fact that German Chancellor Gerhard Schröder used to be on the board of Volkswagen, whose chairman was then head of ACEA. ACEA also wrote to EU finance ministers saying that it could not accept the proposal to make the manufacturers responsible for the costs of dealing with ELVs.

### **Dispute over responsibility for take back costs**

Before the Environment Council of June 1999, Germany sought allies to amend the draft common position, as a result of the concerns of its car industry over the requirement that manufacturers should pay for the cost of take back of ELVs. The German economic ministry

sounded out industry ministries in other car manufacturing countries to rally support for changes. Neither environment ministries nor non-car manufacturing Member States were reported to have been involved in the consultations, even though it was the environment ministers who were responsible for the proposal. However these attempts were unsuccessful, as by June's meeting there was still no support to amend the draft common position. However, Germany did manage to succeed in blocking an agreement for a second time, as Spain and the United Kingdom indicated that they would join with Germany to form a blocking minority if the proposal was put to a vote. Other Member States were furious at Germany's position, especially as it held the Council Presidency at the time, and much of the heated debate was apparently transmitted live to listening journalists who heard France and Denmark attack Germany for its stance. It was suggested at the time that the support of Spain and the United Kingdom was in exchange for support on other issues under negotiation in other formations of the Council. The UK's support for Germany was an about turn as the UK Department of Trade and Industry had indicated that it had expected an agreement to be reached at June's meeting based on the text that was blocked in March, and that this was acceptable to the United Kingdom. ACEA welcomed the postponement and highlighted its concerns about the potential cost to the industry of having to take back vehicles that were designed and produced before the introduction of the legislation was even considered.

Further work on the proposal was undertaken by the Committee of Permanent Representatives (COREPER) and a compromise on the issue of free take back was agreed. It was decided that from 1 January 2001, manufacturers would be liable for the cost of take back of vehicles put on the market after this date, and from 1 January 2006, they would be liable for the cost of take back of all ELVs. ACEA argued that still requiring manufacturers to pay for the cost of take back of vehicles produced before 2001 from 2006 did not address the core issue of retroactivity, either economically or legally, and therefore left its concerns only partially addressed.

### **Common position approved**

The common position was approved at a subsequent Council meeting without further debate. However, Germany again opposed the proposal, but this time could not muster enough support to block its approval. The common position developed Parliament's approach to heavy metals further by eliminating the restrictions on landfill and incineration and settling on banning the use of lead, mercury, cadmium and hexavalent chromium, except for specified uses. It also introduced the possibility of using voluntary agreements to meet some of the proposal's provisions. The Council agreed with the proposed targets for reuse, recycling and recovery, but decided that the first set of targets should be met a year later than had originally been proposed in 2006 and also that less stringent targets should apply for cars produced before 1 January 1980. The Commission welcomed the common position, but expressed some concern that it was weaker than the original proposal with respect to the scope in that it removed the inclusion of two- and three-wheeled vehicles, manufacturers' liability and the treatment of heavy metals.

### **Question over legality of the proposal**

At the beginning of 2000, a report emerged that suggested that in a confidential internal document, the European Commission's own lawyers had questioned the legality of the ELV proposal. The concern was that the retroactive aspects of the proposal went against the basic EC principle of 'legal certainty', particularly if they were to impose excessive costs on car

manufacturers. For their part, the Commission argued that the proposal was not illegal as it would not impose 'excessive costs' on manufacturers. ACEA had promised to continue to lobby for changes when the dossier returned to the Parliament and by this time had been advised that the retrospective provisions of the proposal, that is those making manufacturers liable for the take back of cars already on the road, were illegal, an opinion rejected by the Commission.

## **Increased power of the Parliament**

The centre right European Peoples Party block was now the largest grouping in the Parliament and the entry into force of the Amsterdam Treaty had given MEPs equal powers to those of the Council over the proposal under the [co-decision procedure](#). As a result, some commentators feared that Parliament might attempt to use its extended powers to introduce further concessions to industry.

## **Disagreement over dates**

Parliament did indeed attempt to weaken the proposal and its vote led to a significant amount of confusion in relation to whether manufacturers were to be liable for the cost of take back of ELVs. The initial conclusions of the relevant plenary session suggested that the full Parliament had rejected an attempt by its Environment Committee to shift the burden of costs away from manufacturers. This was because the date from which manufacturers would be liable for the cost of take back of all ELVs was not changed from 2006. However, the Article to which this date now referred had been altered to state that manufacturers should pay all, or at least a significant part, of the cost of take back only for vehicles approved after 18 months from the entry into force of the Directive. Hence, the liability for vehicles approved before this date was no longer addressed, despite the fact that the 2006 date was left unchanged in a separate Article. Further, the effect of making manufacturers liable for those vehicles approved, rather than marketed, 18 months after the entry into force of the Directive, further extended the date from which manufacturers would be liable for the costs of take back. For example, if the Directive was to come into force in January 2001, under Parliament's amendments vehicles of types approved before July 2002 would still not be subject to the Directive after that date. This raised the prospect of a vehicle being put on the market in 2005, but not being subject to the Directive because it was approved in June 2002, for example. ACEA, which initially stated that it was disappointed with Parliament's vote announced itself delighted once the Commission's legal team had clarified what Parliament had actually voted for. Parliament also voted to reinstate provisions relating to the disposal of heavy metals and the targets that it had proposed in its first reading. However, it voted to introduce the ban on heavy metals later than had been proposed by the Council in its common position.

In the course of the debate on the proposal in the Parliament's Environment Committee, its rapporteur and his shadow, who were both German, were accused of bowing to pressure from their domestic car industry by tabling amendments to move liability away from manufacturers. Some observers even suggested that the two main parties in the Parliament had orchestrated the confusing set of amendments in order that the issue of the cost of take back was reopened in the conciliation negotiations.

## Conciliation negotiations

Both the Commission and the Council rejected Parliament's amendments, thus making conciliation negotiations necessary. Observers anticipated that these would be drawn out as a result of the position taken by Parliament in its second reading and fears that Germany would take the opportunity to attempt to amend the proposal. In the event, the conciliation negotiations were relatively short and were concluded largely in favour of the Council. With respect to the two most controversial issues, Parliament's attempt to soften restrictions on the use and treatment of a number of heavy metals was defeated, but the Council made minor concessions with respect to producer liability. The date from which manufacturers would be liable for the costs of take back was put back by 18 months to 1 July 2002 for 'new' vehicles (those put on the market after 1 July 2002) and by one year to 1 January 2007 for 'existing' vehicles (those put on the market before 1 July 2002). However, Member States were at liberty to require manufacturers to bring forward both dates if they so wished. A consequence of this compromise is that the principle that take back should be free to the final user also applied only from 2007 for 'existing' vehicles. This means that, although it was contrary to the spirit of the Directive, Member States could charge final users for the costs of take back of older vehicles until 2006.

In response, ACEA said that the agreement failed to answer manufacturers' objections to the retroactive principle, that is making manufacturers liable for the cost of take back of vehicles made before the Directive entered into force. It said that it would assess the economic and legal implications of the Decision and monitor its implementation in Member States.

The Directive was finally published on 18 September 2000.

## Classification as hazardous waste

ELVs were classified as hazardous waste by Commission Decision 2001/119/EC, which amended the EU list of [hazardous wastes](#). In the past, Member States had rejected proposals to include ELVs on the hazardous waste list, as a result of concerns over the management of the process rather than objections to ELVs being classified as hazardous. ELVs are now, therefore, subject to the provisions of the Hazardous Waste Directive [91/689/EEC](#) and consequently to the Regulation (EC) No [1013/2006](#) governing the shipment of waste. This classification is important as there had been concerns that the ELV Directive could result in an increase in the number of waste cars being exported to developing countries, rather than being recovered in the EU, especially with the cost implications of the latter option. However, the designation of ELVs as hazardous waste theoretically makes this more difficult, as any shipments within the EU need to be accompanied by comprehensive documentation.

## Ongoing amendments to Annex II

The Commission is committed to amending Annex II on a regular basis, so as to keep up with technical and scientific progress (though there was an embargo on deleting any of the original exemptions until 1 January 2003). The Commission missed the first deadline for this (21 October 2001), eventually published Decision 2002/525/EC amending Annex II for the first time in June 2002. The list was based on a consultant's report and effectively extended the list of exemptions in Annex II from 13 to 21 entries to include the use of lead for a number of further applications, particularly in electrical components and glass, and the use of cadmium

in batteries for electric vehicles until 2005. In June 2005, the Commission published Decision 2005/438/EC, which amended Annex II for a second time by clarifying the exemption relating to spare parts. Annex II has since been further amended by Decisions 2005/673/EC and 2008/689/EC.

In March 2008, Directive 2008/33/EC introduced revised comitology procedures for technical amendments to the Directive, such as the exceptions contained in Annex II; measures to ensure mutual recognition of certificates of destruction among Member States; rules to control compliance of Member States with the targets; and establishing the coding standards to use for components and materials.

## **Directive 2005/64/EC on type approval of motor vehicles**

On 11 March 2004, the European Commission published a proposal ([COM\(2004\)162](#)) to ensure that all light duty vehicles meet the recycling targets set out in the ELV Directive. This meets a requirement of Article 7(4) of the Directive, which previewed an amendment to integrate the recyclability requirements into the type-approval process, although the proposal appeared more than two years later than expected. As vehicles can be expected to last for around 12 years before needing to be disposed of, the Commission's proposal required that all passenger cars and light commercial vehicles manufactured from a specified date to meet the recycling, reuse and recovery targets for 2015. The European Parliament's Environment Committee proposed a number of amendments to this proposal, which formed the basis of an agreement reached between Parliament's rapporteur on the proposal and the Council in March 2005. The resulting Directive 2005/64/EC – on type approval of motor vehicles with regard to their reusability, recyclability and recoverability and amending Council Directive 70/156/EEC – was formally adopted on the 26 October 2005.

## **Implementation of the Directive**

A list of national measures transposing the Directive in the Member States can be found in their national [execution measures](#).

In January 2005, the Commission announced that it would convene a Stakeholder Working Group to contribute to the review of the 2015 targets for reuse, recovery and recycling and invited applications from interested parties. A report on this issue was published in January 2007 ([COM\(2007\)5](#)) which concluded that the current targets for 2015 should be maintained and that the Commission will not propose a revision.

Reports on the implementation of Directive 2000/53/EC are to be produced every three years.

In October 2007 the Commission's first implementation report on the Directive was published ([COM\(2007\)618](#)) along with a related working paper ([SEC\(2007\)1348](#)). It covered the reporting period April 2002–2005 and was expected to be published in October 2006, but was delayed due to the long, complex and in many cases late implementation by the Member States. The report illustrated less than satisfactory implementation, highlighted by infringement proceedings pending against nine Member States (Belgium, Denmark, Spain, France, Italy, France, Ireland, Portugal and the United Kingdom). As the report was published on the basis of incomplete reports on the actual implementation and enforcement of legal requirements, there were not enough data to assess the implementation fully. A further

analysis by IEEP (2007) found anecdotal evidence that illegal export of scrap cars from other Member States continues<sup>1</sup>.

A more detailed picture of the implementation was hoped to be gleaned from the Member States' reports on the achievement of the reuse/recovery and reuse/recycling targets, due to be submitted to the Commission by June 2008. However, the report ([COM\(2009\)635](#)), covering the period April 2005–2008, was still not fully elucidating – many Member State responses were missing, incomplete or unclear. The report stated that conformity studies run by the Commission to examine the national implementing measures showed that the Directive had generally been well transposed, but the implementation and enforcement of these measures remained somewhat in question. In 2009 there were nine cases of non-conformity and six cases of non-reporting pending against Member States. Further, several Member States did not meet their targets for re-use, recycling and recovery in 2006.

Conformity checks and meetings with Member States continue in order to ameliorate the flaws in implementation of the Directive.

## Enforcement and court cases

The following case concerning the ELVs Directive has been decided by the European Court of Justice:

- [C-394/05](#) 24.5.2007. This was a judgement against Italy for failure to transpose the Directive correctly into national legislation.

## Related legislation

There are a number of other EU Directives which have an interaction with the ELVs Directive. These include:

- Directive on hazardous waste ([91/689/EEC](#)).
- Directive on Waste ([2008/98/EC](#)).

## Reference

1 IEEP et al. (2007) *End-of Life Vehicles Directive: Assessment of the Current State of Implementation by Member States Study for the EP Environment, Public Health and Food Safety Committee* under contract IP/A/ENVI/FWC/2006-172/C1/SC2.