

8th Adaptation to scientific and technical progress of exemptions 2(c), 3 and 5 of Annex II to Directive 2000/53/EC (ELV)

Project Description

Oeko-Institut e.V. - Institute for Applied Ecology, Germany (Project Management, Partner)

Carl-Otto Gensch

Yifaat Baron

Andreas Manhart

Katja Moch

Eunomia Research & Consulting (Peer Review - Leading Partner)

Adrian Gibbs

Öko-Institut e.V.

Freiburg Head Office

P.O. Box 17 71

79017 Freiburg, Germany

Street Address

Merzhauser Str. 173

79100 Freiburg

Phone +49 (0) 761 – 4 52 95-0

Fax +49 (0) 761 – 4 52 95-288

Darmstadt Office

Rheinstr. 95

64295 Darmstadt, Germany

Phone +49 (0) 6151 – 81 91-0

Fax +49 (0) 6151 – 81 91-133

Berlin Office

Schicklerstr. 5-7

10179 Berlin, Germany

Phone +49 (0) 30 – 40 50 85-0

Fax +49 (0) 30 – 40 50 85-388

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1 Background

EU Directive 2000/53/EC¹ on end-life-vehicles ("ELV" Directive hereafter referred to as "the Directive") bans the use of certain substances in vehicles. The Directive is updated according to scientific and technical progress. To date, Annex II to the Directive has been adapted six times (in 2002, 2005, 2008, 2010, 2011 and 2013), with a seventh update to be finalised in 2014.

Any adaptation of the Annex needs to follow the requirements of the Directive. In particular:

- Article 4(2)(a) of the Directive provides that "Member States shall ensure that materials and components of vehicles put on the market after 1 July 2003 do not contain lead, mercury, cadmium or hexavalent chromium other than in cases listed in Annex II under the conditions specified therein."
- Annex II to the Directive lists a limited number of components and materials of vehicles which are exempted from the requirements of Article 4(2) (a) and may contain specific amounts of lead, mercury, cadmium and hexavalent chromium. This Annex also specifies the scope and expiry date of some of the exemptions as well as an obligation to make materials and components containing heavy metals labelled or identified in order to remove them before shredding.
- Article 4(2)(b) provides for a regular adaptation of Annex II to scientific and technical progress. It stipulates that "in accordance with the procedure laid down in Article 11 the Commission shall on a regular basis, according to technical and scientific progress, amend Annex II, in order to:
 - (i) as necessary, establish maximum concentration values up to which the existence of the substances referred to in subparagraph (a) in specific materials and components of vehicles shall be tolerated;
 - (ii) exempt certain materials and components of vehicles from the provisions of subparagraph (a) if the use of these substances is unavoidable;
 - (iii) delete materials and components of vehicles from Annex II if the use of these substances is avoidable;
 - (iv) under points (i) and (ii) designate those materials and components of vehicles that can be stripped before further treatment; they shall be labelled or made identifiable by other appropriate means."
- On the basis of Article 4(2) (b)(ii) of the Directive, the Commission receives requests for exemptions that need to be evaluated in order to assess whether they are justified according to technical and scientific progress and, in particular, whether the use of heavy metals in the requested cases is indeed unavoidable. Where the requirements of Article 4(2)(b)(ii) are fulfilled, the Commission can propose a draft decision amending Annex II to Directive 2000/53/EC.

¹ OJ L 269, 21.10.2000, p. 34.

- The key criterion to be taken into account while revising Annex II to the Directive is the scientific and technical possibility of using substitutes of the restricted substances in vehicles, anywhere in the world.

With the new contract No. ENV/2014/637887/ETU/A2 implementing Framework Contract No. ENV.C.2/FRA/2011/0020, a consortium led by Eunomia Research & Consulting has been requested by DG Environment of the European Commission to provide technical and scientific support for the evaluation of renewal of exemptions 2(c), 3 and 5, listed in Annex II of the ELV Directive. The work is being undertaken by the Oeko-Institut and shall be peer reviewed by Eunomia Research & Consulting. The work has been requested in view of providing technical and scientific support for the evaluation of applications for granting, renewing or revoking an exemption to be included in or deleted from Annex II the ELV Directive 2000/53/EC.

2 Objectives

The objectives of this project can be outlined as follows:

- Provide a dedicated website which ensures that involved stakeholders will receive all necessary information and can contribute to online consultations (<http://elv.exemptions.oeko.info>);
- Execute a clear technical and scientific assessment on whether requests for new exemptions are justified in line with the criteria given in Article 4(2)(b);
- Provide for the involvement and consultation of stakeholders (inter alia producers of vehicles, components and equipment installed in vehicles, recyclers, treatment operators, environmental organisations, employee and consumer associations);
- Provide a clear and unambiguous wording for the preparation of a Draft Commission Decision for those exemptions, where on the basis of the result of the consultation and the evaluation, an exemption can be justified.

3 Scope

In agreement with the Commission, the renewal of three exemptions will be evaluated. Table 1 gives an overview on these, covering the use of lead in various applications.

Table 1 Exemptions that will be evaluated during this project.

| No. | Current Wording |
|------|---|
| 2(c) | Aluminium with a lead content up to 0.4 % by weight |
| 3 | Copper alloy containing up to 4 % lead by weight |
| 5 | Lead and lead compounds in Batteries |

4 Project set-up

The overall project is led by Carl-Otto Gensch. The project team at Oeko-Institut consists of the technical experts Yifaat Baron, Andreas Manhart and Katja Moch.

The exemption evaluation will be performed in close co-operation with the European Commission and stakeholders (the Automobile industry and its associations, NGOs, independent experts etc.). This includes:

- Central communication access for stakeholders via the project-specific e-mail account elv@oeko.de;
- Project-specific website at <http://elv.exemptions.oeko.info/> where relevant documents and project activities will be published;
- Information for stakeholders via website and via mailing lists for which stakeholders can register;
- Preparation and management of stakeholder consultations via project website;
- Technical and scientific evaluation of stakeholder input and further procedure for receiving a sound basis with a high level quality of data and information and for cross-checking information for technical correctness and confidentiality issues;
- Stakeholder workshop or meetings where necessary.

5 Time schedule

Assignment of project tasks to Oeko-Institut started in 09 September 2014 and will run over a period of 8 months, thus ending in May 2015. An interim report is to be delivered to the European Commission after two months. The final report is due at the end of the project.

The stakeholder consultation will start in September 2014. If a stakeholder workshop is appropriate it will take place in fall 2014 - 2015.