

**Annex: Specific study request – 'Specific terms of reference'**  
**(under Framework contract ENV.C.2/FRA/2011/0020)**

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

**1. Context/General Information**

EU Directive 2000/53/EC<sup>1</sup> 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 seven times (in 2002, 2005, 2008, 2010, 2011, 2013 and 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."

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<sup>1</sup> OJ L 269, 21.10.2000, p. 34.

- 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.
- 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.
- Update all entries outside the scope of the amendment of the three entries not relevant to the substance, such as obsolete dates.

## **2. Subject of the study**

According to Annex II, *exemptions 2(c), 3 and 5 need to be reviewed before 1 January 2016.*

(1) The Commission needs clear technical and scientific evidence and an assessment to renew or revoke one or more of the exemptions under assessment in light of the Directive's criteria explained above, taking into consideration the expiry dates. The number of reviewed applications shall not exceed **3 exemptions in total**.

(2) Stakeholder consultation should be organised in order to fulfil the objective (as described in detail below).

## **3. Tasks to be performed**

### **Task 1: Stakeholder Consultation**

This exercise shall be conducted following the minimum standards for consultation of interested parties set in the Commission Communication COM (2002) 704 final of 11.12.2002 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2002:0704:FIN:EN:PDF>).

Stakeholder consultation should be an interactive process. At the beginning of the project, the contractor shall set up a website and keep it updated with regular reports indicating the progress of work. If a dedicated website has already been set up by the Commission services, the contractor should continue using this website. The website should also contain non-confidential contributions of the stakeholders.

Information about the launch of the evaluation of the selected exemption should be clearly presented to all relevant stakeholders (list to be assembled by the contractor, with the approval and possible modifications of the Commission).

### **Task 2: Assessment and evaluation of the exemption**

The consultant shall provide a technical and scientific assessment of the exemptions under section 2 above.

The assessment should comply with the requirements of the Directive and be in line with the Commission's mandate given by the Directive to review Annex II. The consultant shall

discuss and agree the detailed boundaries of the assessment with the Commission services at the beginning of the project.

In particular, the consultant shall:

- Provide a clear assessment and evaluation of whether the exemptions are justified in line with the requirements of the Directive;
- Indicate why the restricted substances are currently required or used and the quantity of the restricted substance present in the specific application;
- Indicate if the elimination or substitution of the restricted substances via design changes or different materials and components is currently technically or scientifically possible;
- Indicate if the negative environmental, health and/or consumer safety impacts caused by substitution are likely to outweigh the environmental, health and/or consumer safety benefits;
- If substitutes exist, indicate why they are not used;
- Assess the substitute in light of other EU policies, such as the initiative for a resource-efficient Europe, the Sustainable Production and Consumption Programme, Sustainable Industrial Policy, the Raw Materials Initiative, etc.;
- Indicate any similar applications in which the substance (or their substitutes) are used and why they are not suitable for the application in question;
- Indicate, if possible, what efforts have been made for an exemption to find out if alternatives are available/what efforts are being made to develop alternatives;
- Indicate if alternative techniques or materials will be available by an expiry date of an exemption / any other date;
- Work in close liaison with the Commission and with the parties which submitted requests for exemptions or other relevant evidence, relevant trade associations and non-governmental organisations.
- Having regard to confidentiality issues, ensure, inter alia through setting up a dedicated website, that all relevant stakeholders will receive all the necessary information about launching and progress of the project and the opportunity for a timely and appropriate contribution and participation. This exercise shall be conducted following the minimum standards for consultation of interested parties set out in the Commission Communication COM(2002) 704 final of 11.12.2002;
- Consider previous assessments of the exemption requests published at: [http://ec.europa.eu/environment/waste/elv\\_index.htm](http://ec.europa.eu/environment/waste/elv_index.htm);

~~The offers shall include an outline of the work, the distribution of tasks and the time allocation between the various team members.~~

#### **4. Guide and details of how the tasks are to be carried out**

The duration of the tasks is 8 months from the date of signature of the contract. The execution of the tasks may not start before the contract has been signed.

The place of performance of the tasks shall be the contractor's premises or any other place indicated in the tender, with the exception of the Commission's premises.

Frequent contact with the Commission will take place during the elaboration of the study in order to provide for a smooth and effective exchange as necessary.

The contractor does not have the authority to publish the deliverables without prior authorisation from the Commission. All matters related to this study should be treated with confidentiality.

#### **5. Estimated expertise requirement**

Expert workload corresponding to maximum [REDACTED] (including possible travel and subsistence costs).

#### **6. Experience (professional qualifications) required of the contractor**

The contractor should demonstrate that the team is technically capable of carrying out the works in all areas as described in this technical annex and show that the core team has proven experience in the field of assessing the technical aspects of Directive 2000/53/EC.

The contractor should be able to provide all the deliverables to the Commission in English.

#### **7. Estimated timetable**

- **Kick-off meeting:**

Within 2 weeks of the specific contract signature, the contractor shall participate in a kick-off meeting with the Commission to discuss the details of the study, in particular the criteria and requirements that need to be assessed. This meeting will be held in the Commission's offices in Brussels unless both parties agree to a telephone conference.

- **Reports:**

- Interim report: Shall be submitted to the Commission before the end of the second month following the signature of the specific contract.

- Draft final report: Shall be submitted to the Commission before the end of the seventh month following the signature of the specific contract.

- Final Report: Shall be submitted to the Commission by the end of the duration of this specific contract. The final report should take into account the comments from the participants in the above mentioned stakeholders consultation.

The contractor shall start working immediately after the signature of the contract.

Details of the work plan, as presented in the offer, shall be finalised in agreement with the Commission within two weeks from the date of signature of the contract. This can be done in a kick-off meeting, via e-mail or telephone (to be decided in collaboration with the Commission).

All reports shall be provided on paper (one copy) and in electronic form (WORD 7 or higher version format). The reports shall be drafted in English.

The contractor shall include in the offer the availability for one meeting with the Commission in Brussels, if necessary.

- **Duration:**           **8 months**
- **Budget:**            