

# Adaptation to Scientific and Technical Progress of Exemption 8(i) of Annex II to Directive 2000/53/EC (ELV Directive)

## 1 Introduction

Following the requirements of Article 4(2)(a) of Directive 2000/53/EC on end-of-life vehicles (ELV Directive), Member States of the European Union have to ensure that materials and components of vehicles put on the market since 1 July 2003 do not contain lead, mercury, hexavalent chromium and cadmium. A limited number of applications exempted from the provision of this article are listed in Annex II to the Directive as well as the scope and the expiry date of the exemption and the labelling requirement according to Article 4(2)(b)(iv)<sup>1</sup> (if applicable).

Based on Article 4(2)(b), the Commission adapts Annex II to scientific and technical progress. This is done on a regular base in order to check whether existing exemptions are still justified with regard to the requirements laid down in Article 4(2)(b)(ii), and when additional exemptions have been requested on the basis of the same article. Exemptions that are not anymore justified are deleted from the Annex with regard to Article 4(2)(b)(iii). Furthermore, the adaptation procedure has to – as necessary – establish maximum concentration values up to which the restricted substances shall be tolerated (Article 4(2)(b)(i)) and designate those materials and components that need to be labelled.

Some entries of Annex II include a mandatory review date. This is inter alia the case for exemption 8(i) which needs to be reviewed before 1 January 2012 since the expiry date for this exemption has been set to 1 January 2013.

Against this background the Commission has contracted Öko-Institut and Fraunhofer IZM for the review of exemption 8(i). This includes the consultation with stakeholders and – if necessary – the suggestion of an amended wording for the exemption.

**Neither the fact that a stakeholder consultation is being launched, nor the results of this stakeholder consultation should be interpreted as a political or legal signal that the Commission intends to take a given action.**

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<sup>1</sup> Article 4(2)(b)(iv) provides that designated materials and components of vehicles that can be stripped before further treatment have to be labelled or made identifiable by other appropriate means.

## 2 Consultation scope

The scope of the current consultation is exemption 8(i) as shown in the table below.

Table 1 ELV exemption 8(i) covered by the stakeholder consultation

No.	Title	Scope and expiry date	Review date	Applicant / stakeholders
8(i)	Lead in solders in electrical glazing applications on glass except for soldering in laminated glazing	Vehicles type approved before 1 January 2013 and spare parts for these vehicles	This exemption shall be reviewed before 1 January 2012.	Antaya / ACEA / CLEPA and non-European automotive and automotive supplier associations such as JAMA, KAMA

For further technical details please refer to the questionnaire.

## 3 How to submit a stakeholder contribution

The following general guidelines should be taken into account:

- Refer to the exemption 8(i) listed in Table 1.
- Please provide answers to the questions listed in the **questionnaire** at [http://elv.exemptions.oeko.info/fileadmin/user\\_upload/Exe\\_8\\_i\\_2011/Questionnaire\\_Review\\_Exe-8\\_i\\_ELV.pdf](http://elv.exemptions.oeko.info/fileadmin/user_upload/Exe_8_i_2011/Questionnaire_Review_Exe-8_i_ELV.pdf).
- Clearly state whether you support the continuation of the exemption, or whether no justification is seen. To support your comment, please **provide relevant technical and scientific evidence** as well as an assessment of your evidence by an independent expert. Explain the reasons why potential alternative materials, designs or processes are unsuitable with quantitative data wherever possible. Although not decisive, any relevant economic data regarding those alternative materials are also welcome. If possible, **provide photographs or diagrams** to illustrate claims. **Sources of information** should be referenced where possible.
- Exemptions to the ELV Directive can not be justified on the basis of confidential information. Should you wish such information to be used as a justification for an exemption, you need to give explicit agreement to the Commission and the project team to disclose the relevant information on their website.
- If you wish to submit confidential information nevertheless, clearly mark it as "NOT FOR PUBLICATION" if they are not be posted as comments on the consultation website.
- **Please refrain from submitting confidential and non-confidential information together in the same document!**

- Please refrain from submitting several identical comments in order to support a position / comment. It is more useful and efficient to include a cover letter stating that a submission is supported by several parties.
- Submit **compact and comprehensive information** instead of very large and extensive documentation. It will facilitate formulating the need for further information. In case more information is needed, the consultants will contact you.
- **Do not submit new exemption requests.** New exemption requests as well as questions or remarks concerning results of former evaluations of other exemptions have to be addressed to the European Commission directly.
- Please be aware that it might be necessary to give a negative recommendation if important information is requested from you, but not submitted.
- In case you support the continuation of the exemption but with different scope and wording, please provide a clear and unambiguous wording.
- Always include **your contact details** (or of the person responsible for further contact). The evaluation procedure will normally lead to further questions which we need to address to you directly.
- If you submit documents in **PDF-formats**, please make sure that text can be marked and copied selectively from these documents in order to avoid retyping (which is a possible source of mistakes) when summarising your arguments for the review report.

#### 4 Consultation of interested parties

For the consideration of the item listed above, Öko-Institut and Fraunhofer IZM – on behalf of the European Commission - would like to consult interested parties.

It shall be noted that generic comments, statements, position papers and any additional request for exemptions will not be taken into account.

Interested parties are invited to send their comments by e-mail, the latest on **9 September 2011**, to [elv@oeko.de](mailto:elv@oeko.de) or by post to:

Fraunhofer IZM  
Otmar Deubzer  
Environmental Engineering  
Gustav-Meyer-Allee 25  
D - 13355 Berlin  
Germany

Responses submitted electronically will be posted on the EU CIRCA web site as they are received, unless respondents specifically request that their contribution should not be publicised. In the latter case, responses should be clearly and visibly marked with the words "Not for publication".