

Stakeholder Workshop on the ASSESSMENT OF THE IMPLEMENTATION OF DIRECTIVE 2000/53/EU ON END- OF-LIFE-VEHICLES (THE ELV DIRECTIVE) WITH EMPHASIS ON THE END-OF-LIFE VEHICLES (ELVs) OF UNKNOWN WHEREABOUTS

Brussels, 21 November 2016

Location: Committee of the
Regions, Brussels

Summary

The stakeholder workshop hosted by the European Commission concluded the public stakeholder consultation carried out as part of the study, undertaken by Oeko-Institut, to assess the implementation of Directive 2000/53/EC on end-of life vehicles (the ELV Directive) with emphasis on the end-of-life vehicles of unknown whereabouts. The workshop presented results from the public consultation on this topic, and provided a good exchange of information, views and ideas on how to improve the implementation of the ELV Directive with emphasis on ELVs of unknown whereabouts.

Several aspects were introduced and debated, in particular vehicles de-registration and re-registration procedures among Member States, schemes of keeping track of used vehicles / ELVs applied by Member States (incl. ownership tax) as well as enforcement techniques to reduce illegal dismantling of ELVs.

The results of the workshop, as part of the public consultation, will feed the Commission's further considerations on how to address the issue of 'unknown whereabouts' of ELVs, so to improve implementation of the ELV Directive. Final results of the study will be presented in the summer 2017.

Presentations from the workshop are available on elv.whereabouts.oeko.info.

Presentations (Oeko-Institut): According to a balance considering data for new registrations of vehicles, import/ export of used vehicles, data on ELVs and data on the change of the European vehicle stock for the years 2010 to 2014 Oeko-Institut estimates 3.4 to 4.6 million vehicles per year not reported as being exported nor treated officially as ELV (equivalent to “unknown whereabouts”)¹. However, the results are influenced by the quality of the data available. For instance, incomplete information on exits from stocks is likely to result in a higher number of unknown whereabouts while higher (net) exports of used vehicles may lead to a decline of vehicles of unknown whereabouts. Having these aspects in mind, the results regarding the level of vehicles of unknown whereabouts are considered to be quite robust. However, when assessing the situation in single countries, it can be concluded that some of the available data (e.g. stock of registered vehicles, information on export and import) need methodological improvement.

On the basis of the data submitted to Eurostat under current requirements, it is not possible to assess if the Member States report all ELVs generated at their territory. Some Member States carried out enforcement campaigns which revealed a remarkable number of illegally treated ELVs and / or vehicles with unknown whereabouts.

The public stakeholder consultation under the current project addressing aspects of ELVs whereabouts ran from 29 June to 21 September 2016. The purpose of this public consultation was to collect

¹ Oeko Institut (2016) Assessment of current situation of ELVs of unknown whereabouts preliminary results, Öko-Institut, 22 June 2016; http://elv.whereabouts.oeko.info/fileadmin/images/Project_Docs/Assessment_whereabouts.pdf

stakeholder contributions on aspects such as:

- how to improve information on imports and exports,
- what measures might be appropriate for improving enforcement and
- what incentives might be supportive to keep track of used vehicles and ELVs until either effectively exported to extra EU countries or ELVs treated in compliance with the European requirements.
- Moreover, the public consultation covered aspects related to possible changes of the Commission Decision 2005/293/EC to allow a more complete monitoring of the implementation of the ELV Directive.

137 stakeholders submitted their comments on the proposed suggestions to improve the implementation of the ELV Directive with regard to the “ELVs of unknown whereabouts”. Many stakeholders also submitted additional suggestions and comments. The public consultation showed widespread support for the recommendation that greater emphasis should be placed on the implementation of the ELV Directive, and that additional information should be provided by the Member States to assess the implementation at Member States' level. At the same time the consultation highlighted that enforcement/ inspections at national level should be reinforced. Furthermore, there was general agreement that incentives/ penalties on national level can support the enforcement with the aim to direct ELVs to authorized treatment facilities (ATFs).

The details of the replies to the consultation are available via the DG ENV website².

Presentations from Member States

Representatives from the UK (DVLA³ and DEFRA⁴), Germany (UBA⁵) and France (MEEM⁶) and from the Dutch recycling company ARN presented examples how to improve the tracking of vehicles and how to avoid illegal dismantling. For the **UK**, it is important that the registered keeper of a vehicle kept off the public UK roads makes an Indefinite Statutory Off Road Notification (ISORN). The ISORN was introduced in December 2013 and replaced the SORN declaration that was made by a keeper on a yearly basis. The UK representatives marked that it is too early to determine whether this change will cause a continuous rise in the number of vehicles with ISORNs which might be suspected to be exported or dismantled without issuing CoD, instead of being kept off the public UK roads as intended. Furthermore, the UK introduced results of the national campaign against illegal dismantling in England. As a result, nearly 1.000 illegal waste sites were identified in the last years, 989 of which had been stopped. The UK had also investigated internet trading in spare parts, a major problem area for tracing illegal dismantlers. Moreover, the insurance categorization and auction houses were identified as the second major problem contributing to the 'missing vehicles'. The registration system in the **Netherlands** ensures a continuous registration in which a plate is mandatory for each vehicle (even vehicles kept on private grounds). This system always allows the tracing of the vehicle owner/ keeper. A yearly fee is due if the vehicle is (temporarily) suspended from the register. A recent investigation in the Netherlands has revealed that there might be a relevant number of vehicles that are declared as being exported, but are apparently being dismantled within the territory of Netherlands. Further investigations of this aspect are necessary. **Germany** presented an approach to

² http://ec.europa.eu/environment/waste/elv/events_en.htm

³ Driver and Vehicle Licensing Agency

⁴ Department for Environment, Food & Rural Affairs

⁵ Umweltbundesamt

⁶ French ministry of Environment, Energy and Sea

use data on re-registration (according to Article 5(2) Directive 1999/37/EC on registration documents) and the application of the EUCARIS interface/ data exchange, as a possible proxy for the import/ export of used vehicles within the EU. **France** presented the national strategy on “ways to fight against illegal sites and illegal activities of end-of life vehicles” and enforcement actions that have started in 2012. Ultimately, nearly 100 out of 1 475 inspected sites were closed.

First general findings

First general findings and recommendations from the study presented by the Öko-Institut were discussed in detail.

Several attendees expressed support for improving the information on **re-registration** and **de-registration** in order to keep track of the vehicle and the owner. No objections were raised with regard to a possible action to harmonise the definitions of the ELV Directive with the definitions of the Directive 1999/37/EC on registrations. Moreover, the attendees did not raise any objections to the contractor’s suggestions relating to the registration aspects including the proposal to abandon practices of an “automatic” de-registration/ cancellation of a registration after a certain time. The car industry explicitly supported that the Member States should maintain information for each vehicle unless it is exported or registration is cancelled permanently.

With regard to the information on **imports** and **exports**, several detailed comments were made:

- How to deal with problems of extra-EU exports via a transit country? Transit in “single-stage process” or by custom agents might cause problems as regards the reporting on exports.
- The customs codes for used vehicles are not fully coherent with the scope of the ELV Directive. Referring to the customs codes when reporting in accordance with the ELV Directive might cause inaccurate data, and it is therefore necessary to address the potential difference.
- How to ensure that vehicles notified as exported are actually exported? Participants from a Member State are concerned that such false declarations might be used by illegal dismantlers to escape a well-managed vehicle database.
- With regard to the distinction between ELVs and used vehicles exported and the related Correspondents Guidance No. 9 to the Waste Shipment Regulation, some stakeholders encourage that those be reviewed and adjusted before further considering making them binding.
- In the context of the Roadworthiness Package it was clarified that an EU-wide database would not be compliant with the subsidiarity principle. . Instead, data exchange is the best approach for the single market.

Relating to proposals on how to direct **ELVs to the authorized treatment facilities**, the idea to establish incentives was supported by several statements. A broad range of different kinds of incentives was mentioned by different stakeholders. Furthermore, attendees recommended requiring inspections in the spare part sector as well to verify provenance legal from dismantling. While a number of participants supported incentives such as refund systems for ELV treatment, the car industry expressed concerns that refund systems might shift vehicles from reuse to recycling, which would be against the waste hierarchy.

Representatives from Cyprus, Portugal, and Italy provided additional information on their national approach how to avoid illegal treatment and how to keep track of the vehicle and the owner. Other attendees recommended that systems in Japan, Norway and Switzerland be considered as good practice examples as well.

The contractor presented suggestions on how to **improve the Commission Decision 2005/293/EC** in the following fields:

- Align and make consistent introductions and definitions
- Simplify reporting on import/ export of ELVs
- Define the details for reporting on imports/ exports of used vehicles
- Define the details for reporting on national vehicle markets
- Make provisions for the level of details in the quality reports and ensure that reports shall be published unless MS explicitly refuses publication
- Request reporting on inspections/ enforcement actions

One stakeholder expressed concerns that the national authorities responsible for the reporting on ELVs will not have access to the requested information since other national authorities / ministries are in charge of them. No other concerns with regard to the proposals were raised.