

2003 No. 2635

ENVIRONMENTAL PROTECTION

The End-of-Life Vehicles Regulations 2003

Made - - - - - 8th October 2003

Laid before Parliament 10th October 2003

Coming into force in accordance with Regulation 1(2)

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The Secretary of State, being a Minister designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in respect of measures relating to the prevention, reduction and elimination of pollution caused by waste and in respect of matters relating to the prevention of waste from vehicles and forms of recovery of end-of-life vehicles and their components, in exercise of the powers conferred on her by that section, hereby makes the following Regulations:

PART I

General

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the End-of-Life Vehicles Regulations 2003.
- (2) These Regulations shall come into force—
 - (a) in Great Britain, on 3rd November 2003 in respect of Parts I to VI;
 - (b) in England and Wales, on 3rd November 2003 in respect of Part VII;
 - (c) in Northern Ireland—
 - (i) on 3rd November 2003 in respect of Parts I to IV; and
 - (ii) on 31st December 2003 in respect of Parts V and VI.
- (3) These Regulations extend—
 - (a) save in respect of Part VII, to the United Kingdom; and
 - (b) in respect of Part VII, to England and Wales.

Interpretation

2. In these Regulations—
 - “the Directive” means Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles^(c);
 - “authorised treatment facility” means any establishment or undertaking carrying out treatment operations which holds a site licence that meets the requirements of Part VII and Schedule 5 to these Regulations in compliance with Article 6 of the Directive and Articles 9, 10 and 11 of the Waste Directive;
 - “certificate of compliance” means the certificate referred to in Part VI of these Regulations;
 - “certificate of destruction” means the certificate referred to in Part V of these Regulations;
 - “compliance notice” means a notice in writing served in accordance with regulation 9 or 21, as the case may be;
 - “dismantling information” means all information required for the correct and environmentally sound treatment of end-of-life vehicles;
 - “an EEA State” means a State which is a contracting party to the EEA Agreement; and the EEA Agreement means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the protocol signed at Brussels on 17th March 1993;
 - “end-of-life vehicle” means a vehicle which is waste within the meaning of Article 1(a) of the Waste Directive;

(a) S.I. 1992/2870 and S.I. 2001/3495.

(b) 1972 c. 68. Under section 57 of the Scotland Act 1998 (c. 46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under Community law in respect of devolved matters, the function of the Secretary of State in relation to implementing those obligations continues to be exercisable by her as regards Scotland.

(c) OJ No. L269, 21.10.2002, p. 34; amended by Commission Decision 2002/525/EC (OJ No. L170, 29.06.2002, p. 81).

“hazardous substance” means any substance which is considered to be dangerous under Directive 67/548/EEC(a);

“prevention” means measures aiming at the reduction of the quantity and the harmfulness for the environment of end-of-life vehicles, their materials and substances;

“producer” means the vehicle manufacturer or the professional importer of a vehicle into a member State;

“recovery” means any of the applicable operations provided for in Annex IIB to the Waste Directive;

“recycling” means the reprocessing in a production process of waste materials for the original purpose or for other purposes but excluding energy recovery. Energy recovery means the use of combustible waste as a means to generate energy through direct incineration with or without other waste but with recovery of the heat;

“reuse” means any operation by which components of end-of-life vehicles are used for the same purpose for which they were conceived;

“treatment” means any activity after the end-of-life vehicle has been handed over to a facility for depollution, dismantling, shearing, shredding, recovery or preparation for disposal of the shredder wastes, and any other operation carried out for the recovery and/or disposal of the end-of-life vehicle and its components, and “treated” shall be construed accordingly;

“vehicle” means any vehicle designated as category M₁ or N₁ defined in Annex IIA to Council Directive 70/156/EEC relating to the type-approval of motor vehicles and their trailers(b), and three wheel motor vehicles as defined in Council Directive 92/61/EEC relating to the type-approval of two or three wheel motor vehicles(c), but excluding motor tricycles; and

“the Waste Directive” means Council Directive 75/442/EC(d) on waste.

PART II

Application

Vehicles and End-of-Life Vehicles to which these Regulations apply

3.—(1) These Regulations apply to vehicles and end-of-life vehicles including their components and materials.

(2) Part VII applies also to waste motor vehicles as defined in regulation 50.

(3) Notwithstanding regulation 38(2), the Regulations shall apply irrespective of how the vehicle has been serviced or repaired during use and irrespective of whether it is equipped with components supplied by the producer or with other components whose fitting as spare or replacement parts accords with the appropriate Community or domestic provisions.

Existing Community legislation and relevant national legislation

4. Nothing in these Regulations shall affect the application of existing Community legislation and relevant national legislation, in particular as regards safety standards, air emissions and noise controls and the protection of soil and water.

Application to vehicles produced in small series

5. Where a producer only makes or imports vehicles which are outside the scope of Directive 70/156/EC, regulations 14 to 26 inclusive shall not apply.

(a) OJ No. L196, 16.08.1967, p. 1.

(b) OJ No. L42, 23.02.1970, p. 1, as amended by Directive 98/91/EC of the European Parliament and of the Council (OJ L11, 16.01.1999, p. 25).

(c) OJ No. L225, 10.08.1992, p. 72.

(d) OJ No. L194, 25.07.1975, p. 39; amended by Council Directives 91/156/EEC (OJ No.L78, 26.03.1991, p. 32) and 91/692/EEC (OJ No. L377, 31.12.1991, p. 48) and by Commission Directive 96/350/EC (OJ No. L135, 06.06.1996, p. 32).

PART III

Design Requirements

Prohibition on heavy metals

6. A producer shall ensure that materials and components of vehicles put on the market do not contain lead, mercury, cadmium or hexavalent chromium except in the cases listed in Schedule 1 to these Regulations.

Requirement for technical documentation

7. A producer shall at the request of the enforcement authority submit technical documents or other information showing that the materials and components of vehicles put on the market comply with the requirements of regulation 6 and Schedule 1.

8. A producer shall ensure that he keeps the information necessary for him to submit to the enforcement authority the documents referred to in regulation 7 for a period of four years from the date that he puts the materials and components on the market.

Compliance Notice

9.—(1) Where the enforcement authority has reasonable grounds for suspecting that any or all of the requirements of the following regulations have not been complied with—

- (a) regulation 6;
- (b) regulation 7; and
- (c) regulation 8

it may serve a compliance notice on the producer.

(2) A compliance notice which is served under paragraph (1) shall—

- (a) state that the enforcement authority suspects a requirement of this Part of the Regulations has been contravened;
- (b) specify the reason it is suspected that a requirement of this Part of the Regulations has been contravened and give particulars thereof;
- (c) require the producer to whom notice is given—
 - (i) to comply with the requirements of the Regulations where it is suspected that he is in breach; or
 - (ii) to provide evidence to the satisfaction of the enforcement authority that the requirements of the Regulations have been met;
- (d) specify the period of time within which the producer must comply with the notice issued by the enforcement authority; and
- (e) warn the producer that unless the requirement is complied with, or satisfactory evidence has been provided within the period specified in the notice, he may be prosecuted under regulation 10.

Offences

10. Any person who contravenes a requirement of regulation—

- (a) 6;
- (b) 7; or
- (c) 8

shall be guilty of an offence.

Penalties

11.—(1) A person guilty of an offence under regulation 10 (a) shall be liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment to a fine.

(2) A person guilty of an offence under regulation 10 (b) or (c) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Defence of due diligence

12.—(1) Subject to the following provisions of this regulation, in proceedings against any person for an offence under regulation 10 it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) Where in any proceedings against any person for such an offence the defence provided by paragraph (1) involves an allegation that the commission of the offence was due—

- (a) to the act or default of another; or
- (b) to reliance on information given by another,

that person shall not, without the leave of the court, be entitled to rely on the defence unless, not less than seven clear days before the hearing of the proceedings (or, in Scotland, the trial diet), he has served a notice under paragraph (3) on the person bringing the proceedings.

(3) A notice under this paragraph shall give such information identifying or assisting in the identification of the person who committed the act or default or gave the information as is in the possession of the person serving the notice at the time he serves it.

(4) It is hereby declared that a person shall not be entitled to rely on the defence provided by paragraph (1) by reason of his reliance on information supplied by another, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular—

- (a) to the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and
- (b) to whether he had any reason to disbelieve the information.

Liability of persons other than the principal offender

13.—(1) Where the commission by any person of an offence under regulation 10 is due to the act or default committed by some other person in the course of any business of his, the other person shall be guilty of the offence and may be proceeded against and punished by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

(2) Where a body corporate is guilty of an offence under Part III of these Regulations (including where it is so guilty by virtue of paragraph (1)) in respect of any act or default which is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(4) In this regulation, references to a “body corporate” include references to a partnership in Scotland and, in relation to such partnership, any reference to a director, manager, secretary or other similar officer of a body corporate is a reference to a partner and any reference to a person purporting to act in such capacity shall be construed accordingly.

PART IV

Information requirements

Coding Standards

14. A producer shall use the material and component coding standards referred to in regulation 15 to facilitate the identification of those materials and components suitable for reuse and recovery.

15. For the purposes of regulation 14, “material and component coding standards” means the standards established by the Commission pursuant to Article 8(2) in accordance with the procedure laid down in Article 11 of the Directive: Schedule 2 to these Regulations sets out the nomenclature of the material and component coding standards for end-of-life vehicles in accordance with Commission Decision 138/2003/EC(a).

16. A producer shall at the request of the enforcement authority submit information showing that material and component coding standards have been used.

17. A producer shall ensure that he keeps the information necessary for him to comply with a request from the enforcement authority to submit the information referred to in regulation 16 for a period of four years from the date that he puts the materials and/or components on the market.

Dismantling Information

18.—(1) A producer shall—

- (a) provide dismantling information for each type of new vehicle put on the market within six months after the date that vehicles of that type are first put on the market;
- (b) at the request of the enforcement authority submit to it the dismantling information referred to in paragraph (1) (a).

(2) The dismantling information shall identify, in so far as it is needed by treatment facilities, the different materials and components of the vehicle, and the location of all hazardous substances in the vehicle in order to achieve the objectives in Article 7 of the Directive, that is to say—

- (a) the reuse of components which are suitable for reuse;
- (b) the recovery of components which cannot be reused; and
- (c) giving preference to recycling when environmentally viable,

without prejudice to requirements regarding the safety of vehicles and environmental requirements such as air emissions and noise control.

19.—(1) A producer of components used in vehicles shall make available to authorised treatment facilities upon request from those facilities information concerning dismantling, storage and testing of components which can be reused.

(2) The obligation in paragraph (1) is without prejudice to any duty of confidence in respect of industrial or commercial information apart from that imposed by these Regulations.

Reporting and Information

20.—(1) A producer shall publish information on—

- (a) the design of vehicles and their components with a view to their recoverability and recyclability;
- (b) the environmentally sound treatment of end-of-life vehicles in particular the removal of all fluids and dismantling;
- (c) the development and optimisation of ways to reuse, recycle and recover end-of-life vehicles and their components;
- (d) the progress achieved with regard to recovery and recycling to reduce the waste to be disposed of and to increase the recovery and recycling rates.

(2) A producer shall—

- (a) make the information referred to in regulation 20(1) accessible to prospective buyers of vehicles; and
- (b) include the information referred to in regulation 20(1) in promotional literature used in the marketing of new vehicles.

(a) OJ No. L053, 28.02.2003, p. 58.

Compliance Notice

21. Where an enforcement authority has reasonable grounds for suspecting that any or all of the requirements of the following regulations have not been complied with—

- (a) regulation 16;
- (b) regulation 18; and
- (c) regulation 20

it may serve a compliance notice on the producer.

22. A notice which is served under regulation 21 shall—

- (a) state that the enforcement authority suspects that a requirement of this Part of the Regulations has been contravened;
- (b) specify the reason it is suspected that a requirement of this Part of the Regulations has been contravened and give particulars thereof;
- (c) require the producer to comply with the requirement;
- (d) specify the period of time within which the producer must comply with the requirement; and
- (e) warn the producer that unless the requirement is complied with or satisfactory evidence has been provided within the period specified in the notice he may be prosecuted under regulation 23.

Offences

23. A producer who fails to comply with any or all of the requirements of the following regulations—

- (a) regulation 16;
- (b) regulation 18; and
- (c) regulation 20

shall be guilty of an offence.

Penalties

24. A producer who is guilty of an offence under regulation 23 shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Enforcement

25. It shall be the duty of the Secretary of State to enforce Parts III and IV of these Regulations and in carrying out her duties she may appoint the Vehicle Certification Agency, an executive agency of the Department of Transport.

26.—(1) Subject to regulation 26(2) the enforcement authority shall not commence proceedings for an offence under Parts III and IV unless a compliance notice has been served on the producer and the time limit specified for compliance in the compliance notice has expired.

(2) The enforcement authority shall not commence proceedings for an offence in Scotland.

PART V

Certificate of destruction

Issue of the certificate of destruction

27. Subject to regulations 28 and 29, when an authorised treatment facility accepts delivery of an end-of-life vehicle transferred to it for treatment, it shall issue a certificate of destruction to the last holder or owner of the vehicle.

Prohibition of charges

28. An authorised treatment facility shall not impose any charge on the last holder or owner of an end-of-life vehicle for the issue of a certificate of destruction.

Form and content of certificate of destruction

29. The certificate of destruction issued by the authorised treatment facility shall contain at least the information listed in Schedule 3, which sets out the Annex to Decision 2002/151/EC concerning certificates of destruction(a).

Enforcement

30. It shall be the duty of the following authorities to enforce this Part of the Regulations—
- (a) in Great Britain, the Secretary of State, and
 - (b) in Northern Ireland, the Department of the Environment.

Offences

31. Any person who contravenes a requirement of regulation—
- (a) 27; or
 - (b) 28,
- shall be guilty of an offence.

Penalties

32. A person guilty of an offence under regulation 31 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Certificate of destruction issued in an EEA State or Gibraltar

33. A certificate of destruction validly issued—
- (a) by an authorised treatment facility in another EEA State or in Gibraltar; or
 - (b) where permitted by a licensing authority in another EEA State or in Gibraltar, by a producer, dealer or collector on behalf of an authorised treatment facility;
- in accordance with—
- (i) Article 5(3) of the Directive; and
 - (ii) Decision 2002/151/EC,
- shall have legal effect and all rights, powers, liabilities, obligations and restrictions arising out of or incidental to such certificates or their issue shall be recognised and available in law, and be enforced, allowed and followed accordingly.

Amendments to the Road Vehicles (Registration and Licensing) Regulations 2002

34. The Road Vehicles (Registration and Licensing) Regulations 2002(b) are amended as follows—

- (a) in regulation 17 the words “destroyed or” shall be deleted;
- (b) after regulation 17 the following shall be inserted—

“Vehicles to which the End-of-Life Vehicles Directive applies

17A.—(1) This regulation applies to a vehicle to which Directive 2000/53 of the European Parliament and of the Council on end-of-life vehicles applies and which is—

(a) OJ No. L050, 21.02.2002, p. 94.
(b) S.I. 2002/2742.

- (a) registered in the GB or NI records; or
 - (b) designed or adapted for use on a road and would be registered but for the fact that it falls within the exemption in regulation 29(2).
- (2) Where a vehicle to which this regulation applies is transferred to an authorised treatment facility—
- (a) if that facility is in the United Kingdom, the owner or operator thereof shall notify the Secretary of State of the issue of a certificate of destruction pursuant to regulation 27 of the End-of-Life Vehicles Regulations and at the same time shall surrender the registration document to him, except where the registration document has been lost, stolen or destroyed; and
 - (b) if that facility is in an EEA State other than the United Kingdom, the registered keeper of the vehicle shall notify the Secretary of State of the issue in that other EEA State of a certificate of destruction and at the same time the registered keeper shall surrender the registration document to him except where the registration document has been lost, stolen or destroyed.
- (3) Where the Secretary of State has been notified of the issue of a certificate of destruction he shall not as respects the vehicle to which it relates—
- (a) record in the GB records or, in the case of a vehicle registered in Northern Ireland, in the NI records any further change of keeper;
 - (b) accept the required declaration in paragraph 1(1) of Schedule 4.
- (4) In this regulation “authorised treatment facility”, “certificate of destruction” and “EEA State” have the meanings that those expressions have in the End-of-Life Vehicles Regulations 2003.”; and
- (c) In Schedule 8—
- (i) in column 1 under the heading “Regulation”, after “17” there shall be inserted “17A”; and
 - (ii) in column 2 under the heading “Subject matter of regulation”, after “Notification of destruction or permanent export of a vehicle” there shall be inserted “Notification of the issue of a certificate of destruction: vehicle to which the End-of-Life Vehicles Directive applies”.

Restrictions on disclosure of information

35.—(1) Subject to the following provisions of this regulation, a person shall be guilty of an offence if he discloses any information which was obtained by him from the register.

- (2) Paragraph (1) shall not apply to a disclosure made—
- (a) to any of the following authorities—
 - (i) the Secretary of State;
 - (ii) the Environment Agency;
 - (iii) the Scottish Environment Protection Agency;
 - (iv) the Director General of Fair Trading;
 - (v) a Local Weights and Measures Authority;
 - (vi) in Northern Ireland the Department of Enterprise, Trade and Investment or the Department of the Environment;
 - (vii) the Scottish Ministers; or
 - (b) to a motor vehicle insurance company; or
 - (c) in connection with the investigation of any criminal offence or for the purposes of any civil or criminal proceedings.

- (3) A person guilty of an offence under this regulation shall be liable—
- (a) on summary conviction to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment to a fine.

Interpretation

- 36.** In this Part of the Regulations—
- (a) “register” means the record kept by or on behalf of the Secretary of State of the vehicles registered by him in Great Britain or in Northern Ireland under section 21 of the Vehicle Excise and Registration Act 1994; and
 - (b) “Secretary of State” means the Secretary of State for Transport.

PART VI

Delivery of end-of-life vehicles to treatment facilities

Application

37. This Part of the Regulations applies to vehicles put on the market on or after 1 July 2002 that are end-of-life vehicles which have no market value.

Delivery of an end-of-life vehicle to a treatment facility

38.—(1) Subject to regulation 38(2) when an authorised treatment facility accepts delivery of an end-of-life vehicle it shall not impose a charge on the last holder or owner of that vehicle as a result of the vehicle having no market value.

(2) In circumstances where the end-of-life vehicle does not contain the essential components of a vehicle, in particular the engine, transmission, coachwork, catalytic converter and wheels, or contains waste which has been added to the end-of-life vehicle, an authorised treatment facility may impose a charge on the last holder or owner of the vehicle.

39. Subject to regulation 38(2), a producer who has put a vehicle on the market on or after 1st July 2002 shall be responsible for meeting the costs incurred by an authorised treatment facility under regulation 38(1), as a result of such a vehicle having no market value when it is delivered to an authorised treatment facility.

Enforcement

- 40.** It shall be the duty of the following authorities to enforce this Part of the Regulations—
- (a) in Great Britain, the Secretary of State, and
 - (b) in Northern Ireland, the Department of the Environment.

41.—(1) A producer shall furnish a certificate of compliance to the relevant enforcement authority in respect of his obligations under regulation 39.

(2) Schedule 4 shall apply as regards the information to be contained in a certificate of compliance.

Offences

- 42.—**(1) A person who contravenes regulation 38(1) shall be guilty of an offence.
- (2) A person who—
- (a) fails upon request to furnish a certificate of compliance;

- (b) knows the information provided in or in connection with the certificate to be false or misleading in a material particular; or
- (c) furnishes such information recklessly and it is false or misleading in a material particular

shall be guilty of an offence.

Penalties

43. A person guilty of an offence under either paragraph (1) or (2) or both of regulation 42 shall be liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment to a fine.

PART VII

Keeping and treatment of waste motor vehicles

Modification of conditions to existing site licences

44.—(1) Any site licence which authorises, at the time of coming into force of these Regulations, the keeping or treatment (or both) of a waste motor vehicle is modified so as now to include, as conditions to that licence, the provisions of Schedule 5 to these Regulations and, in the event of any inconsistency between any such new condition and any prior condition in the licence, the prior condition shall be over-ridden by the new condition to the extent of such inconsistency.

(2) The provisions of sections 37 and 37A of the Environmental Protection Act 1990^(a) shall not apply in relation to any modification of the conditions to a site licence imposed by paragraph (1) for as long as the site is authorised to accept waste motor vehicles.

Requirement for site licence in respect of activities formerly exempted

45.—(1) Subject to paragraph (2), and to the exception contained in regulation 47, the classification of any recovery of a waste motor vehicle as set out in paragraph 45 of Schedule 3 to the Waste Management Licensing Regulations 1994^(b) as an exempt activity (and hence not required to be authorised by a waste management licence) shall cease to have effect, and any such recovery may only be carried out after the coming into force of these Regulations if it is authorised by a site licence.

(2) Subject to paragraphs (3) and (4), where the recovery of a waste motor vehicle described in paragraph (1) was the subject of a registration (pursuant to regulation 18 of the Waste Management Licensing Regulations 1994) subsisting immediately prior to the coming into force of these Regulations, such recovery may nevertheless continue as an exempt activity subject to its said registration (or, upon the subsequent expiry of that registration, as if still subject to it) and without the authorisation of a site licence—

- (a) where an application for a site licence, accompanied by the appropriate charge described in regulation 49, is submitted before the applicable date (that is to say the earlier of—
 - (i) the cancellation date of that registration, or
 - (ii) 1st February 2004),

^(a) 1990 c. 43; section 37A was introduced by the Environment Act 1995 (c. 25), section 120 and Schedule 22, paragraph 71.

^(b) S.I. 1994/1056; relevant amendments are S.I. 1995/288, 1998/606, 2000/1973.

until such time as a site licence is either granted or refused in response to that application;

or

- (b) where no such application is submitted before the applicable date, until immediately before the applicable date.

(3) Any recovery in respect of which an application for a site licence is made in accordance with paragraph (2) shall be subject to the condition that it conforms with those of the obligations and the minimum technical requirements described, respectively, in Parts 1 and 2 of Schedule 5 to these Regulations as are applicable to the recovery in question.

(4) The condition described in paragraph (3) shall have effect as if it were a condition applied to the recovery of waste motor vehicles in Schedule 3 to the Waste Management Licensing Regulations 1994, and one to which regulation 17 of those Regulations is subject.

Conditions to be included in site licences

46. The Environment Agency shall include in any site licence that it grants for the keeping or treatment of waste motor vehicles (whether in response to an application submitted further to regulation 45(2)(a) or otherwise) the condition that the keeping or treatment authorised by that site licence shall conform with the obligations and minimum technical requirements described, respectively, in Parts 1 and 2 of Schedule 5 to these Regulations as are applicable to the activity or operation in question, and the provisions of sections 37 and 37A of the Environmental Protection Act 1990 shall not apply in relation to that condition for as long as the site is authorised to accept waste motor vehicles.

Recovery of depolluted waste motor vehicles as an exempt activity

47. Regulation 45 shall not apply to any recovery of a waste motor vehicle classified as an exempt activity as set out in paragraph 45 of Schedule 3 to the Waste Management Licensing Regulations 1994 where such recovery is carried out only on depolluted waste motor vehicles.

Amendments to the Waste Management Licensing Regulations 1994

48.—(1) The Waste Management Licensing Regulations 1994 are amended, in so far as they extend to England and Wales, as described in paragraphs (2) and (3).

(2) In regulation 18 (registration in connection with exempt activities), in paragraph (4A), immediately following sub-paragraph (c), there shall be inserted the following sub-paragraph—

“(cc) in the case of waste motor vehicles, it has first verified, further to its inspection of each such place—

- (i) the type of waste to be treated;
- (ii) the quantities of waste to be treated;
- (iii) the general technical requirements to be complied with; and
- (iv) the safety precautions that are to be taken,

in order to achieve the objectives referred to in Article 4 of the Directive, and a registration further to such verification shall continue subject to the requirement that verification upon inspection be made annually in respect of it.”

(3) In Schedule 3 (activities exempt from waste management licensing) thereto—

- (a) after sub-paragraph 41(1A) there shall be inserted the following sub-paragraph—

“(1B) Subject to sub-paragraph (1A), sub-paragraph (1) shall only apply to waste motor vehicles where such temporary storage conforms with the obligations and the minimum technical requirements described, respectively, in paragraph 1 to each of Parts 1 and 2 of Schedule 5 to the End-of-Life Vehicles Regulations 2003.”;

- (b) in paragraph 45(1), after the words “Subject to sub-paragraph (3) below” there shall be inserted the words “and to regulations 45 and 47 of the End-of-Life Vehicles Regulations 2003”;

(c) in paragraph 45, in Table 4A—

- (i) for the entry relating to motor vehicles there shall be substituted the following entry—

<i>in the first column (kind of waste)</i>	<i>in the second column (activities)</i>	<i>in the third column (seven day limit)</i>
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“Depolluted motor vehicles	Dismantling, rebuilding, restoring or reconditioning	40 vehicles”;
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- (ii) for the entry relating to lead acid motor vehicle batteries there shall be substituted the following entry—

<i>in the first column (kind of waste)</i>	<i>in the second column (activities)</i>	<i>in the third column (seven day limit)</i>
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“Lead acid motor vehicle batteries (including those whose contents are special waste) not forming part of, nor contained in, a motor vehicle	Sorting	20 tonnes”;
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- (d) in paragraph 45(2), for paragraph (f) there shall be substituted the following paragraph—

“(f) in the case of waste motor vehicles, they are, where appropriate, stored on an impermeable pavement;”;

- (e) in paragraph 45, in Table 4B:

- (i) for the entry relating to motor vehicles there shall be substituted the following entry—

<i>in the first column (kind of waste)</i>	<i>in the second column (maximum total quantity)</i>
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“Motor vehicles, stored where appropriate on an impermeable pavement	1,000 vehicles”;
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- (ii) in the entry relating to lead acid motor vehicle batteries, in the first column, for the words “whether or not forming part of, or contained in, a motor vehicle” there shall be substituted the words “not forming part of, nor contained in, a motor vehicle”;

- (f) in paragraph 45(6), after the word “shears” there shall be inserted the words “, and “depolluted” in relation to waste motor vehicles means a vehicle which so qualifies as described in regulation 50 of the End-of-Life Vehicles Regulations 2003”.

Charges

49.—(1) The charge to accompany an application for a site licence submitted further to regulation 45(2)(a)—

- (a) in respect of the keeping or treatment of less than 2,500 tonnes of waste motor vehicles per year, shall be £650, and in relation to such an application the provision as to the charge to be submitted with an application for a site licence contained in section 36(1)(a) of the Environmental Protection Act 1990 shall have no effect;

(b) in respect of the keeping or treatment of 2,500 tonnes or more of waste motor vehicles per year, shall be the amount prescribed for the quantity in question in the charging scheme for waste management licences made by the Environment Agency under section 41 of the Environment Act 1995(a).

(2) In respect of the provision made in paragraph (1)(a) the power of the Environment Agency to make a similar provision under section 41 of the Environment Act 1995 shall not apply to that paragraph.

Interpretation

50. In this Part of the Regulations:

“depollution”, in relation to a waste motor vehicle, means the carrying out on it of any of the operations described in paragraph 3 of Part 2 of Schedule 5 to these Regulations that are possible (or, in the case of a component identified as containing mercury, feasible) in respect of it, and only when all such operations have been completed shall a waste motor vehicle qualify as “depolluted”;

“keeping” has the same meaning as does the word “storage” in the Directive; references to “keeping or treatment” include, where appropriate, references to “keeping and treatment”;

“waste management licence” means a licence granted under section 35 of the Environmental Protection Act 1990 (or, as the case may be, issued under section 5 of the Control of Pollution Act 1974(b)), and “site licence” means the type of waste management licence thus described in section 35(12) of the Environmental Protection Act 1990;

“waste motor vehicle” means a motor vehicle of any type that is waste and includes an end-of-life vehicle.

8th October 2003

Stephen Timms,
Minister of State for Energy, E-Commerce and Postal Services,
Department of Trade and Industry

(a) 1995 c. 25.
(b) 1974 c. 40.

SCHEDULE 1

Regulation 6

MATERIALS AND COMPONENTS EXEMPT FROM REGULATION 6

<i>Materials and components</i>	<i>Scope and expiry date of the exemption</i>	<i>To be labelled or made identifiable in accordance with Article 4(2)(b)(iv) of the Directive</i>
<i>Lead as an alloying element</i>		
1. Steel for machining purposes and galvanised steel containing up to 0.35% lead by weight		
2. (a) Aluminium for machining purposes with a lead content up to 2% by weight	1st July 2005	
(b) Aluminium for machining purposes with a lead content up to 1% by weight	1st July 2008	
3. Copper alloy containing up to 4% lead by weight		
4. Lead-bronze bearing shells and bushes		
<i>Lead and lead compounds in components</i>		
5. Batteries		X
6. Vibration dampers		X
7. Wheel balance weights	Vehicles type-approved before 1st July 2003 and wheel balance weights intended for servicing of these vehicles: 1st July 2005	X
8. Vulcanising agents and stabilisers for elastomers in fluid handling and powertrain applications	1st July 2005	
9. Stabiliser in protective paints	1st July 2005	
10. Carbon brushes for electric motors	Vehicles type-approved before 1st July 2003 and carbon brushes for electric motors intended for servicing of these vehicles: 1st January 2005	
11. Solder in electronic circuit boards and other electric applications		X ⁽¹⁾
12. Copper in brake linings containing more than 0.5% lead by weight	Vehicles type-approved before 1st July 2003 and servicing on these vehicles: 1st January 2004	X
13. Valve seats	Engine types developed before 1st July 2003: 1st July 2006	
14. Electrical components which contain lead in a glass or ceramic matrix compound except glass in bulbs and glaze of spark plugs		X ⁽²⁾ (for components other than piezo in engines)
15. Glass in bulbs and glaze of spark plugs	1st January 2005	
16. Pyrotechnic initiators	1st July 2007	
<i>Hexavalent chromium</i>		
17. Corrosion preventative coatings	1st July 2007	
18. Absorption refrigerators in motorcaravans		X

<i>Materials and components</i>	<i>Scope and expiry date of the exemption</i>	<i>To be labelled or made identifiable in accordance with Article 4(2)(b)(iv) of the Directive</i>
<i>Mercury</i> 19. Discharge lamps and instrument panel displays		X
<i>Cadmium</i> 20. Thick film pastes 21. Batteries for electrical vehicles	1st July 2006 After 31st December 2005, the placing on the market of NiCd batteries shall only be allowed as replacement parts for vehicles put on the market before this date	X

⁽¹⁾ Dismantling if, in correlation with entry 14, an average threshold of 60 grams per vehicle is exceeded. For the application of this clause, electronic devices not installed by the manufacturer on the production line shall not be taken into account.

⁽²⁾ Dismantling if, in correlation with entry 11, an average threshold of 60 grams per vehicle is exceeded. For the application of this clause, electronic devices not installed by the manufacturer on the production line shall not be taken into account.

Notes:

From 31st December 2005 cadmium in batteries for electrical vehicles shall not be put on the market.

A maximum concentration value up to 0.1% by weight and per homogeneous material, for lead, hexavalent chromium and mercury and up to 0.01% by weight and per homogeneous material for cadmium shall be tolerated, provided these substances are not intentionally introduced (1);

A maximum concentration value up to 0.4% by weight of lead in aluminium shall also be tolerated provided it is not intentionally introduced (2);

A maximum concentration value up to 0.4% by weight of lead in copper intended for friction materials in brake linings shall be tolerated until 1st July 2007 provided it is not intentionally introduced (3);

The reuse of parts of vehicles which were already on the market at the date of expiry of an exemption is allowed without limitation since it is not covered by Article 4(2)(a) of the Directive;

Until 1st July 2007 new replacement parts intended for repair (4) of parts of vehicles exempted from the provisions of Article 4(2)(a) of the Directive shall also benefit from the same exemptions.

(1) “Intentionally introduced” shall mean “deliberately utilised in the formulation of a material or component where its continued presence is desired in the final product to provide a specific characteristic, appearance or quality”. The use of recycled materials as feedstock for the manufacture of new products, where some portion of the recycled materials may contain amounts of regulated metals, is not to be considered as intentionally introduced.

(2) See footnote 1.

(3) See footnote 1.

(4) This clause applies to replacement parts and not to components intended for normal servicing of vehicles. It does not apply to wheel balance weights, carbon brushes for electric motors and brake linings as these components are covered in specific entries.

SCHEDULE 2

Regulation 15

NOMENCLATURE OF MATERIAL AND COMPONENT CODING STANDARDS FOR END-OF-LIFE VEHICLES

For the labelling and identification of vehicle plastic components and materials having a weight of more than 100 grams, the following nomenclature applies:

—ISO 1043-1 Plastics—symbols and abbreviated terms. Part 1: Basic polymers and their special characteristics.

—ISO 1043-2 Plastics—symbols and abbreviated terms. Part 2: Fillers and reinforcing materials.

—ISO 11469 Plastics—Generic identification and marking of plastic products.

For the labelling and identification of vehicle elastomer components and materials having a weight of more than 200 grams, the following nomenclature applies:

—ISO 1629 Rubbers and latices—Nomenclature. This shall not apply to the labelling of tyres.

The symbols “<” or “>” used in the ISO standards, can be substituted by brackets.

SCHEDULE 3

Regulation 29

MINIMUM REQUIREMENTS FOR THE CERTIFICATE OF DESTRUCTION ISSUED IN ACCORDANCE WITH ARTICLE 5(3) OF DIRECTIVE 2000/53/EC

1. Name, address, signature and registration or identification number(a) of the establishment or undertaking issuing the certificate.
2. Name and address of competent authority responsible for the permit (in accordance with Article 6(2) of the Directive) for the establishment or undertaking issuing the certificate of destruction.
3. Date of issue of the certificate of destruction.
4. Vehicle nationality mark and registration number (attach the registration document or a statement by the establishment or undertaking issuing the certificate that the registration document has been destroyed(b)).
5. Class of vehicle, brand and model.
6. Vehicle identification number (chassis).
7. Name, address, nationality and signature of the holder or owner of the vehicle delivered.

SCHEDULE 4

Regulation 41

INFORMATION IN CERTIFICATE OF COMPLIANCE

The information to be contained in a certificate of compliance is as follows—

- (a) the name and address of the producer who issued the certificate of compliance;
- (b) the date of certificate;
- (c) the marque or marques of vehicle which the producer accepts responsibility for putting on the market on or after 1st July 2002;
- (d) the information relevant to demonstrate the producer’s compliance with the obligations in regulation 39, including details of—
 - (i) an appropriate contact point, and
 - (ii) a list of organisations to whom this has been notified;
- (e) confirmation/certification by the producer that he has complied with his obligations under regulation 39.

SCHEDULE 5

Regulations 44, 45 and 48

CONDITIONS TO BE INCLUDED IN SITE LICENCES

PART 1

Obligations in respect of keeping or treatment of waste motor vehicles

1. No waste motor vehicle shall be kept (even temporarily) unless such keeping—
 - (a) is carried out in accordance with the general requirements laid down in Article 4 of Council Directive 75/442/EC on waste; and
 - (b) complies with the minimum technical requirements set out in Part 2 below.

(a) This requirement may be waived in the case where the national registration or identification does not provide for such number.

(b) In the case where no registration document exists on paper due to the use of an electronic registration system, this requirement may be waived.

2. No waste motor vehicle shall be treated unless, in respect of the activity or operation performed, that treatment—
 - (a) is carried out in accordance with the general requirements laid down in Article 4 of Council Directive 75/442/EC on waste; and
 - (b) complies with the minimum technical requirements set out in Part 2 below and, where applicable, meets the following obligations—
 - (i) save where it has already been so treated—
 - (aa) the waste motor vehicle shall first be stripped in a way that best reduces any adverse impact on the environment, before any further treatment or other equivalent arrangement is undertaken, and
 - (bb) any of its components or materials which have been labelled or otherwise made identifiable in accordance with regulation 18(2) of the End-of-Life Vehicles Regulations 2003 shall be stripped before any further treatment;
 - (ii) save where it has already been so treated in whole or part, and subject to paragraph (i), depollution of the waste motor vehicle (as described in paragraph 3 of Part 2 below) shall be completed as soon as possible;
 - (iii) hazardous materials and components shall be removed from the waste motor vehicle and segregated in such a way so as not to contaminate any part of the vehicle that is subsequently to be shredded;
 - (iv) any stripping or keeping of the waste motor vehicle shall be carried out in such a way as to ensure the suitability of its components for either reuse or recovery, and in particular recycling.

PART 2

Minimum technical requirements for the keeping and treatment of waste motor vehicles

1. The keeping (even temporarily) of a waste motor vehicle prior to treatment shall only be carried out at a site—
 - (a) having, in appropriate areas, impermeable surfaces and provided with spillage collection facilities, decanters, and cleanser-degreasers, and
 - (b) provided with equipment for the treatment of water (including rainwater) in compliance with all applicable legislation concerning health and environmental matters.
2. The treatment of a waste motor vehicle shall only be carried out at a site—
 - (a) having, in appropriate areas, impermeable surfaces and provided with spillage collection facilities, decanters and cleanser-degreasers;
 - (b) provided with storage facilities that are appropriate for dismantled spare parts, including impermeable storage facilities for spare parts that are contaminated with oil;
 - (c) provided with containers that are appropriate for the storage of batteries (whether electrolyte neutralisation is carried out on-site or elsewhere), filters, and condensers containing any PCB or PCT or both;
 - (d) provided with storage tanks that are appropriate for the separate segregated storage of any fluid from a waste motor vehicle;
 - (e) provided with equipment for the treatment of water (including rainwater) in compliance with all applicable legislation concerning health and environmental matters;
 - (f) at which there is appropriate storage for used tyres without excessive stockpiling, and minimising any risk of fire.
3. Treatment operations for the depollution of a waste motor vehicle shall consist of—
 - (a) the removal of the battery or batteries;
 - (b) the removal of the liquified gas tank;
 - (c) the removal or neutralisation of all potentially explosive components (including air bags);
 - (d) the removal and separate collection and storage of all—
 - (i) fuel;
 - (ii) motor oil;
 - (iii) transmission oil;
 - (iv) gearbox oil;
 - (v) hydraulic oil;
 - (vi) cooling liquids;
 - (vii) antifreeze;
 - (viii) brake fluids;
 - (ix) air-conditioning system fluids;

and any other fluid contained in the said vehicle, but excluding any fluid which is necessarily retained for the re-use of the part concerned;

(e) the removal, so far as is feasible, of all components identified as containing mercury.

4. In order to promote its subsequent recycling, where an article or material listed below is first present in a waste motor vehicle, no treatment of that vehicle shall prevent the removal—

(a) of the catalyst or catalysts;

(b) (either during shredding or otherwise) of all metal components containing one or more of copper, aluminium and magnesium;

(c) (either during shredding or otherwise) of the tyres;

(d) (either during shredding or otherwise) of all large plastic components (including bumpers, the dashboard, and any fluid container) in such a way that they can be effectively recycled as materials;

(e) of glass,

and where any such article or material is removed it shall be done in such a way as best promotes its recycling.

5. Any keeping operations shall be carried out in such a manner as avoids damage to—

(a) any component containing a fluid or fluids;

(b) any recoverable component;

(c) any spare part.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations partially implement Directive 2000/53/EC of the European Parliament and the Council on end-of-life vehicles (OJ No. L 269, 21.10.2000, p. 34). The following provisions of the Directive are transposed in these Regulations, namely Articles 2, 3(1) to (5), 4(2) plus Annex II, 5(3), 5(4) in respect of vehicles put on the market on or after 1st July 2002, 6(1) to (4) and Annex I, 8 and 9(2).

The Regulations apply to end-of-life vehicles as defined in regulation 2, while Part VII also applies to waste motor vehicles not covered by that definition. Part II of the Regulations provides for the application of the Regulations. Regulation 5 states that the information requirements in regulations 14 to 26 do not apply to vehicles produced in small series as defined in Article 8(2)(a) of Directive 70/156/EC (OJ No. L42, 23.2.1970, p. 1).

In Part III of the Regulations the design requirements for materials and components of vehicles put on the market after the Regulations come into effect are set out. Regulation 6 requires producers to ensure that materials and components of such vehicles do not contain lead, mercury, cadmium or hexavalent chromium apart from in those cases listed in Schedule 1 to the Regulations. Regulation 7 requires a producer following a request from the enforcement authority to submit technical documents showing compliance with the requirements of regulation 6 and Schedule 1. A producer is required to keep the technical documents for a period of four years from the date the materials and components are put on the market (regulation 8).

Enforcement in this Part of the Regulations is by a compliance notice procedure (regulation 9). Regulation 10 introduces offences for breach of the requirements of Part III. The penalties to be applied for breach of the requirements in Part III are set out in regulation 11. There are also provisions relating to the defence of due diligence (regulation 12) as well as liability of persons other than the principal offender (regulation 13).

Part IV of the Regulations introduces the information requirements. A producer is required to use material and component coding standards to facilitate the identification of those materials and components which are suitable for reuse and recovery (regulation 14, 15 and Schedule 2). Following a request from the enforcement authority the producer must submit information showing that material and coding standards have been used (regulation 16). A producer is obliged to keep the information necessary to demonstrate compliance for a period of four years from the date the materials and components are put on the market (regulation 17). A producer is required to provide the enforcement authority with dismantling information within six months after the date that each type of new vehicle is put on the market (regulation 18). Regulation 19 requires producers to publish information on the recoverability and recyclability of vehicles. Enforcement is by a compliance notice procedure (regulation 21). Regulations 23 and 24 introduce the offences and the penalties to be applied for breach of the requirements in Part IV.

Part V of the Regulations introduces the Certificate of Destruction (CoD). Regulation 27 provides that when an end-of-life vehicle is transferred to it for treatment, an authorised treatment facility (defined in regulation 2) may issue a CoD to the last holder/owner of the end-of-life vehicle. Regulation 28 prohibits the authorised treatment facility from imposing a charge on the last holder/owner for issuing the CoD. Regulation 29 and Schedule 3 provide for the form and content of the CoD. Regulation 33 amends regulation 17 of the Road Vehicles (Registration and Licensing) Regulations, S.I. 2742/2002. Where an end-of-life vehicle is transferred to an authorised treatment facility the facility shall notify the Secretary of State for Transport that a CoD has been issued (regulation 34). Moreover, where the Secretary of State is notified that a CoD has been issued he shall not record any further change of keeper in the Register (regulation 34 which amends regulation 17 of S.I. 2742/2002). Regulation 34 also provides for mutual recognition of CoDs throughout the European Economic Area and in Gibraltar. Regulation 36 provides for restrictions on the disclosure of information obtained from the vehicle register.

Part VI of the Regulations sets out the provisions for treatment of end-of-life vehicles put on the market on or after 1st July 2002. Authorised treatment facilities are prohibited from charging the last holder/owner as a result of the vehicle having no market value (regulation 38(1)). Producers are responsible for meeting the costs of treatment of an end-of-life vehicle

which has no market value when delivered to an authorised treatment facility for treatment (regulation 39). The Secretary of State will enforce this Part of the Regulations by means of a certificate of compliance procedure (regulations 40 to 41 and Schedule 3). Regulations 42 and 43 introduce the offences and the penalties to be applied where there is a breach of the requirements of Part VI.

Part VII of the Regulations provides that all existing site licences (being a type of waste management licence granted (in England and Wales) by the Environment Agency under section 35 of the Environmental Protection Act 1990) under which either or both the keeping or treatment of waste motor vehicles (almost all being end-of-life vehicles) is currently authorised shall be modified, so as now to include the conditions contained in Schedule 5 to the Regulations (being the conditions and other provisions now required by Article 6 of, and Annex I to, Directive 2000/53/EC) (regulation 44). All recovery operations (which are a type of treatment) currently carried out under the cover of registered exemptions from the requirement to have a site licence, (with the exception only of those carried out on depolluted vehicles) are now required to be conducted under the authorisation of a site licence, and regulation 45 deals with the arrangements by which exemption holders may apply for site licences. Regulation 49 describes the fees to accompany such applications. Regulation 47 preserves the exemption from licensing for those treating only depolluted vehicles. Regulation 48 makes certain consequential amendments to the Waste Management Licensing Regulations 1994 (S.I. 1994/1056).

A Regulatory Impact Assessment is available, copies of which have been placed in the libraries of both Houses of Parliament. Copies are also available from the Department of Trade and Industry.

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