



EGARA recommendation for amendments on the Proposal for a Circular Vehicle regulation

EGARA is the European association of national independent vehicle dismantler organisations. As such, EGARA stands up for the interests of vehicle dismantlers in Europe. EGARA was founded in 1991 and has currently 14 members, being: Denmark (DAG), Sweden (SBR), Norway (NBR), Finland (SAL), United Kingdom (VRA), The Netherlands (Stiba), Estonia (NGO-ELV), Poland (FORS), Belgium (Fevar), France (Mobilians), Switzerland (VASSO), Spain (AAD), Italy (ADA) and Greece (Mavromatis). For more details, see: www.egara.eu .

In this document we have some recommendations for amendments on the proposal for a circular vehicle regulation as was made by the EC on June 13th 2023. To ensure a transparent, open and competitive market and an environmentally safe handling of end-of-life vehicles in the EU, we are mainly concerned with the following issues:

- ELVs need to arrive in a complete state at the ATF;
- ELVs should only be dismantled at ATFs;
- Only ATFs issue CODs ;
- Only ATFs sell parts for reuse , also on online platforms;
- ATFs need protection against illegals and unfair competition;
- Incentives to direct ELVs to ATFs are necessary
- Contracts with PROs or individual OEMs should not disturb the market;
- Contracts with PROs or individual OEMs need to be open for any ATF.

On the next pages some suggestions for amendments are formulated, without pretending to be fully complete:

| | Proposal Regulation text | Amendments Belgian Presidium | Suggestions EGARA |
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| Recital 41 | <p>In case a producer exercises its extended producer responsibility obligations collectively with a producer responsibility organisation, the financial contributions paid by the producer should be modulated based on harmonised criteria. Such criteria should create economic incentives for the manufacturers to increase circularity in the design and production of new vehicles, taking into consideration the amount of primary and recycled materials in a vehicle, the extent to which it contains parts, components and materials which are difficult to remove, dismantle, reuse or recycled, as well as the amount of hazardous substances that it contains. In order to avoid distortion of the single market, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of supplementing this Regulation by establishing detailed rules on how the criteria for the modulation of the financial contributions paid to producer responsibility organisations should be applied.</p> | | <p>Add: ...contains. Fulfilling the collection and processing obligations of producers and producer responsibility organisations must not lead to distortions of the common market. Arrangements and agreements made for the fulfilment of obligations shall enable commercial activities. Producer responsibility in itself does not constitute a legal right of ownership for the producer of the end-of-life vehicle, but ownership is determined in the same way as for other movable property. In order to avoid distortion...</p> |
| New recital | | | <p>Recital 48a: In order to ensure a high level of end-of-life vehicle collection and to achieve a high level of recycling, including waste recycling, without negatively affecting the functioning of the single market, Member States may use different economic and organizational incentives, including measures modeled on deposit systems, to motivate the last vehicle owner to send the vehicle for dismantling as a complete vehicle. According to Member States' reports on the implementation of the Regulation, the Commission should periodically evaluate the effect of legal and economic mechanisms on the handing of complete vehicles for disposal, as a factor</p> |

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| | | | demonstrating the implementation of circular economy policies. |
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| Article 2 | | | |
| <i>Scope</i> | | | |
| 2.1(b) | (a) from [OP: Please insert the date = the first day of the month following 60 months after the date of entry into force of this Regulation] to vehicles and end-of-life vehicles of categories M2, M3, N2, N3 and O as set out in Article 4(1) of Regulation (EU) 2018/858; | | [OP: Please insert the date = the first day of the month following 36 months after the date of entry into force of this Regulation] |
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| Article 3 | | | |
| <i>Definitions</i> | | | |
| 1. | For the purposes of this Regulation, the following definitions shall apply: | | |
| | | | (5) 'reuse' means any operation by which parts or components of end-of-life vehicles are used again for the same purpose for which they were conceived. This includes all activities necessary to facilitate this process, such as the cleaning, inspection, refurbishment, certification, sale, and transfer of ownership of these parts, ensuring they remain functional and fit for reuse in their original capacity. |
| | | | (15) "Authorized treatment facility: A plant or company primarily engaged in dismantling vehicles which according to directive 2008/98/CE authorized to carry out the treatment operations on ELVs and parts of them, only after the collection and depollution referred to art. 29 and in Annex VII part B according with the kind of authorized activity. |
| | | | (36) 'Essential parts' meaning: illumination, interior, electronics, bodyparts, windows, |
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| | | | battery, pyrotecnics, wheels, front and rear suspension, drive axle(s), gearbox, engine, braking system, steering system, exhaust system (catalytic converter), fuel supply system with fuel tank, air conditioning system, cooling system with radiator, gas supply installation. |
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| Article 11 | | | |
| Information on removal and replacement of parts, components and materials present in vehicles | | | |
| 1. | From [OP: Please insert the date = the first day of the month following 36 months after the date of entry into force of this Regulation], manufacturers shall provide waste management operators and repair and maintenance operators unrestricted, standardised and non-discriminatory access to the information listed in Annex V, enabling access to, and safe removal and replacement of, the following: | | |
| | | | (g) partnumbers, previous partnumbers and partnumbers that make interchange possible between brands, types, models and years of manufacture. |
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| Article 13 | Circularity Vehicle Passport | | To be added: (e) The circularity passport shall be recorded in the national vehicle registers within XX months upon adoption of this proposal. |
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| Article 20 | | | |
| Financial responsibility of producers | | | |
| 2. | The competent authority shall, in close cooperation with producers, producer responsibility organisations and waste management operators, monitor: | | Add: ...in close cooperation and in such a way that data is in all participants use or fully public with producers, producer responsibility organisations... |

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| 4. | In the case of individual fulfilment of extended producer responsibility obligations, the producers shall provide a guarantee for vehicles that they make available on the market for the first time in the territory of a Member State. That guarantee shall ensure that the operations referred to in paragraph 1 relating to those vehicles will be financed. | | A PRO operated collective fund shall be set up in every country, |
| | | | The fee is collected per registered vehicle. |
| | The amount of the guarantee shall be determined by the Member States in which the vehicle has been made available on the market for the first time taking into account criteria laid down in Article 21. | | Contribution by the vehicle owner is mandatory. The total amount of the fund covers the total costs for unprofitable mandatory dismantling for one year. Because of cost fluctuations and total amount of vehicles, a reserve not bigger than one year may be gradually built. The fund may also serve a premium system for the last owner who can show a COD. |
| Article 21 | | | |
| Fee modulation | | | |
| 1. | In the case of a collective fulfilment of extended producer responsibility obligations, producer responsibility organisations shall ensure that the financial contributions paid to them by producers are modulated by taking into account the following: | | |
| (a) | the weight of the vehicle; | | Hours and company costs to dismantle, store, transport and to process unprofitable parts and materials. |
| (b) | the type of drivetrain; | | |
| (c) | the rate of recyclability and reusability of the vehicle type to which the vehicle belongs, based on the information submitted to the type-approval authority in accordance with Article 4; | | |
| (d) | the time needed to dismantle the vehicle at an authorised treatment facility, especially for parts and components which need to be removed prior to shredding under Article 30; | | |
| (e) | the share of materials and substances preventing a high-quality recycling process, such as adhesives, composite plastics, or carbon-reinforced materials; | | |
| (f) | the percentage of recycled content of materials listed in Articles 6 and 10 used in the vehicle; | | |

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| (g) | the presence and amount of substances referred to in Article 5(2). | | |
| Article 23 | | | |
| Collection of end-of-life vehicles | | | |
| 1. | The producers or, where appointed in accordance with Article 18, producer responsibility organisations shall set up, or participate in the setting up of, collection systems, including collection points, for all end-of-life vehicles belonging to vehicle categories that they have made available for the first time on the market in the territory of a Member State. | 1. The producers or, where appointed in accordance with Article 18, producer responsibility organisations shall set up, or participate in the setting up of, collection systems, including collection points , for all end-of-life vehicles belonging to vehicle categories that they have made available for the first time on the market in the territory of a Member State <u>and which have become end-of-life vehicles.</u> | Delete: "The producers or, where appointed in accordance with Article 18," |
| | Member States shall adopt the necessary measures to ensure that producers or, where appointed in accordance with Article 18, producer responsibility organisations set up collection systems for all end-of-life vehicles. | | Delete: "that producers or, where appointed in accordance with Article 18," |
| 2. | The producers or, where appointed in accordance with Article 18, producer responsibility organisations shall ensure that collection systems referred to in paragraph 1: | | Delete: "The producers or, where appointed in accordance with Article 18," |
| | | (b) ensure <u>are provided with</u> adequate availability of authorised treatment facilities <u>or collection points</u> , taking into account population size and density, expected volume of end-of-life vehicles, not being limited to areas where the collection and subsequent | |

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| | | management is most profitable; | |
| (c) | ensure collection of waste parts from repairs of vehicles; | | In case an ATF is authorized to accept waste parts, they must be kept separately in administration to prevent pollution of ELV figures. |
| | | (e) enable the delivery acceptance of all end-of-life vehicles free of charge to <u>collection points</u> or authorised treatment facilities as provided in Article 24(2). | |
| 3. | Producers or, where appointed in accordance with Article 18, producer responsibility organisations shall carry out educational campaigns promoting the collection system for end-of-life vehicles and informing about environmental consequences of improper collection and handling of end-of-life vehicles. | | Delete: "The producers or, where appointed in accordance with Article 18," |
| 4. | Member States may authorise waste management operators other than authorised treatment facilities to set up collection points for end-of-life vehicles. | Member States may authorise <u>collection points</u> waste management operators other than authorised treatment facilities to set up collection points for to collect end-of-life vehicles. <u>The collection points shall obtain a permit from the competent authority in accordance with Article 23 of Directive 2008/98/EC and shall comply with the conditions laid down in that permit. In order to issue a permit, the competent authority shall verify that such establishment or undertaking has the capacity that is</u> | |

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| | | <u>necessary to carry out the following obligations:</u> | |
| | The waste management operator operating the collection point shall: | The waste management operator operating the collection point, other than authorised treatment facilities, shall: | |
| | | (a) ensure that the collection point it meets the conditions for storage of collect the end-of-life vehicles laid down in and temporarily store them in <u>accordance with</u> Part A of Annex VII; | |
| | | (b) be authorised by the competent authorities referred to in Article 14 to collect end-of-life vehicles and be registered in the respective register; (b) <u>prepare for the transfer of the collected end-of-life vehicles to authorized treatment facilities by preventing the accidental leakage of fluids and unauthorised access to the collection point.</u> | |
| | | (c) (e) <u>arrange for transport to an authorized treatment facility when eight or more end-of-life vehicles are stored</u> | |

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| | | <u>at the same time at the collection point; and</u> | |
| (c) | guarantee that all collected end-of-life vehicles are transferred to an authorised treatment facility within one year from receipt of the end-of-life vehicle; and | (d) (c) guarantee that all collected end-of-life vehicles are transferred to an authorised treatment facility within one month year from receipt of the end-of-life vehicle. and | Within 30 days |
| | | | (e) Collection points need to be related (by contract or ownership) to ATF's. Extra costs in case collection points are necessary are covered by EPR. |
| 5. | The waste management operators, including authorised treatment facilities, shall issue a document in electronic format, confirming receipt of an end-of-life vehicle, to the vehicle owner, and provide it through an electronic notification procedure established in accordance with Article 25(2) to the relevant authorities of the Member State, including the competent authorities designated under Article 14. | 5. The collection points waste management operators, including authorised treatment facilities, shall issue a document in electronic format, confirming receipt of an end-of-life vehicle, to the vehicle owner, and provide it through an electronic notification procedure established in accordance with Article 25(2) to the relevant authorities of the Member State, including the competent authorities designated under Article 14. | |
| | | | 6. Only ATF or Collection Point acting on behalf of the ATF which it has a contract with, can issue a COD. |
| | | | 7. shredders can only receive hulks that are treated as described in ANNEX VII, part B, part C and after dismantling parts for reuse. |

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| | | | 8. acceptance, depollution, mandatory removal and spare parts removal are all done in the same facility |
| | | | 9. It's possible to exchange ELVs between ATFs to reach the highest possible reuse of parts. ATFs record the amount of dismantling for the mass balance and ELVS can only be sold once between ATFs. |
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| Article 24 | | | |
| Delivery of end-of-life vehicles to authorised treatment facilities | | Delivery of end-of-life vehicles to authorised treatment facilities <u>or collection points</u> | |
| | | 1. <u>The owner, and any economic operator acting on behalf of the vehicle owner, of a vehicle that becomes an end-of-life vehicle shall deliver it to an authorised treatment facility or to a collection point without undue delay. All end-of-life vehicles shall be delivered for treatment to authorised treatment facilities.</u> | |

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| 2. | Delivery of an end-of-life vehicle to an authorised treatment facility shall be free of charge for the last owner of a vehicle unless the end-of-life vehicle lacks any of the essential vehicle parts or components, except the electric vehicle battery, or contains waste which has been added to the end-of-life vehicle. | 2. Delivery of an end-of-life vehicle, <u>including spare or replacement parts following repair and maintenance of the vehicle</u> , to an authorised treatment facility shall be free of charge for the last owner of a vehicle unless the end-of-life vehicle lacks any of the essential vehicle parts or components, except the electric vehicle battery , or contains waste which has been added to the end-of-life vehicle. | Delete: "except the electric vehicle battery, " ". |
| | | <u>Essential parts for the purpose of this article are:</u> | |
| | | - <u>E-drive motors, including their casings and any associated control units, wiring, and other parts, components and materials;</u> | |
| | | - <u>Electric vehicle batteries as defined in Article 3, point (14), of Regulation (EU) 2023/1542;</u> | |
| | | - <u>Engines;</u> | |
| | | - <u>Catalytic converters;</u> | |
| | | - <u>Gear boxes;</u> | |
| | | - <u>Bodywork.</u> | |
| | | <u>In case of a missing electric vehicle battery, the delivery of the end-of-life vehicle shall remain free of charge if the last owner provides documentation to proof that</u> | Delete this amendment |

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| | | <u>the battery has been handled by a professional operator in accordance with Regulation (EU) 2023/1542.</u> | |
| Article 25 | | | |
| Certificate of destruction | | | |
| 1. | Authorised treatment facilities shall issue a certificate of destruction for every treated end-of-life vehicle to the last owner of the end-of-life vehicle. The certificate of destruction shall contain the information listed in Annex IX. | 1. Authorised treatment facilities shall issue a certificate of destruction for every treated end-of-life vehicle to the last owner of the end-of-life vehicle <u>upon delivery of the end-of-life vehicle to the authorized treatment facility.</u> The certificate of destruction shall contain the information listed <u>be issued in accordance with the template set out in Annex IX.</u> | Add: <i>...last owner "or his/her representative" of...</i> Replace 'treated' by 'accepted' |
| | | 2. The certificate of destruction shall be issued in an electronic format and provided through an electronic notification procedure to the relevant authorities of the Member State, including the competent authorities designated under Article 14. <u>The authorised treatment facility shall provide a copy of the electronic notification to the last vehicle owner and any economic operator acting on behalf of the vehicle owner.</u> | |

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| | | 4. The relevant <u>vehicle registration authorities of a Member State</u> shall cancel the registration of an end-of-life vehicle only after receiving the certificate of destruction for that vehicle. | |
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| Article 27 | | | |
| Obligations for authorised treatment facilities | | | |
| 1. | Authorised treatment facilities shall ensure that all end-of-life vehicles and their parts, components and materials, as well as waste parts from repairs of vehicles, are accepted and treated in compliance with the conditions set out in their permits, as well as in accordance with this Regulation. | | Replace: "as well as " by: "in case it's convenient" |
| | | | 6. parts and materials from repairs shall be kept separately from parts and materials from ELV's |
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| Article 29 | | | |
| Depollution of end-of-life vehicles | | | |
| 1. | As soon as possible after delivery of an end-of-life vehicle to the authorised treatment facility, that facility shall depollute those vehicles before they are further treated, in compliance with the minimum requirements set out in Part B of Annex VII. | 1. As soon as possible <u>Within 30 days</u> after delivery of an end-of-life vehicle to the authorised treatment facility, that facility shall depollute those vehicles before they are further treated, in compliance with the minimum requirements set out in Part B of Annex VII. | Replace "As soon as possible" by "Within 30 days" |
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| Article 30 | | | |
| Mandatory removal of parts and component for reuse and recycling prior to shredding | | | |

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| 1 | ...ATFs shall ensure that the parts and components listed in Part C of Annex VII are removed from an end-of-life vehicle prior to shredding, after depollution operations referred to in Article 29, have been completed. | | |
| | | | In case there's no market EPR will compensate per mandatory removed material/part/component the extra costs made for removal, transport and recycling. |
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| Article 31 | | | |
| 1 a-d | | | |
| Requirements concerning the removed parts and components | | | |
| 3. | The parts and components listed in Part E of Annex VII shall not be reused. | 3. The parts and components listed in Part E of Annex VII shall not be reused <u>unless the conducted technical assessment confirms that the use of these parts and components complies with applicable vehicle safety requirements [as set out in Directive 2014/45]. These replacement parts may only be transferred to another economic operator for reuse if they are to be installed by a qualified repair and maintenance operator.</u> | Delete article 31.3. |
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| Article 32 | | | |
| <i>Trade of used, remanufactured or refurbished parts and components</i> | | | |
| Paragraph 1 | 1. From [OP: Please insert the date = the first day of the month following 36 months after the date of entry into force of this Regulation] any economic operator selling used, remanufactured or refurbished spare parts shall | | |
| | | | (c) Only sell used parts coming from ATFs |

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| | | | (d) be able to trace the part back to the VIN of the donor ELV. |
| | | | (e) digital platforms need to verify sellers of used parts by chamber of commerce numbers, permits, membership of Association or PRO. |
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| Article 33 | | | |
| <i>Reuse, remanufacturing and refurbishment of parts and components</i> | | | |
| | | (a) a requirement for maintenance and repair operators to offer customers to repair a vehicle with used, remanufactured or refurbished spare parts and components alongside offer to repair the vehicle with new parts and components, provided that such a requirement is formulated not to create excessive costs or administrative burdens for micro- and small enterprises; | |
| | | (b) the use of economic incentives, including the establishment of a reduced rate of value added tax for used, remanufactured or refurbished spare parts and components. | |
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| Article 37 | | | |
| <i>Distinction between used vehicles and end-of-life vehicles</i> | | | |

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| New paragraph | | | In case of total loss this status needs to be clear and not lost in transactions of ownership. |
| Article 42 | | | |
| New paragraph | | | A used vehicle to be exported shall be ensured to be re-registered in the country of import. |
| Article 46 | | | |
| Inspections | | | |
| 1. | Member States shall, for the purpose of enforcing this Regulation, inspect: | | |
| (c) | other facilities and economic operators, which may treat end-of-life vehicles. | | Add: "or their parts or materials" Add: "including non-authorized sites, based on risk based enforcement. |
| 2. | The inspections shall cover at least 10 % of the operators listed in paragraph 1, points (a) and (c), in each calendar year. | | replace "10" by "40" |
| | | | 4. In case other operators than ATF's are marketing and selling original, secondhand spare parts, these others shall ensure the parts are retraceable to an ATF and/or VIN. |
| | | | 5. To prevent scamming, internet platforms that are active at the European market, should check license or chamber of commerce registration of parties offering spare parts. |
| | | | 6. By requiring producers, their Producer Responsibility Organisations (PROs), economic operators, and even citizens to monitor and report any suspected or confirmed cases of non-compliance to the relevant authorities. |
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| | ANNEX 1 | | |

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| CRITERIA FOR DETERMINATION WHETHER A USED VEHICLE IS AN END-OF-LIFE VEHICLE | | | |
| PART A | | | |
| CRITERIA FOR ASSESSMENT OF REPARABILITY OF VEHICLES | | | |
| 1. | A vehicle is technically irreparable if it meets one or more of the following criteria: | | |
| (g) | its repair requires the replacement of the engine, gearbox, shell, or chassis assembly, resulting in the loss of the vehicle's original identity. | | |
| 2. | | | |
| | ANNEX VII | | |
| TREATMENT REQUIREMENTS | | | |
| PART A | | | |
| MINIMUM REQUIREMENTS FOR STORAGE SITES AND TREATMENT SITES | | | |
| 1. | Storage sites, including storage sites in the collection points, for the storage of end-of-life vehicles, prior to their treatment, and of their components, parts and materials, shall: | | |
| (a) | have impermeable surfaces with spillage collection facilities, decanters and cleanser-degreasers; | | "Definition of impermeable means prevention of soil contamination" |
| PART B | | | |
| MINIMUM REQUIREMENTS FOR DEPOLLUTION | | | |
| 3. | The following information on the depollution of the end-of-life vehicles shall be recorded: | | |
| (a) | date and time of depollution operations; | (a) date and time of depollution operations <u>total number of treated end-of-life vehicles;</u> | Delete B 1.(a) |
| (b) | type of depollution operations carried out; | (b) type of depollution operations carried out <u>the average weight of the end-of-life vehicles before and after depollution and removal;</u> | Delete B 1.(b) |

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| (c) | quantity and nature of depolluted waste, including materials and pollutants removed or neutralized; | (c) total quantity and nature of each type of depolluted waste fluids, parts, components or materials, including materials and pollutants removed or neutralized; | per collected batch |
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| PART C | | | |
| MANDATORY REMOVAL OF PARTS AND COMPONENTS FROM END-OF-LIFE VEHICLES | | | |
| 10. | Dashboards; | 10. Dashboards; | in case they are collected separately |
| 11. | Directly accessible parts of the infotainment system, including sound, navigation, and multimedia controllers, including displays of a surface greater than 100 square centimeters; | | in case they are collected separately |
| | | 17. Any other mono-material metal components, heavier than 10 kg; | |
| | | 18. Any other mono-material plastic components, heavier than 10 kg; | |
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| PART D | | | |
| REUSE, REMANUFACTURING AND REFURBISHMENT OF PARTS AND COMPONENTS | | | |
| 2. | Minimum information to be provided in the labelling of the parts and components: | | |
| (c) | name, the postal address, indicating a single contact point and e-mail address, a web-address, if applicable, identifying the operator that removed the component or part. | | replace "and" by "or". |
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| PART E | | | |
| COMPONENTS AND PARTS NOT TO BE REUSED | | | |
| | | 2. Emission after-treatment systems (e.g. catalytic converters, particulate filters). | |
| | | 3. Exhaust silencers. | |
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| ANNEX IX | | | |
| INFORMATION TO BE INCLUDED IN THE CERTIFICATE OF DESTRUCTION | | | |
| 3. | Date of issue of the certificate of destruction. | | which is the same as the date of delivery to the ATF. |