

Commission Decision of 23 February 2010 amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles (notified under document C(2010) 972) (Text with EEA relevance) (2010/115/EU)

COMMISSION DECISION

of 23 February 2010

amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles

(notified under document C(2010) 972)

(Text with EEA relevance)

(2010/115/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles⁽¹⁾, and in particular Article 4(2)(b) thereof,

Whereas:

- (1) Directive 2000/53/EC prohibits the use of lead, mercury, cadmium or hexavalent chromium in materials and components of vehicles put on the market after 1 July 2003, other than in cases listed in Annex II to that Directive and under the conditions specified therein. Pursuant to Article 4(2)(b) of Directive 2000/53/EC, Annex II to that Directive should be adapted to scientific and technical progress by the Commission on a regular basis.
- (2) Annex II to Directive 2000/53/EC lists vehicle materials and components exempted from the prohibition set out in Article 4(2)(a) of that Directive. Vehicles put on the market before the expiry date of a given exemption may contain lead, mercury, cadmium or hexavalent chromium in materials and components listed in Annex II to Directive 2000/53/EC. Commission Decision 2008/689/EC of 1 August 2008 amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles⁽²⁾ specifies that in the case of solder in electronic circuit boards and other electrical applications except on glass, described in point (8)(a), and solder in electrical applications on glass, described in point (8)(b), the exemptions should be reviewed in 2009.
- (3) Technical and scientific assessment has demonstrated that these two exemptions should be split into 10 more specific applications. Out of these, five materials and components containing lead should continue to be temporarily exempted from the prohibition set out in Article 4(2)(a) of Directive 2000/53/EC, since the use of these substances in those specific materials and components is still technically or scientifically unavoidable. It is

Changes to legislation: There are currently no known outstanding effects for the Commission Decision of 23 February 2010 amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles (notified under document C(2010) 972) (Text with EEA relevance) (2010/115/EU), Introductory Text. (See end of Document for details)

therefore appropriate to prolong the expiry date of these exemptions until the use of the prohibited substances becomes avoidable.

- (4) Five other materials and components containing lead should continue to be exempted from the prohibition set out in Article 4(2)(a) of Directive 2000/53/EC without an expiry date since the use of these substances in those specific materials and components is technically or scientifically unavoidable and no viable alternatives are envisaged in the near future. These exemptions should be reviewed in 2014 in the light of technical and scientific progress to assess when the use of these substances will become avoidable. The exemption concerning lead in solders in electrical glazing applications on glass except for soldering in laminated glazing should be reviewed by 1 January 2012 since substitutes for this application exist but their technical properties need to be further tested and confirmed.
- (5) In the case of lead and lead compounds in components in bonding agents for elastomers in power-train applications containing up to 0,5 % lead by weight, the exemption should not be prolonged because the use of lead in this type of applications has become avoidable.
- (6) Annex II to Directive 2000/53/EC provides that spare parts put on the market after 1 July 2003 which are used for vehicles put on the market before 1 July 2003 are exempted from the prohibition set out in Article 4(2)(a) of Directive 2000/53/EC. This exemption allows for the repair of vehicles put on the market before the entry into force of the prohibition of Article 4(2)(a) with spare parts meeting the same quality and safety requirements as the parts with which they were originally equipped.
- (7) Spare parts for vehicles put on the market after 1 July 2003 but before the expiry date of a given exemption under Annex II to Directive 2000/53/EC are not covered by that exemption. Hence, spare parts for those vehicles must be heavy metal free, even if they are used to replace parts which originally contained heavy metals.
- (8) In certain cases it is technically impossible to repair vehicles with spare parts other than original ones as this would require changes in dimensional and functional properties of entire vehicle systems. Such spare parts cannot fit into the vehicle systems originally manufactured with parts containing heavy metals and these vehicles cannot be repaired and may need to be prematurely disposed of. For reasons of consumer safety and environmental benefits derived from the extension of the product's lifetime it is appropriate to allow the repair of these vehicle components with the original parts.
- (9) Directive 2000/53/EC should therefore be amended accordingly.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 18(1) of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste⁽³⁾,

HAS ADOPTED THIS DECISION:

Changes to legislation: There are currently no known outstanding effects for the Commission Decision of 23 February 2010 amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles (notified under document C(2010) 972) (Text with EEA relevance) (2010/115/EU), Introductory Text. (See end of Document for details)

- (1) OJ L 269, 21.10.2000, p. 34.
- (2) OJ L 225, 23.8.2008, p. 10.
- (3) OJ L 114, 27.4.2006, p. 9.

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