

Directive (EU) 2018/849 of the European Parliament and of the Council of 30 May 2018 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment (Text with EEA relevance)

*Article 1*

**Amendment of Directive 2000/53/EC**

Directive 2000/53/EC is amended as follows:

- (1) in Article 4(2), point (b) is replaced by the following:
- (b) The Commission is empowered to adopt delegated acts in accordance with Article 9a, amending Annex II on a regular basis to adapt it to technical and scientific progress, in order to:
- (i) as necessary, establish maximum concentration values up to which the existence of the substances referred to in point (a) of this paragraph in specific materials and components of vehicles is to be tolerated;
  - (ii) exempt certain materials and components of vehicles from point (a) of this paragraph if the use of the substances referred to in that point is unavoidable;
  - (iii) delete materials and components of vehicles from Annex II if the use of the substances referred to in point (a) of this paragraph is avoidable;
  - (iv) under points (i) and (ii) designate those materials and components of vehicles that can be stripped before further treatment and require them to be labelled or made identifiable by other appropriate means.

The Commission shall adopt a separate delegated act with respect to each substance, material or component concerned by points (i) to (iv).;

- (2) in Article 5, paragraph 5 is replaced by the following:
5. Member States shall take the necessary measures to ensure that their competent authorities mutually recognise and accept the certificates of destruction issued in other Member States in accordance with paragraph 3 of this Article.

The Commission is empowered to adopt delegated acts in accordance with Article 9a in order to supplement this Directive by establishing minimum requirements for the certificate of destruction.;

- (3) Article 6 is amended as follows:
- (a) paragraph 1 is replaced by the following:
1. Member States shall take the necessary measures to ensure that all end-of-life vehicles are stored (even temporarily) and treated in accordance

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with the waste hierarchy and the general requirements laid down in Article 4 of Directive 2008/98/EC of the European Parliament and of the Council<sup>(1)</sup>, and in compliance with the minimum technical requirements set out in Annex I to this Directive, without prejudice to national regulations on health and environment.;

(b) paragraph 6 is replaced by the following:

6. The Commission is empowered to adopt delegated acts in accordance with Article 9a, amending Annex I to adapt it to technical and scientific progress.;

(4) in Article 7(2), the third subparagraph is replaced by the following:

The Commission may adopt implementing acts concerning the detailed rules necessary to control compliance of Member States with the targets set out in the first subparagraph of this paragraph. When preparing such rules, the Commission shall take into account all relevant factors, inter alia, the availability of data and the issue of exports and imports of end-of-life vehicles. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).;

(5) in Article 8, paragraph 2 is replaced by the following:

2. The Commission is empowered to adopt delegated acts in accordance with Article 9a, in order to supplement this Directive by establishing the standards referred to in paragraph 1 of this Article. When preparing such standards, the Commission shall take account of the work going on in this area in the relevant international forums. The Commission shall contribute to this work as appropriate.;

(6) Article 9 is amended as follows:

(a) paragraph 1 is deleted;

(b) the following paragraphs are inserted:

1a. Member States shall report the data concerning the implementation of Article 7(2) for each calendar year to the Commission.

They shall report the data electronically within 18 months of the end of the reporting year for which the data are collected. The data shall be reported in the format established by the Commission in accordance with paragraph 1d of this Article.

The first reporting period shall start in the first full calendar year after the adoption of the implementing act that establishes the format for reporting, in accordance with paragraph 1d of this Article, and it shall cover the data for that reporting period.

1b. The data reported by Member States in accordance with paragraph 1a shall be accompanied by a quality check report.

1c. The Commission shall review the data reported in accordance with paragraph 1a and publish a report on the results of its review. The report shall assess the organisation of the data collection, the sources of data and the methodology used in Member States as well as the completeness, reliability, timeliness and consistency of that data. The assessment may include specific recommendations for improvement. The report shall be drawn up after

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the first reporting of the data by the Member States and every four years thereafter.

1d The Commission shall adopt implementing acts laying down the format for reporting the data referred to in paragraph 1a of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).;

(7) the following article is inserted:

#### *Article 9a*

#### **Exercise of the delegation**

1 The power to adopt delegated acts is conferred to the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in point (b) of Article 4(2) and in Articles 5(5), 6(6) and 8(2) shall be conferred on the Commission for a period of five years from 4 July 2018. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in point (b) of Article 4(2) and in Articles 5(5), 6(6) and 8(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>(2)</sup>.

5 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6 A delegated act adopted pursuant to point (b) of Article 4(2) and to Articles 5(5), 6(6) and 8(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.;

(8) the following article is inserted:

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### *Article 10a*

#### **Review**

By 31 December 2020, the Commission shall review this Directive, and to that end, shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal.;

- (9) Article 11 is replaced by the following:

### *Article 11*

#### **Committee procedure**

- 1 The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>(9)</sup>.
- 2 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply..

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- (1) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).’;
- (2) OJ L 123, 12.5.2016, p. 1.’;
- (3) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).’.