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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	18 July 2017
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	D052035/02
Subject:	COMMISSION DIRECTIVE (EU) .../... of XXX amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of life vehicles

Delegations will find attached document D052035/02.

Encl.: D052035/02



Brussels, **XXX**
D052035/02
[...](2017) **XXX** draft

COMMISSION DIRECTIVE (EU) .../...

of **XXX**

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

(Text with EEA relevance)

COMMISSION DIRECTIVE (EU) .../...

of XXX

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

(Text with EEA relevance)

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 vehicles¹, and in particular Article 4(2)(b),

Whereas:

- (1) Article 4(2)(a) of Directive 2000/53/EC prohibits the use of lead, mercury, cadmium and hexavalent chromium in materials and components of vehicles put on the market after 1 July 2003.
- (2) Annex II to Directive 2000/53/EC lists vehicle materials and components exempt from the prohibition set out in Article 4(2)(a) thereof. That Annex is to be amended on a regular basis according to technical and scientific progress and exemptions 2(c), 3 and 5 regarding the use of lead are to be reviewed.
- (3) An assessment of technical and scientific progress has demonstrated that the use of lead remains unavoidable for the materials and components covered by exemption 2(c). However, current information suggests that lead substitutes may become available for those material and components in the near future. For some materials and components, lead substitutes are expected to become available sooner than for others, and therefore it is appropriate to split exemption 2(c) into two sub-entries with different review dates according to the progress in the development of such substitutes.
- (4) The assessment of technical and scientific progress has also demonstrated that the use of lead remains unavoidable for the materials and components covered by exemption 3. Possible substitutes exist but have to be developed further. A new review date for that exemption should therefore be set, taking into account the progress in the development of substitutes.
- (5) Finally, the assessment of technical and scientific progress has demonstrated that for some materials and components covered by exemption 5 lead alternatives already exist

¹ OJ L 269, 21.10.2000, p. 34.

but are not usable in all vehicles covered by the exemption. For the other materials and components covered by exemption 5, the use of lead is still unavoidable. Consequently, that exemption should be split into two sub-entries. For the materials and components for which alternatives exist, an expiry date for the exemption should be set which allows necessary time to ensure that the use of lead is avoidable in all vehicles concerned. For the exemption covering materials and components for which the use of lead is still unavoidable, a new review date should be set, taking into account the progress in the development of substitutes.

- (6) The measures provided for in this Directive are in accordance with the opinion of the committee established by Article 39 of Directive 2008/98/EC of the European Parliament and of the Council²,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex II to Directive 2000/53/EC is replaced by the text set out in the Annex to this Directive.

Article 2

- (1) Member States shall adopt and publish by [Date - six months after the entry into force of this Directive] the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

- (2) Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

² OJ L 312, 22.11.2008, p. 3.

Done at Brussels,

*For the Commission
The President*