

EUROBAT Position Paper on the evaluation of the End of Life Vehicles Directive

With this position paper, EUROBAT would like to provide its expert input in view of the evaluation of the End of Life Vehicles Directive. We believe that a new legislative proposal on this Directive is urgently needed, also considering the relevance of the battery industry in the decarbonisation efforts of the European Union, the importance of effective and efficient recycling of vehicles and the need to ensure policy coherence, level playing field and business certainty for all actors of the value chain.

Timing: a new ELV proposal is urgently needed!

The Commission has a legal obligation to “review the ELV Directive, by 31 December 2020, and to this end, shall submit a report to the European Parliament and the Council, accompanied, if appropriate, by a legislative proposal”. However, we regret to see that the preparatory work to carry on this evaluation is severely delayed, and the Commission risks to miss its own deadline of 31 December 2020. Right now, for manufacturers of automotive batteries, the ELV Directive is a cost factor. The ELV Directive leads to legal uncertainty and hampers investments into battery manufacturing in Europe (including due to double regulation with Batteries Directive and REACH). We therefore urge the European Commission to speed up its work and present the evaluation of the ELV Directive, and subsequently a new ELV proposal, as soon as possible.

The ELV should be part of a Battery Package to ensure legislative coherence

Under the framework of the Batteries Action Plan and following the very positive initiative of the European Battery Alliance, the Commission is currently working on a proposal for a new Batteries Directive and new criteria for the sustainable production of batteries. We strongly believe that these initiative should be developed in conjunction with the new End of Life Vehicles Directive, to finally ensure coherency among different legislative initiatives covering batteries in Europe.

Solve legislative overlaps using the Batteries Directive as key legislative instrument on batteries

The ELV Directive has caused unnecessary regulatory burden and complexity. Automotive batteries and the substances used in them are already regulated by other pieces of EU legislation:

Through the Batteries Directive: The Directive prohibits the marketing of batteries containing some hazardous substances, defines measures to establish schemes aiming at high level of collection and recycling, and fixes targets for collection and recycling activities. The Directive also sets out provisions on labelling of batteries and their removability from equipment. It also aims to improve the environmental performance of all operators involved in the life cycle of batteries and accumulators, e.g. producers, distributors and end-users and, in particular, those operators directly involved in the treatment and recycling of waste batteries and accumulators. Producers of batteries and accumulators and producers of other products

incorporating a battery or accumulator are given responsibility for the waste management of batteries and accumulators that they place on the market.

Through REACH and Occupational Health & Safety legislation (OSH): Substances used in automotive batteries and their exposure risks are regulated through REACH and Occupational Health & Safety. The majority of currently available battery chemistries contain hazardous substances in some form. However, we emphasise that these substances are contained in the battery article within sealed units, and are not intended to be released during normal or reasonably foreseeable conditions of use. Risks from battery materials are therefore largely limited to the workplace. Here, our industries already promote high standards of worker and environmental protection. World-leading European recyclers also work to ensure that battery materials are safely treated and recovered at their end-of-life, both for existing and new battery types. Automotive lead batteries operate in a closed loop. The key point is not to drive the substitution of heavy metals in batteries, but to define appropriate risk management measures to work with hazardous substances in the production of batteries.

We therefore urge the Commission to solve this legislative overlap and use the Batteries Directive as key legislative instrument on batteries, and REACH and OSH as key instruments on exposure risks.

Additionally, we would request that Commission evaluate the existing ELV exemption criteria to ensure consistent with other waste legislation substance restriction exemptions criteria such as RoHS (Article 5(1)) where for example the availability of substitutes and the socio-economic impact of substitution, as well as life-cycle thinking on the overall impacts of the exemption apply.

Vehicles of unknown whereabouts – a problem to be solved

The ELV Directive has not been successful in dealing with vehicles of ‘unknown whereabouts’ (vehicles that are deregistered but without a Certificate of Destruction (CoD) issued or available to the authorities and also with no information available indicating that the vehicle has been treated in an ATF or has been exported). The high number of estimated vehicles of unknown whereabouts (3 to 4 million vehicles per year) clearly shows that the Commission and Member States need to work on a new Directive to address this problem. Currently, the ELV leaves too much room for interpretation regarding definitions and criteria to distinguish used cars and ELVs. At the same time, enforcement at national level is ineffective, and better reporting, registration and deregistration systems are strongly needed to properly address the problem.

For the battery industry, this is resulting in a lower number of batteries available for collection, which simply disappear from the system despite the willingness of the industry to collect and recycle them to recover valuable materials.

We therefore urge the Commission and Member States to work on a new ELV Directive with clearer and stricter definitions and criteria, with improved reporting, registration and deregistration systems at national level.