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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations partially implement Directive [2000/53/EC](#) of the European Parliament and the Council on end-of-life vehicles (OJNo. L 269, 21.10.2000, p. 34). The following provisions of the Directive are transposed in these Regulations, namely Articles 2, 3(1) to (5), 4(2) plus Annex II, 5(3), 5(4) in respect of vehicles put on the market on or after 1st July 2002, 6(1) to (4) and Annex I, 8 and 9(2).

The Regulations apply to end-of-life vehicles as defined in regulation 2, while Part VII also applies to waste motor vehicles not covered by that definition. Part II of the Regulations provides for the application of the Regulations. Regulation 5 states that the information requirements in regulations 14 to 26 do not apply to vehicles produced in small series as defined in Article 8(2)(a) of Directive [70/156/EC](#) (OJ No. L42, 23.2.1970, p. 1).

In Part III of the Regulations the design requirements for materials and components of vehicles put on the market after the Regulations come into effect are set out. Regulation 6 requires producers to ensure that materials and components of such vehicles do not contain lead, mercury, cadmium or hexavalent chromium apart from in those cases listed in Schedule 1 to the Regulations. Regulation 7 requires a producer following a request from the enforcement authority to submit technical documents showing compliance with the requirements of regulation 6 and Schedule 1. A producer is required to keep the technical documents for a period of four years from the date the materials and components are put on the market (regulation 8).

Enforcement in this Part of the Regulations is by a compliance notice procedure (regulation 9). Regulation 10 introduces offences for breach of the requirements of Part III. The penalties to be applied for breach of the requirements in Part III are set out in regulation 11. There are also provisions relating to the defence of due diligence (regulation 12) as well as liability of persons other than the principal offender (regulation 13).

Part IV of the Regulations introduces the information requirements. A producer is required to use material and component coding standards to facilitate the identification of those materials and components which are suitable for reuse and recovery (regulation 14, 15 and Schedule 2). Following a request from the enforcement authority the producer shall submit information showing that material and coding standards have been used (regulation 16). A producer is obliged to keep the information necessary to demonstrate compliance for a period of four years from the date the materials and components are put on the market (regulation 17). A producer is required to provide the enforcement authority with dismantling information within six months after the date that each type of new vehicle is put on the market (regulation 18). Regulation 19 requires producers to publish information on the recoverability and recyclability of vehicles. Enforcement is by a compliance notice procedure (regulation 21). Regulations 23 and 24 introduce the offences and the penalties to be applied for breach of the requirements in Part IV.

Part V of the Regulations introduces the Certificate of Destruction (CoD). Regulation 27 provides that when an end-of-life vehicle is transferred to it for treatment, an authorised treatment facility (defined in regulation 2) may issue a CoD to the last holder /owner of the end-of-life vehicle. Regulation 28 prohibits the authorised treatment facility from imposing a charge on the last holder/owner for issuing the CoD. Regulation 29 and Schedule 3 provide for the form and content of the CoD. Regulation 33 amends regulation 17 of the Road Vehicles (Registration and Licensing) Regulations, S.I.2742/2002. Where an end-of-life vehicle is transferred to an authorised treatment facility the facility shall notify the Secretary of State for Transport that a CoD has been issued

*Status: This is the original version (as it was originally made).*

(regulation 34). Moreover, where the Secretary of State is notified that a CoD has been issued he shall not record any further change of keeper in the Register (regulation 34 which amends regulation 17 of S.I. [2742/2002](#)). Regulation 34 also provides for mutual recognition of CoDs throughout the European Economic Area and in Gibraltar. Regulation 36 provides for restrictions on the disclosure of information obtained from the vehicle register.

Part VI of the Regulations sets out the provisions for treatment of end-of-life vehicles put on the market on or after 1st July 2002. Authorised treatment facilities are prohibited from charging the last holder/owner as a result of the vehicle having no market value (regulation 38(1)). Producers are responsible for meeting the costs of treatment of an end-of-life vehicle which has no market value when delivered to an authorised treatment facility for treatment (regulation 39). The Secretary of State will enforce this Part of the Regulations by means of a certificate of compliance procedure (regulations 40 to 41 and Schedule 3). Regulations 42 and 43 introduce the offences and the penalties to be applied where there is a breach of the requirements of Part VI.

Part VII of the Regulations provides that all existing site licences (being a type of waste management licence granted (in England and Wales) by the Environment Agency under section 35 of the Environmental Protection Act 1990) under which either or both the keeping or treatment of waste motor vehicles (almost all being end-of-life vehicles) is currently authorised shall be modified, so as now to include the conditions contained in Schedule 5 to the Regulations (being the conditions and other provisions now required by Article 6 of, and Annex I to, Directive [2000/53/EC](#)) (regulation 44). All recovery operations (which are a type of treatment) currently carried out under the cover of registered exemptions from the requirement to have a site licence, (with the exception only of those carried out on depolluted vehicles) are now required to be conducted under the authorisation of a site licence, and regulation 45 deals with the arrangements by which exemption holders may apply for site licences. Regulation 49 describes the fees to accompany such applications. Regulation 47 preserves the exemption from licensing for those treating only depolluted vehicles. Regulation 48 makes certain consequential amendments to the Waste Management Licensing Regulations 1994 (S.I. [1994/1056](#)).

A Regulatory Impact Assessment is available, copies of which have been placed in the libraries of both Houses of Parliament. Copies are also available from the Department of Trade and Industry.