L.N. 99 of 2004

ENVIRONMENT PROTECTION ACT (CAP. 435)

Waste Management (End of Life Vehicles) Regulations, 2004

IN exercise of the powers conferred by articles 9 and 11 of the Environment Protection Act, 2001, hereinafter referred as "the Act", the Minister for Rural Affairs and the Environment has made the following regulations:-

Citation, commencement and objectives.

1. (1) The title of these regulations is the Waste Management (End of Life Vehicles) Regulations, 2004.

(2) These regulations shall come into force on such date as the Minister responsible for the environment may by notice in the Gazette appoint and different dates may be so appointed for different provisions and different purposes of these regulations.

(3) These regulations provide additional measures, procedures and guidance to those in the Waste Management (Permit and Control) Regulations, 2001, which aim, as a first priority, at the prevention of waste from vehicles and, in addition, at the reuse, recycling and other forms of recovery of end of life vehicles and their components so as to reduce the disposal of waste. They also aim to achieve the improvement in the environmental performance of all of the economic operators involved in the life cycle of vehicles and, especially, the operators directly involved in the treatment of end of life vehicles.

Interpretation.

2. (1) In these regulations, unless the context otherwise requires:

"Agreement" means an agreement to which Malta is a party, entered into by a group of states, reciprocally granting to citizens of such states or to their dependants, the right to enter, remain and reside in and leave the territory of such state, to move freely within such states for such period as may be established in the agreement, and to work or establish, provide or receive services therein; and "Agreement State" and "citizen of an Agreement State" shall be construed accordingly; and

where a state is a party to such an Agreement subject to modifications and adaptations, a citizen of an Agreement State shall be subject to such modifications or adaptations as may be prescribed;

"Competent Authority" means the Malta Environment and Planning Authority and such other body or person as the Minister responsible for the environment may by order in the Gazette prescribe, and different bodies or persons may be designated as the competent authority for different provisions and different purposes of these regulations;

"dismantling information" means all information required for the correct and environmentally sound treatment of end of life vehicles. It shall be made available to authorised treatment facilities by vehicle manufacturers and component producers in the form of manuals or by means of electronic media;

"economic operators" means producers, distributors, collectors, motor vehicle insurance companies, dismantlers, shredders, recoverers, recyclers and other treatment operators of end of life vehicles, including their components and materials;

"end of life vehicle" means a vehicle which is waste;

"hazardous substance" means any substance which the Competent Authority considers to be dangerous in terms of Schedule 1 to these regulations;

"motor tricycles" means vehicles with three symmetrically arranged wheels fitted with an engine having a cylinder capacity of more than 50 cm3 of the internal combustion type or a maximum design speed of more than 45 km/h;

"permit" means a permit issued under the Waste Management (Permit and Control) Regulations, 2001;

"prevention" means measures aiming at the reduction of the quantity and the harmfulness for the environment of end of life vehicles, their materials and substances;

"producer" means the vehicle manufacturer or the importer of a vehicle;

"put on the market" means when a vehicle, materials or components of vehicles are transferred from the manufacturing stage with the intention of distribution on the market;

"recycling" means the reprocessing, in a production process, of the waste materials for the original purpose or for other purposes, but excluding energy recovery. Energy recovery means the use of combustible waste as a means to generate energy through direct incineration with or without other waste but with recovery of the heat;

"reuse" means any operation by which components of end of life vehicles are used for the same purpose for which they were originally intended;

"shredder" means any device used for tearing into pieces or fragmenting end of life vehicles, including for the purpose of obtaining directly reusable metal scrap;

"special purpose vehicles" means a motor vehicle specially constructed or adapted, equipped with various devices that enable it to perform certain non-transport functions. This means that the primary purpose of such a vehicle is not the transport of persons or goods. This category of vehicles includes:

- motor breakdown lorries,
- motor pump vehicles (for example, fire fighting vehicles),
- lorries used for cleaning streets, gutters, and similar activities (for example, sweepers, sprinklers and cesspool emptiers),
- spraying lorries of all kinds, whether or not fitted with heating equipment,
- crane lorries, not for the transport of goods,
- mobile drilling derricks,
- lorries fitted with stacking mechanisms, that is, with a platform which moves on a vertical support and is generally powered by the vehicle engine,
- concrete mixer lorries,

- mobile electric generator sets,

- mobile radiological units, clinics and laboratories,

- outside broadcasting units (motor vehicles), telegraphy, radio-telegraphy or radio-telephony transmitting and receiving vans, radar vans,

- searchlight lorries,

- mobile kiosks,

- other motor vehicles not specified in these regulations;

"three wheel motor vehicle" means three-wheel motor vehicles, twin-wheeled or otherwise, intended to travel on the road, but excluding:-

- motor tricycles,

- tractors and machines used for agricultural or similar purposes,

- vehicles designed primarily for off-road leisure use having wheels arranged symmetrically with one wheel at the front of the vehicle and two at the rear,

- vehicles intended for pedestrian control,

- vehicles intended for use by the physically handicapped,

- vehicles intended for use in competitions, on roads or whatever the terrain might be,

- vehicles with a maximum design speed not exceeding 6 km/h;

"treatment" means any activity after the end of life vehicle has been handed over to a facility for depollution, dismantling, shearing, shredding, recovery or preparation for disposal of the shredder wastes, and any other operation carried out for the recovery and. or disposal of the end of life vehicle and its components;

"vehicle" means any motor vehicle used for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat and having a maximum weight not exceeding five metric tonnes, vehicles used for the carriage of goods and having a maximum weight not exceeding 3.75 metric tonnes intended for use on the road, and three-wheel motor vehicles, but excluding motor tricycles;

"vehicle having no market value or a negative one" means a vehicle whose treatment costs and reutilisation of the resulting materials equal or exceed income from the reused components and materials recovered during treatment operations;

"vintage vehicle" means a historic vehicle or vehicle of value to collectors or intended for museums, kept in a proper and environmentally sound manner, either ready for use or stripped into parts;

"waste" in addition to what is said in the principal Act means any thing, substance, product or object, whether in solid or liquid form, whether hazardous or otherwise, which the holder discards, or intends, or is required to discard, or any other which is deemed to be waste by the Competent Authority.

(2) All other terms shall have the same meaning as that assigned to them in the Waste Management (Permit and Control) Regulations, 2001. L.N. 337 of 2001.

3. (1) These regulations shall cover vehicles and end of life vehicles, including their components and materials. Without prejudice to regulation 5(4), this shall apply irrespectively of how the vehicle has been serviced or repaired during use and irrespectively of whether it is equipped with components supplied by the producer or with other components whose fitting as spare or replacement parts accords with the appropriate legislative provisions. Scope.

(2) These regulations shall apply without prejudice to existing provisions, in particular with regard to safety standards, air emissions and noise controls and the protection of soil and water.

(3) Special-purpose vehicles shall be excluded from the provisions of regulation 7 of these regulations.

(4) For three-wheel motor vehicles and components or separate technical units of such vehicles, only regulations 5(1), 5(2) and 6 of these regulations shall apply.

(5) Vintage vehicles shall not fall within the scope of these regulations;

Provided that such vintage vehicles shall fall within the scope of these regulations in the event that the owner or holder of such a vehicle decides or intends or is required to discard of such a vehicle.

Prevention.

4. (1) In order to promote the prevention of waste, the Competent Authority shall, wherever appropriate and practicable, encourage:

(a) vehicle manufacturers, in liaison with material and equipment manufacturers, to limit the use of hazardous substances in vehicles and to reduce them as far as possible from the very first production of the vehicle onwards, so as in particular to prevent their release into the environment, make recycling easier, and to avoid the need to dispose of hazardous waste;

(b) the design and production of new vehicles which take into full account and facilitate the dismantling, reuse and recovery, in particular the recycling, of end of life vehicles, their components and materials;

(c) vehicle manufacturers, in liaison with material and equipment manufacturers, to integrate an increasing quantity of recycled material in vehicles and other products, in order to develop the markets for recycled materials.

(2) Materials and components of vehicles put on the market after the date of coming into force of these regulations shall not contain lead, mercury, cadmium or hexavalent chromium other than in cases listed in Schedule 4 to these regulations under the conditions specified therein.

Collection.

5. (1) The Competent Authority shall take necessary measures to ensure:

(a) that economic operators shall use existing collection systems or set up systems for the collection of all end of life vehicles and, as far as technically feasible, of any waste used parts which are removed when vehicles are repaired; and

(b) the adequate availability of collection facilities.

(2) Holders of all end of life vehicles shall transfer these vehicles to authorised treatment facilities.

(3) (a) Whenever an end of life vehicle is transferred to an authorised treatment facility, the holder and. or owner of the vehicle shall be presented with a certificate of destruction issued by the operator of the facility. The deregistration of the end of life vehicle shall be conditional to the presentation of this certificate.

(b) The issue of the certificate of destruction by the operator of a treatment facility does not entitle him to claim any financial reimbursement, except in cases where this has been explicitly arranged by the Competent Authority.

(c) The certificate of destruction shall at least contain the information listed in Schedule 2 to these regulations.

(4) The delivery of the vehicle to an authorised treatment facility in accordance with sub-regulation (3) shall occur without any cost for either the last holder or the owner as a result of the vehicle having no market value or a negative one as follows:-

(a) as from the date of entry into force of these regulations, for vehicles put on the market as from 1st July, 2002;

(b) as from the 1st January, 2007, for vehicles put on the market before the 1st July, 2002:

Provided that producers shall meet all, or a significant part of, the costs of the implementation of this measure and, or take back of end of life vehicles under the same conditions as referred to in this sub-regulation:

Provided further that the Competent Authority may decide that the delivery of end of life vehicles is not fully free of charge if the end of life vehicle does not contain the essential components of a vehicle, in particular the engine, the coachwork, the catalytic converter, the gearbox and the wheels, or contains waste which has been added to the end of life vehicle.

(5) Certificates of destruction issued in other Agreement States in accordance with sub-regulation (3) hereof shall be recognised for purposes of deregistration.

Treatment.

6. The Competent Authority shall take necessary measures to ensure that:-

(1) All end of life vehicles shall be stored, even if only temporarily, and treated in accordance with the provisions of the Waste Management (Permit and Control) Regulations 2001, and in compliance with the minimum technical requirements set out in Schedule 3 to these regulations, without prejudice to any other relevant regulations on health and environment.

(2) Any establishment or undertaking carrying out treatment operations shall hold a valid permit from the Competent Authority.

(3) Any establishment or undertaking carrying out treatment operations shall fulfil at least the following obligations in accordance with Schedule 3 to these regulations:

(a) end of life vehicles shall be stripped before further treatment or other equivalent arrangements are made in order to reduce any adverse impact on the environment. Components or materials labelled or otherwise made identifiable in accordance with regulation 4(2) shall be stripped before further treatment;

(b) hazardous materials and components shall be removed and segregated in a selective way so as not to contaminate subsequent shredder waste from end of life vehicles;

(c) stripping operations and storage shall be carried out in such a way as to ensure the suitability of vehicle components for reuse and recovery, and in particular for recycling:

Provided that treatment operations for depollution of end of life vehicles as referred to in Schedule 3 shall be carried out as soon as possible.

(4) The permit referred to in paragraph (2) hereof shall include all conditions necessary for compliance with the requirements of paragraphs (1), (2) and (3) hereof.

(5) Establishments or undertakings which carry out treatment operations shall, as far as practicable, introduce certified environmental management systems.

Reuse and recovery.

7. (1) Economic operators shall, as far as practicable and without prejudice to requirements regarding the safety of vehicles and environmental requirements such as air emissions and noise control, reuse components which are suitable for reuse, recover components which cannot be reused and give preference to recycling when this is environmentally viable.

(2) The Competent Authority shall take necessary measures to ensure that the following targets shall be attained by economic operators:

(a) no later than the 1st January, 2006, for all end of life vehicles, the reuse and recovery shall be increased to a minimum of 85% by an average weight per vehicle and year. Within the same time limit the reuse and recycling shall be increased to a minimum of 80% by an average weight per vehicle and year; for vehicles produced before the 1st January, 1980, the Competent Authority may lay down lower targets, but not lower than 75 % for reuse and recovery and not lower than 70 % for reuse and recycling; and

(b) no later than the 1st January, 2015, for all end of life vehicles, the reuse and recovery shall be increased to a minimum of 95% by an average weight per vehicle and year. Within the same time limit, the re-use and recycling shall be increased to a minimum of 85 % by an average weight per vehicle and year.

Coding standards dismantling information.

8. The Competent Authority shall take necessary measures to ensure that:

(1) Producers, in concert with material and equipment manufacturers, shall use the nomenclature of ISO component and material coding standards referred to in Schedule 5 for the labelling and identification of components and materials of vehicles, in particular to facilitate the identification of those components and materials which are suitable for reuse and recovery.

(2) Producers shall provide dismantling information for each type of new vehicle put on the market within six months after the vehicle is put on the market. This information shall identify, as far as it is needed by treatment facilities in order to comply with the provisions of these regulations, the different vehicle components and materials, and the location of all hazardous substances in the vehicles, in particular with a view to the achievement of the objectives laid down in regulation 7 of these regulations.

(3) Without prejudice to commercial and industrial confidentiality, manufacturers of components used in vehicles shall make available to authorised treatment facilities, as far as it is requested by these facilities, appropriate information concerning dismantling, storage and testing of components which can be reused.

Reporting and information.

9. The relevant economic operators shall publish information on:

(a) the design of vehicles and their components with a view to their recoverability and recyclability,

(b) the environmentally sound treatment of end of life vehicles, in particular the removal of all fluids and dismantling,

(c) the development and optimisation of ways to reuse, recycle and recover end of life vehicles and their components,

(d) the progress achieved with regard to recovery and recycling to reduce the waste to be disposed of and to increase the recovery and recycling rates:

Provided that this information shall be made accessible to the prospective buyers of vehicles. It shall be included in promotional literature used in the marketing of the new vehicle.

Agreements.

10. For the purposes of achieving the objectives, and satisfying the provisions of these regulations, economic operators may be parties to agreements with the Competent Authority. Such agreements shall specify the detailed rules of implementation of these regulations. Moreover:

(a) these agreements shall be enforceable at law;

(b) they shall specify the objectives with the corresponding deadlines;

(c) they shall be published in the Gazette;

(d) the results achieved under an agreement shall be monitored regularly, reported to the competent authorities and made available to the public under the conditions set out in the agreement;

(e) the competent authorities shall make provisions to examine the progress reached under an agreement.

11. The Competent Authority may exempt an economic operator from all or part of these regulations provided the economic operator provides evidence to the Competent Authority of participating in an authorised end of life vehicle collection and treatment scheme.

Participation in an end of life vehicle collection and treatment scheme.

12. (1) If an economic operator chooses to make use of an existing authorised end of life vehicle collection and treatment scheme, he shall be required to submit to the Competent Authority a signed agreement with the operator of the authorised end of life vehicle collection and treatment scheme to prove that the scheme complies with the provisions of these regulations.

Signed agreement with an operator of an end of life vehicle collection and treatment scheme.

(2) The operator of the end of life vehicle collection and treatment scheme referred to in subregulation (1) of this regulation shall :

(i) bind himself to carry out the activities agreed to and on behalf of the economic operator in accordance with any existing laws and regulations,

(ii) provide the Competent Authority with the information referred to in regulation 9 as it applies *mutatis mutandis* to the economic operator, and

(3) The Competent Authority may specify the format in which such information is to be made available.

(4) The Competent Authority shall make this information available in accordance with the Freedom of Access to Information on the Environment Regulations, 2001.

L.N. 217 of 2001.

13. (1) Persons who intend to operate an end of life vehicle collection and treatment scheme as required under these regulations shall require and obtain a valid permit from the Competent Authority in terms of the Waste Management (Permit and Control) Regulations, 2001.

Permit required by an operator of an end of life vehicle collection and treatment scheme.

(2) Without prejudice to the Waste Management (Permit and Control) Regulations, 2001, in applying for such a permit, any such person shall provide the Competent Authority with the following information as applicable:

Application for permit to operate an end of life vehicle collection and treatment scheme.

(a) a copy of the memorandum and articles of association;

(b) a copy of a valid development permit issued under the Development Planning Act;

(c) a description of the proposed system which will provide for the treatment of the end of life vehicle In accordance with the provisions of these regulations;

(d) a financial plan in relation to the proposed scheme;

(e) the volume of end of life vehicles so treated or projected to be treated;

(f) proposals for the certification of economic operators who will make use of this scheme;

(g) proposals of how the information required under the provisions of these regulations will be compiled and made available to the Competent Authority;

(h) any other relevant information requested by the Competent Authority.

(3) The Competent Authority may specify the format in which such information is to be made available.

(4) The Competent Authority shall make this information available in accordance with the Freedom of Access to Information on the Environment Regulations, 2001.

L.N. 217 of 2001.

Offences under these regulations.

14. Any person shall be guilty of an offence under these regulations if:

(a) he fails to comply with any provision of these regulations or fails to comply with permit conditions or with any order lawfully given in terms of any provision of these regulations; or

(b) he contravenes any restriction, prohibition or requirement imposed by or under these regulations; or

(c) he acts in contravention of any of the provisions of these regulations; or

(d) he conspires or attempts, or aids, or abets, any other person by whatever means, including advertising, counselling or procurement to contravene the provisions of these regulations

or to fail to comply with any such provisions, including any order lawfully given in terms of any of the provision of these regulations, or to contravene any restriction, prohibition or requirement imposed by or under the said regulations.

Penalties.

15. Any person who commits an offence against these regulations shall, on conviction, be liable:

(a) on a first conviction to a fine (*multa*) of not less than five hundred Maltese liri (Lm500) but not exceeding one thousand Maltese liri (Lm1,000);

(b) on a second or subsequent convictions, to a fine (*multa*) of not less than one thousand Maltese liri (Lm1,000), but not exceeding two thousand Maltese liri (Lm2,000) or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment:

Provided that the court may order any person who has been found guilty of committing an offence against these regulations to pay for the expenses incurred by the Competent Authority as a result of the said offence, the revocation of the permit issued by the Competent Authority mentioned in these regulations and the confiscation of the *corpus delicti*.

Applicability of Cap. 9.

16. (1) The provisions of articles 23 and 30 of the Criminal Code shall, *mutatis mutandis*, apply to proceedings in respect of offences against these regulations, so however that the disqualification from holding or obtaining a licence, permit or authority shall in no case be for less than one year.

(2) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence against these regulations shall be held before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts as courts of criminal judicature.

(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against these regulations.

SCHEDULE 1

Substances and preparations which are “dangerous”

The following substances and preparations are "dangerous" within the meaning of these regulations:

(a) explosive substances and preparations: solid, liquid, pasty or gelatinous substances and preparations which may also react exothermically without atmospheric oxygen thereby quickly evolving gases, and which, under defined test conditions, detonate, quickly deflagrate or upon heating explode when partially confined;

(b) oxidising substances and preparations: substances and preparations which give rise to a highly exothermic reaction when in contact with other substances, particularly flammable substances;

(c) extremely flammable substances and preparations: liquid substances and preparations having an extremely low flash-point and a low boiling-point and gaseous substances and preparations which are flammable in contact with air at ambient temperature and pressure;

(d) highly flammable substances and preparations:

– Substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or

– Solid substances and preparations which may readily catch fire in contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or

– Liquid substances and preparations having a very low flash-point, or

– Substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities;

(e) flammable substances and preparations: liquid substances and preparations having a low flash-point;

(f) very toxic substances and preparations: substances and preparation which in very low quantities cause death or acute or chronic damage to health when inhaled, swallowed or absorbed via the skin;

(g) toxic substances and preparations: substances and preparations which in low quantities cause death or acute or chronic damage to health when inhaled, swallowed or absorbed via the skin;

(h) harmful substances and preparations: substances and preparations which may cause death or acute or chronic damage to health when inhaled, swallowed or absorbed via the skin;

(i) corrosive substances and preparations: substances and preparations which may, on contact with living tissues, destroy them;

(j) irritant substances and preparations: non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation;

(k) sensitising substances and preparations: substances and preparations which, if they are inhaled or if they penetrate the skin, are capable of eliciting a reaction of hyper sensitisation such that on further exposure to the substance or preparation, characteristic adverse effects are produced;

(l) carcinogenic substances and preparations: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence;

(m) mutagenic substances and preparations: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce heritable genetic defects or increase their incidence;

(n) substances and preparations which are toxic for reproduction: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may produce, or increase the incidence of, non-heritable adverse effects in the progeny and/or an impairment of male or female reproductive functions or capacity;

(o) substances and preparations which are dangerous for the environment: substances and preparations which, were they to enter the environment, would present or may present an immediate or delayed danger for one or more components of the environment.

SCHEDULE 2
Minimum requirements for the certificate of destruction issued in accordance with regulation 5(3)

1. Name, address, signature and registration or identification number of the establishment or undertaking issuing the certificate;

2. Name and address of the Competent Authority responsible for the permit (in accordance with regulation 6) for the establishment or undertaking issuing the certificate of destruction;

3. Where the certificate is issued by a producer, dealer or collector on behalf of an authorised treatment facility, the name and address and registration or identification number of the establishment or undertaking issuing the certificate;

4. Date of issue of the certificate of destruction;

5. Vehicle nationality mark and registration number (attach the registration document or a statement by the establishment or undertaking issuing the certificate that the registration document has been destroyed);

6. Class of vehicle, brand and model;

7. Vehicle identification number (chassis);

8. Name, address, nationality and signature of the holder or owner of the vehicle delivered.

SCHEDULE 3
Minimum technical requirements for treatment in accordance with regulation 6(1)

1. Sites for storage (including temporary storage) of end of life vehicles prior to their treatment:

- impermeable surfaces for appropriate areas with the provision of spillage collection facilities, decanters and cleanser-degreasers,

- equipment for the treatment of water, including rainwater, in compliance with health and environmental regulations.

2. Sites for treatment:

- impermeable surfaces for appropriate areas with the provision of spillage collection facilities, decanters and cleanser-degreasers,

- appropriate storage for dismantled spare parts, including impermeable storage for oil-contaminated spare parts,

- appropriate containers for storage of batteries (with electrolyte neutralisation on site or elsewhere), filters and PCB/PCT-containing condensers,

- appropriate storage tanks for the segregated storage of end-of-life vehicle fluids: fuel, motor oil, gearbox oil, transmission oil, hydraulic oil, cooling liquids, antifreeze, brake fluids, battery acids, air-conditioning system fluids and any other fluid contained in the end of life vehicle,

- equipment for the treatment of water, including rainwater, in compliance with health and environmental regulations,

- appropriate storage for used tyres, including the prevention of fire hazards and excessive stockpiling.

3. Treatment operations for depollution of end of life vehicles:

- removal of batteries and liquefied gas tanks,

- removal or neutralisation of potential explosive components, (e.g. air bags),

- removal and separate collection and storage of fuel, motor oil, transmission oil, gearbox oil, hydraulic oil, cooling liquids, antifreeze, brake fluids, air-conditioning system fluids and any other fluid contained in the end-of-life vehicle, unless they are necessary for the re-use of the parts concerned,

- removal, as far as feasible, of all components identified as containing mercury.

4. Treatment operations in order to promote recycling:

- removal of catalysts,

- removal of metal components containing copper, aluminium and magnesium if these metals are not segregated in the shredding process,

- removal of tyres and large plastic components (bumpers, dashboard, fluid containers, etc), if these materials are not segregated in the shredding process in such a way that they can be effectively recycled as materials,

- removal of glass.

5. Storage operations are to be carried out avoiding damage to components containing fluids or to recoverable components and spare parts.

SCHEDULE 4
Materials and components exempt from regulation 4

Materials and components	Scope and expiry date of the exemption	To be labelled or made identifiable in accordance with regulation 4(2)
Lead as an alloying element		
1. Steel for machining purposes and galvanized steel containing up to 0.35% lead by weight		
2. a) Aluminium for machining purposes with a lead content up to 2% by weight b) Aluminium for machining purposes with a lead content up to 1% by weight	1 July 2005(1) 1 July 2008(2)	
3. Copper alloy containing up to 4% lead by weight		
4. Lead-bronze bearing shells and bushes		
Lead and lead compounds in components		
5. Batteries		X
6. Vibration dampers		X
7. Wheel balance weights	Vehicles type-approved before 1 July 2003 and wheel balance weights intended for servicing of these vehicles: 1 July 2005(3)	X

Materials and components	Scope and expiry date of the exemption	To be labelled or made identifiable in accordance with regulation 4(2)
8. Vulcanising agents and stabilizers for elastomers in fluid handling and powertrain applications	1 July 2005[4]	
9. Stabiliser in protective paints	1 July 2005	
10. Carbon brushes for electric motors	Vehicles type-approved before 1 July 2003 and carbon brushes for electric motors intended for servicing of these vehicles: 1 January 2005	
11. Solder in electronic circuit boards and other electric applications		X[5]
12. Copper in brake linings containing more than 0.5% lead by weight	Vehicles type-approved before 1 July 2003 and servicing on these vehicles: 1 July 2004	X
13. valve seats	Engine types developed before 1 July 2003: 1 July 2006	
14. Electrical components which contain lead in a glass or ceramic matrix compound except glass in bulbs and glaze of spark plugs		X[6] (for components other than piezo in engines)
15. Glass in bulbs and glaze of spark plugs	1 January 2005	
16. Pyrotechnic initiators	1 July 2007	

Materials and components	Scope and expiry date of the exemption	To be labelled or made identifiable in accordance with regulation 4(2)
Hexavalent chromium		
17. Corrosion preventive coatings	1 July 2007	
18. Absorption refrigerators in motorcaravans		X
Mercury		
19. Discharge lamps and instrument panel displays		X
Cadmium		
20. Thick film pastes	1 July 2006	
21. Batteries for electrical vehicles	After 31 December 2005, the placing on the market of NiCd batteries shall only be allowed as replacement parts for vehicles put on the market before this date.	X

(1) By 1 January 2005 the Competent Authority shall assess whether the phase-out time scheduled for this entry has to be reviewed in relation to the availability of substitutes for lead, taking into account the objectives of regulation 5(2).

(2) See footnote 1.

(3) By 1 January 2005, the Competent Authority shall assess this exemption in relation to road safety aspects.

(4) See footnote 1.

(5) Dismantling if, in correlation with entry 14, an average threshold of 60 grams per vehicle is exceeded. For the application of this clause, electronic devices not installed by the manufacturer on the production line shall not be taken into account.

(6) Dismantling if, in correlation with entry 11, an average threshold of 60 grams per vehicle is exceeded. For the application of this clause, electronic devices

not installed by the manufacturer on the production line shall not be taken into account.

Notes:

- a maximum concentration value up to 0.1% by weight and per homogeneous material, for lead, hexavalent chromium and mercury and up to 0.01% by weight per homogeneous material for cadmium shall be tolerated, provided these substances are not intentionally introduced[1],

- a maximum concentration value up to 0.4% by weight of lead in aluminium shall also be tolerated provided it is not intentionally introduced[2],

- a maximum concentration value up to 0.4% by weight of lead in copper intended for friction materials in brake linings shall be tolerated until 1 July 2007 provided it is not intentionally introduced[3],

- the reuse of parts of vehicles which were already on the market at the date of expiry of an exemption is allowed without limitation since it is not covered by regulation 4(2),

- until 1 July 2007, new replacement parts intended for repair[4] of parts of vehicles exempted from the provisions of regulation 4(2) shall also benefit from the same exemptions.

---

[1] Intentionally introduced shall mean deliberately utilized in the formulation of a material or component where its continued presence is desired in the final product to provide a specific characteristic, appearance or quality. The use of recycled materials as feedstock for the manufacture of new products, where some portion of the recycled materials may contain amounts of regulated metals, is not to be considered as intentionally introduced.

[2] See footnote 1.

[3] See footnote 1.

[4] This clause applies to replacement parts and not to components intended for normal servicing of vehicles. It does not apply to wheel balance weights, carbon brushes for electric motors and brake linings as these components are covered in specific entries.

SCHEDULE 5
Component and material coding standards in accordance with regulation 8(1)

For the labelling and identification of vehicle plastic components and materials having a weight of more than 100 grams, the following nomenclature shall apply:

— ISO 1043-1:2001 Plastics — Symbols and abbreviated terms. Part 1: Basic polymers and their special characteristics.

— ISO 1043-2:2000 Plastics — Symbols and abbreviated terms. Part 2: Fillers and reinforcing materials.

— ISO 11469:2000 Plastics — Generic identification and marking of plastic products.

For the labelling and identification of vehicle elastomer components and materials having a weight of more than 200 grams, the following nomenclature shall apply:

— ISO 1629:1995 Rubbers and latices — Nomenclature. This shall not apply to the labelling of tyres.

The symbols ‘<’ or ‘>’ used in the ISO standards, can be substituted by brackets.