

**Requirements, Procedure and Targets for Collection, Return to Producers and Recovery or Disposal of Waste Generated from Motor Vehicles and their Parts, and Time Limits for Reaching Targets<sup>1</sup>**

Government of the Republic Regulation No. 79 of 17 June 2010

This Regulation is established on the basis of subsections 26 (3) and (8) of the Waste Act.

**§ 1. Scope of application**

(1) This Regulation applies to motor vehicles (hereinafter *end-of-life vehicles*) and parts thereof (hereinafter *used parts*) specified in clause 25 (3) 3) which have become waste and which belong motor vehicle categories M<sub>1</sub>, N<sub>1</sub> and L2e determined pursuant to Annex 1 Appendix B “Categorisation and classification of vehicles” to Regulation No 50 of Minister of Transport and Communications of 18 May 2001 “Requirements for roadworthiness and equipment of motor vehicles and their trailers”.

(2) This Regulation does not apply to end-of-life tyres, except to end-of life tyres attached to end-of-life vehicles upon the transfer of the end-of-life vehicles.

(3) This Regulation does not apply to vintage vehicles, meaning historic vehicles or vehicles of value to collectors or of cultural value, kept in an environmentally sound manner, either in use, ready for use or stripped into parts.

**§ 2. Definitions**

In this Regulation, the following definitions are used:

1) "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;

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

**§ 3. Information for users of motor vehicles and their parts**

(1) A producer shall ensure that the users of motor vehicles and their parts are provided, through the points of sale not later than by 1 September 2010, with information concerning the points for returning end-of-life vehicles (locations and telephone numbers where the relevant information can be obtained), including possibilities to return used parts to points of sale.

(2) Information concerning the points for returning used parts shall be displayed in a visible place at the sales points of parts of motor vehicles in a sufficient font size at least in the format A4. Sellers of motor vehicles may make the information specified in subsection (1) available in another manner.

(3) A producer is required to make the following information concerning end-of-life vehicles and their parts available to the users:

1) the design of vehicles and their parts with a view to their recoverability and recyclability;

- 2) the environmentally sound treatment of end-of life vehicles, in particular the removal of all fluids and dismantling;
- 3) the development and optimisation of ways to recycle, reuse and recover end-of life vehicles and their parts;
- 4) 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.

(4) A producer must make the information specified in subsection (3) accessible to the prospective buyers of vehicles in promotional literature used in the marketing of new vehicles.

(5) A producer of motor vehicles shall organise national information campaigns and provide the users of motor vehicles and their parts at least with the following information:

- 1) the potential effects of hazardous substances and preparations contained in motor vehicles and their parts on the environment and human health;
- 2) the prohibition to dispose of used parts as unsorted municipal waste;
- 3) points for returning end-of-life vehicles and used parts;
- 4) possibilities of the users of motor vehicles and their parts to contribute to recovery and recycling of end-of-life vehicles and used parts.

(6) National information campaigns shall be organised at least once a year through media channels, national newspapers, magazines or other similar channels available to the public.

(7) Producers may organise common information campaigns.

#### **§ 4. Information for treatment facilities of end-of-life vehicles**

(1) Producers shall make available to the treatment facilities of end-of-life vehicles the information related to dismantling, reuse and recovery of end-of-life vehicles of each new type of motor vehicle that is placed on the market not later than six months after such a vehicle is placed on the market, indicating the parts and materials and specifying the location of dangerous substances and preparations contained therein.

(2) A producer of parts of motor vehicles shall make available to treatment facilities the information necessary for dismantling, storage and testing of parts which can be reused.

(3) Producers shall make the information specified in subsections (1) and (2) available in the form of manuals on paper or by means of electronic media (e.g. on a CD, DVD, website).

#### **§ 5. Requirements for collection, transport and return to producers of end-of-life vehicles and used parts**

(1) A producer shall organise, pursuant to subsection 26 (1) of the Waste Act, collection of used parts generated upon servicing of motor vehicles, including end-of-life tyres attached to an end-of-life vehicle upon transfer of the end-of-life-vehicle and further handling thereof in the case of waste generated from its own products.

(2) A producer shall organise the collection and returning to the producer of end-of-life vehicles so that giving over of an end-of-life vehicle would be as comfortable as possible for an owner of end-of-life vehicle and transfer of an end-of-life vehicle to a collection point would be possible at least within the territory of the county of his or her residence.

- (3) A producer shall organise the collection of used parts so that it would be possible to return them to a point of sales selling parts of motor vehicles.
- (4) Upon transportation of end-of-life vehicles or used parts, measures shall be taken to prevent breaking of the vehicles or parts which would prevent their later reuse or recovery of materials or would constitute danger to the environment.
- (5) An end-of-life vehicle or used parts shall be delivered to the collection point or treatment facility by the owner thereof or a person authorised by him or her, in the absence of these persons the provisions of § 128 of the Waste Act shall be applied.

#### **§ 6. Taking back end-of-life vehicles and used parts**

- (1) A producer is required to take back free of charge motor vehicles entered in the Traffic Register established by § 1 of Government of the Republic Regulation No 329 of 30 October 2001 “Establishment of State Traffic Register and Statutes for Maintenance of Register” which have a registration certificate set out in Regulation No 175 of the Minister of Economic Affairs and Communications of 24 August 2004 “Rules for the Registration of Motor Vehicles and their Trailers”.
- (2) Upon Taking back an end-of-life vehicle, a producer is required to take back free of charge up to four tyres attached to the vehicle. In addition, a producer shall take back one spare tyre accompanying the vehicle.
- (3) A distributor is required to take back a part generated from a part of the same type as the marketed part (used part) from a user free of charge regardless of whether the user intends to buy a new part or not.
- (4) A handler of end-of-life vehicles who sells the used parts of dismantled vehicles for reuse is not deemed to be a distributor if the handler does not operate as a distributor within the meaning of subsection 23 (5) of the Waste Act.
- (5) A treatment facility of end-of-life vehicles shall submit a certificate of destruction specified in Annex 2 to Regulation No 175 of the Minister of Economic Affairs and Communications of 24 August 2004 “Rules for the Registration of Motor Vehicles and their Trailers” to the Road Administration by electronic means in order to delete a motor vehicle from the Traffic Register. The information of a certificate of destruction shall be submitted directly to the web-based database of the Traffic Register.
- (6) A certificate of destruction may be submitted to the Road Administration by a producer who has been registered with the Register of Products of Concern established on the basis of subsection 26<sup>1</sup> (2) of the Waste Act (hereinafter *Register of Products of Concern*) and who ensures that the end-of-life vehicle is taken to a treatment facility holding a hazardous waste handling licence and waste permit. The producer shall submit a copy of the contract entered into with the treatment facility and other documents certifying the agreement to the Register of Products of Concern.
- (7) A treatment facility or a producer who complies with the conditions provided for in subsection (6) shall issue to the person who transferred an end-of-life vehicle, at his or her request, a certificate of destruction specified in Annex 2 to Regulation No 175 of the Minister

of Economic Affairs and Communications of 24 August 2004 “Rules for the Registration of Motor Vehicles and their Trailers”.

(8) A producer is required to take back, free of charge, used parts from a distributor of parts of motor vehicles, motor vehicle service, local government and waste handlers who manage a waste station on the basis of a contract.

#### **§ 7. Special requirement for taking back polluted or leaking used parts**

(1) A producer is required to take back polluted or leaking used parts.

(2) A producer or a distributor is not required to take back polluted or leaking used parts through a point of sales of the distributor. A producer or distributor may refer a possessor of a polluted or leaking used part to the closest waste management facility (waste station, dismantling facility).

(3) A possessor of a polluted or leaking used part shall transfer the polluted or leaking used part to the collection point of used parts located in the territory of a waste management facility (waste station, dismantling facility).

(4) A used part which is polluted or leaking and can therefore prevent further handling shall be separated from other used parts upon taking the part back in order to prevent the pollution of other used parts.

(5) A polluted part shall be first depolluted in compliance with the appropriate handling requirements for such type of hazardous or non-hazardous waste. In the case of a leaking used part first the risk of leakage shall be eliminated or fluids shall be removed. After a used part has been depolluted or the risk of leakage has been eliminated or fluids have been removed the used part shall be handled like other parts of the same type.

#### **§ 8. Recovery and recycling of materials contained in end-of-life vehicles**

(1) A producer is required to recover at least 85 per cent of the annual average mass of end-of-life vehicles. The mass of components, materials and substances recovered and recycled shall be at least 80 per cent of the annual average mass of end-of-life vehicles.

(2) From 1 January 2015, a producer is required to recover at least 95 per cent of the annual average mass of end-of-life vehicles. The amount of components, materials and substances recovered and recycled shall be at least 85 per cent of the annual average mass of end-of-life vehicles.

(3) Upon calculation of recovery and recycling targets, the tyres and a battery or accumulator attached to an end-of-life vehicle at the time of destruction of the end-of-life vehicles shall be taken into account.

(4) The obligation provided for in subsections (1) and (2) does not apply to special purpose vehicles specified in Annex 1, Appendix B “Categorisation and classification of vehicles” clause C of Regulation No 50 of Minister of Transport and Communications of 18 May 2001 “Requirements for roadworthiness and equipment of motor vehicles and their trailers”, L2e category motor vehicles and motor vehicles used in the Defence Forces and the National Defence League.

(5) The targets specified in subsections (1) and (2) shall be taken into account if test shredding of end-of-life vehicles has been conducted for the calculation of recovery and recycling of end-of-life vehicles. Test shredding shall be conducted at least once in three years. Test shredding shall be conducted also if significant changes are made in the technology of the treatment of end-of-life vehicles. The description of the method and results of test shredding shall be submitted to the Register of Products of Concern.

(6) The recovery and recycling of end-of-life vehicles exported out of the European Economic Community and Member States of the Organisation for Economic Co-operation and Development (OECD) shall be taken into account upon the calculation of targets specified in subsections (1) and (2) only if the producer or waste handler demonstrates that the end-of-life vehicles have been treated at least in compliance with the requirements provided in clause 29 (4) 7) of the Waste Act.

### **§ 9. Calculation of average mass of end-of-life vehicles**

(1) The mass of an end-of-life vehicle is calculated by subtracting 115 kg from the unladen mass indicated on the registration certificate specified in subsection 6 (1).

(2) The average mass of an end-of-life vehicle is calculated by dividing the sum of the masses of end-of-life vehicles obtained in the manner set out in subsection (1) by the number of end-of-life vehicles.

(3) A producer shall submit the source data for the calculation of the average mass of end-of-life vehicles to the Register of Products of Concern.

### **§ 10. Disposal of end-of-life vehicles**

Non-recoverable waste generated from end-of-life vehicles and their parts shall be disposed of pursuant to the Waste Act.

### **§ 11. Implementation of Regulation**

(1) The test shredding specified in subsection 8(5) shall be conducted within one year as of entry into force of the Regulation.

(2) A producer shall submit the information specified in subsection 9 (3) of to the Register of Products of Concern for the first time in 2011 concerning the year 2010.

### **§ 12. Repeal of Regulation**

Government of the Republic Regulation No 352 of 13 December 2004 “Requirements, Procedure and Targets for Collection, Return to Producers, Recovery or Disposal of Motor Vehicles and their Parts and Time Limits for Reaching Targets” (RT I 2004, 85, 579; 2005, 43, 361) is repealed.

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<sup>1</sup> Directive 2000/53/EC of the European Parliament and of the Council on end-of life vehicles (OJ L 269, 21.10.2000, pp. 34–43), Commission Decision 2005/293/EC laying down detailed rules on the monitoring of the reuse/recovery and reuse/recycling targets set out in Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles (OJ L 94, 13.04.2005, pp. 30–33).