

# **EUROPEAN UNION (END-OF-LIFE VEHICLES) REGULATIONS 2014**

## **S.I. No. 281 OF 2014**

### **TEMPLATE FOR AN IMPLEMENTATION PLAN**

#### **DETAILS OF THE PRODUCER**

*Section 1* A producer's *Implementation Plan* shall set out all relevant details in relation to the company name (including the trading name, if different), address, telephone number, electronic mail address and fax number of the producer's registered office. If the producer is not a registered company then similar particulars in relation to the principal place of business, of the producer shall also be provided. It is envisaged that the details provided in this section will be generic to the producer's application for registration, or as appropriate, application for renewal of registration, to each local authority.

*Section 2* This *Section* shall provide general background information in relation to the producer including a broad overview of company's activities in the State. In addition, the producer shall also briefly outline the measures that the company has put in place to ensure compliance with all relevant provisions on the *European Union (End-of-Life Vehicles) Regulations 2014 – S.I. No. 281 of 2014*. It is envisaged that the details provided in this section will be generic to the producer's application for registration, or as appropriate, application for renewal of registration, to each local authority.

A producer, whose annual turnover in the preceding twelve-month period was less than €1,000,000 and who placed less than 10 specified vehicles on the market in the State, acting collectively with another producer shall provide a detailed description of the arrangements that the first such producer has put in place whereby end-of-life vehicles, of either producers' brand or for which either producer has responsibility, may be collected and stored and treated in the national collection system of the latter producer.

*Section 3* Following on from *Section 2* of the *Implementation Plan*, the producer shall specify the location of all premises at or from which specified vehicles, of the producer's brand or for which the producer has responsibility, that are, or will be, placed on the market in the functional area of the local authority. This information shall be specific to the local authority to whom the application for registration, or as appropriate, application for renewal of registration is being made. In tandem with the provision of information on the location of all premises that are placing specified vehicles on the market in the functional area of the local authority, the producer shall in addition clearly identify the "brands" or "marques" of the specified vehicles for which the producer has responsibility – it is anticipated that this data will primarily be common to that supplied to all local authorities.

#### **VEHICLES PLACED ON THE MARKET**

*Section 4* A core feature of the producer's *Implementation Plan* will comprise an accurate estimation of -

- (i) the number of specified vehicles, of the producer's brand or for which the producer has responsibility, that will be placed on the market in the functional area of the local authority over the period for which the registration applies, and
- (ii) the number of end-of-life vehicles, of the producer's brand or for which the producer has responsibility, that will arise in the functional area of the local authority over the period for which the registration applies.

While the numbers will be specific to the local authority to whom the application for registration, or as appropriate, application for renewal of registration is being made, in providing such information, the producer shall also provide an overview of the national picture in relation to the number of specified vehicles placed on the market in

the State as well as end-of-life vehicle arisings countrywide. A detailed description of the methodology used to determine such estimations shall be outlined in the producer's *Implementation Plan*. It is anticipated that the methodology used by the producer will be consistent across all local authorities (i.e. the producer will not apply substantively varying methodologies to each local authority application).

## **NATIONAL COLLECTION SYSTEM**

*Section 5* A fundamental component of the three-year *Implementation Plan* is provision of information in relation to each authorised treatment facility that forms a part of the producer's national collection system in the functional area of the local authority to whom the application for registration, or as appropriate, application for renewal of registration is being made. It is imperative therefore that the local authority be informed of the name, address, telephone number, fax number, electronic mail address and waste permit number, or as appropriate, waste licence number for each authorised treatment facility that will be incorporated into the producer's national collection system in the functional area of the local authority. This data will be local authority specific.

Under this *Section*, the producer shall also provide a detailed description of its proposals on how the producer intends to establish and monitor the operation of its national collection system at both the local and the national level. It is envisaged that the operational details provided by the producer on its national collection system may be generic across all local authority areas or, may vary from functional area to functional area depending upon any local arrangements the producer may have in place with authorised treatment facilities.

*Section 6* In addition to the information provided on each authorised treatment facility that forms a part of the producer's national collection system in the functional area of the local authority, the producer shall also provide details on the name, address, telephone number, fax number, electronic mail address and waste permit number or waste licence number, as appropriate, for each authorised treatment facility operating in the functional areas of neighbouring local authorities that will be incorporated into the producer's national collection system.

*Section 7* A producer's *Implementation Plan* shall set out detailed proposals in relation to the measures the producer will take to ensure that the producer's national collection system will have sufficient capacity to treat the actual number of that producer's specified vehicles that are likely to become end-of-life vehicles in each of the given years to which the three-year *Implementation Plan* applies. The de-pollution of end-of-life vehicles at the earliest opportunity and as close to their source is a key objective of the Regulations – it is anticipated that this will minimise the risk of environmental pollution and is reflective of the *proximity principle*.

In this context, it is envisaged that the producer should provide details on the estimated number of end-of-life vehicles, of the producer's brand or for which the producer has responsibility, arising in the functional area of the local authority which the producer anticipates will require treatment in each authorised treatment facility that

forms a part of the producer's national collection system in the functional area of the local authority and in the functional areas of neighbouring local authorities. A detailed description of the methodology used to determine such estimations shall be outlined in this *Section*.

*Section 8* Arising directly from *Section 7*, the producer shall provide an accurate estimation of the average and the longest distance (in kilometres) that registered owners of end-of-life vehicles, of the producer's brand or for which the producer has responsibility, will have to travel in order to deposit end-of-life vehicles at an authorised treatment facility in the functional area of the local authority or in the functional areas of a

neighbouring local authority. A detailed description of the methodology used to determine such an estimation shall also be provided.

- Section 9* A key requirement under the Regulations is that no charge is imposed on the registered owner of an end-of-life vehicle on the deposit of that vehicle at an authorised treatment facility for appropriate treatment and recovery. A producer's *Implementation Plan* shall set out proposals in relation to the measures the producer will take to ensure that free take-back is available for end-of-life vehicles, of that producer's brand or for which that producer has responsibility, deposited at an authorised treatment facility which forms a part of the producer's national collection system in the functional area of the local authority. (incl. Regulation's 9(8), 9(9), etc.)
- Section 10* An *Implementation Plan* shall set out proposals in relation to the measures the producer will take to ensure that each authorised treatment facility which forms a part of the producer's national collection system in the functional area of the local authority, meets the minimum technical requirements in accordance with Regulation 14 and the *Second Schedule* of these Regulations. It is envisaged that the producer will make enquiries to ensure that each authorised treatment facility which forms a part of the producer's national collection system in the functional area of the local authority holds, as a minimum, a waste facility permit, or as appropriate, a waste licence for the appropriate treatment and recovery of end-of-life vehicles.
- Section 11* A producer's *Implementation Plan* shall set out proposals in relation to the measures the producer will take to ensure that an end-of-life vehicle, of the producer's brand or for which the producer has responsibility, deposited at an authorised treatment facility which forms a part of the producer's national collection system, is treated in accordance with all requirements under the Regulations {incl. Regulation 15 and the *Second Schedule* of these Regulations}. Arising from consultation with each authorised treatment facility which forms a part of the producer's national collection system in the functional area of the local authority, it is envisaged that the producer will provide a description of the treatment methods employed at each such facility to ensure that end-of-life vehicles are being treated, recovered and recycled to the standards required by the Regulations.

## **VEHICLE DESIGN**

- Section 12* A producer shall provide a brief description of all technical documentation that can be made available to demonstrate that the materials and components of specified vehicles, of the producer's brand or for which the producer has responsibility and which the producer has put on the market in the State, do not contain lead, mercury, cadmium or hexavalent chromium except in the cases specified in accordance with Regulation 26 and Annex II of the Directive<sup>1</sup>. The producer should indicate the location where such documentation is retained (e.g. whether at the HQ Ireland or HQ Europe) and in the event of a request to examine same the likely timeframe such documentation

can be made available to the person making the request. It is anticipated that the information provided in this *Section* will be common to that supplied to all local authorities.

- Section 13* A brief description of the technical documentation that the producer can make available to demonstrate that component and material coding standards are being used to facilitate the identification of those components and materials which are suitable for reuse and recovery in accordance with Regulation 28 and the *Fourth Schedule* of the Regulations, for specified vehicles of the producer's brand or for which the producer has responsibility and which the producer has put on the market in the State, shall also be provided in the producer's *Implementation Plan*. Similar to *Section 12*, the producer should indicate the location where such documentation is retained (e.g. whether at the HQ Ireland or HQ Europe) and in the event of a request to examine same the likely timeframe such documentation

can be made available to the person making the request. It is anticipated that the information provided in this *Section* will be common to that supplied to all local authorities.

## **RECORD KEEPING, REPORTING & INFORMATION**

*Section 14* A producer's *Implementation Plan* shall provide a brief description of the dismantling information that the producer can make available, to authorised treatment facilities who so request, for each type of new specified vehicle put on the market in the State within six months after the date that specified vehicles of that type are first put on the market in the State. The producer should indicate the location where such dismantling information is retained (e.g. whether at the HQ Ireland or HQ Europe) and in the event of a request for such information the likely timeframe within which an authorised treatment facility may reasonably expect to receive such dismantling information. It is anticipated that the information provided in this *Section* will be common to that supplied to all local authorities.

*Section 15* An *Implementation Plan* shall set out the producer's proposals in relation to the keeping of proper records to facilitate reporting of the reuse/recovery and reuse/recycling targets being achieved by authorised treatment facilities which form a part of the producer's national collection system. It is envisaged that any arrangements the producer may have with each authorised treatment facility which forms a part of the producer's national collection system be sufficiently comprehensive to ensure that adequate records are maintained in accordance with the requirements under the Regulations and that a clear audit trail is evident to allow for the proper inspection and examination of such records. (incl. Regulation's 13 and 16.)

## **DECLARATIONS**

*Section 16* In this *Section* of the producer's *Implementation Plan*, the producer shall provide a brief description of the signed declarations that are required to accompany the application for registration, or as appropriate, application for renewal of registration, which set out -

- (i) confirmation that the materials and components of specified vehicles put on the market in the State, of that producer's brand or for which that producer has responsibility, do not contain lead, mercury, cadmium or hexavalent chromium other than in the cases specified in Regulation 26 and Annex II of the Directive<sup>1</sup>, and
- (ii) the turnover (certified by an independent person who is qualified at the time of the certificate to be appointed, or continue to be, the auditor of the producer if that producer is a company, or if the producer is not a company, would be qualified to be auditor if the producer were a company) of the producer in the preceding twelve month period, or as the case may be, if the producer is a new entrant to the market, then the projected turnover for the first twelve months of that producer's activities in the State, and
- (iii) confirmation that the producer will not –
  - (I) make arrangements or enter into agreements with any economic operator which are prohibited by Section 4(1) of the Competition Act 2002 (No. 14 of 2002), or as appropriate, by Article 81 of the Treaty of Rome, or as appropriate,
  - (II) act in a manner prohibited by Section 5(1) of the Competition Act 2002 (No. 14 of 2002), or as appropriate, by Article 82 of the Treaty of Rome

<sup>1</sup> "the Directive" means the European Parliament and Council Directive 2000/53/EC of 18 September, 2000 on end-of-life vehicles as amended by Commission Decision 2002/525/EC of 27 June 2002 and Commission Decision 2005/438/EC of 10 June 2005 and Council Decision 2005/673/EC of 20 September 2005 and Commission Directive 2011/37/EU of 30 March 2011 and Commission Directive 2013/28/EU of 17 May 2013.