

Transportstyrelsens frågor på ELV-förslagets artiklar inför kommande förhandlingar.

Förslaget har en viss otydlighet i några artiklar som Transportstyrelsen anser är viktiga och vill därför ha svar på följande frågor. De allra viktigaste frågorna är markerade med gul överstrykning.

Art. 2 point 3 and 5

2. *This Regulation shall not apply to:*

(b) other parts of a vehicle that have been type-approved in multi-stage type approval of category N1, N2, N3, M2 or M3 than the base vehicle;

3. *Notwithstanding paragraph 1, point (b), the following provisions shall not apply to vehicles and end-of-life vehicles of categories M2, M3, N2, N3 and O:*

(b) Article 5 on requirements for substances in vehicles;

5. *Notwithstanding paragraph 2, point (a), the following provisions shall apply to special purpose vehicles:*

(a) Article 5 on requirements for substances in vehicles;

1. Many special purpose vehicles has a multistage approval. Is there a contradiction between point 2b and point 5a?
2. Some of the special purpose vehicles are M3, N2, N3 and O. Is there a contradiction between point 3b and point 5a?
3. How shall treatment facilities or vehicle owner's deal with the fact that the regulation only cover the part of a vehicle that is the first step of a multistage approved vehicles?

Art. 6

The plastic contained in each vehicle type that is type-approved as of [OP: Please insert the date = the first day of the month following 72 months after the date of entry into force of the Regulation] under Regulation (EU) 2018/858 shall contain a minimum of 25 % of plastic recycled by weight from post-consumer plastic waste. At least 25 % of the target set out in the first subparagraph shall be achieved by including plastics recycled from end-of-life vehicles in the vehicle type concerned. Should the requirement be understood that the plastics from a concerned type must be re-used for the manufacture of the same specific vehicle type? Can the acceptable level instead be category because the concerned vehicle type may not longer be produced?

Art.8

For the purposes of type-approval of vehicles to which the requirements set out in Article 11 apply, the manufacturer shall submit the declaration confirming compliance with the requirement set out in Article 11(1), in accordance with 24(1), point (a), of Regulation (EU) 2018/858, to the type-approval authority together with the application for type-approval referred to in Article 23 of that Regulation.

1. A reference is made only to regulation (EU) 2018/858 even though art.11 is applicable for all vehicle categories including Le. Should art.8 also refer to Regulation (EU) No. 168/2013?
2. Why shall manufacturer supply information to TAA for other categories than M1 and N1 as there is no evaluation requested of submitted information.

Art.10

1. *Manufacturers shall declare, for each vehicle type that is type-approved as of [OP: Please insert the date = the first day of the month following 36 months after the entry into force of the Regulation] under Regulation (EU) 2018/858, the respective share of recycled content of:*

- (a) *neodymium, dysprosium, praseodymium, terbium, samarium, boron in permanent magnets in e-drive motors;*
- (b) *aluminium and its alloys;*
- (c) *magnesium and its alloys;*
- (d) *steel.*

In the context of the proposal and other places Copper is mentioned as important material. Should it not be included as well in art.10?

Art.11

From [OP: Please insert the date = the first day of the month following 36 months after the date of entry into force of this Regulation], manufacturers shall provide waste management operators and repair and maintenance operators unrestricted, standardised and non-discriminatory access to.....

1. **Should the requirement be interpreted as a retroactive requirement in force from the date in the first sentence or is it applicable only for vehicles put on the market after the same date? (this question is also valid for many of the other articles)**
2. In point f. "digitally coded components and parts" are introduced. What is that and should it not be described or regulated further?

Art. 19

1. A producer, in the case of individual fulfilment of extended producer responsibility obligations, and producer responsibility organisations appointed in the case of collective fulfilment of extended producer responsibility obligations, shall apply for an authorisation from the competent authority.

Is the additional requirement to have an authorisation in conflict with the obligations for member states regarding allowing type approved vehicle without further requirements, see below?

(Type approval regulation (EU) 2018/858 art. 6 Obligation of member states, point 5. Declares: Member States shall not prohibit, restrict or impede the placing on the market, the registration or the entry into service of vehicles, systems, components or separate technical units that comply with this Regulation, except in the cases provided for in Chapter XI.)*

** vehicle presents a serious risk to the health or safety of persons or to other aspects of the protection of public interests*

Art. 24

2. Delivery of an end-of-life vehicle to an authorised treatment facility shall be free of charge for the last owner of a vehicle unless the end-of-life vehicle lacks any of the essential vehicle parts or components, except the electric vehicle battery, or contains waste which has been added to the end-of-life vehicle.

1. Why is this condition necessary?
2. What are the essential parts or components?

Art. 26

The owner of a vehicle that becomes an end-of-life vehicle shall:

(a) deliver the end-of-life vehicle to an authorised treatment facility or, in cases referred to in Article 23(4), to a collection point, without undue delay after receiving information that the vehicle meets any of the criteria for irreparability laid down in Part A, points 1 and 2, of Annex I;

1. Is the requirement, which forces vehicle owners to give up their property, in line with the CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION (2012/C 326/02) art. 17?
2. in such case as above how shall the fair compensation, mentioned in art.17 of the Charter, be established and who shall make payments?
3. Will the requirement be applicable retroactively ore shall the requirement only apply to vehicles put on the market after the date of in force of the regulation?
4. The requirement apply only after the vehicle owner has received information. Who can give this information?

Art. 37

For the purpose of transferring ownership of a used vehicle, the vehicle owner shall be able to demonstrate to any natural or legal person interested in acquiring ownership of the concerned vehicle or to the competent authorities that the vehicle is not an end-of-life vehicle. When assessing the status of a used vehicle, the vehicle owner, other economic operators and competent authorities shall verify if the criteria laid down in Annex I are met in order to determine whether it is not an end-of-life vehicle.

1. Is the requirement, which forces vehicle owners to give up their property, in line with the CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION (2012/C 326/02) art. 17?
2. Should this requirement apply to vehicle registered prior to the date of in force of the regulation?

Annex I.

Part A point 2 The vehicle is economically irreparable if its market value is lower than the cost of the necessary repairs needed to restore it in the Union to a technical condition that would be sufficient to obtain a roadworthiness certificate in the Member State where the vehicle was registered before repair.

Is the market value of the damaged vehicle in the criteria, in Annex I part A point 2, to be understood as the value of a vehicle in roadworthy condition when comparing it with the costs for necessary repairs according to the principle, similar to what insurance companies uses, or is it to be understood as a value of an unrepaired vehicle?

Art. 38

From [OP: Please insert the date = the first day of the month following 36 months after the date of entry into force of this Regulation] used vehicles to be exported shall be subject to the controls and requirements laid down in this Section.

3. Used vehicles may be exported only if they are:

(a) not end-of-life vehicles based on the criteria listed in Annex I;

(b) considered roadworthy in the Member State where the vehicles were last registered, in accordance

4. The following information shall be provided or made available to customs authorities for each used vehicle to be exported:

(a) the Vehicle Identification Number (VIN) of the used vehicle and the identification of the Member State where the vehicle was last registered;

(b) a statement confirming that the used vehicle fulfills the requirements set out in paragraph.

1. Does export mean transfer of vehicles outside of EU or between member states as well?
2. In point 4b a reference is made to a paragraph. Which paragraph is intended?
3. To address the problem of missing vehicles should there not be a requirement to de-register a vehicle prior to export?