Commission Directive (EU) 2017/2096 of 15 November 2017 amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of life vehicles (Text with EEA relevance)

COMMISSION DIRECTIVE (EU) 2017/2096

of 15 November 2017

amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of life vehicles

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles[(1)], and in particular Article 4(2)(b),

Whereas:

(1) Article 4(2)(a) of Directive 2000/53/EC prohibits the use of lead, mercury, cadmium and hexavalent chromium in materials and components of vehicles put on the market after 1 July 2003.

(2) Annex II to Directive 2000/53/EC lists vehicle materials and components exempt from the prohibition set out in Article 4(2)(a) thereof. That Annex is to be amended on a regular basis according to technical and scientific progress and exemptions 2(c), 3 and 5 regarding the use of lead are to be reviewed.

(3) An assessment of technical and scientific progress has demonstrated that the use of lead remains unavoidable for the materials and components covered by exemption 2(c). However, current information suggests that lead substitutes may become available for those material and components in the near future. For some materials and components, lead substitutes are expected to become available sooner than for others, and therefore it is appropriate to split exemption 2(c) into two sub-entries with different review dates according to the progress in the development of such substitutes.

(4) The assessment of technical and scientific progress has also demonstrated that the use of lead remains unavoidable for the materials and components covered by exemption 3. Possible substitutes exist but have to be developed further. A new review date for that exemption should therefore be set, taking into account the progress in the development of substitutes.

(5) Finally, the assessment of technical and scientific progress has demonstrated that for some materials and components covered by exemption 5, lead alternatives already exist but are not usable in all vehicles covered by the exemption. For the other materials and components covered by exemption 5, the use of lead is still unavoidable. Consequently, that exemption should be split into two sub-entries. For the materials and components

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for which alternatives exist, an expiry date for the exemption should be set which allows necessary time to ensure that the use of lead is avoidable in all vehicles concerned. For the exemption covering materials and components for which the use of lead is still unavoidable, a new review date should be set, taking into account the progress in the development of substitutes.

(6) The measures provided for in this Directive are in accordance with the opinion of the committee established by Article 39 of Directive 2008/98/EC of the European Parliament and of the Council[(2)],

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex II to Directive 2000/53/EC is replaced by the text set out in the Annex to this Directive.

Article 2

1 Member States shall adopt and publish by 6 June 2018 the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 15 November 2017.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

ANNEX II

Materials and components exempt from Article 4(2)(a)

A maximum concentration value up to 0,1 % by weight in homogeneous material for lead, hexavalent chromium and mercury and up to 0,01 % by weight in homogeneous material for cadmium shall be tolerated.

Spare parts put on the market after 1 July 2003 which are used for vehicles put on the market before 1 July 2003, except for wheel balance weights, carbon brushes for electric motors and brake linings, shall be exempted from the provisions of Article 4(2)(a) of Directive 2000/53/EC.

Materials and components	**Scope and expiry date of the exemption**	**To be labelled or made identifiable in accordance with Article 4(2)(b)(iv)**
Lead as an alloying element		
1(a). Steel for machining purposes and batch hot dip galvanised steel components containing up to 0,35 % lead by weight		
1(b). Continuously galvanised steel sheet containing up to 0,35 % lead by weight	Vehicles type-approved before 1 January 2016 and spare parts for these vehicles	
2(a). Aluminium for machining purposes with a lead content up to 2 % by weight	As spare parts for vehicles put on the market before 1 July 2005	
2(b). Aluminium with a lead content up to 1,5 % by weight	As spare parts for vehicles put on the market before 1 July 2008	
2(c)(i). Aluminium alloys for machining purposes with a lead content up to 0,4 % by weight	[a]	
2(c)(ii). Aluminium alloys not included in entry 2(c)(i) with a lead content up to 0,4 % by weight[b]	[c]	

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3. Copper alloys containing up to 4 % lead by weight	[a]	
4(a). Bearing shells and bushes	As spare parts for vehicles put on the market before 1 July 2008	
4(b). Bearing shells and bushes in engines, transmissions and air conditioning compressors	As spare parts for vehicles put on the market before 1 July 2011	
Lead and lead compounds in components		
5(a). Lead in batteries in high-voltage systems[d] that are used only for propulsion in M1 and N1 vehicles	Vehicles type-approved before 1 January 2019 and spare parts for these vehicles	X
5(b). Lead in batteries for battery applications not included in entry 5(a)	[a]	X
6. Vibration dampers	Vehicles type-approved before 1 January 2016 and spare parts for these vehicles	X
7(a). Vulcanising agents and stabilisers for elastomers in brake hoses, fuel hoses, air ventilation hoses, elastomer/ metal parts in the chassis applications, and engine mountings	As spare parts for vehicles put on the market before 1 July 2005	
7(b). Vulcanising agents and stabilisers for elastomers in brake hoses, fuel hoses, air ventilation hoses, elastomer/ metal parts in the chassis applications, and engine mountings containing up to 0,5 % lead by weight	As spare parts for vehicles put on the market before 1 July 2006	
7(c). Bonding agents for elastomers in powertrain applications containing up to 0,5 % lead by weight	As spare parts for vehicles put on the market before 1 July 2009	
8(a). Lead in solders to attach electrical and	Vehicles type-approved before 1 January 2016 and spare parts for these vehicles	X[f]