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Legal framework for recycling of end of life vehicles recent amendments

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OVERVIEW

The legal framework for end of life vehicles recycling system is established by **Recycling of End of Life Vehicles Act of 22 January 2005** and its executive acts, such as:

- ❑ Regulation on the list of materials, parts and components that may contain lead, mercury, cadmium and hexavalent chromium,
- ❑ Regulation on the minimal requirements for authorized treatment facilities,
- ❑ Regulation on the minimal requirements for shredders,
- ❑ Regulations on the list of components of complete vehicle,
- ❑ Some more, including ones dealing with reports format, certificate of destruction and so on.

Waste Act, Road Traffic Act also include some provisions essential for the ELV recycling system.

OVERVIEW

Recent amendments to ELV provisions in Poland were introduced by the Act of 22 January 2010 amending Act on Waste. Some of the amended regulations, such as report obligations apply as of 1 January 2011.

Further amendments are necessary in order to the ELV Directive be fully and properly transposed into polish legal system. The draft of the Act amending Recycling ELV Act has been already proposed by the ministry of the environment. The stakeholders consultations have already been held. Now the governmental consultation are in place and the draft is expected to be transferred to parliament January/February 2012.

Two main objectives are: to fully comply with EU regulations and to improve the system – to limit the number of illegal operations (treatment outside authorised facilities).

Act of 22 January 2010 amending Act on Waste Definitions

- ❑ Definitions of vehicle, historic vehicle have been changed, definition of weight of a vehicle has been added,
- ❑ A new delegation for the Minister of Transport has been added to issue a regulation on the minimal technical requirement for a vehicle providing protection of human life and health and environment (art. 3a). Vehicles that not meet the requirements are treated as ELV.

(import of used cars that are in fact ELV)

Act of 22 January 2010 amending Act on Waste Reports

- ❑ Target for the reuse and recovery is 85% and for the reuse and recycling 80% regardless the age of vehicle. Thus targets are the same for vehicles produced before and after 1 January 1980,
- ❑ Shredder operators shall provide data on weight of end of life vehicle waste subject to recycling, reuse and disposal (art. 38) (to close up the report system),
- ❑ The report on targets of reuse and recycling and recovery and recycling is made on the basis of waste record (no additional certificate required),
- ❑ The methods of calculating reuse and recovery and reuse and recycling levels are modified. For the given year one can take into account also the weight of waste treated until the end of January of the next year (if it comes from the ELV accepted by December).

Act of 22 January 2010 amending Act on Waste Fines

Fine from 10 000 to 300 000 PLN is provided for illegal treatment of ELV outside the authorized treatment facility (art. 53a), eg:

- Removing hazardous materials and components, incl. liquids,
- Removing parts or equipment suitable for reuse,
- Removing components suitable for recycling or recovery.

Changes proposed by the draft of the Act amending Recycling of End of Life Vehicles Act

ELV collection system

- ❑ All economic operators introducing vehicles to the market shall provide the network of authorized treatment facilities and collection points (up to date only the operators issuing so called card of vehicle are obliged to do so),
- ❑ So called “recycling charge” no longer apply. The charge was obligatory for individuals and economic operators not providing their own network collecting ELV,
- ❑ The treatment facilities operators are obliged to take back any car that has been registered within the EU (up to date – the car registered in the country).

Changes proposed by the draft of the Act amending Recycling of End of Life Vehicles Act

Provisions to limit illegal treatment

- ❑ New obligations for the insurance companies. In case of so called “total damage” insurance amount can be paid to the policyholder no sooner than the policyholder presents either certificate of destruction or invoice for the car renovation,
- ❑ A fine is provided for the owner of a car who shall not notify the local authorities about purchasing or disposal of vehicle within the time prescribed (30 days).



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Thank you for your attention

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