



S T O W A R Z Y S Z E N I E

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Regulation on End-of-Life Vehicles

FORS Position - August 2025

Position of the Forum for Automotive Recycling (FORS), representing the end-of-life vehicle dismantling sector, on the final compromise amendments of the European Parliament of 3 July 2025 concerning the draft Regulation of the European Parliament and of the Council on circularity requirements for vehicle design and on the management of end-of-life vehicles, amending Regulations (EU) 2018/858 and 2019/1020 and repealing Directives 2000/53/EC and 2005/64/EC.

The 25 years of Directive 2000/53/EC on end-of-life vehicles have shown how necessary it is to regulate the management of this type of waste. The new version of the legislation is extremely necessary, not only due to the changes that have taken place and are still occurring in the new vehicle market, the development and use of new materials in production, and the increasing complexity of vehicles, including the ongoing transition from fuel-powered to electrically powered engines but also due to the experience gained and changes in the waste management market. The end-of-life vehicle dismantling sector shares the view that the European Union as a whole should strive to develop a modern, resource-efficient and competitive economy, and that development should take into account the entire product life cycle, from its design to the final management of waste. The sector also supports the idea that the new regulation should improve the functioning of the European Union's single market and accelerate the transition of the automotive sector towards a circular economy. Therefore, a particularly important role in the transformation and development of the circular economy concept is played by the part of the market responsible for dismantling and subsequently directing the materials obtained from such dismantling for recycling.

Recognising the effort put into the process of agreeing on the new legislation, the end-of-life vehicle dismantling sector views positively the changes aimed at addressing and clarifying many issues that were identified as problematic during the period of application of the 2000 Directive. However, despite the positive changes, the proposed regulation contains areas which, in their current form, will negatively impact the achievement of the intended objectives and may harm the proper functioning and further development of businesses engaged in vehicle dismantling.

The vehicle dismantling sector identifies five issues in the new regulation, the lack of clarity of which will have a negative impact on the continued functioning of the market responsible for the broadly understood waste management after the end of a vehicle's life cycle.

Firstly, it should be the responsibility of the Member State to use all available legal and organisational tools to ensure that all end-of-life vehicles are delivered to authorised treatment facilities. Currently, this obligation has been transferred solely to the last owner of the vehicle, as stipulated in Article 24. The Member State has no obligations to develop solutions – mandates and incentives – that take into account the specific conditions of local markets, in order to direct vehicles to authorised treatment facilities. While the preamble does indicate the necessity for vehicles to be dismantled exclusively by authorised entities (point 45), the legal provisions place the entire burden of delivering the vehicle solely on the last owner and their willingness (Article 24). Experience with the implementation of Directive 2000/53/EC has shown that the lack of effective enforcement of this obligation by Member States and insufficient oversight of the measures implemented results in dismantling being carried out outside designated locations that meet environmental protection requirements. Confirmation of this situation is the example from Poland, where on 10 June 2024 over 7 million vehicles were removed from the registers despite not having been dismantled at authorised treatment facilities, but simply disappearing from the market. Furthermore, the example from Germany shows that in 2022 alone, 2.4 million vehicles were deregistered based on reports of sales outside German territory, without any verification as to whether such sales actually took place. These data show that out of the end-of-life vehicles, only 293,000 were dismantled, representing merely 12.2%. The end-of-life vehicle dismantling sector clearly states, as confirmed by the number of used parts sales listings on online platforms, that vehicles have been dismantled into parts outside of any supervisory system, with the intention of introducing used spare parts into the market.

It is therefore proposed to supplement the content of Article 24 with the following obligation imposed on the Member State, as well as monitoring the manner of its implementation. The remaining content of the Article shall be assigned subsequent paragraph numbers.

"Article 24

Supply of [...] end-of-life vehicles

1. Member States shall be obliged to take the necessary measures to ensure that all end-of-life vehicles are collected and delivered to authorised treatment facilities.

Member States may, in order to fulfil this obligation, use incentives or other economic mechanisms that do not place a burden on the last owner of the vehicle.

The Commission shall monitor the effectiveness of the measures taken by Member States regarding the collection and delivery of all end-of-life vehicles to authorised treatment facilities.

Secondly, the compromise text presented by the European Parliament (Article 31(3)) does not take into account the Council's agreements regarding the possibility of using all components and parts removed from end-of-life vehicles, provided that they meet technical and safety requirements. Introducing a ban on the reuse of selected parts contradicts the objectives of the regulation, as the act aims to achieve the highest possible level of parts reuse, including reaching a recovery rate of at least 95% of the vehicle's mass, yet the proposed solutions impose an absolute ban on the reuse of certain parts.

Introducing a ban on the reuse of selected spare parts will mean that some used vehicles will not be repairable at all, as it will not be legally possible to obtain parts for repairs, among other reasons due to the lack of a legal requirement to produce all parts throughout the entire service life of the vehicles. Provisions in such a form will contribute not to extending the life of products and their repairs, but to shortening the life of vehicles precisely due to the inability to repair them, resulting from lack of access to new parts and bans on the use of used spare parts. The ultimate negative consequence of the lack of spare parts from legal sources and the inability to use them for repairs will be an incentive to dismantle vehicles outside authorised treatment facilities and engage in illegal trading of parts, which will affect the quality of vehicle repairs and, consequently, road safety.

The vehicle dismantling sector opposes the introduction of categorical bans on the reuse of selected parts and components and holds the position that the reuse of parts should apply to all parts and components originating from dismantled vehicles, while their use should take into account the best available technical knowledge and safety principles. For this reason, it expects Article 31 to be retained in the wording agreed upon by the Council, as follows:

Article 31

3. The parts and components listed in Part E of Annex VII shall not be reused unless the conducted technical assessment confirms that the use of these parts and components complies with applicable vehicle requirements as set out in Regulation (EU) 2018/858. These replacement parts may only be transferred to another economic operator for reuse if they are to be installed by a qualified repair and maintenance operator.

The third issue that should be clearly and unequivocally established at the level of the new regulation is the prohibition for Member States to impose penalties solely on authorised treatment facilities for failing to achieve recovery targets, including recycling. The current draft regulation does not prohibit shifting the financial responsibility for failing to achieve recovery targets, including recycling, solely onto authorised treatment facilities. This is the practice currently in place in Poland. Only the entity conducting the dismantling of end-of-life vehicles is obliged to achieve the recovery targets, including recycling, and in case of failure to meet these targets, a financial penalty is imposed on it. The draft regulation introduces conflicting provisions in this regard. On the one hand, the draft regulation theoretically obliges producers to participate in financing the achievement of recovery and recycling targets (Article 20(1)(a)); however, in practice, the provisions shift responsibility onto authorised treatment facilities (Article 34(1)). Consequently, Article 48 does not exclude the possibility for Member States to impose financial penalties solely on authorised treatment facilities for failing to meet recovery and recycling targets.

As a principle derived from the definition (Article 3(1)(15)), an 'authorised treatment facility' means any establishment or undertaking that is permitted in accordance with Directive 2008/98/EC and this Regulation to carry out collection, storage and treatment of end-of-life vehicles. Recycling and recovery, on the other hand, depend on the possibility of subjecting the dismantled materials and parts to these processes, as implied by the terms "recyclability" and "recoverability." The intention is that every end-of-life vehicle shall be collected and directed to dismantling, regardless of whether it meets the criteria for recyclability or only for partial recovery, as is the case with vehicles after fire damage, vandalism, theft, accidents, or abandonment. A processing facility is obliged to dismantle such a vehicle according to the rules established in the regulation; however, achieving the set recovery levels,

including recycling, may prove impossible, for example due to the absence of reusable parts or materials suitable for recycling in such a vehicle. Moreover, recycling and material recovery are not activities carried out by authorized treatment facilities, but rather by entities specialised in processing specific material groups, including vehicle manufacturers, who are obliged to use materials originating from recycling. The authorised treatment facility does not have a significant influence on achieving the recycling level, as it depends on the end-of-life vehicle accepted for dismantling, its condition, the content of essential parts and components, as well as on the market itself, which should be interested in recycling the materials obtained from dismantling – factors over which the authorised treatment facilities have no control. Recycling, including material recovery, should be encouraged by the member states in cooperation with vehicle manufacturers, while authorised treatment facilities serve merely as instruments within this system to obtain materials from vehicles according to established dismantling rules.

For the above reasons, the end-of-life vehicle dismantling industry unequivocally expects an amendment to Article 34, according to which the regulation would prevent member states from transferring financial responsibility for achieving recovery and recycling targets onto authorised treatment facilities, as is currently the case in Poland, since, according to the principle established in Article 20, this responsibility should lie with vehicle manufacturers.

"Article 34

1a. Member states, when adopting the necessary measures to achieve recovery and recycling targets, shall not transfer financial responsibility, including the imposition of sanctions for failure to meet these targets, onto authorised treatment facilities."

Fourthly, Article 34 requires achieving recovery and recycling targets; however, it does not clarify how these recovery and recycling levels should be calculated for incomplete vehicles arriving at authorised treatment facilities. A fundamental question arises whether the missing mass – resulting from the removal of parts, components, waste, and batteries before delivery to authorised treatment facilities – will be counted towards the recovery and recycling targets, or whether this missing mass will be excluded from the amount considered as recovered, including recycled. The current practice among Member States varies: in some countries, parts and components removed from end-of-life vehicles before delivery to authorised treatment facilities are included in the recovery and recycling targets; in others, such as Poland, the missing mass is not counted towards these targets. In the case of accepting incomplete end-of-life vehicles, a penalty is imposed for failing to achieve recovery and recycling targets, since the set level cannot be met precisely due to the missing mass. Polish law expects this penalty to be transferred to the last vehicle owner for delivering an incomplete vehicle. The regulation in this regard should be clear and uniform for all Member States, and it is necessary to explicitly specify at the regulation level whether, when accepting an incomplete vehicle for dismantling, the missing mass is included in the recycling target or not. Otherwise, each Member State will calculate the recovery, including recycling, levels differently, and the data received from individual Member States will be inconsistent in this respect.

The final issue requiring decisive and unambiguous decisions is the clarification of Article 15. Despite the detailed content of the provision, the financial participation of manufacturers in the system of

collection and processing of end-of-life vehicles remains unclear and imprecise. The content of paragraph 3a implies that manufacturers may, which in practice means they are not obliged to, enter into any agreements with authorised treatment facilities or may do so selectively and in a discriminatory manner against certain market entities, thereby creating unequal competitive conditions. From the perspective of market equality regarding the fulfilment of Article 20, which concerns participation in the costs related to the processing of all end-of-life vehicles and the achievement of quantitative recycling targets applicable to all such vehicles, agreements between manufacturers or producer responsibility organisations should be transparent. Furthermore, every entrepreneur operating an authorized treatment facility within a given member state should be legally guaranteed equal, non-discriminatory access to the financing system for processing all end-of-life vehicles, based on the same principles. Transparency and openness in achieving the regulation's objectives should also serve as a response to the recent fines imposed by the European Commission on vehicle manufacturers for forming an anti-recycling cartel. The vehicle dismantling industry requests clarification of Article 15 by adding paragraph 3b with the following wording.

Article 15

3b. Agreements between producers or producer responsibility organisations and authorised treatment facilities are public, and every authorised treatment facility within the territory of a member state has the right to conclude an agreement with a producer or producer responsibility organisation on the same terms.

Failure to resolve the above issues at the level of the new regulation will result in significant differences in its implementation across individual member states, creating the possibility of transferring financial responsibility from producers to other entities in the waste management market, including the last owner, as is currently the case. Furthermore, it will lead to a fictitious achievement of quantitative targets in waste management and also distort competition in the market. The proposed changes stem from many years of experience in the end-of-life vehicle dismantling market; therefore, we express full confidence that these proposals will be understood and receive unanimous support for their introduction at the regulation level.

PRESIDENT FORS

ADAM MAŁYSZKO

