

STATUTORY INSTRUMENTS

S.I. No. 282 of 2006

WASTE MANAGEMENT (END-OF-LIFE VEHICLES) REGULATIONS 2006

Published by the Stationery Office

Dublin

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S.I. No. 282 of 2006

WASTE MANAGEMENT (END-OF-LIFE VEHICLES) REGULATIONS 2006

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by sections 2, 7, 18, 19, 27, 28, 29, 32, 34, 39, 53B, 53C, 53D, 53E and 53F of the Waste Management Acts 1996 to 2005 and by section 3 of the European Communities Act 1972 (No. 27 of 1972), hereby makes the following Regulations: -

PART I

PRELIMINARY AND GENERAL

Citation.

1. These Regulations may be cited as the Waste Management (End-of-Life Vehicles) Regulations 2006.

Purpose of Regulations.

2. The purposes for which these Regulations are made include the purpose of giving effect to the provisions of European Parliament and Council Directive 2000/53/EC¹ of 18 September, 2000 on end-of-life vehicles.

Commencement.

3. These Regulations shall come into operation on the 8th day of June 2006.

Interpretation Generally.

4. (1) In these Regulations, any reference to a Schedule, Part or article which is not otherwise identified, is a reference to a Schedule, Part or article of these Regulations.

¹ O.J. No. L 269, 21.10.2000, page 34; last amended by Council Decision 2005/673/EC (O.J. No. L 254, 30.9.2005, page 69)

(2) In these Regulations, any reference to a sub-article or paragraph which is not otherwise identified, is a reference to the sub-article or paragraph of the provision in which the reference occurs.

(3) In these Regulations, save where the context otherwise requires -

“abandoned” in relation to a vehicle, includes left in such circumstances or for such period that it is reasonable to assume that the vehicle has been abandoned, and cognate words shall be construed accordingly;

“the Act” means the Waste Management Acts 1996 to 2005;

“the Agency” means the Environmental Protection Agency established under section 19 of the Environmental Protection Agency Acts 1992 and 2003;

“appropriate treatment and recovery” in relation to a vehicle, means the treatment and recovery of the vehicle in accordance with the requirements of section 39 of the Act;

“ascribed vehicle” means a specified vehicle responsibility for which pursuant to article 10(4) is capable of being ascribed to a producer or producers other than the producer who placed the specified vehicle on the market in the State;

“authorised person” means a person who is appointed in writing by -

- (a) the Minister,
- (b) a local authority,
- (c) the Agency,
- (d) the Commissioner of the Garda Síochána (or a member of the Garda Síochána nominated by that Commissioner for the purposes of appointing authorised persons under the Act), or
- (e) such other person as may be prescribed by the Minister, to be an authorised person for the purposes of the Act or any Part or section thereof;

“authorised treatment facility” means a facility at which the collection and the storage and the appropriate treatment and recovery of vehicles may take place;

“certificate of destruction” means the certificate referred to in Part III of these Regulations;

“the Directive” means the European Parliament and Council Directive 2000/53/EC of 18 September, 2000 on end-of-life vehicles;

“dismantling information” means all information required for the appropriate treatment and recovery of end-of-life vehicles. It shall be made available to authorised treatment facilities by vehicle producers and vehicle component

manufacturers in the form of manuals or by means of electronic media which may include CD-ROM, or as appropriate, on-line services;

“disposal” means any of the applicable operations provided for in Annex IIA to Council Directive 75/442/EEC² of 15 July 1975 on waste and shall be read in accordance with section 4(3) of the Act;

“economic operators” means producers, distributors, collectors, motor vehicle insurance companies, dismantlers, shredders, waste recovery operators - which term includes but is not limited to recoverers and recyclers, and as appropriate, other treatment operators of end-of-life vehicles, including their components and materials;

“end-of-life vehicle” means a specified vehicle which is discarded or is to be discarded by its registered owner as waste and shall be read in accordance with the meaning of section 4(1)(a) of the Act and article 1(a) of Council Directive 75/442/EEC of 15 July 1975 on waste;

“the Environmental Protection Agency Acts 1992 and 2003” means the Environmental Protection Agency Act 1992 (No. 7 of 1992) as amended by Part 2 of the Protection of the Environment Act 2003 (No. 27 of 2003);

“essential components of a vehicle” means the engine and coachwork of a specified vehicle and shall also include the transmission, wheels and catalytic converter, if a catalytic converter formed part of the vehicle when it was placed on the market;

“hazardous substance” means any substance which is considered to be dangerous under Council Directive 67/548/EEC³ of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances;

“joint licensing records” in relation to a vehicle shall be construed in accordance with the meaning for ‘relevant certificate’ under article 2 of the Road Vehicles (Registration and Licensing) (Amendment) Regulations 2004⁴;

“mechanically propelled vehicle” has the meaning given to it by Chapter IV of Part II of the Finance Act 1992 (No. 9 of 1992);

“prevention” means measures aiming at the reduction of the quantity and the harmfulness for the environment of end-of-life vehicles, their materials and substances;

² O.J. No. L 194, 25.7.1975, page 39; amended by Council Directives 91/156/EEC (O.J. No. L 78, 26.3.1991, page 32) and 91/692/EEC (O.J. No. L 377, 31.12.1991, page 48) and by Commission Decision 96/350/EC (O.J. No. L 135, 6.6.1996, page 32)

³ O.J. No. L 196, 16.8.1967, page 1; as amended by European Parliament and Council Directive 98/98/EC (O.J. No. L 355, 30.12.1998, page 1)

⁴ S.I. No. 213 of 2004

“producer” in relation to a vehicle, means the person who imports into, or manufactures in, the State the vehicle;

“recovery” means any of the applicable operations provided for in Annex IIB to Council Directive 75/442/EEC of 15 July 1975 on waste and shall be read in accordance with section 4(4) of the Act;

“recycling” in relation to end-of-life vehicles means the reprocessing in a production process of the waste materials for their original purpose or for other purposes but excluding energy recovery. Energy recovery means the use of combustible waste as a means to generate energy through direct incineration with or without other waste but with the recovery of heat;

“registered owner” has the meaning assigned to it by the Road Vehicles (Registration and Licensing) (Amendment) Regulations 2004 as amended for the time being, but, if those regulations should be revoked, it shall have the meaning assigned to it by such regulations corresponding to those regulations as may be for the time being in force;

“registration document” in relation to a vehicle shall be construed in accordance with the meaning for ‘relevant certificate’ under article 2 of the Road Vehicles (Registration and Licensing) (Amendment) Regulations 2004;

“reuse” in relation to end-of-life vehicles means any operation by which components of end-of-life vehicles are used for the same purpose for which they were conceived;

“shredder” means any device used for tearing into pieces or fragmenting treated end-of-life vehicles, or other metallic or metalliferous waste, for the purpose of obtaining directly reusable metal scrap and, as appropriate, other recyclable material fragments;

“specified vehicle” means –

- (a) a category A vehicle or a category B vehicle within the meaning of Chapter IV of Part II of the Finance Act 1992 (No. 9 of 1992), or as appropriate,
- (b) any vehicle that may be designated as category M₁ or N₁ defined in Annex IIA to Council Directive 70/156/EEC⁵ of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers, or as appropriate,
- (c) three-wheel motor vehicles as defined in Directive 2002/24/EC⁶ of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles and repealing Council

⁵ O.J. No. L 42, 23.2.1970, page 1; as amended by European Parliament and Council Directive 98/91/EC (O.J. No. L 11, 16.1.1999, page 25)

⁶ O.J. No. L 124, 9.5.2002, page 1

Directive 92/61/EEC⁷ of 30 June 1992 relating to the type-approval of two or three-wheel motor vehicles, but excluding motor tricycles;

“treatment” in relation to end-of-life vehicles means any activity after the end-of-life vehicle has been handed over to an authorised treatment facility for depollution, dismantling, shearing, shredding, recovery or preparation for disposal of shredder wastes, and any other operation carried out for the recovery, or as appropriate, disposal of the end-of-life vehicle and its components, and treated shall be construed accordingly;

“turnover” in relation to a producer means the amounts derived from the provision (including the export) of goods and services falling within the producer’s ordinary activities;

“the Waste Management Acts 1996 to 2005” means the Waste Management Act 1996 (No. 10 of 1996) as amended by the Waste Management (Amendment) Act 2001 (No. 36 of 2001), by Part 3 of the Protection of the Environment Act 2003 (No. 27 of 2003) and by Part 2 of the Waste Management (Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 290 of 2005);

“vintage vehicles” means historic vehicles, or vehicles of value to collectors, or vehicles intended for museums, for which a period of 30 years or more has elapsed since such vehicles were first registered and which are kept in a proper and environmentally sound manner, either ready for use or stripped into parts.

Application and Scope.

5. (1) These Regulations shall apply to specified vehicles and end-of-life vehicles, including their components and materials.
- (2) Without prejudice to sub-article (1), the Regulations shall apply irrespective of how the specified vehicle has been serviced or repaired during use and irrespective of whether it is equipped with components supplied by the producer or with other components whose fitting as spare or replacement parts accords with the appropriate Community or domestic provisions.

Effect on Existing Community and National Legislation.

6. Application of these Regulations shall be without prejudice to existing Community legislation and relevant national legislation, in particular as regards safety standards, air emissions and noise controls and the protection of soil and water.

Exempted Vehicles.

7. For the purposes of these Regulations, mechanically propelled vehicles which include

⁷ O.J. No. L 225, 10.8.1992, page 72

- (a) vintage vehicles that may be designated as category M₁ or N₁ defined in Annex IIA to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers,
- (b) any vehicle that may be designated as category M₂, M₃, N₂ or N₃ defined in Annex IIA to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers, and
- (c) military vehicles which are connected with the protection of the essential interests of the security of the State and which are intended for specifically military purposes,

are excepted from the meaning of “specified vehicle” under article 4(3) and are exempted from the provisions of these Regulations.

Three-Wheel Motor Vehicles, Special Purpose Vehicles and Vehicles produced in Small Series.

8. Without prejudice to article 5, the provisions set out in -
- (a) articles 13 and 16 and articles 19 to 32 inclusive shall not apply in respect of three-wheel motor vehicles as defined in Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles and repealing Council Directive 92/61/EEC of 30 June 1992 relating to the type-approval of two or three-wheel motor vehicles, or as appropriate,
 - (b) article 16 shall not apply in respect of special purpose vehicles as defined in the second indent of Article 4(1)(a) of Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers, but excluding motor caravans if the vehicle comprises no more than eight seats in addition to the driver’s seat, or as appropriate,
 - (c) articles 30 to 31 shall not apply where a producer makes or imports vehicles that are exempt from Article 8(2)(a) of Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers.

PART II

PRODUCER RESPONSIBILITY OBLIGATIONS

Collection Systems for End-of-Life Vehicles.

9. (1) On and from the 1st day of November 2006, where a producer is involved, or will be involved, in the placing of specified vehicles on the market in the State, that producer shall establish a national system for the collection of specified vehicles, of that producer's brand or for which that producer has responsibility and which that producer anticipates will become end-of-life vehicles in the State (referred to hereafter in these Regulations as a producer's "national collection system") and will accordingly require appropriate treatment and recovery.
- (2) For the purpose of sub-article (1), each producer shall establish a national collection system which shall comprise of authorised treatment facilities where end-of-life vehicles, of that producer's brand or for which that producer has responsibility, may be collected and stored and treated in accordance with the provisions of article 15 and the *Second Schedule* of these Regulations.
- (3) Without prejudice to sub-articles (1) and (2), each producer's national collection system shall comprise of -
 - (a) at least one authorised treatment facility in the functional area of each local authority where the population in the functional area of the local authority is less than or equal to 150,000 persons, and as appropriate,
 - (b) at least one supplementary authorised treatment facility for each additional 150,000 persons (or part thereof) in the functional area of those local authorities whose populations exceed 150,000 persons.
- (4) To fulfil the provisions of sub-articles (1), (2) and (3), a producer may make arrangements or enter into agreements with the owners or operators of authorised treatment facilities and it shall be a condition of any such arrangements or agreements between the producer and the owners or operators of the authorised treatment facilities concerned that such arrangements or agreements do not exceed a period of three years.
- (5) Notwithstanding the provisions of sub-article (3), each producer shall ensure that the authorised treatment facilities that comprise all of that producer's national collection system are reasonably accessible to any person who wishes to deliver an end-of-life vehicle, of that producer's brand or for which that producer has responsibility, to such a facility in that producer's national collection system.
- (6) Each producer shall ensure that the authorised treatment facilities that comprise all of that producer's national collection system have sufficient capacity to treat, in accordance with the provisions of article 15 and the *Second Schedule*, the actual number of that producer's specified vehicles that are likely to become end-of-life vehicles in 2007 and in each year thereafter.

- (7) Each producer shall ensure that where an end-of-life vehicle is transported from one authorised treatment facility to an alternative authorised treatment facility, both of which are in that producer's national collection system, the transportation is carried out in accordance with sections 34 and 36 of the Act and any Regulations made thereunder.
- (8) On the establishment of each producer's national collection system, each producer shall -
 - (a) furnish each authorised treatment facility in that producer's national collection system with a notice complying with the requirements of Part 5 of the *First Schedule* of these Regulations, and
 - (b) require each authorised treatment facility in that producer's national collection system to fix and maintain in a conspicuous position, and in such manner as to be clearly visible to members of the public, the aforementioned notice in paragraph (a) at or near the main entrance to that authorised treatment facility.
- (9) Subject to the provisions of sub-article (10), where an end-of-life vehicle is deposited for appropriate treatment and recovery at an authorised treatment facility in a producer's national collection system, it shall be a requirement of any agreement between the producer and the owner or operator of the authorised treatment facility that -
 - (a) where such an authorised treatment facility accepts the deposit of an end-of-life vehicle to which the agreement applies, and the vehicle was first registered in the State on or after the 1st day of July 2002, or as appropriate,
 - (b) where such an authorised treatment facility accepts the deposit of an end-of-life vehicle to which the agreement applies on or after 1st day of January 2007,

no charge shall be imposed on the registered owner of that vehicle, and
 - (c) each authorised treatment facility, which is part of a producer's national collection system shall accept the deposit of any end-of-life vehicle which is within the terms of that agreement.
- (10) Without prejudice to sub-article (9), an authorised treatment facility in a producer's national collection system will not be required to accept an end-of-life vehicle free of charge where the essential components of that vehicle are missing, or as appropriate, where waste has been added to that end-of-life vehicle.
- (11) Where an end-of-life vehicle is deposited for appropriate treatment and recovery at an authorised treatment facility in a producer's national collection system and that end-of-life vehicle has no or a negative market value, that producer shall be

responsible for meeting the costs incurred by the authorised treatment facility in carrying out the appropriate treatment and recovery of that end-of-life vehicle.

(12) A producer -

(a) whose annual turnover was less than or equal to €1,000,000 and

(b) who placed less than 10 specified vehicles on the market in the State

in the preceding twelve month period, may fulfil the provisions of sub-articles (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11) collectively with another producer, provided that -

(c) the annual turnover of the latter producer exceeded €1,000,000 in the preceding twelve month period, and

(d) an arrangement or agreement has been put in place between both producers whereby end-of-life vehicles, of either producers' brand or for which either producer has responsibility, may be collected and stored and treated (in accordance with the provisions of article 15 and the *Second Schedule* of these Regulations) in the national collection system of the latter producer.

(13) For the purpose of sub-article (12)(d), it shall be a condition of any such arrangement or agreement between the producers concerned that such an arrangement or agreement does not exceed a period of three years.

Requirement on Producers to Register with Local Authorities.

10. (1) On and from the 1st day of November 2006, each producer involved, or each producer who will be involved, in the placing of specified vehicles on the market in the State shall be required to be registered with each local authority.
- (2) Where the business of a producer is transferred in whole or in part to another person, that person to whom the whole or part of the business is transferred shall be treated as a producer for the purposes of these Regulations and that person shall be required to be registered as a producer with each local authority in accordance with the provisions of sub-article (1).
- (3) Where a producer ceases, or has ceased, to place specified vehicles on the market in the State that producer shall be required to notify the Minister and each local authority in written form within 31 days of the date of cessation of placing specified vehicles on the market in the State that the producer will no longer be involved in the placing of specified vehicles on the market in the State.
- (4) Without prejudice to sub-article (2), where a producer ceases, or has ceased, to place specified vehicles on the market in the State and the business of that producer has not transferred in whole or in part to another person, the Minister may ascribe responsibility in respect of specified vehicles of that producer's

brand or for which that producer has responsibility to one or more other producers.

- (5) Where the Minister makes a decision to ascribe responsibility to a producer under sub-article (4), the Minister shall send to that producer a notice in writing of his or her decision within 14 days of having made that decision.
- (6) In reaching a decision under sub-article (4), the Minister may take into account one or more of the following matters –
 - (a) the identity of any person who has manufactured the ascribed vehicle(s),
 - (b) the identity of the person who has put his or her name on the ascribed vehicle(s),
 - (c) the identity of any person who has placed the ascribed vehicle(s) on the market,
 - (d) the identity of any person who uses, has used or has the right to use a trademark or other distinguishing mark the same or similar to that of the ascribed vehicle(s),
 - (e) the approximate turnover, market share or market position of any producer,
 - (f) the identity of any producer, other than a producer who has ceased to place specified vehicles on the market in the State, who has manufactured, or put his or her name on, or has placed on the market in the State, specified vehicles the same or similar to the ascribed vehicle(s), and
 - (g) any other matter considered by the Minister appropriate for the expeditious or effective implementation of the Directive.
- (7) The notice referred to in sub-article (5) shall include the following -
 - (a) a description of the ascribed vehicle(s) to which it relates,
 - (b) if available, information indicating when the ascribed vehicle(s) was placed on the market in the State, and
 - (c) the reasons for the Minister's decision to ascribe responsibility.
- (8) Where the Minister makes a decision to ascribe responsibility under sub-article (4), the Minister shall notify each producer ascribed responsibility so that each producer may make representations to the Minister within a period of 28 days of the date of the notice referred to in sub-article (5) if any such producer objects to that decision.
- (9) If the Minister considers it appropriate to do so, whether in consequence of any representations or proposals made to the Minister under sub-article (8), or otherwise as the case may be, the Minister may -

- (a) revoke his or her decision made under sub-article (4),
 - (b) without revoking his or her decision made under sub-article (4), at any time modify the terms of the notice referred to in sub-article (5), in such manner as the Minister considers appropriate.
- (10) Where the Minister does not ascribe responsibility to one or more producers under sub-article (4) in respect of an ascribed vehicle, the Minister may enter into an agreement with one or more producers, or organisations which represent the interests of a group of producers, for the purposes of ascribing responsibility for the relevant ascribed vehicles.

Application for Registration or Renewal of Registration.

11. (1) Each producer shall -
- (a) apply for registration to each local authority not later than the 21st day of September 2006 or the date of commencement of business, whichever is the later, and
 - (b) apply for renewal of registration to each local authority not later than the 31st day of January in each year following the initial registration for the relevant calendar year, subject only that the producer shall not be required to make such an application within six months of -
 - (i) initial registration, or
 - (ii) the date the producer was required to apply for initial registration in accordance with the provisions of paragraph (a),whichever is the earlier.
- (2) An application for registration in accordance with the provisions of sub-article (1)(a) shall be made in writing, shall contain at least the information set out in Part 1 of the *First Schedule*, and shall be accompanied by -
- (a) a signed declaration by the producer concerned to confirm 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 article 28 and the *Fourth Schedule* to these Regulations, and
 - (b) a three-year implementation plan specifying the measures to be taken by the producer concerned in order to comply with the requirements of these Regulations, including in particular the measures which that producer intends to take to ensure the appropriate treatment and recovery of end-of-

life vehicles, of that producer's brand or for which that producer has responsibility, in the functional area of the relevant local authority, and

- (c) a signed declaration by the producer concerned undertaking 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, and
 - (d) a certificate from 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, confirming the turnover 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
 - (e) the appropriate fee in accordance with the provisions of sub-articles (6) and (7).
- (3) An application for renewal of registration in accordance with the provisions of sub-article (1)(b) shall be made in writing, shall contain at least the information set out in Part 2 of the *First Schedule*, and shall be accompanied by -
- (a) a signed declaration by the producer concerned to confirm 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 article 28 and the *Fourth Schedule* to these Regulations, and
 - (b) a revised three-year implementation plan, having regard to experience in the preceding registration period, specifying the measures to be taken by the producer concerned in order to comply with the requirements of these Regulations, including in particular the measures which that producer intends to take to ensure the appropriate treatment and recovery of end-of-life vehicles, of that producer's brand or for which that producer has responsibility, in the functional area of the relevant local authority, and
 - (c) a signed declaration by the producer concerned undertaking that the producer did not and 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, and
- (d) a report specifying the measures taken by the producer concerned in order to comply with the requirements of these Regulations in the functional area of the local authority in the preceding registration period, and the results of those measures, and
- (e) a certificate from 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, confirming the turnover of the producer in the preceding twelve month period, and
- (f) the appropriate fee in accordance with the provisions of sub-articles (6) and (7).
- (4) A three-year implementation plan required under sub-article (2)(b), or as the case may be, a revised three-year implementation plan required under sub-article (3)(b), shall contain at least the information set out in Part 3 of the *First Schedule*.
- (5) A report required under sub-article (3)(d) shall contain at least the information set out in Part 4 of the *First Schedule*.
- (6) An application for registration under sub-article (2), or otherwise as the case may be, for renewal of registration under sub-article (3), shall be accompanied by a fee equivalent of -
- (a) €1,000 in respect of producers whose annual turnover was less than or equal to €50,000,000 in the preceding twelve month period, or as appropriate,
 - (b) €2,500 in respect of producers whose annual turnover was greater than €50,000,000 but less than or equal to €100,000,000 in the preceding twelve month period, or as appropriate,
 - (c) €6,000 in respect of producers whose annual turnover was greater than €100,000,000 in the preceding twelve month period,
- in respect of each application to a local authority, or as appropriate,
- (d) €1,000 in respect of a producer -

- (i) whose annual turnover was less than or equal to €1,000,000 and
 - (ii) who placed less than 10 specified vehicles on the market in the State
- in the preceding twelve month period, in respect of a single application, made in accordance with the provisions of sub-article (8), to the local authority in whose functional area the registered office of the producer, or if the producer is not a company, the principal place of business of the producer, is situate.
- (7) The Minister may from time to time, but no earlier than the 1st day of October 2007, review and make an order, amending sub-article (6) by substituting for the amounts specified in paragraphs (a), (b), (c) and (d) in that sub-article greater amounts, or lesser amounts as the case may be, than those for the time being in force.
- (8) Without prejudice to sub-article (1), where a producer intends to fulfil the provisions of articles 9(1), 9(2), 9(3), 9(4), 9(5), 9(6), 9(7), 9(8), 9(9), 9(10) and 9(11) collectively with another producer in accordance with the provisions of article 9(12), the producer -
 - (a) whose annual turnover was less than or equal to €1,000,000 and
 - (b) who placed less than 10 specified vehicles on the market in the Statein the preceding twelve month period, shall make a single application to the local authority in whose functional area the registered office of the producer, or if the producer is not a company, the principal place of business of the producer, is situate -
 - (c) for registration not later than the 21st day of September 2006 or the date of commencement of business, whichever is the later, and
 - (d) for renewal of registration not later than the 31st day of January in each year following the initial registration for the relevant calendar year, subject only that the producer shall not be required to make such an application within six months of -
 - (i) initial registration, or
 - (ii) the date the producer was required to apply for initial registration in accordance with the provisions of paragraph (a),whichever is the earlier, and
 - (e) the provisions of sub-articles (2), (3), (4), (5), (6) and (7) shall be construed accordingly.
- (9) A producer shall notify the relevant local authority of any change to the information provided in an application for registration, or as the case may be, the

last preceding application for renewal of registration within 10 working days of any such change.

Certification of Producers.

12. (1) Without prejudice to sub-articles (4) and (5), a producer who makes an application under article 11(1) shall be registered by that local authority provided that the provisions of article 11 and the *First Schedule* are complied with.
- (2) A producer shall not be deemed to be registered with a local authority until a Certificate of Registration has issued by the local authority to which the application for registration was submitted in accordance with the provisions of article 11(1)(a), or as appropriate, article 11(8)(c).
- (3) A producer shall not be deemed to have renewed his or her registration with a local authority until a Certificate of Renewal of Registration has issued by the local authority to which the application for registration was submitted in accordance with the provisions of article 11(1)(b), or as appropriate, article 11(8)(d).
- (4) A local authority shall issue a Certificate of Registration or a Certificate of Renewal of Registration as expeditiously as possible and, in any event, within –
 - (a) six weeks of the date of receipt of an application for registration or renewal of registration, or as appropriate,
 - (b) two weeks after the date of receipt of further information or particulars requested by a local authority in connection with such an application,whichever is the later.
- (5) Without prejudice to sub-articles (1) and (4), a local authority may refuse an application for registration under this article -
 - (a) where it considers that a producer has failed to provide the information required under article 11(2) of these Regulations, or as appropriate,
 - (b) where it considers that that the producer's implementation plan is not sufficient to fulfil that producer's obligations under articles 9, 13, 15, 16 and 17 of these Regulations, or as appropriate,
 - (c) where the appropriate fee in accordance with the provisions of article 11(6) has not been submitted to that local authority.
- (6) Without prejudice to sub-articles (1) and (4), a local authority may refuse an application for renewal of registration under this article where it considers that a producer has, in the preceding twelve month period, failed to -

- (a) provide the information required under article 11(3) of these Regulations, or as appropriate,
 - (b) implement the producer's implementation plan in a satisfactory manner in the functional area of the local authority concerned, or as appropriate,
 - (c) achieve the targets set out in article 16 of these Regulations in respect of end-of-life vehicles, of that producer's brand or for which that producer has responsibility, deposited for appropriate treatment and recovery at authorised treatment facilities which comprise a part of that producer's national collection system in the functional area of the local authority concerned, or as appropriate,
 - (d) take all reasonable steps as were necessary to ensure that where end-of-life vehicles, of that producer's brand or for which that producer has responsibility, were deposited for appropriate treatment and recovery at authorised treatment facilities which comprise a part of that producer's national collection system in the functional area of the local authority concerned, that no charge was imposed on the registered owners of those vehicles in accordance with the provisions of article 9(9), subject to the provisions of article 9(10) of these Regulations, or as appropriate,
 - (e) take all reasonable steps as were necessary to ensure that where end-of-life vehicles, of that producer's brand or for which that producer has responsibility, were deposited for appropriate treatment and recovery at authorised treatment facilities which comprise a part of that producer's national collection system in the functional area of the local authority concerned, that those vehicles were treated in accordance with the provisions of article 15 and the *Second Schedule* of these Regulations, or as appropriate,
 - (f) where the appropriate fee in accordance with the provisions of article 11(6) has not been submitted to that local authority.
- (7) Having regard to sub-articles (5) and (6), where a local authority refuses an application for registration, or as the case may be, an application for renewal of registration, made by a producer in accordance with the provisions of article 11(1), that producer shall make a new application for registration, or as the case may be, a new application for renewal of registration to the local authority concerned taking account of any written directions that local authority may issue to the producer in the matter of such a new application for registration, or as the case may be, a new application for renewal of registration.

Record Keeping and Reporting.

13. (1) On and from the 1st day of November 2006, each producer involved, or each producer who will be involved, in the placing of specified vehicles on the market in the State shall be required to compile and maintain records on -

- (a) the number, and aggregate unladen weight, of specified vehicles, of that producer's brand or for which that producer has responsibility, put on the market in the State in the functional area of each local authority,
 - (b) the number, and aggregate unladen weight, of end-of-life vehicles, of that producer's brand or for which that producer has responsibility, that have been deposited for appropriate treatment and recovery at authorised treatment facilities, which comprise a part of that producer's national collection system, in the functional area of each local authority,
 - (c) the aggregate weight of materials for reuse arising from end-of-life vehicles, of that producer's brand or for which that producer has responsibility, that have been deposited for appropriate treatment and recovery at authorised treatment facilities, which comprise a part of that producer's national collection system, in the functional area of each local authority,
 - (d) the aggregate weight of materials for recycling arising from end-of-life vehicles, of that producer's brand or for which that producer has responsibility, that have been deposited for appropriate treatment and recovery at authorised treatment facilities, which comprise a part of that producer's national collection system, in the functional area of each local authority,
 - (e) the aggregate weight of materials for recovery arising from end-of-life vehicles, of that producer's brand or for which that producer has responsibility, that have been deposited for appropriate treatment and recovery at authorised treatment facilities, which comprise a part of that producer's national collection system, in the functional area of each local authority, and
 - (f) the aggregate weight of materials for disposal arising from end-of-life vehicles, of that producer's brand or for which that producer has responsibility, that have been deposited for appropriate treatment and recovery at authorised treatment facilities, which comprise a part of that producer's national collection system, in the functional area of each local authority.
- (2) On and from the 1st day of November 2006, where an end-of-life vehicle is accepted for appropriate treatment and recovery at an authorised treatment facility which does not form a part of a producer's national collection system, the owner or operator of that facility shall be required to compile and maintain records on -
- (a) the number, and aggregate unladen weight, of end-of-life vehicles that have been deposited at that authorised treatment facility for appropriate treatment and recovery,

- (c) the aggregate weight of materials for reuse, arising from end-of-life vehicles that have been deposited at that authorised treatment facility for appropriate treatment and recovery,
 - (d) the aggregate weight of materials for recycling, arising from end-of-life vehicles that have been deposited at that authorised treatment facility for appropriate treatment and recovery,
 - (e) the aggregate weight of materials for recovery, arising from end-of-life vehicles that have been deposited at that authorised treatment facility for appropriate treatment and recovery, and
 - (f) the aggregate weight of materials for disposal, arising from end-of-life vehicles that have been deposited at that authorised treatment facility for appropriate treatment and recovery.
- (3) On and from the 1st day of November 2006, records kept pursuant to sub-articles (1) and (2) shall be -
- (a) compiled and maintained in a form specified by the Minister, which may include electronic or internet-based forms, and which at least meets the requirements of Commission Decision 2005/293/EC⁸ of 1 April 2005 laying down detailed rules on the monitoring of the reuse/recovery and reuse/recycling targets set out in the Directive,
 - (b) submitted to the relevant local authority in such form specified by the Minister, which may include electronic or internet-based forms, not later than the 31st day of January 2008, and not later than the 31st day of January in each year thereafter, by -
 - (i) the producer, in respect of end-of-life vehicles that have been deposited for appropriate treatment and recovery at authorised treatment facilities, which comprise a part of that producer's national collection system, or as appropriate,
 - (ii) the owner or operator of an authorised treatment facility, which does not form a part of a producer's national collection system, in respect of end-of-life vehicles that have been accepted for appropriate treatment and recovery at that authorised treatment facility,

in the preceding twelve month period.
 - (c) retained at an address in the State by the producer, or as appropriate, authorised treatment facility, required to keep them, for a period of at least seven years, starting from the end of each year in which they were drawn up, and
 - (d) made available in such form, which may include electronic or internet-based forms, and at such frequency as may be specified in writing by the

⁸ O.J. No. L 94, 13.4.2005, page 30

Agency in relation to the activities carried out by authorised treatment facilities -

- (i) which form a part of a producer's national collection system, or otherwise as the case may be,
 - (ii) which do not form a part of a producer's national collection system
- for the purposes of complying with these Regulations.

- (4) For the purpose of this article, a local authority shall furnish such information, in respect of end-of-life vehicles that have been deposited for appropriate treatment and recovery at authorised treatment facilities operating within its functional area, in such form and at such frequency as may be specified by the Agency.

Obligations on Authorised Treatment Facilities.

14. (1) Without prejudice to national regulations on health and the environment, an authorised treatment facility which forms a part of a producer's national collection system, or otherwise as the case may be, which does not form a part of a producer's national collection system, shall be required to -
- (a) operate under a waste licence, or as appropriate, a waste permit, in accordance with the provisions of section 39 of the Act and any Regulations made thereunder, and
 - (b) meet the minimum technical requirements set out in the *Second Schedule* of these Regulations, in particular the minimum technical requirements set out in paragraphs 1, 2 and 5 of the *Second Schedule* which establish site conditions to which an authorised treatment facility at a minimum must comply -
 - (i) for the storage (including temporary storage) of end-of-life vehicles prior to their being the subject of appropriate treatment and recovery,
 - (ii) for the appropriate treatment and recovery of end-of-life vehicles,
 - (iii) for the storage of components containing fluids, recoverable components and spare parts.
- (2) Subject to the provisions of sub-article 3, where an end-of-life vehicle is accepted for appropriate treatment and recovery at an authorised treatment facility which does not form a part of a producer's national collection system, no charge shall be imposed on the registered owner of that vehicle -
- (a) on and from the 1st day of November 2006 in respect of a specified vehicle first registered in the State on or after the 1st day of July 2002, or as appropriate,

- (b) on and from the 1st day of January 2007 in respect of any other specified vehicle.
- (3) Without prejudice to sub-article (2), an authorised treatment facility which does not form a part of a producer's national collection system, will not be required to accept an end-of-life vehicle free of charge where the essential components of that vehicle are missing or, as appropriate, where waste has been added to that end-of-life vehicle.

Appropriate Treatment and Recovery of End-of-Life Vehicles.

- 15. (1) On and from the 1st day of November 2006, where an end-of-life vehicle has been deposited for appropriate treatment and recovery at an authorised treatment facility which forms a part of a producer's national collection system, that producer shall take all reasonable steps as are necessary to ensure that -
 - (a) the end-of-life vehicle, including components and materials made identifiable in accordance with article 30 and the *Fifth Schedule* of these Regulations, shall be treated in accordance with the minimum technical requirements set out in paragraphs 3 and 4 in the *Second Schedule* of these Regulations, and in particular in the case of the minimum technical requirements for depollution set out in paragraph 3 in the *Second Schedule* of these Regulations at the earliest possible opportunity but in any case no later than 10 days after the date of deposit of the end-of-life vehicle at the authorised treatment facility, in order to reduce any adverse impact on the environment,
 - (b) hazardous substances and components shall be removed and segregated in a selective way so as not to contaminate any subsequent shredder waste from the end-of-life vehicle, and
 - (c) treatment operations and storage shall be carried out in accordance with the minimum technical requirements set out in paragraphs 3, 4 and 5 of the *Second Schedule* of these Regulations and in such manner as to ensure the suitability of vehicle components for reuse and recovery, and in particular for recycling.
- (2) On and from the 1st day of November 2006, where an end-of-life vehicle has been deposited for appropriate treatment and recovery at an authorised treatment facility which does not form a part of a producer's national collection system, the owner or operator of that authorised treatment facility shall take all reasonable steps as are necessary to ensure that -
 - (a) the end-of-life vehicle, including components and materials made identifiable in accordance with article 30 and the *Fifth Schedule* of these Regulations, shall be treated in accordance with the minimum technical requirements set out in paragraphs 3 and 4 in the *Second Schedule* of these Regulations, and in particular in the case of the minimum technical requirements for depollution set out in paragraph 3 in the *Second Schedule*

of these Regulations at the earliest possible opportunity but in any case no later than 10 days after the date of deposit of the end-of-life vehicle at the authorised treatment facility, in order to reduce any adverse impact on the environment,

- (b) hazardous substances and components shall be removed and segregated in a selective way so as not to contaminate any subsequent shredder waste from the end-of-life vehicle, and
- (c) treatment operations and storage shall be carried out in accordance with the minimum technical requirements set out in paragraphs 3, 4 and 5 of the *Second Schedule* of these Regulations and in such manner as to ensure the suitability of vehicle components for reuse and recovery, and in particular for recycling.

Reuse, Recovery and Recycling Targets.

16. (1) For the year 2006 and for each year thereafter until the 31st day of December 2014, each producer shall be responsible for the achievement of the targets set out hereunder, in respect of end-of-life vehicles, of that producer's brand or for which that producer has responsibility, deposited for appropriate treatment and recovery at authorised treatment facilities which comprise all of that producer's national collection system -
 - (a) at least 85% reuse and recovery by an average weight per specified vehicle and year, and
 - (b) at least 80% reuse and recycling by an average weight per specified vehicle and year.
- (2) On and from the 1st day of January 2015 and for each year thereafter, each producer shall be responsible for the achievement of the targets set out hereunder, in respect of end-of-life vehicles, of that producer's brand or for which that producer has responsibility, deposited for appropriate treatment and recovery at authorised treatment facilities which comprise all of that producer's national collection system -
 - (a) at least 95% reuse and recovery by an average weight per specified vehicle and year, and
 - (b) at least 85% reuse and recycling by an average weight per specified vehicle and year.
- (3) Without prejudice to sub-articles (1) and (2), for specified vehicles put on the market in the State before the 1st day of January 1980, each producer shall be responsible for the achievement of the targets set out hereunder, in respect of end-of-life vehicles, of that producer's brand or for which that producer has responsibility, deposited for appropriate treatment and recovery at authorised

treatment facilities which comprise all of that producer's national collection system -

- (a) at least 75% reuse and recovery by an average weight per specified vehicle and year, and
 - (b) at least 70% reuse and recycling by an average weight per specified vehicle and year.
- (4) Where an authorised treatment facility accepts end-of-life vehicles for appropriate treatment and recovery -
- (a) which it is not obliged to accept under an arrangement or an agreement between the owner or operator of that facility and a producer, or as appropriate,
 - (b) where an authorised treatment facility does not form a part of a producer's national collection system,

the owner or operator of that authorised treatment facility shall be responsible for the achievement of the appropriate targets for the reuse, recovery and recycling of those end-of-life vehicles as set out in sub-articles (1), (2) and (3).

Information and Promotion.

17. (1) On a date not later than the 21st day of September 2006, it is hereby prescribed that the register maintained by each local authority under section 19 of the Act shall contain entries specifying the following matters -
- (a) the date of receipt of an application for registration, or as appropriate, an application for renewal of registration, under article 11(1), or as appropriate, under article 11(8), for each producer involved in the placing of specified vehicles on the market in the State and the decision of the local authority in respect of that application,
 - (b) the date of issue for a Certificate of Registration, or as appropriate, a Certificate of Renewal of Registration, under article 12(4) for each producer involved in the placing of specified vehicles on the market in the State, and
 - (c) the date of the giving of a notice under article 34 and the reasons of the local authority in respect of the giving of such a notice.
- (2) Information received by a local authority in accordance with article 11 shall be made available at the principal office of that local authority, or an alternative office designated by that local authority, for inspection by any person during office hours.

- (3) A copy of a producer's implementation plan, and as appropriate, a producer's report prepared in accordance with the requirements of article 11 and Parts 3 and 4 of the *First Schedule* of these Regulations shall be made available, free of charge, by that producer to any person who so requests.
- (4) For the purpose of this article, "made available" includes sending the producer's implementation plan, or as appropriate, the producer's report, by post, fax or, as appropriate, electronic mail to a person who so requests.
- (5) During the months of March and September in each calendar year, a producer shall -
 - (a) publish in one or more newspapers circulating in the functional area of each local authority a notice complying with the requirements of Part 6 of the *First Schedule* of these Regulations, and
 - (b) provide copies of all notices published, clearly indicating the date and title of the relevant newspaper(s) in which the notice was published, to each local authority within ten days of the date of publication of each such notice.
- (6) Each producer shall be required to publish details of that producer's national collection system -
 - (a) in promotional literature, including catalogues and brochures, associated with the marketing of new specified vehicles of that producer's brand, and
 - (b) on that producer's website and in other electronic means of communication.

Offences.

18. (1) A producer who fails to comply with the relevant provisions of articles 9, 10, 11, 12, 13, 15, 16 and 17 shall be guilty of an offence.
- (2) The owner or operator of an authorised treatment facility who fails to comply with the relevant provisions of articles 13, 14, 15 and 16 shall be guilty of an offence.

PART III

CERTIFICATE OF DESTRUCTION

Issue of the Certificate of Destruction.

19. (1) Subject to the provisions of articles 24(1), 24(2), 24(3) and 24(4) and articles 25(1) and 25(2), on and from the 1st day of January 2007 an authorised treatment facility shall issue a certificate of destruction in a form specified by the Minister

- (a) to the registered owner of an end-of-life vehicle,
- (b) to an authorised person of a local authority where an abandoned vehicle that is a specified vehicle, which has been removed from land by that local authority in accordance with section 71(4) of the Act and to which section 71(7) of the Act applies, is being disposed of by that local authority,
- (c) to a member of An Garda Síochána where a specified vehicle is being disposed of by An Garda Síochána under section 41 of the Road Traffic Act 1994 and any Regulations made thereunder, or as appropriate,
- (d) to such other person as may be prescribed by the Minister (and the provisions of sub-articles (2) and (3) and the relevant provisions of articles 20 to 26 inclusive shall be construed accordingly),

on the deposit by the registered owner, an authorised person of a local authority, a member of An Garda Síochána or a person as may be prescribed by the Minister, of that vehicle at that facility for appropriate treatment and recovery.

(2) Subject to satisfactory compliance by an authorised treatment facility with the provisions of articles 24(1), 24(2) and 24(3) and by the registered owner, an authorised person of a local authority or a member of An Garda Síochána with the provisions of articles 25(1) and 25(2), that authorised treatment facility shall submit to the Minister, in an electronic form specified by the Minister, all relevant information relating to a certificate of destruction as set out in the *Third Schedule* of these Regulations.

(3) An authorised treatment facility shall not impose any charge, financial or otherwise, on the Minister, registered owner, authorised person of a local authority or member of An Garda Síochána for the supply of information under sub-article (1) nor for the issue of a certificate of destruction in respect of an end-of-life vehicle, or an abandoned vehicle that is a specified vehicle, upon its deposit at that facility for appropriate treatment and recovery.

Certificate of Destruction issued in a Member State of the European Union.

20. A certificate of destruction validly issued -

- (a) by an authorised treatment facility in another Member State of the European Union, or as appropriate,
- (b) where permitted by a competent authority in another Member State of the European Union, by a producer, dealer or collector on behalf of an authorised treatment facility,

in accordance with –

- (i) Article 5(3) of the Directive, and
- (ii) Commission Decision 2002/151/EC⁹ of 27 June 2002 concerning the minimum requirements for the certificate of destruction issued under Article 5(3) of the Directive,

shall have legal effect and all rights, powers, liabilities, obligations and restrictions arising out of or incidental to such certificates or their issue shall be recognised and available in law, and be enforced, allowed and followed accordingly.

Form and Content of the Certificate of Destruction.

21. The certificate of destruction issued by an authorised treatment facility shall -
- (a) contain at least the information listed in the *Third Schedule*, which sets out the Annex to Commission Decision 2002/151/EC of 27th June 2002 concerning the minimum requirements for the certificate of destruction issued under Article 5(3) of the Directive, and
 - (b) be compiled and maintained by an authorised treatment facility in a form specified by the Minister.

Notification of Certificate of Destruction to the National Vehicle Records.

22. (1) Where an end-of-life vehicle, or an abandoned vehicle that is a specified vehicle, has been deposited at an authorised treatment facility for appropriate treatment and recovery and that vehicle has been treated in accordance with the provisions of article 15 and the *Second Schedule* of these Regulations -
- (a) if that facility is in the State and that vehicle is registered in the State, the owner or operator of that facility shall notify the Minister of the issue of the certificate of destruction and all relevant information specified in the *Third Schedule* and shall, notwithstanding anything contained in any regulation, retain that vehicle's registration document except where the registration document has been lost, stolen or destroyed, or in respect of

⁹ O.J. No. L 50, 21.2.2002, page 94

vehicle's being disposed of under articles 19(1)(b) and 19(1)(c) which may not be otherwise available, or as appropriate,

- (b) if that facility is in a Member State of the European Union other than the State and that vehicle is registered in the State, the registered owner of the end-of-life vehicle shall take all reasonable steps to notify the Minister of the issue of the certificate of destruction and all relevant information specified in the *Third Schedule* and shall take all reasonable steps to surrender the end-of-life vehicle's registration document to the Minister except where the registration document has been lost, stolen or destroyed, or surrendered to that authorised treatment facility in accordance with the relevant national legislation for the time being in force in that Member State, or as appropriate,
 - (c) if that facility is in the State and that vehicle is registered in a Member State of the European Union other than the State, the registered owner of the end-of-life vehicle shall take all reasonable steps to notify the appropriate competent authority in that other Member State of the European Union of the issue of a certificate of destruction and the registered owner shall, where appropriate to the relevant national legislation for the time being in force in that Member State, surrender the end-of-life vehicle's registration document, or equivalent document as the case may be, to the competent authority in that Member State.
- (2) Without prejudice to the provisions of sub-article (1), the Minister shall note on the joint licensing records such information, as may be determined by the Minister from time to time, contained in a certificate of destruction issued under article 19, or as appropriate, article 20 in respect of an end-of-life vehicle, or an abandoned vehicle that is a specified vehicle, registered in the State.

Obligations on Authorised Treatment Facilities.

23. (1) The owner or operator of an authorised treatment facility shall not transfer an end-of-life vehicle, or an abandoned vehicle that is a specified vehicle, which has been deposited at that facility for appropriate treatment and recovery to any other person save for the purpose of its being the subject of appropriate treatment and recovery at another authorised treatment facility.
- (2) Notwithstanding the provisions of sub-article (1), responsibility for –
- (a) the issue of a certificate of destruction in accordance with the provisions of article 19, and
 - (b) the notification of all relevant information contained in that certificate of destruction to the Minister in accordance with the provisions of article 22,
- shall remain with the authorised treatment facility to which the registered owner, an authorised person of a local authority or a member of An Garda Síochána deposited the end-of-life vehicle, or the abandoned vehicle that is a specified

vehicle, and the owner or operator of that facility shall require a written declaration from the authorised treatment facility to which that vehicle has been transferred to for subsequent appropriate treatment and recovery to verify that the vehicle will be treated in accordance with the provisions of article 15 and the *Second Schedule* of these Regulations.

- (3) An end-of-life vehicle, or an abandoned vehicle that is a specified vehicle, in respect of which a certificate of destruction has been issued, in accordance with the provisions of article 19, or as appropriate, article 20, shall not be subsequently -
- (a) registered,
 - (b) licensed under section 1 of the Finance (Excise Duties) (Vehicles) Act 1952 or section 21 of the Finance (No. 2) Act 1992,
 - (c) used in a public place, or without prejudice to sub-article (1),
 - (d) exported.

Information to be compiled by the Authorised Treatment Facility.

24. (1) On the deposit of an end-of-life vehicle, or an abandoned vehicle that is a specified vehicle, at an authorised treatment facility for appropriate treatment and recovery, the owner or operator of that facility shall duly record the facility's -
- (a) full name and address of its principal place of business,
 - (b) waste license number, or as appropriate, waste permit number, together with the full name and address of the principal place of business of the competent authority responsible for the issue of that permit, or as appropriate, license, and
 - (c) the unique number of the certificate of destruction and its date of issue,
- on the certificate of destruction for that end-of-life vehicle.
- (2) Subject to the satisfactory provision by the registered owner, an authorised person of a local authority or a member of An Garda Síochána of the particulars and information required under articles 25(1) and 25(2), the owner or operator of the authorised treatment facility shall record such particulars and information on the certificate of destruction for the end-of-life vehicle concerned, or the abandoned vehicle that is a specified vehicle as the case may be.
- (3) Notwithstanding sub-articles (1) and (2), on the deposit of an end-of-life vehicle, or an abandoned vehicle that is a specified vehicle, at an authorised treatment facility for appropriate treatment and recovery and without prejudice to the joint

licensing records in respect of that vehicle, the owner or operator of that facility shall verify the -

- (a) registration number of that vehicle,
- (b) make, model and class of that vehicle,
- (c) chassis number (vehicle identification number) of that vehicle,
- (d) country of registration of that vehicle, and
- (e) date of expiry of that vehicle's most recent motor tax disk,

and shall record such particulars and information on the certificate of destruction for that end-of-life vehicle, or that abandoned vehicle that is a specified vehicle.

- (4) Without prejudice to article 25(2) and subject to the provisions of sub-articles (1), (2) and (3), a certificate of destruction will not be deemed to be in order until such time as the signature of the owner or operator of the authorised treatment facility has been recorded on that certificate of destruction to verify that the end-of-life vehicle, or the abandoned vehicle that is a specified vehicle, will be treated in accordance with the provisions of article 15 and the *Second Schedule* of these Regulations.
- (5) An authorised treatment facility shall maintain and preserve, in respect of each end-of-life vehicle, or abandoned vehicle that is a specified vehicle, deposited for appropriate treatment and recovery at that facility, the counterfoil of the certificate of destruction and the registration document surrendered in accordance with article 22(1)(a), for a period of not less than seven years.

Information to be provided by the Registered Owner.

- 25. (1) To facilitate the owner or operator of an authorised treatment facility in complying with the provisions of articles 24(2), 24(3) and 24(4), the registered owner, an authorised person of a local authority or a member of An Garda Síochána, on the deposit of an end-of-life vehicle, or an abandoned vehicle that is a specified vehicle, at that authorised treatment facility for appropriate treatment and recovery, will be required to provide to that facility, documentary evidence which will confirm to the owner or operator of that facility's satisfaction -
 - (a) the full name of the registered owner, authorised person of a local authority or member of An Garda Síochána,
 - (b) the address of the registered owner, or as appropriate, address of the principal place of business of the authorised person of a local authority or member of An Garda Síochána,
 - (c) the nationality of the registered owner, and

- (d) notwithstanding anything contained in any regulation, the end-of-life vehicle's registration document except where that document has been lost, stolen or otherwise destroyed, or in respect of vehicle's being disposed of under articles 19(1)(b) and 19(1)(c) which may not be otherwise available.
- (2) Notwithstanding article 24(4), a certificate of destruction will not be deemed to be in order until such time as the signature of the registered owner, an authorised person of a local authority or a member of An Garda Síochána has been recorded on that certificate of destruction to certify that the information recorded by the authorised treatment facility, in accordance with the provisions of articles 24(1), 24(2) and 24(3), is recorded as true and accurate.

Offences.

- 26. (1) Any person who, or authorised treatment facility which, fails to comply with the provisions of articles 19, 20, 21, 22, 23, 24 and 25 on the deposit of an end-of-life vehicle, or an abandoned vehicle that is a specified vehicle, at an authorised treatment facility for appropriate treatment and recovery shall be guilty of an offence.
- (2) A person, or authorised treatment facility, shall not provide nor record information that is false or misleading to a material extent nor furnish any such information in, nor in support of, the issue of a certificate of destruction and the notation of such information by the Minister on the joint licensing records of an end-of-life vehicle, or an abandoned vehicle that is a specified vehicle, deposited at an authorised treatment facility for appropriate treatment and recovery.

PART IV

DESIGN REQUIREMENTS

Limitation in the use of Hazardous Substances.

- 27. On and from the date of commencement of these Regulations, each producer of specified vehicles shall, in liaison with vehicle material and equipment manufacturers, promote the prevention of waste by –
 - (a) restricting and reducing the use of hazardous substances in specified vehicles, of that producer's brand or for which that producer has responsibility, insofar as it is possible from the conception of the vehicle and, as appropriate, through to its design, manufacture, use and repair, so as in particular to prevent their release into the environment, facilitate the recycling of specified vehicles at end-of-life and to avoid the need to dispose of hazardous waste arising there from,

- (b) designing and producing new specified vehicles, of that producer's brand or for which that producer has responsibility, including their materials and components, having taken into full account their dismantling, reuse, recovery and, in particular, their recycling at end-of-life, and
- (c) integrating an increasing quantity of recycled material in the production of specified vehicles, of that producer's brand or for which that producer has responsibility, and as appropriate, their materials and components.

Prohibition on Heavy Metals.

28. (1) On and from the date of commencement of these Regulations, each producer shall in accordance with the provisions of article 4(2)(a) of the Directive ensure that the materials and components of specified vehicles, of that producer's brand or for which that producer has responsibility, which that producer places on the market in the State do not contain lead, mercury, cadmium or hexavalent chromium other than in the cases specified in the *Fourth Schedule* of these Regulations which has been set out in accordance with Council Decision 2005/673/EC¹⁰ of 20 September 2005 amending Annex II of the Directive and the *Fourth Schedule* shall have the same meaning assigned to it corresponding to any subsequent amendment to Annex II of the Directive arising from a Commission Decision, or as appropriate, a Council Decision, for the time being in force.
- (2) Without prejudice to sub-article (1) and in accordance with Commission Decision 2005/438/EC¹¹ of 10 June 2005 amending Annex II of the Directive, spare parts put on the market in the State, on and from the date of commencement of these Regulations, which are used for specified vehicles put on the market in the State before the 1st day of July 2003 are exempted from the provisions of sub-article (1) and the *Fourth Schedule* of these Regulations.
- (3) On and from the date of commencement of these Regulations, on the basis of information in a producer's possession, where a producer is aware, or ought to be aware as a professional, that the materials and components of specified vehicles, of that producer's brand or for which that producer has responsibility, which that producer has placed on the market in the State contain materials in concentrations which are prohibited under the provisions of sub-article (1), that producer shall immediately inform the competent authority prescribed by the Minister for this purpose, the details of which shall include –
- (a) information enabling a precise identification of the specified vehicles in question,
 - (b) a full description of the relevant materials and components and the prohibited hazardous substances contained therein,

¹⁰ O.J. No. L 254, 30.9.2005, page 69

¹¹ O.J. No. L 152, 15.6.2005, page 19 amending Annex II of the Directive; last amended by Commission Decision 2002/525/EC (O.J. No. L 170, 29.6.2002, page 81)

- (c) all available information relevant for tracing the specified vehicles, and
 - (d) specified records for a specified period, or specified periods as appropriate, in such form and at such frequency as may be determined in a written request from that competent authority prescribed by the Minister.
- (4) A producer shall on receipt of a written request being made by the competent authority prescribed by the Minister under the provisions of sub-article (3), provide every reasonable assistance to that competent authority within a period as may be specified by that authority.
- (5) A producer who fails to comply with a written request within a specified period under sub-article (3)(d) or as appropriate sub-article (4) or who furnishes any information in reply to such a written request which that producer knows to be false, or misleading in a material respect, shall be guilty of an offence.

Technical Documentation.

29. (1) It shall be the responsibility of a producer to compile and maintain, for a period of seven years from the date a specified vehicle, of that producer's brand or for which that producer has responsibility, is placed on the market in the State such technical documentation, and other information as appropriate, to verify that the materials and components of that specified vehicle are in compliance with the provisions of article 28 and the *Fourth Schedule* of these Regulations.
- (2) At the written request of the competent authority prescribed by the Minister under the provisions of article 28(3), a producer shall submit technical documentation, and other information as appropriate, within a specified period to verify to that competent authority that the materials and components of specified vehicles, of that producer's brand or for which that producer has responsibility, which that producer has put on the market in the State are in compliance with the provisions of article 28 and the *Fourth Schedule*.
- (3) A producer who furnishes any information in reply to a written request under sub-article (2) which that producer knows to be false or misleading in a material respect shall be guilty of an offence.

Coding Standards.

30. (1) On and from the date of commencement of these Regulations, each producer of specified vehicles, of that producer's brand or for which that producer has responsibility, shall, in liaison with vehicle material and equipment manufacturers, use component and material coding standards to facilitate the identification of those components and materials which are suitable for reuse and recovery.
- (2) For the purposes of these Regulations, "component and material coding standards" means the standards established by the Commission pursuant to

article 8(2) of the Directive in accordance with the procedure laid down in article 11 of the Directive and which are set out in the *Fifth Schedule* of these Regulations which are in accordance with Commission Decision 2003/138/EC¹² of 27 February 2003 establishing component and material coding standards for vehicles pursuant to the Directive.

- (3) A producer shall on receipt of a written request being made by the competent authority prescribed by the Minister under the provision of article 28(3) submit technical documentation, and other information as appropriate, within a specified period to verify to that competent authority that component and material coding standards are being used in accordance with the provisions of sub-article (1) and the *Fifth Schedule* of these Regulations.
- (4) It shall be the responsibility of a producer to compile and maintain, for a period of seven years from the date components and materials are placed on the market in the State, such technical documentation, and other information as appropriate, to verify that component and material coding standards, for specified vehicles of that producer's brand or for which that producer has responsibility, are being used in accordance with the provisions of sub-article (1) and the *Fifth Schedule* of these Regulations.

Dismantling Information.

31. (1) On and from the date of commencement of these Regulations, each producer of specified vehicles, of that producer's brand or for which that producer has responsibility, shall -
 - (a) make available dismantling information 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, and
 - (b) on receipt of a written request being made by the competent authority prescribed by the Minister under the provisions of article 28(3) submit the dismantling information referred to in paragraph (a) to that competent authority within a specified period.
- (2) For the purposes of sub-article (1)(a), the dismantling information shall identify, in so far as it is needed by authorised treatment facilities, the different components and materials of the specified vehicle, and the location of all hazardous substances in the specified vehicle, in order to achieve the objectives set out in article 7 of the Directive, that is to say -
 - (a) the reuse of components which are suitable for reuse, and as appropriate,
 - (b) the recycling of components when such recycling is environmentally viable, and as appropriate,

¹² O.J. No. L 53, 28.2.2003, page 58

- (c) the recovery of components when it is not environmentally viable to reuse or recycle such components,

without prejudice to requirements regarding the safety of specified vehicles and environmental requirements such as air emissions and noise control.

- (3) Without prejudice to commercial and industrial confidentiality, a producer of specified vehicles, of that producer's brand or for which that producer has responsibility, shall make available to authorised treatment facilities upon a written request from such authorised treatment facilities all appropriate information concerning the dismantling, storage and testing of components of specified vehicles, of that producer's brand or for which that producer has responsibility, which can be reused.
- (4) On and from the date of commencement of these Regulations, each producer of specified vehicles, of that producer's brand or for which that producer has responsibility, shall publish information on -
 - (a) the design of specified vehicles and their components with a view to their recoverability and recyclability,
 - (b) the appropriate treatment and recovery of end-of-life vehicles of that producer's brand, in particular the removal of all fluids and dismantling,
 - (c) the development and optimisation of ways to reuse, recycle and recover end-of-life vehicles and their components of that producer's brand, and
 - (d) the progress achieved with regard to recovery and recycling to reduce the waste to be disposed of and to increase the recovery and recycling rates.
- (5) Each producer of specified vehicles, of that producer's brand or for which that producer has responsibility, shall -
 - (a) make the information specified in sub-article (4) accessible to prospective buyers of specified vehicles, and
 - (b) include the information specified in sub-article (4) in promotional literature used in the marketing of new specified vehicles.

Offences.

- 32. A producer who fails to comply with the relevant provisions of articles 27, 28, 29, 30 and 31 shall be guilty of an offence.

PART V
MISCELLANEOUS

Enforcement.

33. (1) Subject to sub-article (2), each local authority shall be responsible for the enforcement of Parts II and III and articles 35 and 36 of these Regulations within their functional areas and shall take such steps as are necessary for this purpose.
- (2) Where an authorised treatment facility operates under a waste licence in accordance with the provisions of section 39 of the Act and any Regulations made thereunder, the Agency shall be responsible for the enforcement of articles 13 to 16 inclusive, the *Second Schedule* to these Regulations and Part III of these Regulations in respect of that authorised treatment facility and shall take such steps as are necessary for this purpose.
- (3) The competent authority prescribed by the Minister under the provisions of article 28(3) shall be responsible for the enforcement of Part IV of these Regulations within the State and shall take such steps as are necessary for this purpose.

Power of a Local Authority to require Submission of Information and issue Written Directions.

34. (1) A local authority may, by notice in writing, require a producer to furnish, within a specified period of not more than six weeks, such further information or particulars as may be specified in the notice regarding a producer's -
- (a) application for registration, or as appropriate,
- (b) application for renewal of registration,
- for the purpose of complying with the provisions of article 12(4)(b).
- (2) A local authority may, by notice in writing, require a producer to make, within a specified period of not more than six weeks and taking account of any directions as may be specified in the notice, a new application -
- (a) for registration, or as appropriate,
- (b) for renewal of registration,
- for the purpose of complying with the provisions of article 12(7).
- (3) A notice under sub-articles (1) and (2) may specify the manner in which any matter is to be set out or addressed in an application for registration, or as

appropriate, an application for renewal of registration, or the nature of the evidence to be furnished, as the case may be.

- (4) A producer on whom a notice under this article has been served shall, within the period specified in the notice, comply with the terms thereof.
- (5) Producers should maintain and make available for the purposes of inspection by the local authority all supporting information used in the preparation of an application for registration, or as appropriate, an application for renewal of registration made under article 11(1), or as appropriate, under article 11(8).

Requirement on a Registered Owner to deposit an End-of-Life Vehicle at an Authorised Treatment Facility.

35. (1) Where the registered owner of a specified vehicle decides to discard that vehicle as waste, he or she shall deposit that vehicle -
 - (a) at an authorised treatment facility in a producer's national collection system, or as the case may be,
 - (b) at an authorised treatment facility which does not form a part of a producer's national collection system,for the purpose of its being the subject of appropriate treatment and recovery in accordance with article 15 and the *Second Schedule* of these Regulations.
- (2) A registered owner who fails to comply with the provisions of sub-article (1) shall be guilty of an offence.

Amendment of the Waste Management (Permit) Regulations 1998.

36. (1) Each local authority shall take such steps as are necessary to ensure that authorised treatment facilities operating in the functional area of that local authority -
 - (a) operate under a waste licence, or as appropriate, a waste permit, granted by the relevant competent authority under section 39 of the Act and any Regulations made thereunder,
 - (b) meet the minimum technical requirements set out in the *Second Schedule* of these Regulations, in particular the minimum technical requirements set out in paragraphs 1, 2 and 5 of the *Second Schedule* which establish site conditions to which an authorised treatment facility at a minimum must comply -
 - (i) for the storage (including temporary storage) of end-of-life vehicles prior to their being the subject of appropriate treatment and recovery,

- (ii) for the appropriate treatment and recovery of end-of-life vehicles, and
 - (iii) for the storage of components containing fluids, recoverable components and spare parts, and
- (c) promote the introduction of certified environmental management systems in respect of their end-of-life vehicle treatment operations.
- (2) For the purpose of complying with the provisions of sub-article (1), a waste permit granted in accordance with article 5(1), and Part I of the *First Schedule*, of the Waste Management (Permit) Regulations 1998¹³ by a local authority to a facility for the dismantling or recovery of vehicles that is located in the functional area of that local authority shall be modified, on and from the 1st day of January 2007, so as now to include, as conditions to that waste permit, the requirements of articles 13 to 16 inclusive and the *Second Schedule* of these Regulations and, in the event of any inconsistency between any such new condition and any prior condition in the waste permit, the prior condition shall be overridden by the new condition to the extent of such inconsistency.
- (3) Without prejudice to sub-articles (1) and (2), a waste permit granted in accordance with article 5(1), and Part I of the *First Schedule*, of the Waste Management (Permit) Regulations 1998 by a local authority to a facility for the recovery of scrap metal or other metal waste that is located in the functional area of that local authority shall be modified, on and from the 1st day of January 2007, so as now to include, as a condition to that waste permit, that the acceptance of scrap metal or other metal waste arising from end-of-life vehicles at that facility shall be subject to prior treatment at an authorised treatment facility in accordance with the provisions of article 15 and the *Second Schedule* of these Regulations and, in the event of any inconsistency between any such new condition and any prior condition in the waste permit, the prior condition shall be overridden by the new condition to the extent of such inconsistency.
- (4) The Waste Management (Permit) Regulations 1998 (S.I. No. 165 of 1998) are hereby amended by -
- (a) the substitution of article 2 with the following article -
 - “2. The purposes for which these Regulations are made include the purpose of giving effect to provisions of -
 - (a) Council Directive 75/439/EEC¹ of 16 June, 1975 on the disposal of waste oils, as amended by Council Directive 87/101/EEC of 22 December, 1986, and
 - (b) Council Directive 75/442/EEC² of 15 July, 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March, 1991, and

¹³ S.I. No. 165 of 1998.

¹ O.J. No. L 194/23, 25 July 1975, and O.J. No. L 42/43, 12 February 1987

- (c) Council Directive 80/68/EEC³ of 17 December, 1979 on the protection of groundwater against pollution caused by certain dangerous substances, and
 - (d) Council Directive 91/689/EEC⁴ of 12 December, 1991 on hazardous waste, and
 - (e) European Parliament and Council Directive 2000/53/EC⁵ of 18 September, 2000 on end-of-life vehicles.”
- (b) the substitution of sub-article 5(2) with the following sub-article -
- “(2) A local authority shall not grant a waste permit unless it is satisfied that -
- (a) the activity concerned, carried on in accordance with such conditions as are attached to the permit, will not cause environmental pollution,
 - (b) any emissions from the activity concerned will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any enactment,
 - (c) the best available techniques will be used to prevent or eliminate or, where that is not practicable, to limit, abate or reduce an emission from the activity concerned, and
 - (d) the applicant is a fit and proper person to hold a permit.”
- (c) the addition after article 5(2) of the following sub-articles -
- “(3) For the purpose of this article, a person shall be regarded as a fit and proper person if neither that person nor any other relevant person has been convicted of an offence prescribed for the purposes of section 40(7) of the Act.
- (4) The local authority may, if it considers it proper to do so in any particular case, regard a person as a fit and proper person for the purposes of this article notwithstanding that that person or any other relevant person is not a person to whom sub-article (3) applies.
- (5) The references in sub-articles (3) and (4) to a relevant person are references to a person whom the local authority determines to be relevant for the purposes of considering the application or review

² O.J. No. L 194/39, 25 July 1975, and O.J. No. L 78/32, 26 March 1991.

³ O.J. No. L 20/43, 26 January 1980.

⁴ O.J. No. L 377/20, 31 December 1991.

⁵ O.J. No. L 269/34, 21 October 2000.

concerned having had regard to any criteria that the Minister by regulations provides it is to have regard to in determining such a matter.”

(d) the substitution of the *Third Schedule* with the following -

“ THIRD SCHEDULE

Article 18

Provisions of Community Acts which are to be given effect to in relevant waste permits granted by a local authority.

<p>Relevant Provisions</p> <p>(1)</p>	<p>Community Act</p> <p>(2)</p>
<p>Articles 2, 4(b) and (c)</p>	<p>Council Directive 75/439/EEC of 16 June, 1975 on the disposal of waste oils, as amended by Council Directive 87/101/EEC of 22 December, 1986.</p>
<p>Article 9 and 14</p>	<p>Council Directive 75/442/EEC of 15 July, 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March, 1991.</p>
<p>Articles 4, 5, 8, 9, 10 and 18</p>	<p>Council Directive 80/68/EEC of 17 December, 1979 on the protection of groundwater against pollution caused by certain dangerous substances.</p>
<p>Articles 2.2 to 2.4</p>	<p>Council Directive 91/689/EEC of 12 December, 1991 on hazardous waste.</p>
<p>Articles 6(1), 6(2), 6(3), 6(4), 6(5) and Annex I</p>	<p>European Parliament and Council Directive 2000/53/EC of 18 September, 2000 on end-of-life vehicles.</p>

FIRST SCHEDULE

INFORMATION TO LOCAL AUTHORITIES

PART 1 INFORMATION TO BE PROVIDED FOR THE PURPOSE OF REGISTRATION

1. Name(s), address, certificate of incorporation number, telephone number, electronic mail address and fax number of the registered office or, if not a company, the principal place of business, of the producer.

Name:

Name (as per Certificate of Incorporation) (if different to the above):

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

Certificate of Incorporation No.:

2. Location of premises at or from which specified vehicles, of that producer's brand or for which that producer has responsibility, are, or will be, placed on the market in the functional area of the local authority.
3. An estimate of -
 - (i) the number of specified vehicles, of that producer's brand or for which that producer has responsibility, that will be placed on the market in the functional area of the local authority over the period for which the initial registration applies, and
 - (ii) the number of end-of-life vehicles, of that producer's brand or for which that producer has responsibility, that will arise in the functional area of the local authority over the period for which the initial registration applies.
4. 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 in the functional area of the local authority that will be incorporated into the producer's national collection system.

Name:

Address:

Telephone No.:

Fax No.:

E-mail:

Waste Permit No.:

Waste Collection Permit No.: (if applicable)

5. An estimate of the average and maximum distance (in kilometres) that the registered owner of an end-of-life vehicle would have to travel in order to deposit that end-of-life vehicle at an authorised treatment facility in the functional area of the local authority that will be incorporated into the producer's national collection system.
6. A signed declaration from the producer to confirm that the authorised treatment facility, or facilities as the case may be, in the functional area of the local authority have sufficient capacity to treat the actual number of the producer's specified vehicles, of that producer's brand or for which that producer has responsibility, that are likely to become end-of-life vehicles in the functional area of the local authority over the period for which the initial registration applies.
7. A three-year implementation plan specifying the measures to be taken by the producer in order to comply with the requirements of these Regulations, including in particular the measures which that producer intends to take to ensure the appropriate treatment and recovery of end-of-life vehicles, of that producer's brand or for which that producer has responsibility, in the functional area of the local authority.
8. A signed declaration by the producer to confirm that the materials and components of specified vehicles, of that producer's brand or for which that producer has responsibility, that will be put on the market in the functional area of the local authority do not contain lead, mercury, cadmium or hexavalent chromium other than in the cases specified in the *Fourth Schedule* to these Regulations.
9. A certificate from 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, confirming the turnover 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.
10. A signed declaration by the producer undertaking that the producer will not 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, 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.

PART 2 INFORMATION TO BE PROVIDED FOR THE PURPOSE OF RENEWAL OF REGISTRATION

1. Name(s), address, certificate of Incorporation number, telephone number, electronic mail address and fax number of the registered office or, if not a company, the principal place of business, of the producer.

Name:

Name (as per Certificate of Incorporation) (if different to the above):

Address of Registered Office:

Telephone No.:

Fax No.:

E-mail:

Certificate of Incorporation No.:

2. Location of premises at or from which specified vehicles, of that producer's brand or for which that producer has responsibility, are, or will be, placed on the market in the functional area of the local authority.
3. An estimate of -
 - (i) the number of specified vehicles, of that producer's brand or for which that producer has responsibility, that will be placed on the market in the functional area of the local authority over the period for which the renewal of registration applies, and
 - (ii) the number of end-of-life vehicles, of that producer's brand or for which that producer has responsibility, that will arise in the functional area of the local authority over the period for which the renewal of registration applies.
4. 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 in the functional area of the local authority that will be incorporated into the producer's national collection system.

Name:

Address:

Telephone No.:

Fax No.:

E-mail:

Waste Permit No.:

Waste Collection Permit No.: (if applicable)

5. Having regard to experience in the preceding registration period –
 - (a) the average and longest distance (in kilometres) that registered owners of end-of-life vehicles, of that producer's brand or for which that producer has responsibility, had to travel in order to deposit end-of-life vehicles at an authorised treatment facility in the functional area of the local authority that is, or as appropriate,
 - (b) an estimate of the average and maximum distance (in kilometres) that the registered owner of an end-of-life vehicle, of that producer's brand or for which that producer has responsibility, would have to travel in order to deposit that end-of-life vehicle at an additional authorised treatment facility in the functional area of the local authority that will be

incorporated into the producer's national collection system.
6. Having regard to experience in the preceding registration period a signed declaration from the producer demonstrating that the authorised treatment facility, or facilities as the case may be, in the functional area of the local authority has and will continue to have sufficient capacity to treat the actual number of specified vehicles, of that producer's brand or for which that producer has responsibility, that are likely to become end-of-life vehicles in the functional area of the local authority over the period for which the renewal of registration applies.
7. A revised three-year implementation plan, having regard to experience in the preceding registration period, specifying the measures to be taken by the producer in order to comply with the requirements of these Regulations, including in particular the measures which that producer intends to take to ensure the appropriate treatment and recovery of end-of-life vehicles, of that producer's brand or for which that producer has responsibility, in the functional area of the local authority.
8. A signed declaration by the producer to confirm that the materials and components of specified vehicles, of that producer's brand or for which that producer has responsibility, that will be put on the market in the functional area of the local authority do not contain lead, mercury, cadmium or hexavalent chromium other than in the cases specified in the *Fourth Schedule* to these Regulations.
9. A report specifying the steps taken by the producer in order to comply with the requirements of these Regulations in the functional area of the local authority in the preceding registration period, and the results of those steps.
10. A certificate from 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, confirming the turnover of the producer in the preceding twelve month period.

11. A signed declaration by the producer undertaking that the producer will not 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, 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.
12. Copies of all notices published, clearly indicating the date and title of the relevant newspaper(s) in which those notices were published, in the functional are of the local authority.

PART 3 INFORMATION TO BE PROVIDED IN AN IMPLEMENTATION PLAN

1. Name(s), address, telephone number, electronic mail address and fax number of the registered office or, if not a company, the principal place of business, of the producer.
2. Location of premises at or from which specified vehicles, of that producer's brand or for which that producer has responsibility, are, or will be, placed on the market in the functional area of the local authority.
3. An accurate estimation of -
 - (i) the number of specified vehicles, of that producer's brand or for which that 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 that producer's brand or for which that producer has responsibility, that will arise in the functional area of the local authority over the period for which the registration applies, together witha detailed description of the methodology used to determine such estimations.
4. 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 in the functional area of the local authority that will be incorporated into the producer's national collection system, together with proposals on how the producer intends to establish and monitor the operation of such a national collection system.
5. 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 in the functional areas of neighbouring local authorities that will be incorporated into the producer's national collection system.
6. 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 implementation plan applies.
7. An accurate estimation of the average and longest distance (in kilometres) that registered owners of end-of-life vehicles, of that producer's brand or for which that 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 together with a detailed description of the methodology used to determine such an estimation.
8. Proposals in relation to the measures the producer will take to ensure that no charge is imposed on the registered owner of an end-of-life vehicle, in accordance with the provisions of article 9(9), 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.

9. Proposals in relation to the measures the producer will take to ensure that each authorised treatment 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 article 14 and the *Second Schedule* of these Regulations.
10. Proposals in relation to the measures the producer will take to ensure that an end-of-life vehicle, 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, is treated in accordance with article 15 and the *Second Schedule* of these Regulations.
11. A brief description of the technical documentation that the producer can make available to demonstrate that the materials and components of specified vehicles, of that producer's brand or for which that producer has responsibility, which that 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 article 28 and the *Fourth Schedule* of these Regulations.
12. 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 article 30 and the *Fifth Schedule* of these Regulations, for specified vehicles of that producer's brand or for which that producer has responsibility, which that producer has put on the market in the State.
13. A brief description of the dismantling information that the producer can make available 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 to authorised treatment facilities who so request.
14. Proposals in relation to record keeping, in accordance with article 13 of these Regulations and the form specified by the Minister for the purpose of complying with this article, to facilitate the reporting of the reuse/recovery and reuse/recycling targets achieved by authorised treatment facilities which form a part of the producer's national collection system.

PART 4 INFORMATION TO BE PROVIDED IN A REPORT

1. Name(s), address, telephone number, electronic mail address and fax number of the registered office or, if not a company, the principal place of business, of the producer.
2. Location of premises at or from which specified vehicles, of that producer's brand or for which that producer has responsibility, are, or will be, placed on the market in the functional area of the local authority.
3. A description of -
 - (i) the number of specified vehicles, of that producer's brand or for which that producer had responsibility, that were be placed on the market in the functional

area of the local authority over the period for which the previous registration applied, and

- (ii) the number of end-of-life vehicles, of that producer's brand or for which that producer had responsibility, that arose in the functional area of the local authority over the period for which the previous registration applied.
4. 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 in the functional area of the local authority that was incorporated into the producer's national collection system, together with the number of end-of-life vehicles, of that producer's brand or for which that producer has responsibility, treated in each of those authorised treatment facilities over the period for which the previous registration applied.
5. 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 that was incorporated into the producer's national collection system in the functional areas of neighbouring local authorities, together with the number of end-of-life vehicles (if any), of that producer's brand or for which that producer had responsibility, treated in each of those neighbouring authorised treatment facilities over the period for which the previous registration applied.
6. The results of all measures taken by the producer to ensure that the producer's national collection system had sufficient capacity over the period for which the previous registration applied to treat the actual number of that producer's specified vehicles that became end-of-life vehicles in that period.
7. A description of the average and longest distance (in kilometres) that registered owners of end-of-life vehicles, of that producer's brand or for which that producer has responsibility, had to travel in order to deposit end-of-life vehicles at an authorised treatment facility in the functional area of the local authority over the period for which the previous registration applied.
8. The results of all measures the producer took to ensure that no charge was imposed on the registered owner of an end-of-life vehicle, in accordance with the provisions of article 9(9), of that producer's brand or for which that producer has responsibility, deposited at an authorised treatment facility which formed a part of the producer's national collection system in the functional area of the local authority over the period for which the previous registration applied.
9. The results of all measures the producer took to ensure that each authorised treatment facility which formed a part of the producer's national collection system in the functional area of the local authority, met the minimum technical requirements in accordance with article 14 and the *Second Schedule* of these Regulations over the period for which the previous registration applied.
10. The results of all measures the producer took to ensure that an end-of-life vehicle, of that producer's brand or for which that producer has responsibility, deposited at an authorised treatment facility which formed a part of the producer's national collection

in the functional area of the local authority, was treated in accordance with article 15 and the *Second Schedule* of these Regulations over the period for which the previous registration applied.

11. The number of applications (if any) received for copies of the technical documentation that the producer can make available to demonstrate that the materials and components of specified vehicles, of that producer's brand or for which that producer has responsibility, which that 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 article 28 and the *Fourth Schedule* of these Regulations over the period for which the previous registration applied.
12. The number of applications (if any) received for copies 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 article 30 and the *Fifth Schedule* of these Regulations, for specified vehicles of that producer's brand or for which that producer has responsibility, which that producer has put on the market in the State over the period for which the previous registration applied.
13. A brief description of the dismantling information that the producer made available for each type of new specified vehicle put on the market in the State and the authorised treatment facilities such information was made available to over the period for which the previous registration applied.
14. The results, prepared in accordance with article 13 of these Regulations and the form specified by the Minister for the purpose of complying with this article, on the reuse/recovery and reuse/recycling targets achieved by authorised treatment facilities which formed a part of the producer's national collection over the period for which the previous registration applied.

PART 5 REQUIRMENTS REGARDING A NOTICE UNDER ARTICLE 9(8)

A notice for the purpose of article 9(8) shall –

- (a) be not less in dimension than 40 centimetres in height and 30 centimetres in width or 30 centimetres in height and 40 centimetres in width,
- (b) be so printed in black indelible ink with a Times New Roman font size of at least 32 or equivalent and line space of at least 1.5 lines on a white background and affixed, on a durable material, so as to be easily visible and legible,
- (c) not be obscured or concealed at any time, and
- (d) state the following –

“ WASTE MANAGEMENT ACTS 1996 TO 2005

For the purpose of its being the subject of appropriate treatment and recovery, [name of authorised treatment facility] will accept free of charge in accordance with the provisions of Waste Management (End-Of-Life Vehicles) Regulations 2006 any end-of-life vehicle of the [name of producer(s)] brand, subject to the conditions specified hereafter. Patrons should note that a charge may be imposed where the essential components of the end-of-life vehicle (i.e. the vehicle's engine, coachwork, transmission, gearbox and catalytic converter) are missing or where waste has been added to that end-of-life vehicle. ”

PART 6 REQUIRMENTS REGARDING A NOTICE UNDER ARTICLE 17(5)

A notice for the purpose of article 17(5) shall state the following –

“ WASTE MANAGEMENT ACTS 1996 TO 2005

[Name of producer]

An end-of-life vehicle of the [name of producer(s)] brand may be deposited free of charge in accordance with the provisions of Waste Management (End-Of-Life Vehicles) Regulations 2006, subject to the conditions specified hereafter, at [name and address of authorised treatment facility] for appropriate treatment and recovery. Patrons should note that a charge may be imposed where the essential components of the end-of-life vehicle (i.e. the vehicle’s engine, coachwork, transmission, gearbox and catalytic converter) are missing or where waste has been added to that end-of-life vehicle. ”

SECOND SCHEDULE

MINIMUM TECHNICAL REQUIREMENTS FOR APPROPRIATE TREATMENT AND RECOVERY OF END-OF-LIFE VEHICLES IN ACCORDANCE WITH ARTICLES 14 AND 15

1. The storage (including temporary storage) of an end-of-life vehicle prior to its being the subject of appropriate treatment and recovery shall only be carried out at a site:
 - having impermeable surfaces in all appropriate areas which are provided with spillage collection facilities, decanters and cleanser-degreasers, and
 - provided with equipment for the treatment of water, including rainwater, in compliance with health and environmental regulations.

2. The appropriate treatment and recovery of an end-of-life vehicle shall only be carried out at a site:
 - having impermeable surfaces in all appropriate areas which are provided with spillage collection facilities, decanters and cleanser-degreasers;
 - provided with appropriate storage for dismantled spare parts, including impermeable storage for oil-contaminated spare parts;
 - provided with appropriate containers for storage of batteries (with electrolyte neutralisation on-site or elsewhere), filters and PCB-containing condensers, and as appropriate, PCT-containing condensers;
 - provided with appropriate storage tanks for the segregated storage of end-of-life vehicle fluids which may include fuel, motor oil, gearbox oil, transmission oil, hydraulic oil, cooling liquids, anti-freeze, brake fluids, battery acids, air conditioning system fluids and any other fluid contained in the end-of-life vehicle;
 - provided with equipment for the treatment of water, including rainwater, in compliance with health and environmental regulations;
 - having appropriate storage for used tyres, without excessive stockpiling, which is designed and operated to minimise the risk of fire and potential fire hazards.

3. Treatment operations for the depollution of end-of-life vehicles shall consist of:
 - the removal of the battery, or as appropriate, batteries;
 - the removal of the liquefied gas tank;

- the removal or neutralisation of all potential explosive components (including air bags);
 - the removal and separate collection and storage of all fuel, motor oil, transmission oil, gearbox oil, hydraulic oil, cooling liquids, anti-freeze, brake fluids, air conditioning system fluids and any other fluid contained in the end-of-life vehicle, unless they are necessary for the reuse of the parts concerned;
 - the removal, insofar as it is feasible, of all components identified as containing mercury.
4. To promote the recycling of end-of-life vehicles, where an article or material listed hereunder is first present in an end-of-life vehicle, no treatment of that vehicle shall prevent the removal of:
- the catalyst, or as appropriate, catalysts,
 - all metal components containing copper, aluminium and magnesium if these metals are not segregated in the shredding process,
 - tyres and large plastic components (including bumpers, dashboard and any fluid containers) if these materials are not segregated in the shredding process in such a way that they can be effectively recycled as materials,
 - glass,
- and where any such article or material is removed, it shall be carried out in such manner so as to best promote its recycling.

5. Storage operations are to be carried out in such manner so as to avoid damage to:
- components containing fluids;
 - recoverable components;
 - spare parts.

THIRD SCHEDULE

MINIMUM REQUIREMENTS FOR THE CERTIFICATE OF DESTRUCTION ISSUED IN ACCORDANCE WITH ARTICLE 5(3) OF DIRECTIVE 2000/53/EC ON END OF LIFE VEHICLES

1. Name, address, signature and waste permit number, or as appropriate, waste licence number, of the establishment or undertaking issuing the certificate.
2. Name and address of competent authority responsible for the permit, or as appropriate, licence, (in accordance with Article 6(2) of Directive 2000/53/EC) for the establishment or undertaking issuing the certificate of destruction.
3. Where the certificate of destruction is issued by a producer, dealer or collector on behalf of an authorised treatment facility, the name and address and waste permit number, or as appropriate, waste licence number, of the establishment or undertaking issuing the certificate.
4. Date of issue of the certificate of destruction.
5. Vehicle nationality mark and registration number (attach the registration document or a statement by the establishment or undertaking issuing the certificate that the registration document has been destroyed).
6. Class of vehicle, brand and model.
7. Vehicle identification number (chassis).
8. Name, address, nationality and signature of the registered owner of the vehicle delivered.

FOURTH SCHEDULE

MATERIALS AND COMPONENTS EXEMPT FROM ARTICLE 28

Materials and Components	Scope and expiry date of the exemption	To be labelled or made identifiable in accordance with article 30
<i>Lead as an alloying element</i>		
1. Steel for machining purposes and galvanised steel containing up to 0.35% by weight		
2(a). Aluminium for machining purposes with a lead content up to 1.5% by weight	1 July 2008	
2(b). Aluminium for machining purposes with a lead content up to 0.4% by weight		
3. Copper alloy containing up to 4% lead by weight		
4. Bearing shells and bushes	1 July 2008	
<i>Lead and lead compounds in components</i>		
5. Batteries		X
6. Vibration dampers		X
7(a). Vulcanising agents and stabilisers for elastomers in fluid handling and powertrain applications containing up to 0.5% lead by weight	1 July 2006	
7(b). Bonding agents for elastomers in powertrain applications containing up to 0.5% lead by weight		
8. Solder in electronic circuit boards and other electric applications		X ¹⁴
9. Copper in friction materials of brake linings containing more than 0.4% lead by weight	1 July 2007	X
10. Valve seats	Engine types developed before 1 July 2003: 1 July 2007	
11. Electrical components which contain lead in a glass or ceramic matrix compound except glass in bulbs and glaze of spark plugs		X ¹⁵ (for components other than piezo in engines)
12. Pyrotechnic initiators	Vehicles type-approved before 1 July 2006 and replacement initiators for these vehicles	

¹⁴ Dismantling if, in correlation with entry 11, an average threshold of 60 grams per vehicle is exceeded. For the application of this clause, electronic devices not installed by the manufacturer on the production line shall not be taken into account.

¹⁵ Dismantling if, in correlation with entry 8, an average threshold of 60 grams per vehicle is exceeded. For the application of this clause, electronic devices not installed by the manufacturer on the production line shall not be taken into account.

Materials and Components	Scope and expiry date of the exemption	To be labelled or made identifiable in accordance with article 30
<i>Hexavalent chromium</i>		
13(a). Corrosion preventive coatings	1 July 2007	
13(b). Corrosion preventive coatings related to bolt and nut assemblies for chassis applications	1 July 2008	
14. Absorption refrigerators in motorcaravans		X
<i>Mercury</i>		
15. Discharge lamps and instrument panel displays		X
<i>Cadmium</i>		
16. Thick film pastes	1 July 2006	
17. Batteries for electrical vehicles	After 31 December 2008, the placing on the market of NiCd batteries shall only be allowed as replacement parts for vehicles put on the market before this date	X
18. Optical components in glass matrixes used for Driver Assistance Systems	1 July 2007	X

Notes:

- A maximum concentration value up to 0.1% by weight and per homogeneous material, for lead, hexavalent chromium and mercury and up to 0.01% by weight per homogenous material for cadmium shall be tolerated.
- The reuse of parts of vehicles which were already on the market at the date of expiry of an exemption is allowed without limitation since it is not covered by article 4(2)(a) of Directive 2000/53/EC on end of life vehicles.

FIFTH SCHEDULE

NOMENCLATURE OF COMPONENT AND MATERIAL CODING STANDARDS

For the labelling and identification of vehicle plastic components and materials having a weight of more than 100 grams, the following nomenclature applies –

- ISO 1043-1 Plastics – symbols and abbreviated terms. Part 1: Basic polymers and their special characteristics.
- ISO 1043-2 Plastics – symbols and abbreviated terms. Part 2: Fillers and reinforcing materials.
- ISO 11469 Plastics – Generic identification and marking of plastic components.

For the labelling and identification of vehicle elastomer components and materials having a weight of more than 200 grams, the following nomenclature applies –

- ISO 1629 Rubbers and lattices – Nomenclature. This shall not apply to the labelling of tyres

The symbols “<” or “>” used in ISO standards, can be substituted by brackets.

Given under the Official Seal of
the Minister for the Environment,
Heritage and Local Government
this 31st day of May 2006



DICK ROCHE

Minister for the Environment,
Heritage and Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations are designed to implement the provisions of Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles. They are intended to facilitate the achievement of the –

- 85% reuse/recovery with 80% reuse/recycling by average weight per vehicle and year, on and from the date of commencement of the Regulations, and
- 95% reuse/recovery with 85% reuse/recycling by average weight per vehicle and year, by the 1 of January 2015.

The Regulations place obligations on each producer to establish a national collection system for the collection of specified vehicles, of that producer's brand or for which that producer has responsibility, which that producer anticipates will become end-of-life vehicles in the State and will require appropriate treatment and recovery. Each producer's national collection system will comprise of at least one authorised treatment facility in the functional area of each local authority and must have sufficient capacity to treat the number of end-of-life vehicles, of that producer's brand or for which that producer is responsible, that arise in any given year.

An authorised treatment facility in a producer's national collection system must be reasonably accessible to any person who wishes to deposit an end-of-life vehicle to that facility and where that vehicle is accepted for appropriate treatment and recovery no charge shall be imposed on the registered owner of that vehicle except in cases where the vehicle's essential components are missing or waste has been added to that vehicle. This applies from 1 November 2006 to vehicles placed on the market on or after 1 July 2002 and to all vehicles from 1 January 2007. Each producer shall be required to register with each local authority and to provide specified information to the local authorities to accompany their registration.

In Part IV of the Regulations, obligations are imposed on producers to ensure that the materials and components of vehicles do not contain lead, mercury, cadmium or hexavalent chromium other than in cases specified in the *Fourth Schedule* and that technical documentation must be made available by the producer to verify compliance with these requirements.

Obligations are imposed on authorised treatment facilities to ensure that such facilities operate under a waste license, or as appropriate, a waste permit and meet the minimum technical requirements for the –

- (i) storage (including temporary storage) of end-of-life vehicles prior to their being the subject of appropriate treatment and recovery,
- (ii) appropriate treatment and recovery of end-of-life vehicles,
- (iii) storage of components containing fluids, recoverable components and spare parts.

An authorised treatment facility shall be required to keep specified records in relation to the appropriate treatment and recovery of end-of-life vehicles and report to a producer, if that facility forms a part of a producer's national collection system, or to a local authority, if that facility does not form a part of a producer's national collection system.

From the 1 January 2007, on the deposit of an end of life vehicle at an authorised treatment facility for appropriate treatment and recovery, the owner or operator of that facility shall issue a certificate of destruction to the registered owner, an authorised person of a local authority or a member of An Garda Síochána and all relevant information relating to that certificate of destruction shall be noted on the national vehicle records.