

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON CIRCULARITY REQUIREMENTS FOR VEHICLE DESIGN AND ON MANAGEMENT OF END-OF-LIFE VEHICLES, AMENDING REGULATIONS (EU) 2018/858 AND 2019/1020 AND REPEALING DIRECTIVES 2000/53/EC AND 2005/64/EC(COM(2023)0451 – C9-0308/2023 – 2023/0284(COD))

Amendments proposals for plenary:

Article 2 - paragraph 6 – introductory part (Amendment 94 EP text)	
<i>Text proposed by the Commission</i>	<i>Amendment</i>
Notwithstanding paragraph 1, points (b) and (c), Articles 16, 19, 20, 27 and 46 to 49 shall apply to vehicles and end-of-life vehicles of categories L3, L4, L5, L6 L7, M2, M3, N2, N3 and O with the following modifications: (...)	<i>Without prejudice to Notwithstanding</i> paragraph 1, points (b) and (c), and paragraph 2 point (b) Articles 16, 19, 20, 27 and 46 to 49 shall apply to vehicles and end-of-life vehicles of categories L3, L4, L5, L6 L7, M2, M3, N2, N3 and O <i>and to other parts of a vehicle of category N1, N2, N3, M2 or M3, which have not been approved in a single-stage type-approved in multi-stage type approval of category N1, N2, N3, M2 or M3 than the base vehicle</i> with the following modifications:
<p><u>Justification:</u> The bodywork of multi-stage vehicles is explicitly taken out of the Regulation scope by Art. 2, p. 2. (b). Yet no rule is foreseen for dismantling/depolluting/treating end-of-life bodywork of multistage vehicles, which would normally arrive at ATFs together with the base vehicle. This might lead to uncertainty in the application of producers' responsibility and on how to deal with the bodywork treatment process and associated costs, since the liability for vehicle collection and depollution lies with the base vehicle producer. To exclude such undesired effects, responsibilities for decoupling bodywork and further managing it (depollution, storage, etc.) should be clearly assigned in the Regulation.</p> <p>Further, taking bodywork into the EPR scope will reduce potential business and legal dispute risks concerning splitting responsibility within EPR for multi-stage vehicles.</p> <p>Finally, becoming part of the ELVR is a strategic benefit for the bodywork manufacturers since it would take them out of the scope of the ESPR (eco-design</p>	

regulation), which is way stricter in requirements and not so well tailored to the situation of the automotive sector as ELVR.

Article 2 – paragraph 2 – point d a (new) Request for a split vote:

<i>Text voted ENVI/IMCO</i>	<i>Amendment</i>
<i>(da) vehicles of category L1e-A designed to pedal;</i>	<i>(da) vehicles of category L1e-A designed to pedal;</i>

Justification: We are against the exclusion of this class of vehicles, which does not correspond to any type-approval category and creates confusion and duplication of legislation for the manufacturer.

Article 3 – paragraph 1 – point 9

<i>Text proposed by the Commission</i>	<i>Amendment</i>
(9) ‘plastic’ means a polymer within the meaning of Article 3, point (5), of Regulation (EC) No 1907/2006, to which additives or other substances may have been added;	plastic’ means a polymer within the meaning of Article 3, point (5) (2) and (3) , of Regulation (EU) No 1907/2006 10/2011 , to which additives or other substances may have been added, capable of functioning as a main structural component of final materials and articles, excluding adhesives, coatings, and sealants.

Justification: Although adhesives and sealants are polymeric materials, they do not meet the definition of ‘plastic’ as laid down in Regulation (EU) No 10/2011. In contrast to plastics, adhesives and sealants are not the main structural component of a finished product, as required by the aforementioned Regulation. Moreover, adhesives do not hinder recycling processes; they are processed together with the materials to which they are applied and are not subject to separate recycling.

Furthermore, the definition of polymer under the Regulation also encompasses biopolymers, which constitute an emerging and strategically significant market in the transition towards sustainable materials. A clear and proportionate interpretation

of the definition is essential to avoid unintended consequences and to support innovation in the development of alternative and more sustainable materials

Article 3 – paragraph 1 – new point

Text proposed by the Commission

Amendment

(new) ‘biobased plastics’ means plastics made from biological resources, such as biomass, feedstock, organic waste or by-products, and irrespective of whether the plastics are biodegradable or not

Justification: The bioplastics sector, although still emerging, is nonetheless rapidly developing and represents an integral part of the circularity and sustainability of the plastics

Article 3 – paragraph 1 – point 22 **(Request for split vote)**

ENVI/IMCO Draft Report

Amendment

(22) ‘producer’ means any manufacturer, importer or distributor who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2, point (7), of Directive 2011/83/EU, supplies a vehicle for the first time for distribution or use, within a territory of a Member States on a professional basis; ***for multistage vehicles, the producer is the manufacturer of the base vehicle;***

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Justification: The change in the definition is necessary in order to clarify the allocation of responsibilities for decoupling bodywork and further managing it (depollution, storage, etc.) in the Regulation.

Article 5 – paragraph 1

Text proposed by the Commission	Amendment
<p>1. The presence of substances of concern in vehicles and in their parts and components shall be minimised as far as possible.</p>	<p>1. The presence of substances of concern in vehicles and in their parts and components shall be minimised as far as possible. Chemicals Agency set up under Regulation (EC) No 1907/2006, shall, by ...[OP: please enter the date = last day of the month following 18 months after the entry into force of this Regulation] prepare a report on substances of concern, to determine the extent to which they are hampering the re-use and recycling of materials in the vehicles in which they are present.</p> <p>The Commission shall submit the report to the European Parliament and to the Council, detailing its findings, and shall consider the appropriate follow-up measures, including the establishment of restrictions on substances of concern that hampering the re-use and recycling of materials in the vehicles in which they are present.</p> <p>The report shall not cover substances of concern in vehicle parts and components for which an identification or assessment is already required by other Union legislation.</p>
<p>Justification: The REACH regulation primary goal is to ensure a high level of protection for human health and the environment from the risks posed by chemicals, while also fostering the competitiveness of the EU chemicals industry. In order to ensure regulatory coherence and predictability for the chemical industry, it is necessary to avoid possible double regulation or unclear interfaces between different legislation. Also, the ESPR allows requirements on Substance of Concern solely for reasons other than chemical safety. Additionally, the definition of SoC include both the reuse and recycling of materials in the product in which it is present.</p>	

Article 6 – paragraph 1	
<i>Text proposed by the Commission</i>	<i>Amendment</i>
At least 25 % of the target set out in the first subparagraph shall be achieved by including plastics recycled from end-of-life vehicles in the vehicle type concerned.	Deleted
<p>Justification: The closed-loop constraint does not allow the use of plastic materials originating from applications outside the automotive sector, which limits the potential for maximizing the development of plastics circularity. We suggest to remove the “closed-loop” clause and instead encourage the adoption of an “open-loop” approach.</p>	

Article 20 – paragraph 5 (new)	
<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<i>The manufacturer of the base vehicle shall collect pro-rata contributions from the manufacturers of later stages of the type approval.</i>
<p>Justification: In line with the Council's General Approach text, including bodywork in the ELVR reduces the risk of legal disputes over EPR allocation and it ensures that environmental responsibility is clearly assigned and enforced.</p>	

Article 55 – (new)	
<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<p>(new) <i>By ... [60 months from the date of entry into force of this Regulation], the Commission shall conduct an assessment to evaluate, based on the declarations made under Article 10,</i></p>

	<p><i>whether manufacturers are on track to comply with the recycled plastic targets laid down in Article 6(1). The assessment shall particularly evaluate:</i></p> <p><i>(a) the availability of suitable plastic recycling technologies;</i></p> <p><i>(b) the sufficient availability of recycled plastic;</i></p> <p><i>(c) the level of quality of recycled plastic comparing to the level of safety required</i></p> <p><i>and;</i></p> <p><i>(d) technical and economical difficulties to reach the target.</i></p> <p><i>On the basis of the assessment, the Commission may, where appropriate, submit a legislative proposal to the European Parliament and to the Council to amend the targets laid down in Article 6(1) in order to provide for derogations from the scope, timing or level of minimum percentages set out therein.</i></p> <p><i>2b The assessment referred to in paragraph 2.a shall include the review of the state of technological development and environmental performance of bio-based plastic content in vehicles, taking into consideration the sustainability criteria laid down in Article 29 of Directive (EU) 2018/2001;</i></p> <p><i>2c. Where appropriate, and based on that review, the Commission shall present a legislative proposal in order to:</i></p> <p><i>(i) lay down sustainability requirements for bio-based feedstock in plastic</i></p>
	<p><u>Justification:</u> The review clause in Article 55 shall also include an assessment of the state of technological development and the environmental performance of bio-</p>

based plastic content in vehicles, as well as the feasibility of setting progressively increasing targets for the minimum content of bio-based feedstock in the plastics used in each type-approved vehicle, potentially followed by a legislative proposal. This would align with recent developments in the EU policy framework, particularly the provisions recently adopted in the PPWR Regulation, the Clean Industrial Deal and the forthcoming new Bioeconomy Strategy.