



STATUTORY INSTRUMENTS.

S.I. No. 142 of 2010

WASTE MANAGEMENT (END-OF-LIFE VEHICLES) (AMENDMENT)
REGULATIONS 2010

(Prn. A10/0487)

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WASTE MANAGEMENT (END-OF-LIFE VEHICLES) (AMENDMENT)
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I, JOHN GORMLEY, Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on me by sections 2, 7, 14, 15, 18, 19, 27, 28, 29, 32, 34, 39, 53B, 53C, 53D, 53E and 53F of the Waste Management Act 1996 (No. 10 of 1996), and by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving effect to Article 4 of Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures, hereby make the following regulations:—

Citation

1. These Regulations may be cited as the Waste Management (End-of-Life Vehicles) (Amendment) Regulations 2010.

Purpose of Regulations

2. The purposes for which these Regulations are made include the purpose of giving effect to Article 4 of Directive 2008/112/EC¹ of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC², 88/378/EEC³, 1999/13/EC⁴ and Directives 2000/53/EC⁵, 2002/96/EC⁶ and 2004/42/EC⁷ of the European Parliament and of the Council in order to adapt them to Regulation (EC) No. 1272/2008⁸ on classification, labelling and packaging of substances and mixtures.

Commencement

3. (1) Articles 5(1) to 5(2) and articles 5(4) to 5(18) of these Regulations shall come into operation on the day after the date on which notice of their making is published in the *Iris Oifigiúil*.

(2) Article 5(3) of these Regulations shall come into operation on 1 December 2010.

¹O.J. No. L 345, 23.12.2008, page 68.

²O.J. No. L 262, 27.9.1976, page 169.

³O.J. No. L 187, 16.7.1988, page 1.

⁴O.J. No. L 85, 29.3.1999, page 1.

⁵O.J. No. L 269, 21.10.2000, page 34; last amended by Commission Decision 2010/115/EU (O.J. No. L 48, 25.2.2010, page 12).

⁶O.J. No. L 37, 13.2.2003, page 24.

⁷O.J. No. L 143, 30.4.2004, page 87.

⁸O.J. No. L 353, 31.12.2008, page 1.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 9th April, 2010.*

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.

(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—

“Principal Regulations” means the Waste Management (End-of-Life Vehicles) Regulations 2006 (S.I. No. 282 of 2006).

Amendments to the Principal Regulations

5. (1) The Principal Regulations are amended by substituting for Article 2 the following:—

“Purpose of Regulations.

2. The purposes for which these Regulations are made include the purpose of giving effect to European Parliament and Council Directive 2000/53/EC of 18 September, 2000 on end-of-life vehicles as amended by Article 4 of Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures.”.

(2) Article 4(3) of the Principal Regulations is amended by inserting after the definition of “certificate of destruction” the following:—

“‘component supplier’ means a person who imports into, or manufactures in, the State vehicle materials and components (including spare and replacement parts) for the purpose of sale, supply or use in the State;”.

(3) Article 4(3) of the Principal Regulations is amended by substituting for the definition of “hazardous substance” the following:—

“‘hazardous substance’ means any substance which fulfils the criteria for any of the following hazard classes or categories set out in Annex I of Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures—

- (a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F,

- (b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10,
- (c) hazard class 4.1, or
- (d) hazard class 5.1;”.

(4) The Principal Regulations are amended by substituting for Article 28(1) the following:—

“28 (1) On and from the date of commencement of these Regulations and in accordance with the provisions of article 4(2)(a) of the Directive, each—

- (a) producer shall 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,
- (b) component supplier shall ensure that the materials and components sold, supplied or used in the State by that component supplier in respect of specified vehicles do not contain lead, mercury, cadmium or hexavalent chromium,

other than in the cases specified in the *Fourth Schedule* to these Regulations which has been set out in accordance with Commission Decision 2010/115/EU of 23 February 2010 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.”.

(5) The Principal Regulations are amended by substituting for Article 28(2) the following:—

“(2) Without prejudice to sub-article (1), 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—

- (a) before the 1st day of July 2003 are exempted from the provisions of sub-article (1) and the *Fourth Schedule* to these Regulations having regard to the provisions of Commission Decision 2005/438/EC¹⁰ of 10 June 2005 amending Annex II of the Directive, and
- (b) between the 1st day of July 2003 and the expiry date of a given exemption, as set out in the *Fourth Schedule* to these Regulations,

¹⁰O.J. No. L 152, 15.6.2005, page 19; last amended by Commission Decision 2002/525/EC (O.J. No. L 170, 29.6.2002, page 81).

are exempted from the provisions of sub-article (1) and the *Fourth Schedule* to these Regulations having regard to the provisions of Commission Decision 2008/689/EC¹¹ of 1 August 2008 amending Annex II of the Directive.”.

(6) The Principal Regulations are amended by substituting for Article 28(3) the following:—

“(3) On and from the date of commencement of these Regulations—

(a) on the basis of information in a producer’s possession, where that 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 Agency, the details of which shall include—

(i) information enabling a precise identification of the specified vehicles in question,

(ii) a full description of the relevant materials and components and the prohibited hazardous substances contained therein,

(iii) all available information relevant for tracing the specified vehicles, and

(iv) specified records for a specified period, or specified periods as appropriate, in such form and at such frequency as may be determined by a notice in writing from the Agency,

(b) on the basis of information in a component supplier’s possession, where that component supplier is aware, or ought to be aware as a professional, that the materials and components sold, supplied or used in the State by that component supplier in respect of specified vehicles, contain materials in concentrations which are prohibited under the provisions of sub-article (1) that component supplier shall immediately inform the Agency, the details of which shall include—

(i) information enabling a precise identification of the materials and components in question,

(ii) a full description of the relevant materials and components and the prohibited hazardous substances contained therein,

(iii) all available information relevant for tracing the materials and components, and

¹¹O.J. No. L 225, 23.8.2008, page 10.

- (iv) specified records for a specified period, or specified periods as appropriate, in such form and at such frequency as may be determined by a notice in writing from the Agency.”.

(7) The Principal Regulations are amended by substituting for Article 28(4) the following:—

“(4) A producer or, as appropriate, a component supplier shall on receipt of a notice in writing under the provisions of sub-article (3)(a)(iv) or sub-article 3(b)(iv) respectively, provide every reasonable assistance to the Agency within a period as may be specified by the Agency.”.

(8) The Principal Regulations are amended by substituting for Article 28(5) the following:—

“(5) A producer or, as appropriate, a component supplier who fails to comply within a specified period with the terms of a notice in writing under sub-article (3)(a)(iv) or under sub-article 3(b)(iv) respectively, or the provisions of sub-article (4), or who furnishes any information in reply to such notice in writing which that producer or, as appropriate, component supplier knows to be false, or misleading in a material respect, shall be guilty of an offence.”.

(9) The Principal Regulations are amended by substituting for Article 29(1) the following:—

“(1) It shall be the responsibility of each—

- (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* to these Regulations,
- (b) component supplier to compile and maintain, for a period of seven years from the date that the materials and components sold, supplied or used in the State by that component supplier in respect of a specified vehicle, such technical documentation and other information, as appropriate, to verify that such materials and components are in compliance with the provisions of article 28 and the *Fourth Schedule* to these Regulations.”.

(10) The Principal Regulations are amended by substituting for Article 29(2) the following:—

“(2) On receipt of a notice in writing from the Agency under the provisions of—

- (a) article 28(3)(a)(iv), a producer shall within a specified period—

- (i) submit technical documentation and any other information that may be requested,
- (ii) commission a laboratory to carry out such tests as are necessary,

to verify to the Agency 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* to these Regulations,

(b) article 28(3)(b)(iv), a component supplier shall within a specified period—

- (i) submit technical documentation and any other information that may be requested,
- (ii) commission a laboratory to carry out such tests as are necessary,

to verify to the Agency that the materials and components sold, supplied or used in the State by that component supplier in respect of specified vehicles are in compliance with the provisions of article 28 and the *Fourth Schedule* to these Regulations.”.

(11) The Principal Regulations are amended by substituting for Article 29(3) the following:—

“(3) A producer or, as appropriate, a component supplier who fails to compile and maintain such technical documentation and other information, as appropriate, in accordance with the requirements of sub-article (1) shall be guilty of an offence.”.

(12) The Principal Regulations are amended by substituting for Article 30(1) the following:—

“(1) On and from the date of commencement of these Regulations, each

- (a) producer shall, in liaison with vehicle material and equipment manufacturers, use component and material coding standards to facilitate the identification of the materials and components of specified vehicles, of that producer's brand or for which that producer has responsibility, which are suitable for reuse and recovery,
- (b) component supplier shall, in liaison with vehicle material and equipment manufacturers, use component and material coding standards to facilitate the identification of the materials and components sold, supplied or used in the State by that component

supplier in respect of specified vehicles, which are suitable for reuse and recovery.”.

(13) The Principal Regulations are amended by substituting for Article 30(3) the following:—

“(3) A producer or, as appropriate, a component supplier shall on receipt of a notice in writing by the Agency submit technical documentation and other information, as appropriate, within a specified period to verify to the Agency that component and material coding standards are being used in accordance with the provisions of sub-article (1) and the *Fifth Schedule* to these Regulations.”.

(14) The Principal Regulations are amended by substituting for Article 30(4) the following:—

“(4) It shall be the responsibility of each—

(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 component and material coding standards are being used in accordance with the provisions of sub-article (1) and the *Fifth Schedule* to these Regulations,

(b) component supplier to compile and maintain, for a period of seven years from the date that the materials and components sold, supplied or used in the State by that component supplier in respect of specified vehicles, such technical documentation and other information, as appropriate, to verify that component and material coding standards are being used in accordance with the provisions of sub-article (1) and the *Fifth Schedule* to these Regulations.”.

(15) The Principal Regulations are amended by substituting for Article 31(1)(b) the following:—

“(b) on receipt of a notice in writing being made by the Agency under the provisions of article 28(3), submit the dismantling information referred to in paragraph (a) to the Agency within a specified period.”.

(16) The Principal Regulations are amended by substituting for Article 31(3) the following:—

“(3) Without prejudice to commercial and industrial confidentiality, each—

(a) producer shall make available to authorised treatment facilities upon a notice in writing 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,

- (b) component supplier shall make available to authorised treatment facilities upon a notice in writing from such authorised treatment facilities all appropriate information concerning the dismantling, storage and testing of materials and components sold, supplied or used in the State by that component supplier in respect of specified vehicles, which can be reused.”.

(17) The Principal Regulations are amended by substituting for Article 33(3) the following:—

“(3) The Agency 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.”.

(18) The Principal Regulations are amended by substituting for the Fourth Schedule the following:—

“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 2% by weight	As spare parts for vehicles put on the market in the State before 1 July 2005	
2(b). Aluminium with a lead content up to 1.5% by weight	As spare parts for vehicles put on the market in the State before 1 July 2008	
2(c). Aluminium with a lead content up to 0.4% by weight		

Materials and Components	Scope and expiry date of the exemption	To be labelled or made identifiable in accordance with article 30
3. Copper alloy containing up to 4% lead by weight		
4(a). Bearing shells and bushes	As spare parts for vehicles put on the market in the State before 1 July 2008	
4(b). Bearing shells and bushes in engines, transmissions and air conditioning compressors	1 July 2011 and after that date as spare parts for vehicles put on the market in the State before 1 July 2011	
<i>Lead and lead compounds in components</i>		
5. Batteries		X
6. Vibration dampers		X
7(a) Vulcanising agents and stabilisers for elastomers in brake hoses, fuel hoses, air ventilation hoses, elastomer/metal parts in the chassis applications, and engine mountings	As spare parts for vehicles put on the market in the State before 1 July 2005	
7(b). Vulcanising agents and stabilisers for elastomers in brake hoses, fuel hoses, air ventilation hoses, elastomer/metal parts in the chassis applications, and engine mountings containing up to 0.5% lead by weight	As spare parts for vehicles put on the market in the State before 1 July 2006	
7(c) Bonding agents for elastomers in powertrain applications containing up to 0.5% lead by weight	As spare parts for vehicles put on the market in the State before 1 July 2009	
8(a). Lead in solders to attach electrical and electronic components to electronic circuit boards and lead in finishes on terminations of components other than electrolyte aluminium capacitors, on component pins and on electronic circuit boards	Vehicles type approved before 1 January 2016 and spare parts for these vehicles	X ¹
8(b). Lead in solders in electrical applications other than soldering on electronic circuit boards or on glass	Vehicles type approved before 1 January 2011 and spare parts for these vehicles	X ¹
8(c). Lead in finishes on terminals of electrolyte aluminium capacitors	Vehicles type approved before 1 January 2013 and spare parts for these vehicles	X ¹
8(d). Lead used in soldering on glass in mass airflow sensors	Vehicles type approved before 1 January 2015 and spare parts of such vehicles	X ¹

Materials and Components	Scope and expiry date of the exemption	To be labelled or made identifiable in accordance with article 30
8(e). Lead in high melting temperature type solders (i.e. lead-based alloys containing 85% by weight or more lead)	2	X ¹
8(f). Lead in compliant pin connector systems	2	X ¹
8(g). Lead in solders to complete a viable electrical connection between semiconductor die and carrier within integrated circuit flip chip packages	2	X ¹
8(h). Lead in solder to attach heat spreaders to the heat sink in power semiconductor assemblies with a chip size of at least 1 cm ² of projection area and a nominal current density of at least 1 A/mm ² of silicon chip area	2	X ¹
8(i). Lead in solders in electrical glazing applications on glass except for soldering in laminated glazing	Vehicles type approved before 1 January 2013 and spare parts for these vehicles ³	X ¹
8(j). Lead in solders for soldering in laminated glazing	2	X ¹
9. Valve Seats	As spare parts for engine types developed before 1 July 2003	
10. Electrical components which contain lead in a glass or ceramic matrix compound except glass in bulbs and glaze of spark plugs		X ⁴ (for components other than piezo in engines)
11. Pyrotechnic initiators	Vehicles type approved before 1 July 2006 and spare parts for these vehicles	
<i>Hexavalent chromium</i>		
12(a). Corrosion preventive coatings	As spare parts for vehicles put on the market in the State before 1 July 2007	
12(b). Corrosion preventive coatings related to bolt and nut assemblies for chassis applications	As spare parts for vehicles put on the market in the State before 1 July 2008	
13. Absorption refrigerators in motorcaravans		

Materials and Components	Scope and expiry date of the exemption	To be labelled or made identifiable in accordance with article 30
<i>Mercury</i>		
14(a). Discharge lamps for headlight application	Vehicles type-approved before 1 July 2012 and spare parts for these vehicles	
14(b). Fluorescent tubes used in instrument panel displays	Vehicles type-approved before 1 July 2012 and spare parts for these vehicles	
<i>Cadmium</i>		
15. Batteries for electrical vehicles	31 December 2008 and after that date as spare parts for vehicles put on the market in the State before 31 December 2008	

¹Dismantling if, in correlation with entry 10, 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.

²This exemption shall be reviewed in 2014.

³This exemption shall be reviewed before 1 January 2012.

⁴Dismantling if, in correlation with entries 8(a) to 8(j), 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.

Notes:

- A maximum concentration value up to 0.1% by weight and in homogeneous material, for lead, hexavalent chromium and mercury and up to 0.01% by weight in homogenous material for cadmium shall be tolerated.
- The reuse of parts of vehicles which were already on the market in the State at the date of expiry of an exemption shall be allowed without limitation since it is not covered by article 4(2)(a) of Directive 2000/53/EC on end-of-life vehicles.
- 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 after 1 July 2003 shall be exempted from the provisions of article 28 of these Regulations*.

*This clause shall not apply to wheel balance weights, carbon brushes for electric motors and brake linings.



GIVEN under my Official Seal,
1 April 2010

JOHN GORMLEY,
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 amend the Waste Management (End-of-Life Vehicles) Regulations 2006 and are intended to give effect to Article 4 of Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures.

For the avoidance of doubt, Article 4 of Directive 2008/112/EC amends the meaning of hazardous substances as set out in Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles in accordance with requirements under the globally harmonised system (GHS) on the classification and labelling of chemicals which have been incorporated into Regulation (EC) No. 1272/2008 of 16 December 2008.

The Regulations also appoint the Environmental Protection Agency as the competent authority for the enforcement of Part IV of the Waste Management (End-of-Life Vehicles) Regulations 2006 and clarify that the Part IV obligations on producers also apply to persons involved in the sale, supply or use in the State of materials and components in respect of specified vehicles.

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