



STATUTORY INSTRUMENTS.

**S.I. No. 566 of 2016**

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EUROPEAN UNION (END-OF-LIFE VEHICLES) (AMENDMENT)  
REGULATIONS 2016

**EUROPEAN UNION (END-OF-LIFE VEHICLES) (AMENDMENT)  
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I, DENIS NAUGHTEN, Minister for Communications, Climate Action and Environment, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 2000/53/EC<sup>1</sup> of the European Union and of the Council of 18 September 2000, as amended by Commission Directive 2016/774/EU<sup>2</sup> of 18 May 2016, hereby make the following regulations:-

1. These Regulations may be cited as the European Union (End-of-Life Vehicles) (Amendment) Regulations 2016.

2. The European Union (End-of-Life Vehicles) Regulations 2014 (S.I. No 281 of 2014) are amended by—

(1) in Regulation 4(1)—

(a) inserting the following definitions:

“approved body” means an appropriate body corporate approved by the Minister in accordance with the provisions of Part IIA of these Regulations;

“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;

“Central Statistics Office” means the Office established under section 8(1) of the Statistics Act 1993 (No. 21 of 1993);

“IE licence” means a licence issued under the Environmental Protection Agency Act 1992 (No. 7 of 1992);

“Minister” means the Minister for Communications, Climate Action and Environment;

“waste licence” and “waste facility permit” mean, as the case may be, a waste licence or waste facility permit issued under the Act.

(b) substituting the following definitions:

<sup>1</sup>O.J. No. L 269, 21.10.2000, p. 34.

<sup>2</sup>O.J. No. L 128, 19.05.2016, p. 4.

“ ‘the Directive’ means the European Parliament and Council Directive 2000/53/EC of 18 September, 2000 on end-of-life vehicles as amended by Commission Decision 2002/525/EC<sup>3</sup> of 27 June 2002 and Commission Decision 2005/438/EC<sup>4</sup> of 10 June 2005 and Council Decision 2005/673/EC<sup>5</sup> of 20 September 2005 and Council Directive 2008/33/EC<sup>6</sup> of 11 March 2008 and Commission Decision 2008/689/EC<sup>7</sup> of 1 August 2008 and Council Directive 2008/112/EC<sup>8</sup> of 16 December 2008 and Commission Decision 2010/115/EU<sup>9</sup> of 23 February 2010 and Commission Directive 2011/37/EU<sup>10</sup> of 30 March 2011 and Commission Directive 2013/28/EU<sup>11</sup> of 17 May 2013 and Commission Directive 2016/774/EU of 18 May 2016;”

“ ‘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<sup>12</sup> 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;
- (d) hazard class 5.1;”

“ ‘producer’ in relation to a vehicle means the vehicle manufacturer or the professional importer of a vehicle into the State;”

“ ‘shredder’ means any device used for tearing into pieces or fragmenting end-of-life vehicles, including for the purpose of obtaining directly reusable metal scrap;”

(2) in Regulation 9 substituting the following for Regulation 9(3):

“(3) Without prejudice to sub-regulations (1) and (2), each producer’s national collection system shall comprise, as a minimum, one authorised treatment facility per 100,000 persons, with all urban agglomerations of 15,000 persons or more being within 45 kilometres of such a facility. For the purposes of

<sup>3</sup>O.J. No. L 170, 29.06.2002, p. 81.

<sup>4</sup>O.J. No. L 152, 15.06.2005, p. 19.

<sup>5</sup>O.J. No. L 254, 20.09.2005, p. 69.

<sup>6</sup>O.J. No. L 81, 20.03.2008, p. 62.

<sup>7</sup>O.J. No. L 225, 23.08.2008, p. 10.

<sup>8</sup>O.J. No. L 345, 23.12.2008, p. 68.

<sup>9</sup>O.J. No. L 48, 25.02.2010, p. 12.

<sup>10</sup>O.J. No. L 85, 31.03.2011, p. 3.

<sup>11</sup>O.J. No. L 135, 22.05.2013, p. 14.

<sup>12</sup>O.J. No. L 353, 31.12.2008, p. 1.

this sub-regulation, the relevant population shall be that identified in the most recent national census published by the Central Statistics Office.

(3) in Regulation 10—

(a) inserting the following in Regulation 10(4) after “producers.”: “Such responsibility may be ascribed to some or all producers or to an approved body.”

(b) inserting the following in Regulations 10(5) and 10(8) in each place after “producer”: “or approved body”,

(c) substituting in Regulation 10(10): “one or more producers, an approved body or organisations which represent the interests of a group of producers,” for “one or more producers, or organisations which represent the interests of a group of producers,”,

(4) in Regulation 11 and Schedule 1, substituting where they occur in Regulations 11(2) (c) and 11(3) and in Schedule 1, Part 1, paragraph 10 and Part 2, paragraph 11: “Article 101 of the Treaty on the Functioning of the European Union” for “Article 81 of the Treaty of Rome” and “Article 102 of the Treaty on the Functioning of the European Union” for “Article 82 of the Treaty of Rome”,

(5) in Regulation 14(1)(a), substituting “a waste licence, IE licence or, as appropriate, waste facility permit” for “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”,

(6) inserting the following Part after Regulation 17:

## “PART IIA

### APPROVED BODIES

#### *Satisfactory Participation with an Approved Body*

17A. A producer who holds a valid certificate granted to him or her by an approved body stating that the producer is participating, in a satisfactory manner, in a national collection scheme for the recovery of end-of-life vehicles shall not be subject to the requirements of Regulations 9(1) to 9(9), 9(11), 10(1), 10(3), 11(1), 11(8), 13(1), 15(1), 16(1) to 16(3), 17(5) and 17(6) unless and until—

(a) such certification is revoked by the approved body concerned or otherwise ceases to have effect or be in force,

(b) the approval granted by the Minister to the approved body under Regulation 17D has expired at the end of the period referred to in Regulation 17D(2) and an application referred to in Regulation 17E(4)(b) has not been made, or

- (c) the approval granted by the Minister to the approved body is revoked in accordance with Regulation 17E.

*Function of an approved Body*

17B. Without prejudice to any requirements resultant from any condition the Minister may specify in accordance with, as the case may be, an approval granted under Regulation 17D or a revised approval granted under Regulation 17E, the functions of an approved body shall be—

- (a) on behalf of each producer that has been issued a certificate under Regulation 17A, to ensure that there is compliance with the requirements of Regulations 9(1) to (9), 9(11), 10(3), 13(1), 15(1), 16(1) to (3), 17(5) and (6), and
- (b) to issue certificates certifying that a producer is participating in the national collection system for end-of-life vehicles referred to in Regulation 17A.

*Application to the Minister for approval*

17C. (1) A body corporate may apply to the Minister for approval for the purposes of this Part.

(2) An application for approval in accordance with the provisions of sub-regulation (1) shall be made in writing and shall be accompanied by the following—

- (a) details of the body corporate, including the names and addresses of its officers and directors, its articles of association and proposals relating to corporate governance, together with proposals for the representation of small and medium-sized enterprises on its board,
- (b) proposals for a scheme to be undertaken by the body corporate for the establishment of a national collection system for the collection of specified vehicles,
- (c) a business plan in relation to the proposed scheme, including proposals for a contingency reserve,
- (d) proposals for the achievement of the targets as laid down in Regulation 16 in respect of end-of-life vehicles, of a producer's brand or for which a producer has responsibility, deposited for appropriate treatment, reuse, recycling and recovery at authorised treatment facilities which comprise the body corporate's national collection system, including proposals for determining and verifying the achievement of such targets,

- (e) proposals for the verification of the appropriate treatment, reuse, recycling and recovery of end-of-life vehicles at authorised treatment facilities which comprise the body corporate's national collection system, including for vehicles of producers that do not hold the certificate referred to in Regulation 17A,
- (f) a copy of the rules of membership of the body corporate together with details of the membership fee structure,
- (g) a declaration that no producer applying for membership will be discriminated against on the grounds of the quantity or brand of specified vehicles that he or she places on the market in the State or, as appropriate, that the body concerned is only catering for or will only cater for a maximum pre-determined share of waste arisings from end-of-life vehicles or waste arising from end-of-life vehicles from a particular geographical location or locations in the State
- (h) proposals for the certification of producers for the purposes of Regulation 17A, for green procurement and for the dissemination of information to the public regarding the environmentally sound management of end-of-life vehicles,
- (i) proposals for the engagement of authorised waste collectors, including collectors to arrange for the collection of end-of-life vehicles in the event that it is not possible to establish a national collection system to serve one or more of the urban agglomerations referred to in Regulation 9(3),
- (j) proposals detailing the nature and frequency of information (including financial accounts) to be submitted by the body concerned to the Minister or to such other person as may be specified by the Minister, and
- (k) such other information as may be specified in writing by the Minister for the purposes of these Regulations.

*Grant or refusal of approval*

17D. (1) The Minister may, by notice in writing, grant approval to a body corporate for the purposes of this Part or may refuse to grant such approval.

(2) Subject to Regulation 17E, an approval granted by the Minister under this Regulation shall be for a period of not less than three years and not more than five years.

(3) An approval in accordance with the provisions of sub-regulation (1) shall be subject to such conditions as the Minister may specify as appropriate, including conditions relating to the matters specified in Regulation 17C (2).

- (4) In the event that an approved body—
- (a) has its approval revoked in accordance with the provisions of Regulation 17E,
  - (b) does not make an application referred to in Regulation 17E(4)(b),
  - (c) goes into liquidation, examination or, as appropriate, receivership, or
  - (d) enters into a scheme of arrangement or compromise in accordance with the provisions of section 450 of the Companies Act,

the contingency reserve referred to in Regulation 17C(2)(c) shall not be used by any person, including any liquidator, examiner, receiver or, as appropriate, administrator concerned, for any purpose, including the discharge of liabilities to creditors, whether secured creditors, preferential creditors, creditors claiming under retention of title, creditors with claims supported by guarantees or indemnities, ordinary creditors or, as appropriate, subordinated creditors, other than for fulfilling the obligations of the producers that are members of the compliance scheme concerned and which are laid down in these Regulations.

- (5) The Minister may, by notice in writing, from time to time vary any condition attached to an approval granted in accordance with the provisions of this Regulation.

*Review and revocation of approval*

17E. (1) Subject to sub-regulation (2), where it appears to the Minister that—

- (a) new targets for the reuse, recycling and recovery of end-of-life vehicles need to be met
- (b) existing targets have not been or are not being met,
- (c) it is necessary to ensure a more equitable distribution of producer responsibility obligations, or
- (d) for some other reason it is necessary in the interests of the environmentally sound management of end-of-life vehicles,

he or she may review an approval granted in accordance with the provisions of Regulation 17D, or require an approved body to make a new application in accordance with the provisions of Regulation 17C for the renewal of an approval.

- (2) Where the Minister proposes to review an approval granted in accordance with the provisions of Regulation 17D, or requires the

making of a new application in accordance with the provisions of Regulation 17C, the Minister shall—

- (a) give notice in writing to the approved body of the proposal and the reasons therefor,
- (b) specify a period of not less than four weeks within which the approved body may make a submission to the Minister in relation to a review, or make a new application in accordance with the provisions of Regulation 17C, as the case may be, and
- (c) consider any submission or application so made.

(3) Following the consideration of any submission or application in accordance with sub-regulation (2), the Minister may issue a revised approval, varying any condition attaching to the approval or attaching any additional conditions which he or she considers appropriate, or may grant a new approval in accordance with the provisions of Regulation 17D, as the case may be.

(4) Where an approval granted in accordance with the provisions of Regulation 17D is due to expire, an approved body concerned shall—

- (a) not later than six months before the expiry of the approval, notify the Minister whether or not it intends to continue or cease operating as an approved body, and
- (b) if intending to continue to operate as an approved body, and not later than two months before the expiry of the approval, make an application to the Minister in accordance with the provisions of Regulation 17C.

(5) Without prejudice to sub-regulations (6) and (8), when an application for approval has been received by the Minister in accordance with sub-regulation 4(b), an approval that would otherwise expire in accordance with Regulation 17D(2) shall not expire until the Minister has made the decision referred to in Regulation 17D(1).

(6) Subject to sub-regulation (7), where it appears to the Minister that an approved body is not complying with conditions attached to such approval, or that relevant targets for the reuse, recycling or recovery of end-of-life vehicles have not been or are not being met, the Minister may review or, as appropriate, revoke an approval granted in accordance with Regulation 17D.

(7) Where the Minister proposes to revoke an approval granted in accordance with the provisions of Regulation 17D, the Minister shall—

- (a) give notice in writing to the approved body of the proposed decision and the reasons therefor,

- (b) specify a period of not less than four weeks within which the approved body may make a submission to the Minister in relation to the proposed decision, and
- (c) consider any submission so made.

(8) Where an approval has been revoked under this Regulation or has expired at the end of the period referred to in Regulation 17D(2) and an application referred to in Regulation 17E(4)(b) has not been made—

- (a) any certificate referred to in Regulation 17A and issued by the approved body shall not be valid from the date of revocation or, as the case may be, the date of expiry of the approval, and
- (b) each producer that was issued with the certificate referred to in Regulation 17A by the approved body shall, within 60 days of the date of revocation, apply to each local authority for registration in accordance with the requirements of Regulation 11.

*Use of logo adopted by an approved body*

17F. No person shall, other than with the written consent of an approved body, display at any premises or, as appropriate, on or in, any—

- (a) vehicle,
- (b) product,
- (c) packaging,
- (d) catalogue, brochure, website or other form of publication
- (e) advertisement or, as appropriate,
- (f) notice,

any logo or other mark or symbol designed and adopted by that approved body for use by producers certified by that approved body for the purposes of Regulation 17A.

*Notifications to local authorities and provision of information to the Minister and the Agency*

17G. An approved body shall—

- (a) not later than the 7th day of each month, notify each local authority of any producer situated in or operating from within the functional area of the local authority concerned,

(b) not later than the 7th day of each month, notify the Minister and the Agency of any producer in respect of which a certificate for the purposes of Regulation 17A has been granted or revoked within the preceding calendar month, and

(c) furnish such information, in such form and at such frequency as may be specified by the Minister or the Agency, in relation to activities carried out and information held by the approved body, by producer members of the approved body and by operators of authorised treatment facilities which comprise the national collection system of the approved body.”

(7) in Regulation 18(2), substituting “the Minister for Transport, Tourism and Sport, in a form specified by the Minister,” for “the Minister, in an electronic form specified by the Minister,”

(8) substituting in Regulation 23(1)(b) “waste licence number, IE licence number or, as appropriate, waste facility permit number” for “waste licence number, or as appropriate, waste permit number”,

(9) in Regulation 24(1), substituting “will provide to the owner or operator” for “will be required to provide to that facility”,

(10) in Regulation 26—

(a) substituting Regulation 26(1) for:

“26. (1) Subject to any exemptions listed as cases in Annex II to the Directive, in accordance with the provisions of article 4(2) (a) of the Directive—

(a) each 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) each 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.”,

(b) substituting Regulation 26(2) for:

“(2) Spare parts put on the market in the State which are used for specified vehicles—

(a) before the 1st day of July 2003, or

- (b) between the 1st day of July 2003 and the expiry date of a given exemption, set out in Annex II to the Directive

are exempted from the provisions of sub-regulation (1).”

- (c) substituting Regulation 26(3) for:

“(3) (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-regulation (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-regulation (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

(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.”,

(d) inserting the following after Regulation 26(3):

“(4) A producer or, as appropriate, a component supplier shall on receipt of a notice in writing from the Agency in relation to the matter specified in this regulation, provide every reasonable assistance to the Agency within a period as may be specified.”,

(11) substituting the following for Regulation 27:

“(1) Technical documentation and other information to verify that the materials and components of a specified vehicle are in compliance with the provisions of Regulation 26 and Annex II to the Directive shall be compiled and maintained by each—

(a) producer, 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,

(b) component supplier, for a period of seven years from the date that the materials and components were sold, supplied or used in the State by that component supplier in respect of a specified vehicle.”

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

(a) 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 Regulation 26 and Annex II to the Directive,

(b) 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 Regulation 26 and Annex II to the Directive”,

(12) in Regulation 28—

(a) substituting the following for Regulation 28(1):

- (a) Each 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) Each 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.”,

(b) substituting the following for Regulation 28(3):

“(3) A producer or, as appropriate, a component supplier shall on receipt of a notice in writing from 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-regulation (1) and Schedule 4 to these Regulations.”,

(c) substituting the following for Regulation 28(4):

“(4) Technical documentation and other information to verify that components and material coding standards are being used in accordance with the provisions of sub-regulation (1) and Schedule 4 to these Regulations shall be compiled and maintained by—

- (a) a producer, 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, and
- (b) a component supplier, for a period of seven years from the date that the materials and components were sold, supplied or used in the State by that component supplier in respect of a specified vehicle.”,

(13) in Regulation 29—

(a) substituting the following for Regulation 29(1) (b):

“(b) on receipt of a notice in writing from the Agency, submit the dismantling information referred to in sub-regulation (a) to the Agency within a specified period.”

(b) substituting the following for Regulation 29(3):

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

(a) producer shall make available to an operator of an authorised treatment facility upon a notice in writing from that operator 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 an operator of an authorised treatment facility upon a notice in writing from that operator 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.”,

(14) in Regulation 30—

(a) substituting in Regulation (1) “regulations 17F, 17G (a) and 33” for “regulations 32 and 36”,

(b) deleting in Regulation (1) “within their functional areas”

(c) substituting in Regulation 30(2) “IE licence or waste licence” for “waste licence in accordance with the provisions of section 39 of the Act and any Regulations made thereunder,”, and

(d) substituting the following for Regulation 30(3):

“(3) The Agency shall be responsible for the enforcement of Part IV and regulation 17G(b) of these Regulations within the State and shall take such steps as are necessary for this purpose.”,

(15) in Regulation 31, by substituting in Regulation 31(5) “shall” for “should”,

(16) in Regulation 34—

(a) substituting the following for Regulation 34(1) (a):

“(a) contravenes or fails to comply with a provision or provisions of any of Regulations 9(1), 9(2), 9(3), 9(5), 9(6), 9(7), 9(8),

9(9) or 9(11), 10(1) or 10(3), 11(1) or 11(9), 13(1), 13(2) or 13(3), 14(1)(b) or 14(2), 15, 16, 17(3), 17(5) or 17(6), 17F, 17G, 18, 20, 21(1), 22, 23(1), 23(2), 23(3) or 23(5), 24(1), 25, 26, 27, 28, 29, 31(4) or 31(5), 33, 36(4), or”,

(b) inserting the following after Regulation 34(2):

“(3) This Regulation shall not apply to:

- (a) an authorised person of a local authority where a specified vehicle is an abandoned vehicle and is being disposed of by that local authority, and
- (b) 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.”,

(17) in Regulation 35—

(a) substituting the following for Regulation 35(2):

“Notwithstanding the provisions of section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence on account of contravention or failure to comply with any of these Regulations may be commenced—

- (a) at any time within 18 months from the date on which the offence was committed, or
- (b) at any time within 12 months from the date on which evidence sufficient, in the opinion of the person by whom the proceedings are initiated, to justify the proceedings, comes to such person's knowledge,

whichever is the later: provided that no such proceedings shall be initiated later than 2 years from the date on which the offence concerned was committed,

(b) substituting the following for Regulation 35(4):

“(4) A person guilty of an offence under Regulation 34 due to a contravention or failure to comply with:

- (a) Regulation 9(5), 9(8) or 9(9), 10(3), 11(9), 14(1)(b)(i) or (iii), 14(2), 17(3), 17(5) or 17(6), 17F, 17G, 20, 22(1) or 22(2), 24(1), 25, 31(5), 33 or 36(4) of these Regulations is liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months, or both,

(b) Regulation 9(1), 9(2), 9(3), 9(6), 9(7) or 9(11), 10(1), 11(1), 13(1), 13(2) or 13(3), 14(1)(b)(ii), 15, 16, 18, 21(1), 22(3), 23(1), 23(2), 23(3) or 23(5), 26, 27, 28, 29, 31(4), 34(1)(b) or 34(1)(c) of these Regulations is liable:

- (i) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
- (ii) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 3 years or both.”,

(c) re-numbering Regulations 35(5) and 35(6) as Regulations 35(6) and 35(7) and inserting the following after Regulation 35(4):

“(5) Without prejudice to Regulation 35(4) and Section 10A of the Act, a fixed payment notice as referred to in that Section of the Act may be issued by an authorised person in respect of a contravention or failure to comply with Regulations 14(1) (b) (i), 14(1) (b) (iii), 20(a), 22(1) and 33 of these Regulations.”

(18) substituting the following for Regulation 36—

*“Service of notices*

36. (1) Any notice required to be served or given by or under these Regulations shall be addressed to the person concerned and served or given in one of the following ways—

- (a) by addressing it to the person by name and delivering it to him or her,
- (b) by leaving it at the address at which the person ordinarily resides,
- (c) by sending it by post in a prepaid registered letter addressed to the person at the address at which he or she ordinarily resides,
- (d) if an address for the service of notices has been furnished by the person, by leaving it at, or sending it by prepaid registered post addressed to him or her to, that address, or
- (e) where the address at which the person ordinarily resides cannot be ascertained by reasonable inquiry and notice is required to be served on, or given to, him or her in respect of any premises, by delivering it to a person over the age of 16 years of age resident in or employed on the premises, or by affixing it in a conspicuous position on or near the premises.

(2) Where the name of the person concerned cannot be ascertained by reasonable inquiry, a notice may be addressed to “the occupier”, “the owner” or “the person in charge”, as the case may be.

(3) For the purposes of these Regulations, a company registered under the Companies Acts shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

(4) A person shall not at any time during the period of 3 months after a notice is affixed under paragraph (1) (e) remove, damage or deface the notice without lawful authority,

(19) in Schedule 1—

- (a) substituting “waste facility permit number or, as the case may be, IE licence number” for “waste permit number” in each place where it occurs in Parts 1, 2, 3 and 4 and “Waste Facility Permit /Waste Licence/IE Licence No.” for “Waste Permit No.” in each place where it occurs in Parts 1 and 2, and
- (b) substituting “European Union (End-of-Life Vehicles) Regulations” for “Waste Management Act 1996” in each place where it occurs in Parts 5 and 6,

(20) in Schedule 3, substituting “waste facility permit number or, as the case may be, IE licence number” for “waste permit number” in each place where it occurs.



GIVEN under my Official Seal,  
21 November 2016.

DENIS NAUGHTEN,  
Minister for Communications, Climate Action and  
Environment.

## EXPLANATORY NOTE

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

These Regulations amend the European Union (End-of-Life Vehicles) Regulations 2014 and also give effect to Commission Directive 2016/774/EU of 18 May 2016 amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles.

The Regulations provide the statutory basis for the establishment of one or more approved bodies to act as a collective compliance scheme, operating on behalf of member vehicle producers and importers and taking responsibility for the environmentally sound management of end-of-life vehicles.

Directive 2000/53/EC on end of life vehicles prohibits the use of lead, mercury, cadmium or hexavalent chromium in materials and components of vehicles put on the market after 1 July 2003, other than in cases listed in Annex II to that Directive and under the conditions specified therein. Pursuant to Article 4(2) (b) of that Directive, Annex II is adapted to scientific and technical progress by the Commission on a regular basis. These Regulations give effect to the most recent amendment to Annex II.

The Regulations also make certain other consequential changes to the European Union (End-of-Life Vehicles) Regulations 2014, and clarify other matters.

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