

GUIDELINES FOR PRODUCERS/IMPORTERS OF SPECIFIED VEHICLES

The European Union (End-of-Life-Vehicles) Regulations 2014 as amended, place specific obligations on vehicle owners, producers and authorised treatment facilities relating to the deposit, treatment and disposal of End-of-Life Vehicles (ELVs).

This would apply to businesses that import specified vehicles from outside the state (mainly the United Kingdom, including Northern Ireland) and subsequently place these vehicles on the Irish Market.

A number of key terms as defined under the above regulations are now explained;

“producer” in relation to a vehicle, means the vehicle manufacturer or professional importer of a vehicle into the state;

“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) of the Act and article 3(1) of Directive 2008/98/EC;

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

A specified vehicle may be a car, people carrier, light van or light truck. A specified vehicle may also be referred to as an M1 or an N1 vehicle.

If you require further information on the classification of vehicles, please consult the RSA website:

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<http://www.rsa.ie/en/RSA/Your-Vehicle/About-your-Vehicle/What-Category-is-my-vehicle/Goods-Vehicles/>

PRODUCER RESPONSIBILITY OBLIGATIONS

A producer involved in placing specified vehicles on the market in the State must

- 2.1 Register with each local authority (LA) in the State and undertake to comply with certain conditions or
- 2.2 Participate in a national collection scheme for the recovery of end of life vehicles as operated by the approved body ELVES

REGISTER WITH EACH LA IN THE STATE AND UNDERTAKE TO COMPLY WITH CERTAIN CONDITIONS

Where a producer chooses to register with each LA in the state, the producer has a legal responsibility to undertake the following;

Establish a national collection system which 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.

Each ATF must not impose a charge on registered owner of ELV provided essential components are intact. Essential components refer to the engine and coachwork of a vehicle and also include the transmission, wheels and catalytic converter if catalytic converter formed part of vehicle when it was placed on the market.

Submit an application form for registration/renewal of registration by 31st January each year complete with the following;

- Signed declaration by the producer in relation to compliance with restrictions on hazardous substances in materials and components

- a declaration by the producer that arrangements entered into comply with any economic operators the requirements of the Regulations and will not breach the requirements of domestic and European Union competition law
- a certificate of turnover
- registration fee of either €1,000, €2,500 or €6,000 payable to each local authority, the fee is based on producer's turnover
- a three-year implementation plan or revised three year implementation plan specifying the measures to be taken by the producer to comply with the requirements of the above Regulations
- an annual report when applying for renewal of registration, specifying the measures taken by the producer to comply with the requirements of the Regulations in the previous registration period, and the results of those measures

Each producer is responsible for the achieving the following targets;

- at least 95% reuse and recovery and
- 85% reuse and recycling

by an average weight per specified vehicle and year, in respect of end-of-life vehicles of that producer's brand or which that producer has responsibility, which is deposited for appropriate treatment and recovery at ATF's which comprise all of that producer's national collection system.

A producer registering with each local authority must promote their national collection system;

- in promotional literature,
- on the producer's website and
- by publishing Notices in at least one newspaper circulating in functional area of each local authority

A producer's three year implementation plan and annual report must be made available free of charge by that producer to any person who so requests. In addition all information submitted with an application for registration is made available at the principal office of each local authority subject to commercial and industrial confidentiality.

For more details, please refer to document titled 'Producer Registration with a Local Authority'.

PARTICIPATE IN A NATIONAL SCHEME FOR THE RECOVERY OF END OF LIFE VEHICLES AS OPERATED BY THE APPROVED BODY ELVES

Alternatively a producer may choose to participate in a national scheme for the recovery of end of life vehicles as operated by the approved body End of Life Vehicle Environmental Services (ELVES)
If the producer joins an approved body (ELVES), they are exempt from registering with each local authority in the State and associated requirements as the approved body takes on this responsibility.

ELVES is located at the address below: -

Unit 15-4,
Workspace Centre,
Mayoralty Street,
Drogheda,
County Louth,
A92 E368.

Information about the approved body and current members may be viewed on website www.elves.ie

WHAT IS THE LOCAL AUTHORITY ROLE FOR PRODUCER REGISTRATION?

Each local authority is responsible for the enforcement of Part II (Producer Responsibility Obligations) of the European Union (End-of-Life Vehicles) Regulations 2014 as amended. In addition, the Local Authority is responsible for the enforcement of Regulation 33, 34, 35 and 36 of the regulations within their functional area and shall take such steps as are necessary for this purpose.

Where an Authorised Treatment Facility (ATF) operates under a waste licence in accordance with the provisions of Section 39 of the Waste Management Act 1996 as amended, the EPA shall be responsible for the enforcement of regulations 13 to 16 inclusive, Schedule 2 of these regulations and Part III of these regulations in respect of that ATF and shall take such steps as are necessary for this purpose

WHAT HAPPENS IN THE CASE OF NON-COMPLIANCE?

Failure to comply with the regulations as set out in S.I. No. 281 of the European Union (End-of-Life Vehicles) Regulations 2014, as amended can result in a fine (fixed payment notice) or prosecution.

A person guilty of an offence under Regulation 34 of S.I. No. 281 of the European Union (End-of-Life Vehicles) Regulations 2014 as amended 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 (up to a maximum of €5,000) 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:

on summary conviction, to a Class A (up to a maximum of €5,000) fine or imprisonment for a term not exceeding 12 months or both or

on conviction on indictment to a fine not exceeding €500,000 or imprisonment for a term not exceeding 3 years or both.

Please note that the information provided herein is an outline of the Regulations. It does not purport to provide a legal interpretation of the Regulations.

For further information please contact:-

Dublin City Council
Environment and Transportation Dept
Waste Regulation Section
Block B, Floor 2
Blackhall Walk
Queen Street
Smithfield
Dublin 7 D07 ENC4.

Email: waste.regulation@dublincity.ie
Telephone:- 012224621