Questionnaire 1 (Consultation) for the Review of Exemption 2(c)(ii) of ELV Annex II

Since the scope of exemption 2(c)(ii) is defined via the scope of exemption 2(c)(i), both exemptions are listed in the below table as exemption 2(c) series even though only exempion 2(c)(ii) is due for review.

Table 1: Current wordings, scopes and expiry dates of the exemption 2(c) series

|  |  |  |
| --- | --- | --- |
| No. | Exemption | Scope and dates of applicability |
| 2(c)(i) | Aluminium alloys for machining purposes with a lead content up to 0,4 % by weight | Vehicles type-approved before 1 January 2028 and spare parts for these vehicles |
| 2(c)(ii) | Aluminium alloys not included in entry 2(c)(i) with a lead content up to 0,4 % by weight[[1]](#footnote-2) | **This exemption shall be reviewed in 2024** |

# Acronyms and Definitions

ELV End of life of vehicles

Pb Lead

RoHS Directive 2011/65/EU, RoHS Directive

# Background

Bio Innovation Service, UNITAR and Fraunhofer IZM have been appointed[[2]](#footnote-3) by the European Commission for the evaluation of applications for new exemptions and the renewal/continuation of exemptions currently listed in Annex II of the ELV Directive 2000/53/EC.

This questionnaire has been prepared for the stakeholder consultation held as part of the evaluation. The objective of this consultation is to collect information and evidence for subsequent review to assess whether the exemption is still justified according to the criteria listed in Art. (4)(2)(b)(ii) of Directive 2000/53/EC (ELV Directive)[[3]](#footnote-4).

Additional background information can be found on the exemption review page accessible through the following link: [www.elv.biois.eu](http://www.elv.biois.eu)

**We welcome your contribution to this stakeholder consultation. We recommend reading the below section before you answer the questions.**

# Main Observations from Previous Reviews

Exemption 2(c)(ii) was reviewed[[4]](#footnote-5) last time in 2015/2016 under the ELV Directive3. The consultants concluded that the use of lead was still unavoidable at that time. The Commission therefore granted the exemption since it was justified in in the light of the requirements of ELV Art. 4(2)(b)(ii). The exemption has become due for review in 2024 to adapt it to the scientific and technological progress.

It was raised by stakeholders during and after the review of exemption 2(c)(ii) by Deubzer et al. (2021) that exemption 2(c)(ii) is relevant for recycled aluminium. The share of lead in this aluminium is largely defined by the lead content of the aluminium scrap coming back from the market for recycling unless lead is added or removed intentionally. As a consequence of restrictions of lead uses the lead content in scrap aluminium has been declining over time. In the review of exemption 2(c)(ii) by Gensch et al. (2016), ACEA et al. expected that the Pb content in scrap aluminium (Al) will gradually decrease from around 0.4 % in 2010 to around 0.2 % in 2023.

Baron et al. (2022) recommended in their review of the equivalent RoHS exemption 6(b)(I) that the lead content defining the scope of this exemption can be reduced from 0.4 % to 0.3 % as a consequence of this development. The recommended exemption is listed as 6(b)(III) in the below table.

Table 2: Renewal of current exemption 6(b)(I) as 6(b)(III) as recommended by Baron et al. (2022)



*Source: Baron et al. (2022)*

# Questions

1. Can the lead content in exemption 2(c)(ii) be reduced from 0.4 % to 0.3 % to reflect the declining share of lead in aluminium scrap? If not, please explain your objections. Please note that this question does neither imply that the future exemption 2(c)(ii) would automatically follow the expiry date recommended by Baron et al. (2022) nor that the wording of exemption 6(b)(III) would be adopted.
2. In case you do not agree to reduce the lead threshold to 0.3 %: The revised standard EN 1706 for the chemical composition of cast aluminium was released in 2020/2021 and incorporates the declining lead content in aluminium scrap setting a 0.3 % threshold as well. Why should, in the light of this, the lead threshold remain at a higher level than 0.3 %?
3. If you do not agree to the 0.3 % threshold: Is there any other threshold below 0.4 % that would be acceptable? Please explain the background of your statement.
4. Following the above prognosis of ACEA et al.: Could the lead threshold level be reduced to 0.2 % in exemption 2(c)(ii)?
5. If not, when would you estimate this 0.2 % level to be achieved in aluminium alloys produced from scrap aluminium?
6. Aluminium alloys for machining purposes are normally wrought aluminium, not cast aluminium. Do you know of cases where cast aluminium or any other form of non-wrought aluminium is used for machining?
7. What is the amount of lead in the scope of exemption 2(c)(ii) that would be contained in in vehicles
	1. placed on the EU market
	2. worldwide

in case the exemption is continued? Please provide a rough calculation or substantiated estimate.

1. Overall, please let us know whether you agree with the necessity to continue the exemption and your arguments for or against the continuation.

1. Is there any other information you would like to provide?

# Your contact details

Name:

Entity:

E-mail:

Phone number:

**Please note that answers to these questions can be published in the stakeholder consultation, which is part of the evaluation of this request. If your answers contain confidential information, please provide a version that can be made public along with a confidential version, in which proprietary information is clearly marked. Please also add “CONFIDENTIAL” to the file name to prevent confusion.**

**We ask you to kindly provide the information in formats that allow copying text, figures and tables so that they can be included into questionnaires and the review report.**

References

Baron et al. (2022): Study to assess requests for a renewal of nine (-9-) exemptions 6(a), 6(a)-I, 6(b), 6(b)-I, 6(b)-II, 6(c), 7(a), 7(c)-I and 7 (c)-II of Annex III of Directive 2011/65/EU (Pack 22) – Final Report (Amended Version). Under the Framework Contract: Assistance to the Commission on technical, socio-economic and cost-benefit assessments related to the implementation and further development of EU waste legislation. in cooperation with Yifaat Baron, Carl-Otto Gensch, Andreas Köhler, Ran Liu, Clara Löw, Katja Moch, Oeko-Institut e. V.Baron et al.Yifaat Baron, Carl-Otto Gensch, Andreas Köhler, Ran Liu, Clara Löw, Katja Moch, Oeko-Institut e. V.https://​data.europa.eu​/​doi/​10.2779/​869784Study to assess requests for a renewal of nine (-9-) exemptions 6(a), 6(a)-I, 6(b), 6(b)-I, 6(b)-II, 6(c), 7(a), 7(c)-I and 7 (c)-II of Annex III of Directive 2011/65/EU (Pack 22) – Final Report (Amended Version)15 February 2022Baron et al.15 February 2022Yifaat Baron, Carl-Otto Gensch, Andreas Köhler, Ran Liu, Clara Löw, Katja Moch, Oeko-Institut e. V.https://​data.europa.eu​/​doi/​10.2779/​869784 (Pack 22). Retrieved fromhttps://​data.europa.eu​/​doi/​10.2779/​869784.

Deubzer et al. (2021): 11th adaptation to scientific and technical progress of exemptions 2(c)(i), 3 and 5(b) of Annex II to Directive 2000/53/EC (ELV). Final report. in cooperation with Dr. Deubzer, Otmar, Fraunhofer IZM und UNITAR, UNITAR Christian Clemm and BioIS Shailendra MugdalDeubzer et al.Dr. Deubzer, Otmar, Fraunhofer IZM und UNITAR; UNITAR Christian Clemm; BioIS Shailendra Mugdalhttps://data.europa.eu/doi/10.2779/373311 [Titel anhand dieser DOI in Citavi-Projekt übernehmen]11th adaptation to scientific and technical progress of exemptions 2(c)(i), 3 and 5(b) of Annex II to Directive 2000/53/EC (ELV)5 November 20216Deubzer et al.5 November 2021Dr. Deubzer, Otmar, Fraunhofer IZM und UNITAR; UNITAR Christian Clemm; BioIS Shailendra Mugdalhttps://data.europa.eu/doi/10.2779/373311 [Titel anhand dieser DOI in Citavi-Projekt übernehmen]. Retrieved fromhttps://data.europa.eu/doi/10.2779/373311 [Titel anhand dieser DOI in Citavi-Projekt übernehmen].

Gensch et al. (2016): 8th Adaptation to scientific and technical progress of exemptions 2(c), 3 and 5 of Annex II to Directive 2000/53/EC (ELV). Final Report for the European Commission DG Environment under Framework Contract No ENV.C.2/FRA/2011/0020. ELV III.5. in cooperation with Carl-Otto Gensch, Yifaat Baron, Katja Moch, Oeko-InstitutGensch et al.Carl-Otto Gensch, Yifaat Baron, Katja Moch, Oeko-Instituthttps://​elv.exemptions.oeko.info​/​fileadmin/​user\_​upload/​Consultation\_​2014\_​1/​20160216\_​ELV\_​Final\_​Gen\_​Ex\_​2c\_\_​Ex\_​3\_​Ex\_​5.pdf8th Adaptation to scientific and technical progress of exemptions 2(c), 3 and 5 of Annex II to Directive 2000/53/EC (ELV)17 February 201617Gensch et al.17 February 2016Carl-Otto Gensch, Yifaat Baron, Katja Moch, Oeko-Instituthttps://​elv.exemptions.oeko.info​/​fileadmin/​user\_​upload/​Consultation\_​2014\_​1/​20160216\_​ELV\_​Final\_​Gen\_​Ex\_​2c\_\_​Ex\_​3\_​Ex\_​5.pdf. Retrieved fromhttps://​elv.exemptions.oeko.info​/​fileadmin/​user\_​upload/​Consultation\_​2014\_​1/​20160216\_​ELV\_​Final\_​Gen\_​Ex\_​2c\_\_​Ex\_​3\_​Ex\_​5.pdf.

1. Applies to aluminium alloys where lead is not intentionally introduced, but is present due to the use of recycled aluminium. [↑](#footnote-ref-2)
2. It is implemented through the specific contract 070201/2020/832829/ENV.B.3 under the Framework contract ENV.B.3/FRA/2019/0017 [↑](#footnote-ref-3)
3. C.f. EUR-Lex, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0053> [↑](#footnote-ref-4)
4. Gensch et al. (2016 a): 8th Adaptation to scientific and technical progress of exemptions 2(c), 3 and 5 of Annex II to Directive 2000/53/EC (ELV). Final Report for the European Commission DG Environment under Framework Contract No ENV.C.2/FRA/2011/0020. ELV III.5. Unter Mitarbeit von Carl-Otto Gensch, Yifaat Baron, Katja Moch, Oeko-Institut. Online verfügbar unter https://elv.exemptions.oeko.info/fileadmin/user\_upload/Consultation\_2014\_1/20160216\_ELV\_Final\_Gen\_Ex\_2c\_\_Ex\_3\_Ex\_5.pdf. [↑](#footnote-ref-5)