

## 5 Windsor Framework: vehicle recycling<sup>16</sup>

### Overview

5.1 In early July 2023, the European Commission has recently [proposed new Regulation](#) for the management of vehicles at the end of their useable lifespan and type-approval with respect to vehicle reusability, recyclability and recoverability. These new rules would require manufacturers to demonstrate compliance with recyclability requirements at type approval. According to the Government, EU legislation concerning the treatment of end-of-life vehicles is not currently covered by the Windsor Framework, however type-approval legislation is, and therefore this part of the proposal would apply in the UK in respect of Northern Ireland.

5.2 The proposed Regulation repeals the EU's type-approval Directive ([Directive 2005/64/EC](#)), which provides that vehicles should be constructed so as to be 85% recyclable/reusable and 95% reusable/recoverable. The proposal would also repeal the EU's [end-of-life vehicles \(ELV\) Directive \(Directive 2000/53/EC\)](#), which was the first harmonised EU framework designed to ensure that vehicles reaching the end of their life, and considered as waste, are treated in an environmentally sound manner. This proposal under scrutiny would replace both Directives with a single Regulation. To the extent that the proposal replaces Directive 2005/64 EC as it currently applies under the Windsor Framework, it would fall within the scope of the Stormont Brake.

5.3 The EU's overall objective is to modernise existing legislation and to improve the functioning of the EU Single Market, while reducing the negative environmental impacts linked to the design, production, service life and end-of-life treatment of vehicles and to contribute to the sustainability of the automotive and recycling sectors.

5.4 The proposal would place obligations on vehicle manufacturers to use at least 25% of plastic recycled from post-consumer waste including from end-of-life vehicles, restrict the use of lead and other heavy metals, and to not hinder the removal of parts that can be reused. These requirements will apply six years from the date the Regulation enters into force.

5.5 Manufacturers will be required to prove compliance at the type-approval stage. They will have to provide a circularity strategy setting out the actions they will take to follow-up on their obligations and provide information on the safe removal and replacement of vehicle parts. These requirements will apply three years after the Regulation enters into force.

5.6 The proposal would also establish a 'circularity vehicle passport': a digital tool designed to improve the provision of information on the safe removal/replacement of vehicle parts. This requirement will apply seven years from the date the Regulation comes into force.

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16 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; Council and COM number: COM(2023) 451; Legal base: Article 114 TFEU; Dept: Transport; Devolved Administrations: Consulted; ESC number: 42247.

5.7 The Regulation will enter into force one year from its publication in the Official Journal of the EU. There will be a phased approach to gradually cover more vehicles and disapply some of the type-approval requirements to certain vehicles. Cars and vans will be included on entry into force of the Regulation. Buses, trucks, trailers, and some motorcycles will be included five years after the Regulation comes into force. These vehicles will be exempt from many of the type-approval requirements with only the requirement to provide information on the safe removal and replacement of the vehicle's parts. Special purpose vehicles, such as wheelchair accessible vehicles, will also be exempt except for requirements concerning the use of heavy metals, such as lead.

5.8 The proposal's end-of-life obligations set minimum requirements for the treatment of end-of-life vehicles by authorised treatment facilities and seek to prevent the export of unroadworthy second-hand vehicles, which can lead to pollution and road safety risks in third countries (non-EU Member States).

## The Government's Position

5.9 The Government considers this proposal an attempt to improve the current requirements applicable for vehicles within the type-approval process. The Government believes it may lead to increased recycling and re-use of materials from end-of-life vehicles, however they note that without further analysis it is not possible to assess its likely impact.

5.10 In his [Explanatory Memorandum \(EM\)](#) on the proposal the Minister for Aviation and Decarbonisation of Transport (Anthony Browne MP) states that the EU's proposal broadly aligns with the aims set out for road vehicles in the 2023 DEFRA policy paper '[The waste prevention programme for England: Maximising Resources, Minimising Waste](#)'<sup>17</sup> and could help contribute towards efforts in achieving Net Zero by 2050.

5.11 As aforementioned, only the type-approval changes covered by the proposal are covered by the Windsor Framework. The Minister points out that the EU have not notified the UK regarding its intention to apply the entirety of the proposal under the Windsor Framework.

5.12 The Minister reveals in his EM that officials are not aware of any major manufacturers based in Northern Ireland (NI) that produce vehicles which would be in scope of the Regulation. For example, officials expect small manufacturers in NI such as Wrightbus, to be unaffected due to the exemption for vehicles produced under the small series scheme. He concludes that the local (NI) manufacturing industry is therefore unlikely to be affected by this proposal.

5.13 The Minister explains that the UKNI type-approval scheme will apply under the EU Regulation, which enables access to the Great Britain (GB) market and is available to manufacturers if they wish to use it. This means that there will still be unfettered access to the GB market for NI based manufacturers and the movement of used vehicles between GB and NI would be unaffected by the Regulation. He argues that none of the measures in question will affect the movement or sale of vehicles in NI.

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17 GOV UK, [The waste prevention programme for England: Maximising Resources, Minimising Waste](#), Chapter 9, 10 August 2023

5.14 The Minister states that the Government will continue to monitor changes to recyclability requirements under the EU scheme, with a view to considering whether amendment to the GB scheme is required. Due to the close links between the type-approval and end of life requirements, consideration of amending the GB type-approval scheme to adopt similar type-approval requirements to the EU will be informed by any future consultation on the end-of-life vehicles regulatory regime led by DEFRA.

5.15 Finally, the Minister states that there are no financial or legal implications arising from the proposal and informs us that officials have had initial engagement with the EU on the proposal via the Joint Consultative Working Group under the Windsor Framework.

## **The Committee's Position**

5.16 We note that the EU has not notified the UK regarding its intention on application of the proposal under the Windsor Framework, so it is unclear which elements will apply in NI. We therefore look forward to further information in due course, including the implications of its potential implementation. With initial contacts having been made with the EU via the Joint Consultative Working Group under the Windsor Framework, it would be expected that further clarity on which parts will apply under the Windsor Framework should be forthcoming shortly.

5.17 The Government have said that EU legislation concerning the treatment of end-of-life vehicles is not currently included under the Windsor Framework.

5.18 If the Government decides to amend the GB type-approval scheme to adopt similar type-approval requirements to the EU, we look forward to reading the outcome of their consultation and impact assessment.

## **Actions**

5.19 We are reporting these documents to the House as politically important.

5.20 We have written to the Minister requesting further information.

## ***Letter from the Chair to the Minister for Aviation and Decarbonisation of Transport (Anthony Browne MP)***

We considered your Explanatory Memorandum on the above listed proposal at our meeting on 8 May 2024. We seek clarity on which elements of the proposal will apply under the Windsor Framework and what this will mean for business and consumers in Northern Ireland. We also ask that you confirm that the EU share the Government's assessment that EU legislation concerning the treatment of end-of-life vehicles is not currently included under the Windsor Framework.

When you write, we request an update on the Government's plans regarding amending the GB type-approval scheme to adopt similar type-approval requirements to those provided for in the EU's proposal and confirmation that you will carry out a full consultation and impact assessment of impacted stakeholders.

We ask that you respond to this letter within four months.