

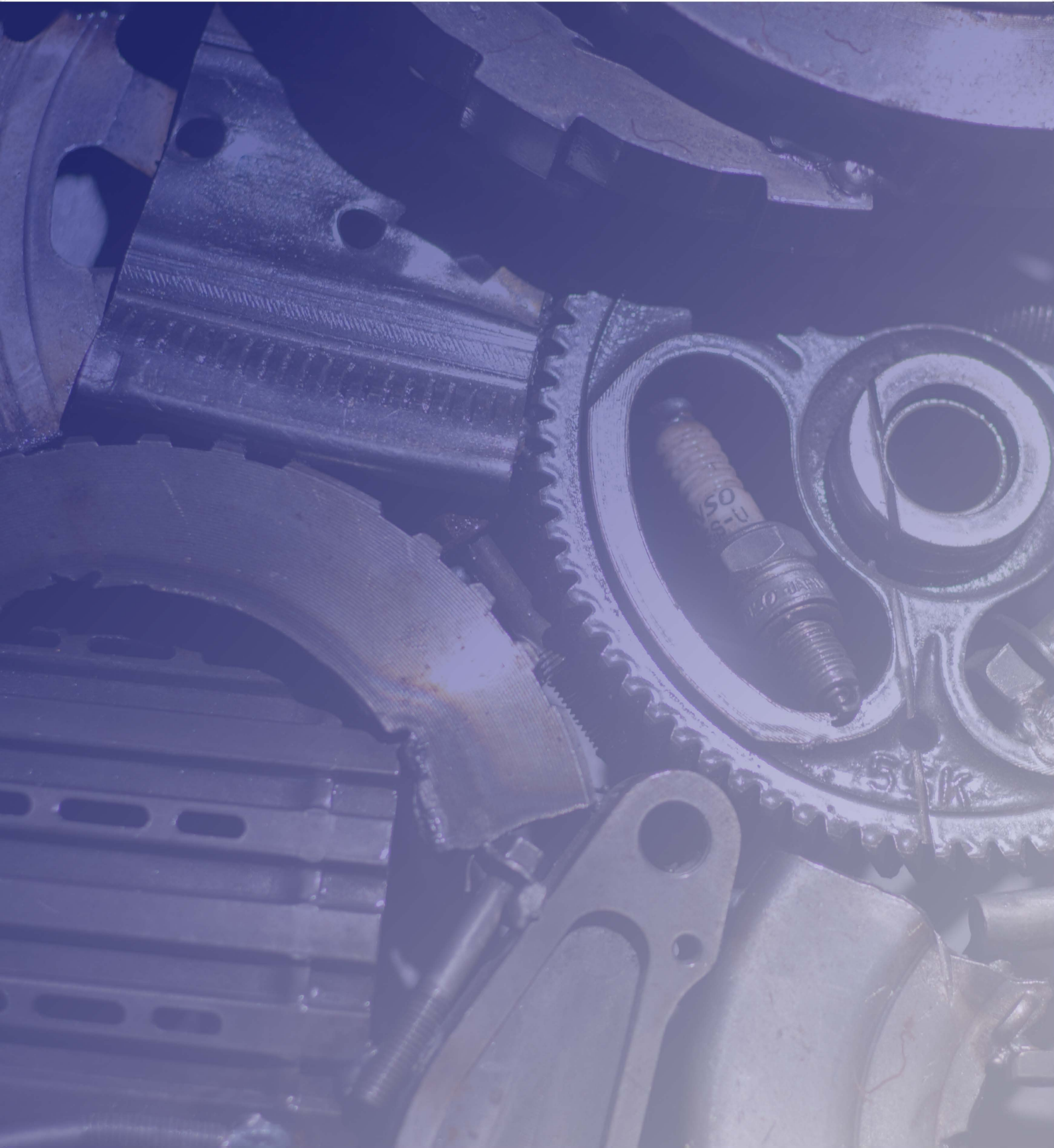


ADPA.EU

# Proposal for a Regulation on End-of-Life Vehicles

ADPA position paper

**SAFETY - SUSTAINABILITY - AFFORDABILITY**



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## Notice

This document is the detailed position from ADPA on the European Commission's proposal from 2023 for a regulation on circularity requirements for vehicle design and on management of end-of-life vehicles.

ADPA remains of course available to discuss it further with relevant institutions and fellow stakeholders.

## Contact

Pierre THIBAUDAT

Director General

[pierre.thibaudat@adpa.eu](mailto:pierre.thibaudat@adpa.eu)

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# Introduction

## Contribution of our sector to circularity

*What is the independent automotive aftermarket?*

The multi-brand, independent automotive aftermarket (IAM) is a complex ecosystem responsible for the handling and servicing of vehicles (and of their parts and components) once they are put on the market. It provides a competitive alternative to vehicle manufacturers and their partners, preventing the establishment of brand-specific monopolies which would increase costs and limit innovation.

*How does this sector intersect with end-of-life vehicles?*

Our ecosystem and end-of-life vehicles (ELV) are closely interlinked. ELVs can be dismantled to recover functional components that can be refurbished or resold in the IAM. For example, components like engines, transmissions, and alternators can be salvaged from ELVs, rebuilt, and reintroduced into the market.

This creates a supply of affordable and reliable reused, recycled or remanufactured parts for vehicle repairs and maintenance. It limits the dependency of the IAM on the vehicle manufacturers to source new replacement parts, as vehicle manufacturers might have stopped the production of such parts, might not sell them to the IAM, or might sell them for a high price.

Thanks to ELVs, the IAM can extend the lifespan of older vehicles and avoids consumers to be deprived of road mobility in case they cannot purchase a brand new vehicle - which is particularly important as prices for new vehicles are currently skyrocketing, after years of inflation which have fragilised the purchasing power of European households.

This is an example of virtuous, circular economy, whereby the IAM contributes to considerably reduce waste by making it economically meaningful to reuse, remanufacture and refurbish materials and components from ELVs, in line with current objectives of public policies at international, European, national and local levels. It also has a significantly positive impact as it reduces the need for new parts and components, preventing new, additional emissions and consumption of (often imported) natural resources, limiting the environmental footprint of the automotive sector.

*What is the role of ADPA members in this?*

In this context, ADPA members play a key role, and without them, most of the value chain would be paralysed. ADPA Members are indeed worldwide pioneers and leaders for the handling of increasingly complex vehicles, as they provide aggregated, harmonised, intelligible and ready-to-use technical information. This information is used for the repair, maintenance and servicing of over 280 million vehicles from more than 40 different manufacturers on European roads. By doing so, ADPA members ensure that the roadworthiness, safety and environmental performance of vehicles is maintained over their lifetime in a reliable, timely and affordable way, and that other operators can work in a safe and efficient way.

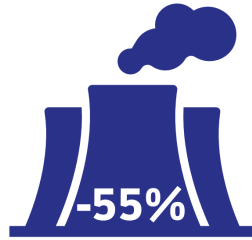
More specifically in relation to the proposal, they are an essential source of information on how to identify, remove and replace parts and components, an increasingly difficult task requiring a high level of accuracy considering the ever increasing number of makes, models, parts and components, and their complexity.



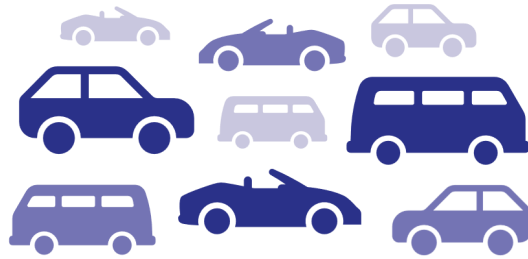
## Some facts and figures



The European business for automotive aftermarket parts amounts to 226 billion euros annually.



Remanufacturing can save up to 55% of energy and 85% of raw materials, in comparison with new production.

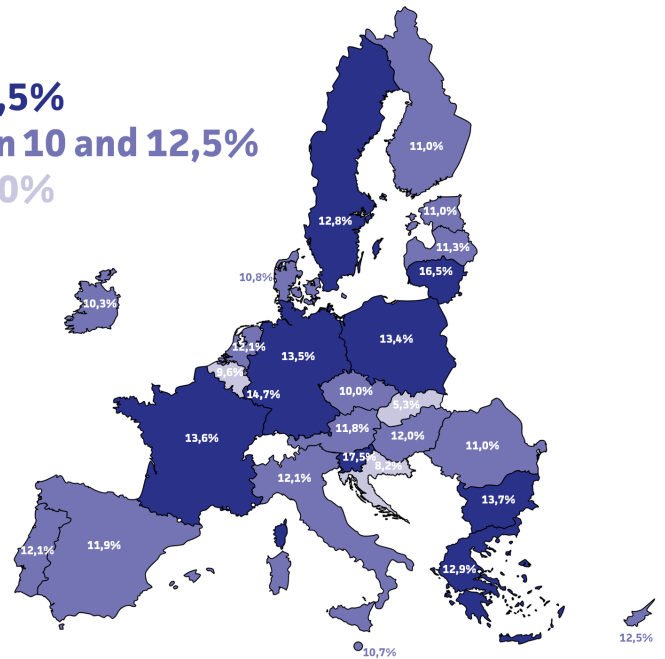


3,5 million vehicles disappear without a trace from EU roads each year, being exported or disposed of illegally.

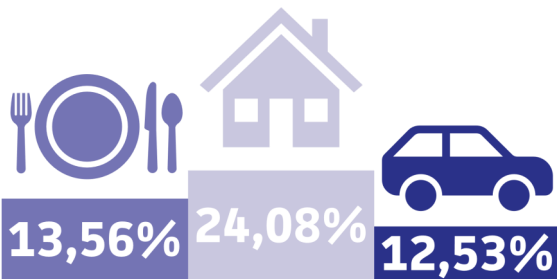


The need for raw materials in the European Union induced a trade deficit of €29 billion with the rest of the world in 2023.

**Over 12,5%**  
**Between 10 and 12,5%**  
**Below 10%**



Most Europeans spend over 1 out of 8€ on transport.



Mobility is the third most important source of expenses for European households in 2023.



For more facts and figures on our sector and its economic footprint, and on its contribution to the safety, the sustainability and the affordability of road mobility, scan this QR code or visit our dedicated webpage <https://www.adpa.eu/facts-figures/>



## Overall assessment of the proposal

*A much welcomed step...*

ADPA warmly welcomes the overall direction and ambition of the proposal of the European Commission as it opens the way for positive developments for the automotive aftermarket, consumers and, more generally, society and the environment. This is fully in line with ADPA's objective to ensure road mobility remains safe, sustainable and affordable. In this context, the recognition of the role of repairing, replacing, reusing, remanufacturing, recycling and refurbishing, and of the economic operators performing these jobs, is essential.

*... which should be strengthened...*

For the legislation to be fully efficient, it is crucial to ensure that there is no gap between the current reality and capability of the market and the objectives of the regulation, by ensuring that none of the specific competences of the multiple stakeholders is hindered.

Additional attention also needs to be paid to ensure that competition in the automotive aftermarket would actually be strengthened, by enabling the independent aftermarket's ecosystem to compete on a level playing field with vehicle manufacturers and their partners. The more operators are present, the more affordable and innovative the handling of end-of-life vehicles will become.

Finally, experience shows that legal clarity and consistency are paramount to prevent diverging, contradicting interpretations which would hinder the proper materialisation of the intended objectives of the legislation.

*... through targeted, technical upgrades.*

ADPA therefore considers that targeted, precise changes would significantly reinforce the spirit and the letter of the legislation.

ADPA has identified issues around five main, often inter-related topics (provisions on the conditions to access and the content of technical information should be strengthened, the range of operators to be considered should be widened, the uptake of electric vehicles should be properly prepared and accompanied, the capability and role of repair and replacement for circularity should not be underestimated and hindered, and delays should be shortened).

ADPA addresses these issues with recommendations and, accordingly, with proposed amendments to the draft text. A linear list of consolidated amendments is also available as some articles are sometimes handled under different angles<sup>1</sup>.

Beyond these proposals made from the perspective of the central, crucial role of technical information for the proper handling of end-of-life vehicles, ADPA supports additional proposals put forward by other stakeholders if they facilitate the contribution of the automotive aftermarket to the objectives of the legislation.

<sup>1</sup> Annex I, page 19



# 1. Strengthening access to and content of technical information

Access to technical information is a crucial condition for operators others than vehicle manufacturers and their partners to be able to perform their job in a competitive and innovative way. It has been recognised by several legislations, notably the Motor Vehicle Block Exemption Regulation (MVER) 2023/822 and the Type Approval Regulation (TAR) 2018/858. However, experience shows that it is absolutely crucial to have legal provisions worded as precisely as possible to ensure that competition remains possible, without having to initiate lengthy litigation.

## Recital 29<sup>2</sup>

Issue 1: This article currently excludes repair and maintenance operators, while they also need access to the coding of spare parts in order to properly enable their remanufacturing, their refurbishment and their reuse.

Recommendation 1: ADPA recommends to complete the article by including repair and maintenance operators.

Proposal 1: “While digital coding is increasingly used to control different parts and components in vehicle, the evaluation of Directive 2000/53/EC identified that such coding could impede the reuse, remanufacturing and refurbishment potential of certain parts and components. It is therefore essential that vehicle manufacturers are requested to provide information allowing professional waste management operators **and repair and maintenance operators** to overcome the problems posed by these digitally coded parts and components in a vehicle, where such coding prevents repair, maintenance or replacement operations in another vehicle.”

## Article 11.1<sup>3</sup>

Issue 2: Proper technical information would enable much more use cases than a simple removal and replacement procedure, improving further the circularity of road vehicles and of their components through repair, remanufacturing and refurbishment. Technical information is also often lacking to work on the individual faulty components of a battery and is too often limited to basic instructions on how to remove and replace the battery as a whole. More detailed information on the individual components of the battery could avoid such an environmentally and financially heavy process by enabling the fixing of tinier parts and components.

Recommendation 2: ADPA recommends the inclusion of repair, remanufacturing and refurbishment as purposes for operations granting access rights to relevant technical information. ADPA also recommends to include information on the individual parts and components of batteries.

Proposal 2: “From [OP: Please insert the date = the first day of the month following 36 months after the date of entry into force of this Regulation], manufacturers shall provide waste management operators and repair and maintenance operators unrestricted, standardised and non-discriminatory access to the information listed in Annex V, enabling access to, and safe removal, ~~and~~ replacement, **repair, remanufacturing and refurbishment** of, the following: (a) electric vehicle batteries incorporated in the vehicle **and their parts and components**; (b) e-drive motors incorporated in the vehicle **and their parts and components**; [...]”

<sup>2</sup> Identical as issue, recommendation and proposal 8, page 9

<sup>3</sup> Identical as issue, recommendation and proposal 18, page 12 - For this article, see also issue, recommendation and proposal 28, page 16





## Article 11.2

Issue 3: The wording of this article is confusing as it says that manufacturers shall grant an access which should be free of charge, but that they might still collect charges at the same time. Lack of clarity on the topic of fees, and resulting divergences of interpretations, have resulted in several ongoing litigations<sup>4</sup>. ADPA considers that it is legitimate for vehicle manufacturers to be compensated against the cost occurring from a legal obligation that is placed on them against their interests. While they can be put under an obligation to share their information for the sake of competition, and there is no reason to make them profit from it (which would undermine the objective of better competition), they should not be asked to do so at a financial loss, either. This would be the case if access would be entirely for free. This has been well explained by the European Commission<sup>5</sup>.

Recommendation 3: ADPA recommends to clean the wording to avoid any potential misunderstanding, and to ensure a balanced approach by preventing undue profit and financial loss alike for vehicle manufacturers.

Proposal 3: “The manufacturers shall provide the information referred to in the first subparagraph free of charge, **except** ~~–The manufacturers may collect charges from waste management operators and repair and maintenance operators to~~ the amount necessary to cover the administrative costs for making the required information accessible through communication platforms.”

## Article 13.2

Issue 4: This article maintains the confusion as to whether technical information shall be made available for free, by not being aligned with article 11.2. ADPA considers that clarity as to the fees is absolutely crucial, and that it is legitimate for vehicle manufacturers to be compensated against the cost occurring from a legal obligation that is placed on them against their interests<sup>6</sup>.

Recommendation 4: ADPA recommends to align the wording of this article with the one of article 11.2.

Proposal 4: “The circularity vehicle passport shall contain the information referred to in Article 11 of this Regulation in digital format and shall be accessible free of charge, **except the amount necessary to cover the administrative costs for making the required information accessible through communication platforms.**”

## Article 13.6.c

Issue 5: This article rightfully pinpoints that third parties other vehicle manufacturers should be able to update the circularity vehicle passport. However, it doesn't foresee for the European Commission to adopt implementing acts on the conditions for third parties to have access to this passport. Conditions for access to technical information from vehicle manufacturers need to be defined to safeguard the capability of legitimate third parties to actually perform their job. Unclear rules have led to multiple ongoing litigations, and should therefore be avoided to increase legal certainty and efficiency of the legislation.

Recommendation 5: ADPA recommends the legislation to open the door for the European Commission to adopt implementing acts on the conditions for access to the circularity vehicle passport.

Proposal 5: “the **conditions for access to**, introduction, modification and updating of information included in the circularity vehicle passport by third parties other than the manufacturer;”

<sup>4</sup> ADPA, *Lawsuit against excessive pricing - European judgment first step in the right direction*, 27 October 2022

<sup>5</sup> European Commission, *Commission Staff Working Document SEC(2005) 1745*, 21 December 2005, p. 27 last paragraph

<sup>6</sup> Same as issue 3, above



## Annex V<sup>7</sup>

Issue 6: The different paragraphs of this annex rightfully mention “number” of various parts and components. However, referring to “numbers” only is too vague and doesn’t provide third parties with enough certainty.

Recommendation 6: ADPA recommends to systematically refer to original equipment numbers, a concept which is already in place and vastly used in the automotive sector, therefore not creating any additional burden.

Proposal 6: “1. Electric vehicle batteries incorporated in the vehicle: (a) **original equipment** number;”; “2. E-drive motors incorporated in the vehicle: (a) **original equipment** number;”; “3. Components, parts and materials listed in Part B of Annex VII: [...] (b) **original equipment** number;”; “4. Components, parts and materials listed in Part C of Annex VII: (a) **original equipment** number;”; “5. Digitally coded components and parts in a vehicle: (a) **original equipment** number;”

## Annex V, Paragraph 1<sup>8</sup>

Issue 7: The level of information available to third parties to work on batteries is often insufficient. Access to the battery management system parameters is crucial to perform precise battery diagnostics in view of a replacement or repair. To complete the repair process, the battery health also needs to be recalculated and assigned to the repaired battery. This can only happen if the operator is able to calculate battery health.

Recommendation 7: ADPA recommends to include access to parameters of the battery management system in the list of information items to be made available for electric vehicles.

Proposal 7: new “**(h) Access to the battery management system parameters to assess the battery state of health (SoH), including access to state of certified energy (SOCE) and state of certified range (SOCR) parameters.**”

<sup>7</sup> Identical as issue, recommendation and proposal 19, page 13

<sup>8</sup> Identical as issue, recommendation and proposal 20, page 13





## 2. Widening the range of operators contributing to circularity

The automotive aftermarket is a vibrant ecosystem composed of more than 500.000 companies across the European Union, many of them SMEs, often highly specialised on some very precise operations. It is essential to make sure that the legislation encompasses them all to ensure they can continue to perform their job and to deliver for the circularity of the automotive sector.

### Recital 29<sup>9</sup>

Issue 8: This article currently excludes repair and maintenance operators, while they also need access to the coding of spare parts in order to properly enable their remanufacturing, their refurbishment and their reuse.

Recommendation 8: ADPA recommends to complete the article by including repair and maintenance operators.

Proposal 8: “While digital coding is increasingly used to control different parts and components in vehicle, the evaluation of Directive 2000/53/EC identified that such coding could impede the reuse, remanufacturing and refurbishment potential of certain parts and components. It is therefore essential that vehicle manufacturers are requested to provide information allowing professional waste management operators **and repair and maintenance operators** to overcome the problems posed by these digitally coded parts and components in a vehicle, where such coding prevents repair, maintenance or replacement operations in another vehicle.”

### Article 3.1 (15)

Issue 9: This article unnecessarily narrows the scope to operators working on the vehicle as a whole, while there might be other operators specialising in working on some of its specific parts and components only, and which do an equally important job for the circularity of the vehicles considering their high level of specialisation in handling such specific parts and components.

Recommendation 9: ADPA recommends to include operators handling parts and components only.

Proposal 9: “‘authorised treatment facility’ means any establishment or undertaking that is permitted in accordance with Directive 2008/98/EC and this Regulation to carry out collection and treatment of end-of-life vehicles, **their parts and components;**”

### Article 3.1 (18)

Issue 10: This article introduces a new definition for repair and maintenance operators which is not identical to the one in other pieces of legislation applying to the automotive sector, such as the Type-Approval Regulation 2018/858 and the Motor Vehicle Block Exemption Regulation 2023/822. Such differences can create grey zones, divergence of interpretation and ultimately may result in litigation.

Recommendation 10: ADPA recommends to increase legal certainty by aligning the definition of independent operators with the one used in the last Motor Vehicle Block Exemption Regulation 2023/822 and its supplementary guidelines<sup>10</sup>, the latest piece of European legislation to have updated such a list.

<sup>9</sup> Identical as issue, recommendation and proposal 1, page 6

<sup>10</sup> European Commission, *Communication from the Commission on Amendments to the Commission Notice – Supplementary guidelines on vertical restraints in agreements for the sale and repair of motor vehicles and for the distribution of spare parts for motor vehicles 2023/C 133 I/01*, 17 April 2023, point 19 on the replacement of paragraph 62



Proposal 10: “‘repair and maintenance operator’ means any natural or legal person, **including independent repairers, spare parts manufacturers and distributors, manufacturers and distributors of repair equipment or tools, publishers of technical information and publishers of vehicle-generated data, automobile clubs, roadside assistance operators, operators offering inspection and testing services and operators offering training for repairers,** who, related to that person’s trade, business, craft or profession, provides repair or maintenance services, whether independently from or authorised by manufacturers;”

### **Article 3.1 (21)**

Issue 11: This article unnecessarily narrows the scope to operators working on the vehicle as a whole, while there might be other operators specialising in working on some of its specific parts and components only, and which do an equally important job for the circularity of the vehicles considering their high level of specialisation in handling such specific parts and components.

Recommendation 11: ADPA recommends to include operators handling parts and components only.

Proposal 11: “‘waste management operator’ means any natural or legal person dealing on a professional basis with the collection or treatment of end-of-life vehicles, **their parts and components;**”

### **Article 3.1 (35)**

Issue 12: This article unnecessarily narrows the scope to operators working on the vehicle as a whole, while there might be other operators specialising in working on some of its specific parts and components only, and which do an equally important job for the circularity of the vehicles considering their high level of specialisation in handling such specific parts and components.

Recommendation 12: ADPA recommends to include operators handling parts and components only.

Proposal 12: “‘economic operators’ means producers, collectors, vehicle insurance companies, suppliers, repair and maintenance operators, waste management operators and any other operators involved in design of vehicles, trade in used vehicles, or management of end-of-life vehicles, **their parts and components.**”

### **Article 7.1<sup>11</sup>**

Issue 13: This article foresees only the case of the removal of parts and components by authorised treatment facilities. It unnecessarily excludes other use cases by other operators who are also contributing to the circularity of vehicles.

Recommendation 13: ADPA recommends to upgrade the list of potential use cases and the list of operators to be considered.

Proposal 13: “Each vehicle belonging to a vehicle type that is type-approved as of [OP: Please insert the date = the first day of the month following 72 months after the date of entry into force of this Regulation] shall be designed in a way which does not hinder the removal, **reuse, recycling, remanufacturing and refurbishment** by authorised treatment facilities **and repair and maintenance operators** of the parts and components listed in Part C of Annex VII from the concerned vehicle during the waste phase of the vehicle.”

<sup>11</sup> For this article, see also issue, recommendation and proposal 26, page 16



## Article 7.2<sup>12</sup>

Issue 14: The article foresees only the case of the removal and replacement of parts, unnecessarily excluding other potential use cases despite their contribution to the circularity of vehicles.

Recommendation 14: ADPA recommends to enlarge the scope of this article by enabling other important use cases, all benefitting to the circularity of the automotive sector.

Proposal 14: “Each vehicle belonging to a vehicle type that is type-approved as of [OP: Please insert the date = the first day of the month following 72 months after the date of entry into force of this Regulation] under Regulation (EU) 2018/858 shall be designed, as regards joining, fastening and sealing elements, so as to enable, in a readily and non-destructive manner, the removal, ~~and~~-replacement, **repair, remanufacturing and refurbishment** of electric vehicle batteries and e-drive motors from the vehicle by authorised treatment facilities or repair and maintenance operators during the use phase and waste phase of the vehicle.”

## Article 23.4

Issue 15: The current wording lets it up to Member States to decide whether or not to authorise waste management operators other than authorised treatment facilities to set up collection points for end-of-life vehicles. There is no reason why such operators other than the authorised ones shouldn't be allowed to do so.

Recommendation 15: ADPA recommends to make it mandatory for Member States to allow all legitimate waste management operators to set up collection points for end-of-life vehicles.

Proposal 15: “Member States ~~may~~**shall** authorise waste management operators other than authorised treatment facilities to set up collection points for end-of-life vehicles.”

## Annex V, Paragraph 5.c

Issue 16: Repair and maintenance operators other than vehicle manufacturers and their authorised networks largely rely on multi-brand tools to perform their job. It is also essential for them to be able to update information of parts and of vehicles when they are serviced. This historical capability is however increasingly threatened by proprietary mechanisms put in place by vehicle manufacturers, restricting competition and forcing consumers into their associated repair networks. Without corrective measures, it could result in only the vehicle manufacturers and their networks being able to perform some operations.

Recommendation 16: ADPA recommends, in order to maintain the competitiveness of independent repair and maintenance operators, to enable them to continue using such multi-brand tools, including for the activation of digitally coded parts, and to update vehicle and parts' information accordingly.

Proposal 16: “technical instructions on access, removal and replacement, including ~~–~~coding and software necessary to activate spare parts and components to function in another vehicle, **also using multi-brand diagnostic tools; including the possibility to deregister the part from the end of life vehicle and to register the part with the vehicle information on the vehicle manufacturer's backend server for the repaired vehicle, if necessary;**”

<sup>12</sup> For this article, see also issues, recommendations and proposals 17, page 12, and 27, page 16

### 3. Accompanying the uptake of electro-mobility

Electric vehicles are technically extremely different from internal combustion engines. As such, provisions which were once conceived for the latter often require a profound re-shuffling to keep pace with technological change and to remain pertinent.

#### Article 7.2<sup>13</sup>

Issue 17: The scope of the article is unnecessarily limited. Technology, including production methods, evolve fast, and having a limited number of pre-defined methods might not be future-proof. Moreover, the article currently only enables the removal and replacement of a battery as a whole, while it would be feasible to also address individual faulty components.

Recommendation 17: ADPA recommends to expand the scope of the article on the ground of technology neutrality, and to ensure that it would be feasible to work on the individual faulty components of a battery instead of having to remove and replace the battery as a whole.

Proposal 17: “Each vehicle belonging to a vehicle type that is type-approved as of [OP: Please insert the date = the first day of the month following 72 months after the date of entry into force of this Regulation] under Regulation (EU) 2018/858 shall be designed, ~~as regards joining, fastening and sealing elements,~~ so as to enable, in a readily and non-destructive manner, the removal and replacement of electric vehicle batteries and e-drive motors **and their parts and components** from the vehicle by authorised treatment facilities or repair and maintenance operators during the use phase and waste phase of the vehicle.”

#### Article 11.1<sup>14</sup>

Issue 18: Proper technical information would enable much more use cases than a simple removal and replacement procedure, improving further the circularity of road vehicles and of their components through repair, remanufacturing and refurbishment. Technical information is also often lacking to work on the individual faulty components of a battery and is too often limited to basic instructions on how to remove and replace the battery as a whole. More detailed information on the individual components of the battery could avoid such an environmentally and financially heavy process by enabling the fixing of tinier parts and components.

Recommendation 18: ADPA recommends the inclusion of repair, remanufacturing and refurbishment as purposes for operations granting access rights to relevant technical information. ADPA also recommends to include information on the individual parts and components of batteries.

Proposal 18: “From [OP: Please insert the date = the first day of the month following 36 months after the date of entry into force of this Regulation], manufacturers shall provide waste management operators and repair and maintenance operators unrestricted, standardised and non-discriminatory access to the information listed in Annex V, enabling access to, and safe removal, **and** replacement, **repair, remanufacturing and refurbishment** of, the following: (a) electric vehicle batteries incorporated in the vehicle **and their parts and components**; (b) e-drive motors incorporated in the vehicle **and their parts and components**; [...]”

<sup>13</sup> For this article, see also issues, recommendations and proposals 14, page 11, and 27, page 16

<sup>14</sup> Identical as issue, recommendation and proposal 2, page 6 - For this article, see also issue, recommendation and proposal 28, page 16

## Annex V<sup>15</sup>

Issue 19: The different paragraphs of this annex rightfully mention “number” of various parts and components. However, referring to “numbers” only is too vague and doesn’t provide third parties with enough certainty.

Recommendation 19: ADPA recommends to systematically refer to original equipment numbers, a concept which is already in place and vastly used in the automotive sector, therefore not creating any additional burden.

Proposal 19: “1. Electric vehicle batteries incorporated in the vehicle: (a) **original equipment** number;”; “2. E-drive motors incorporated in the vehicle: (a) **original equipment** number;”; “3. Components, parts and materials listed in Part B of Annex VII: [...] (b) **original equipment** number;”; “4. Components, parts and materials listed in Part C of Annex VII: (a) **original equipment** number;”; “5. Digitally coded components and parts in a vehicle: (a) **original equipment** number;”

## Annex V, Paragraph 1<sup>16</sup>

Issue 20: The level of information available to third parties to work on batteries is often insufficient. Access to the battery management system parameters is crucial to perform precise battery diagnostics in view of a replacement or repair. To complete the repair process, the battery health also needs to be recalculated and assigned to the repaired battery. This can only happen if the operator is able to calculate battery health.

Recommendation 20: ADPA recommends to include access to parameters of the battery management system in the list of information items to be made available for electric vehicles.

Proposal 20: new “**(h) Access to the battery management system parameters to assess the battery state of health (SoH), including access to state of certified energy (SOCE) and state of certified range (SOCR) parameters.**”

<sup>15</sup> Identical as issue, recommendation and proposal 6, page 8

<sup>16</sup> Identical as issue, recommendation and proposal 7, page 8

## 4. Supporting and not underestimating the role of repair and maintenance

Operators active in the repair and maintenance of vehicles are highly innovative and immensely resourceful. Their ability to handle complex situations and products should not be underestimated, but on the contrary be supported.

### Article 55

Issue 21: New production practices make it unnecessarily complicated to repair vehicles and their individual components. For example, giga-casting consists in moulding a single large part, where several parts used to be produced, and typically concerns body parts. In some cases, it enables to replace about 70 parts with 2 or 3 only. It means that instead of having to replace a limited number of tiny parts after a collision, a much larger part needs to be replaced, resulting in a waste of resources for the production and the transportation of the said part, and additional costs for consumers. Similarly, the use of certain sealants such as epoxy layers is more and more common in batteries. It results in the entire battery having to be changed instead of its individual faulty components, here again with a large environmental and financial impact for consumers.

Recommendation 21: ADPA recommends that the legislators foresees an evaluation and an assessment of these new practices, with a view to a potential complementary legislation addressing them.

Proposal 21: new article 55.3 **“By 24 months after entry into force of this Regulation, the Commission shall present a report to the European Parliament and to the Council on the repairability of vehicles and the environmental impacts of new production practices, such as giga-casting and sealing methods. The Commission shall present a new legislative proposal to address the repairability and environmental impacts of new production techniques for vehicles, where appropriate, together with the report.”**

### Annex I, Part A, Paragraph 1.g

Issue 22: The paragraph lists the need to proceed with the replacement of engines and gearboxes as irreparability criteria, while these are perfectly mastered procedures.

Recommendation 22: ADPA recommends to remove the reference to the engine and the gearbox.

Proposal 22: “its repair requires the replacement of ~~the engine, gearbox, shell,~~ or chassis assembly, resulting in the loss of the vehicle's original identity.”

### Annex I, Part A, Paragraph 2

Issue 23: This paragraph poses a major threat to consumers. It is technically unjustified, environmentally damageable, and socially unfair. The market value of a vehicle (which is necessarily theoretical as long as it is not actually sold) has no material impact whatsoever on the actual repairability of a car. It would also increase the risk of vehicles being prematurely disposed, creating additional waste. Finally, many households can afford repairs, but not to purchase a new vehicle – it would drive them out of the possibility to move by car, further fragilizing and marginalising them.

Recommendation 23: ADPA recommends to entirely delete this paragraph.

Proposal 23: ~~“The vehicle is economically irreparable if its market value is lower than the cost of the necessary repairs needed to restore it in the Union to a technical condition that would be sufficient to obtain a roadworthiness certificate in the Member State where the vehicle was registered before repair.”~~



## Annex I, Part A, Paragraph 3.f

Issue 24: The paragraph lists excessively worn brakes and steering components as potential criteria to declare a vehicle technically irreparable, while it is actually a standard procedure to replace these elements.

Recommendation 24: ADPA recommends to remove this paragraph.

Proposal 24: “~~(f) its brakes and steering components are excessively worn.~~”

## Annex VII, Part E

Issue 25: This chapter lists parts and components that should not be reused. However, there is an existing market for some of them, e.g. catalytic converters, exhaust silencers and particle filters.

Recommendation 25: ADPA recommends that such parts and components should continue to be allowed to be sold for reuse if they are accompanied by a warranty stating that they are compliant with the relevant legislation, in particular Directive 2014/45 on periodic roadworthiness tests.

Proposal 25: “PART E - COMPONENTS AND PARTS NOT TO BE REUSED

1. All airbags including cushions, pyrotechnic actuators, electronic control units and sensors.

~~2. Emission after treatment systems (e.g. catalytic converters, particulate filters).~~

~~3. Exhaust silencers.~~

4. Automatic or non-automatic seat belt assemblies, including webbing, buckles, retractors, pyrotechnic actuators.

5. Seats in cases where they incorporate safety belt anchorages and/or airbags.

6. Steering lock assemblies acting on the steering column.

7. Immobilisers, including transponders and electronic control units.”

Or, alternatively: Proposal 25 bis: “PART E - COMPONENTS AND PARTS NOT TO BE REUSED **unless they come with a warranty stating the part is compliant with the related roadworthiness test as stipulated in article 4 of Directive 2014/45 on periodic roadworthiness tests for motor vehicles and their trailers**

1. All airbags including cushions, pyrotechnic actuators, electronic control units and sensors.

2. Emission after-treatment systems (e.g. catalytic converters, particulate filters).

3. Exhaust silencers.

4. Automatic or non-automatic seat belt assemblies, including webbing, buckles, retractors, pyrotechnic actuators.

5. Seats in cases where they incorporate safety belt anchorages and/or airbags.

6. Steering lock assemblies acting on the steering column.

7. Immobilisers, including transponders and electronic control units.”

## 5. Shortening undue delays

Unnecessary delays result in an equally unnecessary postponement of the materialisation of the intended objectives of the legislation. ADPA here lists undue delays in the articles of primary relevance for its Members, but there might be other delays mentioned in other articles. ADPA generally recommends to reduce as much as possible all delays in order to favour the rapid materialisation of the intended objectives of the draft legislation. The work on eventual complementary implementing acts should start immediately after the adoption of the legislation and be finalised before its entry into force.

### Article 7.1<sup>17</sup>

Issue 26: 72 months (6 years) is an unnecessary long time to materialise the objectives of the legislation.

Recommendation 26: ADPA recommends to shorten the delay to the strict minimum.

Proposal 26: “Each vehicle belonging to a vehicle type that is type-approved as of [OP: Please insert the date = ~~the first day of the month following 72 months after~~ the date of entry into force of this Regulation] shall be designed in a way which does not hinder the removal by authorised treatment facilities of the parts and components listed in Part C of Annex VII from the concerned vehicle during the waste phase of the vehicle.”

### Article 7.2<sup>18</sup>

Issue 27: 72 months (6 years) is an unnecessary long time to materialise the objectives of the legislation.

Recommendation 27: ADPA recommends to shorten the delay to the strict minimum.

Proposal 27: “Each vehicle belonging to a vehicle type that is type-approved as of [OP: Please insert the date = ~~the first day of the month following 72 months after~~ the date of entry into force of this Regulation] under Regulation (EU) 2018/858 shall be designed, as regards joining, fastening and sealing elements, so as to enable, in a readily and non-destructive manner, the removal and replacement of electric vehicle batteries and e-drive motors from the vehicle by authorised treatment facilities or repair and maintenance operators during the use phase and waste phase of the vehicle.”

### Article 11.1<sup>19</sup>

Issue 28: The delay for vehicle manufacturers to make available required information is way too long, impairing competition without due reason.

Recommendation 28: ADPA recommends to make this mandatory duty applicable as from the day of the entry into force of the regulation.

Proposal 28: “From [OP: Please insert the date = ~~the first day of the month following 36 months after~~ the date of entry into force of this Regulation], manufacturers shall provide waste management operators and repair and maintenance operators unrestricted, standardised and non-discriminatory access to the information listed in Annex V [...]”

<sup>17</sup> For this article, see also issue, recommendation and proposal 13, page 10

<sup>18</sup> For this article, see also issues, recommendations and proposals 14, page 11, and 17, page 12

<sup>19</sup> For this article, see also issues, recommendations and proposals 2, page 6, and 18, page 12

## Article 13.1

Issue 29: The delay of 84 months (7 years) to deploy the circularity vehicle passport is unduly postponing the materialisation of the intended objectives of the legislation, without justification.

Recommendation 29: ADPA recommends to make this circularity vehicle passport applicable as from the day of the entry into force of the regulation.

Proposal 29: “From [OP: please insert a date = ~~the first day of the month following 84 months after~~ entry into force of the Regulation] each vehicle placed on the market shall have a circularity vehicle passport, which shall be aligned with and, where possible, integrated in other vehicle related environmental passports established under Union law.”

## Conclusion

ADPA welcomes and supports the European Commission's proposal for the future end-of-life vehicle regulation. It is an essential piece of legislation addressing several key concerns for individual consumers and society at large, by improving the affordability and the sustainability of road mobility. In a context of pressure on households' expenditure and on natural resources, and of strategic considerations on European dependency to imported natural resources and industrial products, it enables the European automotive aftermarket, a worldwide leader and pioneer, to pursue its mission.

Targeted, technical but nonetheless important upgrades should be included in order to further strengthen this piece of legislation, reducing legal uncertainties and enabling as many operators as possible to responsibly and fully contribute to its intended objectives, by ensuring that:

- provisions on the conditions to access and the content of technical information are strengthened,
- the range of operators to be considered is widened,
- the uptake of electric vehicles is properly prepared and accompanied,
- the capability and role of repair and replacement for circularity is not underestimated and hindered,
- Undue delays are shortened to the maximum.

# Annex 1 - Proposed, consolidated amendments

## Recitals

Recital 29 While digital coding is increasingly used to control different parts and components in vehicle, the evaluation of Directive 2000/53/EC identified that such coding could impede the reuse, remanufacturing and refurbishment potential of certain parts and components. It is therefore essential that vehicle manufacturers are requested to provide information allowing professional waste management operators **and repair and maintenance operators** to overcome the problems posed by these digitally coded parts and components in a vehicle, where such coding prevents repair, maintenance or replacement operations in another vehicle.

## Article 3

- Article 3.1 (15) ‘authorised treatment facility’ means any establishment or undertaking that is permitted in accordance with Directive 2008/98/EC and this Regulation to carry out collection and treatment of end-of-life vehicles, **their parts and components**;
- Article 3.1 (18) ‘repair and maintenance operator’ means any natural or legal person, **including independent repairers, spare parts manufacturers and distributors, manufacturers and distributors of repair equipment or tools, publishers of technical information and publishers of vehicle-generated data, automobile clubs, roadside assistance operators, operators offering inspection and testing services and operators offering training for repairers**, who, related to that person’s trade, business, craft or profession, provides repair or maintenance services, whether independently from or authorised by manufacturers;
- Article 3.1 (21) ‘waste management operator’ means any natural or legal person dealing on a professional basis with the collection or treatment of end-of-life vehicles, **their parts and components**;
- Article 3.1 (35) ‘economic operators’ means producers, collectors, vehicle insurance companies, suppliers, repair and maintenance operators, waste management operators and any other operators involved in design of vehicles, trade in used vehicles, or management of end-of-life vehicles, **their parts and components**.

## Article 7

- Article 7.1 Each vehicle belonging to a vehicle type that is type-approved as of [OP: Please insert the date = ~~the first day of the month following 72 months after~~ the date of entry into force of this Regulation] shall be designed in a way which does not hinder the removal, **reuse, recycling, remanufacturing and refurbishment** by authorised treatment facilities **and repair and maintenance operators** of the parts and components listed in Part C of Annex VII from the concerned vehicle during the waste phase of the vehicle.
- Article 7.2 Each vehicle belonging to a vehicle type that is type-approved as of [OP: Please insert the date = ~~the first day of the month following 72 months after~~ the date of entry into force of this Regulation] under Regulation (EU) 2018/858 shall be designed, ~~as regards joining, fastening and sealing elements,~~ so as to enable, in a readily and non-destructive manner, the removal, ~~and~~ replacement, **repair, remanufacturing and refurbishment** of electric vehicle batteries and e-drive motors **and their parts and components** from the vehicle by authorised treatment facilities or repair and maintenance operators during the use phase and waste phase of the vehicle.

## Article 11

- Article 11.1 From [OP: Please insert the date = ~~the first day of the month following 36 months after~~ the date of entry into force of this Regulation], manufacturers shall provide waste management operators and repair and maintenance operators unrestricted, standardised and non-discriminatory access to the information listed in Annex V, enabling access to, and safe removal, ~~and~~ replacement, **repair, remanufacturing and refurbishment** of, the following: (a) electric vehicle batteries incorporated in the vehicle **and their parts and components**; (b) e-drive motors incorporated in the vehicle **and their parts and components**; [...]
- Article 11.2 [...] The manufacturers shall provide the information referred to in the first subparagraph free of charge, **except** ~~The manufacturers may collect charges from waste management operators and repair and maintenance operators to~~ the amount necessary to cover the administrative costs for making the required information accessible through communication platforms.

## Article 13

- Article 13.1 From [OP: please insert a date = ~~the first day of the month following 84 months after~~ entry into force of the Regulation] each vehicle placed on the market shall have a circularity vehicle passport, which shall be aligned with and, where possible, integrated in other vehicle related environmental passports established under Union law.
- Article 13.2 The circularity vehicle passport shall contain the information referred to in Article 11 of this Regulation in digital format and shall be accessible free of charge, **except the amount necessary to cover the administrative costs for making the required information accessible through communication platforms.**
- Article 13.6.c the **conditions for access to**, introduction, modification and updating of information included in the circularity vehicle passport by third parties other than the manufacturer;

## Article 23

- Article 23.4 Member States ~~may~~**shall** authorise waste management operators other than authorised treatment facilities to set up collection points for end-of-life vehicles.

## Article 55

- Article 55.3 (new) **By 24 months after entry into force of this Regulation, the Commission shall present a report to the European Parliament and to the Council on the repairability of vehicles and the environmental impacts of new production practices, such as giga-casting and sealing methods. The Commission shall present a new legislative proposal to address the repairability and environmental impacts of new production techniques for vehicles, where appropriate, together with the report.**

## Annex I

- Annex I, Part A, Paragraph 1.g its repair requires the replacement of ~~the engine, gearbox,~~ shell, or chassis assembly, resulting in the loss of the vehicle's original identity.
- Annex I, Part A, Paragraph 2 ~~The vehicle is economically irreparable if its market value is lower than the cost of the necessary repairs needed to restore it in the Union to a technical condition that would be sufficient to obtain a roadworthiness certificate in the Member State where the vehicle was registered before repair.~~
- Annex I, Part A, Paragraph 3.f ~~(f) its brakes and steering components are excessively worn.~~





## Annex V

- Annex V
1. Electric vehicle batteries incorporated in the vehicle: (a) **original equipment** number; [...]
  2. E-drive motors incorporated in the vehicle: (a) **original equipment** number; [...]
  3. Components, parts and materials listed in Part B of Annex VII: [...] (b) **original equipment** number; [...]
  4. Components, parts and materials listed in Part C of Annex VII: (a) **original equipment** number; [...]
  5. Digitally coded components and parts in a vehicle: (a) **original equipment** number; [...]
- Annex V, Paragraph 1.h (new)
- (h) Access to the battery management system parameters to assess the battery state of health (SoH), including access to state of certified energy (SOCE) and state of certified range (SOCR) parameters.**
- Annex V, Paragraph 5.c
- technical instructions on access, removal and replacement, including –coding and software necessary to activate spare parts and components to function in another vehicle, **also using multi-brand diagnostic tools; including the possibility to deregister the part from the end of life vehicle and to register the part with the vehicle information on the vehicle manufacturer’s backend server for the repaired vehicle, if necessary;**

## Annex VII

- Annex VII, Part E
- COMPONENTS AND PARTS NOT TO BE REUSED
1. All airbags including cushions, pyrotechnic actuators, electronic control units and sensors.
  - ~~2. Emission after-treatment systems (e.g. catalytic converters, particulate filters).~~
  - ~~3. Exhaust silencers.~~
  4. Automatic or non-automatic seat belt assemblies, including webbing, buckles, retractors, pyrotechnic actuators.
  5. Seats in cases where they incorporate safety belt anchorages and/or airbags.
  6. Steering lock assemblies acting on the steering column.
  7. Immobilisers, including transponders and electronic control units.
- OR
- COMPONENTS AND PARTS NOT TO BE REUSED **unless they come with a warranty stating the part is compliant with the related roadworthiness test as stipulated in article 4 of Directive 2014/45 on periodic roadworthiness tests for motor vehicles and their trailers**
1. All airbags including cushions, pyrotechnic actuators, electronic control units and sensors.
  2. Emission after-treatment systems (e.g. catalytic converters, particulate filters).
  3. Exhaust silencers.
  4. Automatic or non-automatic seat belt assemblies, including webbing, buckles, retractors, pyrotechnic actuators.
  5. Seats in cases where they incorporate safety belt anchorages and/or airbags.
  6. Steering lock assemblies acting on the steering column.
  7. Immobilisers, including transponders and electronic control units.

# Annex 2 - Used acronyms

**ADPA** Automotive Data Publishers' Association

**ELV** End-of-Life Vehicle

**IAM** Independent Automotive Aftermarket

**MVBER** Motor Vehicle Block Exemption Regulation

**SOCE** State of Certified Energy

**SOCR** State of Certified Range

**SoH** State of Health

**TAR** Type Approval Regulation

## Annex 3 - References

- ADPA, *Lawsuit against excessive pricing - European judgment first step in the right direction*, 27 October 2022, <https://www.adpa.eu/wp-content/uploads/2024/05/2022-10-27-ADPA-lawsuit-against-excessive-pricing-Press-Release-1.pdf>
- European Commission, *Commission Staff Working Document SEC(2005) 1745*, 21 December 2005, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52005SC1745>
- European Commission, *Communication from the Commission on Amendments to the Commission Notice – Supplementary guidelines on vertical restraints in agreements for the sale and repair of motor vehicles and for the distribution of spare parts for motor vehicles 2023/C 133 I/01*, 17 April 2023, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.CI.2023.133.01.0001.01.ENG&toc=OJ%3AC%3A2023%3A133I%3ATOC>



## About ADPA Members


ADPA Members are worldwide pioneers and leaders for the reparability of increasingly complex goods providing aggregated, harmonised, intelligible and ready-to-use technical information for the repair, maintenance and servicing of over 280 million vehicles from more than 40 different manufacturers on European roads ensuring their roadworthiness, safety and environmental performance over their lifetime in a reliable, timely and affordable way.


## About ADPA - Automotive Data Publishers' Association


ADPA, the Automotive Data Publishers' Association, aims to ensure fair access to automotive data and information needed for servicing, repairing and maintaining road vehicles.

It advocates for international, European and national legislations maintaining and improving competition and consumers' choice in the automotive aftermarket by preventing or limiting the establishment of brand-specific monopolies.

Founded in 2016 and based in Brussels, ADPA is a Member of AFCAR, the Alliance for the Freedom of Car Repair in the European Union, and FAAS, the Forum on Automotive Aftermarket Sustainability.

 Boulevard de la Woluwe 42  
1200 Brussels  
Belgium

 [secretariat@adpa.eu](mailto:secretariat@adpa.eu)

 +32 2 887 64 00

 [www.adpa.eu](http://www.adpa.eu)

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