

**Publication
of the Revised End-of-life Vehicle Ordinance
of 21 June 2002**

On the basis of Article 7 of the Law Governing the Disposal of End-of-life Vehicles of 21 June 2002 (FOG I P. 2199), the text of the End-of-Life Vehicle Ordinance in the amended version in effect as of 01 July 2002 is published here below. The revised version takes into account:

1. Article 1 of the Ordinance of 04 July 1997 (FOG I P. 1666), which based on its Article 5, entered into force on 01 April 1998;
2. Article 315 of the Ordinance of 29 October 2001 (FOG I P. 2785), which based on its Article 467, entered into force on 07 November 2001;
3. Article 3 of the Law of 21 June 2002 (FOG I P. 2199), which based on its Article 8, entered into force on 01 July 2002.

The legal provisions were issued based on:

- re. 1. § 24 Paragraph 2 No. 2 and 3 and § 7 Paragraph 1 No. 2, 3 and 4 Letter a and Paragraph 3, each in conjunction with § 59, as well as § 12 Paragraph 1 No. 1, 2 and 3 of the Recycling and Waste Management Act of 27 September 1994 (FOG I P. 2705);
- re. 2. Article 56 Paragraph 3 of the Jurisdiction Adjustment Act of 18 March 1975 (FOG I P. 705).

Bonn, 21 June 2002

**The Federal Minister
for the Environment, Nature Conservation and Nuclear Safety
Jürgen Trittin**

**Ordinance
on the Transfer, Collection
and Environmentally Sound Disposal of End-of-life Vehicles
(End-of-life Vehicle Ordinance – AltfahrzeugV)**

**§ 1
Area of Application**

(1) This Ordinance applies to vehicles and end-of-life vehicles including their components and materials. Notwithstanding § 3 Paragraph 4, it applies regardless of how the vehicle has been serviced and repaired during its use and of whether it is fitted with components supplied by the manufacturer or with other components, provided that their installation as replacement, exchange or retrofit parts complies with the respective regulations governing the type approval of vehicles for traffic on public roads.

(2) §§ 9 and 10 do not apply to a manufacturer who manufactures or imports vehicles exclusively in the meaning of Article 8 Paragraph 2 Letter a) of Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers (OJ EC No. L 42 P. 1, No. L 225 P. 6), and also not to the vehicles manufactured or imported by such manufacturer (small lot provision). The Federal Motor Vehicle Department decides upon request whether the prerequisites of Sentence 1 are fulfilled.

(3) For vehicles with a special purpose in the meaning of Article 4 Paragraph 1 Letter a) second bullet of Council Directive 70/156/EEC of 06 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers (OJ EC No. L 42 P. 1, Nr. L 225 P. 4), the provisions of this Ordinance apply only up to a maximum permissible weight of 3.5 tons. The vehicles referred to in Sentence 1 are exempt from the requirements under § 5 Paragraph 1. Instruments, components and other equipment required for the special purpose of the vehicles referred to in Sentence 1 are exempt from the requirements under § 8.

(4) For three-wheeled motor vehicles, only §§ 1 to 5 apply.

(5) The provisions of this Ordinance apply to the economic operators as well as the owners, title-holders and last registered owners of end-of-life vehicles.

**§ 2
Definitions**

(1) For the purposes of this Ordinance, the term

1. "vehicle" means vehicles of the classes M₁ (vehicles for passenger transport with a maximum of 8 seats, not including the driver's seat) or N₁ (vehicles for goods transport with a maximum permissible weight of up to 3.5 tons) in accordance with Annex II Section A of Council Directive 70/156/EEC of 06 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers (OJ EC No. L 42 P. 1, No. L 225 S. 34), as well as three-wheeled motor vehicles according to Directive 92/61/EEC (OJ EC No. L 225 P. 72), however not including three-wheeled motorcycles;
2. "end-of-life vehicle" means vehicles which are waste according to § 3 Paragraph 1 of the Recycling and Waste Management Act;
3. "manufacturer" means the manufacturer of vehicles according to the registration book, or the commercial importer of a vehicle and the manufacturer or the commercial importer of vehicle parts and materials, as well as their successors;
4. "prevention" means measures aimed at reducing the amount and the environmental damage of end-of-life vehicles, their materials and substances;
5. "treatment" means any activity performed after the transfer of the end-of-life vehicle to a dismantling facility or of the stripped vehicle to a shredding facility or another further treatment facility for the purpose of depollution, dismantling,

- shredding, recycling or preparation for disposal of the shredder wastes, and any other activities carried out in connection with the recycling and/or disposal of end-of life vehicles and their components;
6. "pre-treatment" means to remove and to render harmless any hazardous components as well as to drain any fluids;
 7. "drainage" means the removal of any operating fluids;
 8. "compacting" means any measure aimed at reducing volume, through which the properties of the stripped vehicle are changed, e.g., by crashing the vehicle's roof, crushing the vehicle or cutting it up;
 9. "reuse" means any operation by which components of end-of life vehicles are reused for the same purpose for which they were designed;
 10. "recovery of materials" means the recycling of waste materials, by means of a production process, for their original purposes or for other purposes (utilization of a material's properties, recovery of raw materials), however excluding recovery for the purpose of generating energy;
 11. "recycling" means any of the applicable processes set forth in Annex II B of the Recycling and Waste Management Act;
 12. "disposal" means any of the applicable processes set forth in Annex II A of the Recycling and Waste Management Act;
 13. "hazardous substance" means any substance which is considered dangerous under § 3a of the Chemicals Act;
 14. "acceptance facility" means any business or business division accepting end-of-life vehicles for the purpose of making them available or forwarding them to dismantling facilities, without being a dismantling facility themselves.
 15. "collection facility" means any acceptance facility through which the manufacturer, or a third party contracted by the manufacturer, take end-of-life vehicles back;
 16. "dismantling facility" means any business or business division, in which end-of-life vehicles are treated for recovery and recycling purposes; this may also include collection;
 17. "stripped vehicle" means the end-of-life vehicle treated at a dismantling facility for recovery and recycling purposes in accordance with the provisions of Annex Number 3;
 18. "shredder" means any device used for tearing into pieces or fragmenting stripped vehicles or other metallic or metalliferous waste for the purpose of obtaining directly reusable metal scrap as well as, if applicable, other recyclable material fragments;
 19. "other further treatment facilities" means any facility that is not a shredder and serves the purpose of recovering metals from stripped vehicles as well as, if applicable, other recyclable material fragments;
 20. "dismantling information" means all information required for the correct and environmentally sound treatment of end-of life vehicles. It shall be made available to authorized treatment facilities by vehicle manufacturers and component producers in the form of manuals or electronic media (e.g. CD-ROM, on-line services);
 21. "last registered owner" means the last owner of a vehicle listed in the registration book, to whom the vehicle is or was registered under the Road Traffic Type Approval Law;
 22. "economic operators" means manufacturers, as well as operators of collection facilities, acceptance facilities, dismantling facilities, shredding facilities, other further treatment facilities, recovery and recycling businesses and other businesses for the treatment of end-of-life vehicles including their components and materials, as well as motor vehicle insurance companies;
 23. "vehicle empty weight" means the relevant empty weight of a vehicle for the purpose of identifying the recycling targets; it is determined as follows:
 - for class M₁ motor vehicles first registered up until 31 December 1996: empty weight according to registration book minus weight of the contents of the tank filled at 90%;
 - for class M₁ motor vehicles first registered on or after 01 January 1997: Empty weight according to registration book minus weight of the contents of the tank filled at 90% and minus the weight of the driver (75 kg);
 - for class N₁ motor vehicles: Empty weight according to registration book minus weight of the contents of the tank filled at 90% and minus the weight of the driver (75 kg).
- (2) Acceptance facilities, collection facilities, dismantling facilities, shredding facilities and other further treatment facilities are authorized for the purposes of this Ordinance if
1. the respective facility possesses the required certification in accordance with § 5 Paragraph 3; or
 2. the facility is a specialized waste disposal operation and the compliance with the requirements of this Ordinance is verified and documented in the monitoring certificate.

§ 3 Collection Obligation

(1) Vehicle manufacturers are required to take back all end-of-life vehicles of their brand from the last registered owner. Vehicle manufacturers are required to take back the end-of-life vehicles specified in Sentence 1 free of charge from their delivery to an authorized collection facility or to an authorized dismantling facility designated by the manufacturer.

(2) Public law waste disposal entities as defined by § 15 Paragraph 1 of the Recycling and Waste Management Act are treated the same as last registered owners in cases where the owners or title-holders of motor vehicles specified in § 15 Paragraph 4 of the Recycling and Waste Management Act could not be ascertained. Paragraph 4 No. 1, 2 and 5 do not apply in these cases.

(3) Vehicle manufacturers are required to, individually or jointly, and either directly or through contracts with third parties, establish a comprehensive network of authorized collection facilities or authorized dismantling facilities designated by them. These collection facilities must be located within reasonable distance from the last registered owner. The network is sufficiently comprehensive if the distance from the residence of the last registered owner and the collection facility or an authorized dismantling facility designated by the manufacturer for this purpose does not exceed 50 km.

(4) Paragraph 1 Sentence 2 does not apply if

1. the end-of-life vehicle is not registered or was not registered last in compliance with the provisions of the German registration process;
2. the end-of-life vehicle has been registered in accordance with the provisions of the German registration process for an overall period of less than one month prior to its retirement;
3. the end-of-life vehicle no longer contains essential components and assemblies, in particular the drive train, body, chassis, catalytic converter or electronic controls for vehicle functions;
4. waste has been added to the end-of-life vehicle;
5. the vehicle registration book is not surrendered;
6. the end-of-life vehicle is a class M₁ or N₁ vehicle, which was not produced and approved in series and in a single-stage process.

(5) Vehicle manufacturers shall provide the necessary information on the collection facilities set up by them in an adequate way, in order to inform the last registered owner upon request of the location of a suitable collection facility.

(6) Manufacturers and distributors of components for passenger vehicles are required to ensure that used parts from repairs performed in motor vehicle repair facilities or in comparable commercial establishments are taken back for the purpose of being properly and safely recovered/recycled, or disposed of in a way that is in the best public interest. The parties involved may enter into agreements on the necessary measures and the distribution of the costs.

§ 4 Transfer Obligations

(1) Anybody disposing of, wanting to dispose of or having to dispose of a vehicle is required to transfer such vehicle only to an approved acceptance facility, an approved collection facility or an approved dismantling facility.

(2) Operators of dismantling facilities are required to confirm immediately that a vehicle has been turned over in accordance with Paragraph 1 by issuing a Certificate of Destruction. The model to be used for this certificate is that of Model 12 of the Road Traffic Type Approval Law. Only operators of authorized dismantling facilities may issue Certificates of Destruction. Operators of dismantling facilities may only direct authorized acceptance facilities or authorized collection facilities to hand over the Certificate of Destruction. Upon issuing or delivering the Certificate of Destruction, end-of-life vehicles may only be transferred for the

purpose of due treatment in compliance with the provisions of this Ordinance. This is warranted by issuing or delivering a Certificate of Destruction.

(3) Operators of acceptance facilities and collection facilities are required to transfer end-of-life vehicles only to an authorized dismantling facility.

(4) Operators of dismantling facilities are required to transfer stripped vehicles only to authorized shredding facilities. Notwithstanding Sentence 1, the authority responsible for the monitoring of the dismantling facility may, upon presentation of an expert opinion (§ 6) also grant permission for stripped vehicles to be turned over to another further treatment facility.

(5) With the exception of § 26, the provisions of the Ordinance on Waste Recovery and Disposal Records do not apply to the transfer according to Paragraphs 1 to 3.

§ 5 Disposal Obligations

(1) The economic operators shall ensure that, based on the average empty vehicle weight of all end-of-life vehicles turned over per year, the following targets are met:

1. as of 01 January 2006, at the latest
 - a) Recovery and reuse of at least 85 percent of the weight;
 - b) Recovery and recycling of materials at a rate of at least 80 percent of the weight; and
2. as of January 2015, at the latest
 - a) Recovery and reuse of at least 95 percent of the weight;
 - b) Recovery and recycling of materials at a rate of at least 85 percent of the weight.

(2) Operators of acceptance facilities, collection facilities, dismantling facilities, shredder facilities and other further treatment facilities are required to fulfill the respectively applicable requirements of the Annex. The operators specified in Sentence 1 may only accept or treat end-of-life vehicles or stripped vehicles, if they are authorized as set forth in § 2 Paragraph 2.

(3) The compliance with the requirements set forth in Paragraph 2 Sentence 1 shall be certified by an expert (§ 6). This certification may only be granted if the requirements of the Annex are fulfilled. The certification is valid for a period of no more than 18 months. The expert shall revoke the certification immediately if, upon verifying and auditing the fulfillment of the respective facility-specific requirements of the Annex, he is convinced that the operator does not or no longer fulfills the requirements for the granting of the certification, not even after a grace period of no longer than three months granted by the expert. Sentences 2 and 4 do not apply with regard to the fulfillment of the requirements under Annex Number 3.2.4.1 Paragraph 3 and Number 4.1.2. The expert is required to notify the competent supervisory authorities responsible for the facility immediately of such revocation and non-fulfillment of the requirements under Annex Number 3.2.4.1 Paragraph 3 or Number 4.1.2. For acceptance and collection facilities that are motor vehicle repair workshops, the certification is done through the respective competent motor vehicle guild. Sentences 2 to 6

apply accordingly to the motor vehicle guilds. When verifying the fulfillment of the requirements, audit results to be taken into consideration are those that have been performed

1. by an independent environmental expert or an expert environmental firm in accordance with Article 4 Paragraph 3 of Council Regulation (EEC) No. 1836/93 of 29 June 1993, allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme (OJ EC No. L 168 P. 1), or in accordance with Article 3 Paragraph 2 Letter d, and Paragraph 3 Letter a of Regulation (EC) No 761/2001 of the European Parliament and of the Council allowing voluntary participation by organizations in a Community eco-management and audit scheme (OJ EC No. L 114 P. 1);
2. by an entity accredited according to DIN EN 45012 in connection with quality management certification according to DIN EN ISO 9001 or 9004; or
3. by experts in connection with the audit of facilities in accordance with § 19i Paragraph 2 Sentence 3 of the Water Management Act and with the provisions decreed by the Länder under this Act.
- (4) Paragraph 3 Sentences 1 to 6 applies accordingly for accreditation in accordance with § 2 Paragraph 2 No. 2.
- (5) The Federal Ministry for the Environment, Nature Conservation and Nuclear Safety may, in agreement with the Federal Ministry of Economic Affairs and Technology, issue recommendations for the consistent realization of the audits.

§ 6 Experts

Certification in accordance with § 5 Paragraph 3 Sentence 1 may only be granted by someone who

1. has been publicly appointed according to § 36 of the Trade Regulation Act; or
2. is a licensed environmental expert or an expert environmental firm in accordance with §§ 9 and 10 of the Environmental Audit Act of 7 December 1995, last amended by Article 26 of the Act of 27 April 2002 (FOG I P. 1467), for activities under Section D Subsection DN No. 37 of the Annex of Council Regulation (EEC) No. 3037/90 of 09 October 1990 on the statistical classification of economic activities in the European Community (OJ EC No. L 293 P. 1), amended by Regulation (EEC) No. 761/93 of 24 March 1993 (OJ EC No. L 83 P. 1).

§ 7 Notification Duties

(1) The operators of acceptance facilities, collection facilities, dismantling facilities, shredding facilities and other further treatment facilities are required to present their valid certification promptly according to § 5 Paragraph 3 Sentence 1 including the audit report, or the valid monitoring certificate of a technical inspection organization or a waste disposal joint-venture, including the audit report, as well as the number assigned to the authority responsible for monitoring the respective facility in accordance with § 27 Paragraph 3 of the Ordinance on Waste Recovery and Disposal Records of 10 September 1996 (FOG I P. 1382, 1997 I P. 2860).

If the acceptance or collection facilities are motor vehicle repair workshops, the competent motor vehicle guild shall present the certification including the audit report to the authority responsible for monitoring the facility.

(2) The agencies in charge of licensing experts and expert firms pursuant to § 6 shall promptly notify the joint agency specified in § 32 Paragraph 2 of the Environmental Audit Act of any licenses granted by them and of any modifications made thereto. This joint agency shall generate up-to-date lists from this data on a regular basis and make them public in a suitable manner.

(2a) The experts under § 6 shall, for the dismantling facilities, shredders and other further treatment facilities accredited by them, immediately forward a copy of any certificates granted or revoked by them to a joint agency to be set up by the Länder. These documents must contain at least the following information:

1. Name and address of the company,
2. Address of the accredited facility or operating unit,
3. Facility number in accordance with § 27 Paragraph 3 of the Ordinance on Waste Recovery and Disposal Records for the facilities or operating units referred to in Number 2 above.
4. Communications equipment
5. Contacts
6. Competent approval authority
7. Date of issue and expiration of the certificate.

For dismantling facilities that have been designated by one or several manufacturers for the free collection of end-of-life vehicles, the manufacturers who have designated the dismantling facilities for this purpose must also be listed. The requirements of sentences 1 to 3 also apply to experts, technical inspection organizations or waste disposal joint-ventures accrediting the businesses set forth in Sentence 1 as specialized waste disposal facilities. The agency referred to in Sentence 1 shall, on a regular basis, generate up-to-date lists from the data from Sentence 2 No. 1 to 5 and Sentence 3, and make them public in a suitable manner.

(3) The expert (§ 6) shall notify the authority in charge of monitoring the respective facility at least 14 days prior to the date of the audit for the granting of the certification in accordance with § 5 Paragraph 3. For facilities referred to in § 2 Paragraph 2 Number 2, Sentence 1 shall apply accordingly.

§ 8 Waste Prevention

- (1) In order to promote the prevention of waste,
 1. the utilization of hazardous materials in vehicles is to be restricted and to be reduced as much as possible even during the conceptualization of vehicles, in particular in order to prevent their being released into the environment, make the recycling of materials easier and avoid the need to dispose of hazardous waste;

2. extensive consideration is to be given to the dismantling, reuse, recovery and, in particular, the recycling of end-of-life vehicles and their materials and components when designing and producing new vehicles;
3. greater use is to be made of recycled materials in the production of vehicles and other products.

(2) After 01 July 2003, vehicles as well as materials and components for those vehicles may only be put on the market if they do not contain any lead, mercury, cadmium or hexavalent chrome. Sentence 1 does not apply to the cases and under the conditions set forth in Annex II of Directive 2000/53/EC of the European Parliament and the Council of 18 September 2000 on end-of-life vehicles (OJ EC No. L 269 P. 34), as amended.

§ 9 Coding Standards and Dismantling Information

(1) Vehicle manufacturers, in arrangement with materials and component manufacturers, are required to use component and material coding standards in compliance with the determination by the European Commission pursuant to Article 8 Paragraph 2 of Directive 2000/53/EC of the European Parliament and the Council of 18 September 2000 on end-of-life vehicles (OJ EC No. L 269 P. 34), in particular to facilitate the identification of those components and materials which are suitable for reuse and recycling.

(2) Upon request, vehicle manufacturers are required to provide dismantling information to accredited dismantling facilities for each type of new vehicle put on the market within six months after the vehicle is put on the market. This information shall identify, as far as it is needed by the dismantling facilities in order to comply with the provisions of this Ordinance, the different vehicle components and materials, and the locations of all hazardous substances in the vehicle, in particular in view of achieving the objectives laid down in § 5.

(3) Without prejudice to commercial and industrial confidentiality, the manufacturers of vehicle components are required to make appropriate information on the dismantling, storage and testing of reusable components to accredited dismantling facilities available upon request.

§ 10 Duty to Provide Information

(1) Vehicle manufacturers are required to publish the following information in a suitable manner in cooperation with the respective economic operators:

1. Information on the recovery- and recycling-friendly design of vehicles and their components;
2. Information on the environmentally sound treatment of end-of-life vehicles, in particular on the removal of all fluids and dismantling;
3. Information on the development and optimization of ways to reuse, recycle and recover end-of-life vehicles and their components,

4. Information on the progress achieved in the area of recovery and recycling towards the goal of reducing the waste to be disposed of and increasing the recovery and recycling rates.

The respective economic operators are required to make the information pursuant to Numbers 2 to 4 available to the manufacturers.

(2) The vehicle manufacturers are required to make this information accessible to the prospective buyers of vehicles. It shall be included in the promotional literature for the new vehicle.

§ 11 Violations

In the meaning of § 61 Paragraph 1 No. 5 of the Recycling and Waste Management Act, a person acts in violation of the regulation if he or she willfully and negligently

1. fails to take back an end-of-life vehicle in violation of § 3 Paragraph 1 Sentence 1;
2. fails to take back an end-of-life vehicle in the prescribed manner in violation of § 3 Paragraph 1 Sentence 2;
3. in violation of § 3 Paragraph 6 Sentence 1, fails to ensure that used parts from motor vehicle repairs are taken back;
4. surrenders a vehicle, end-of-life vehicle or stripped vehicle in violation of § 4 Paragraph 1, 3 Sentence 1 or Paragraph 4 Sentence 1;
5. fails to certify the transfer altogether, or fails to certify such transfer correctly, completely and in due time, in violation of § 4 Paragraph 2 Sentence 1;
6. issues a Certificate of Destruction in violation of § 4 Paragraph 2 Sentence 3;
7. contracts an acceptance or collection facility in violation of § 4 Paragraph 2 Sentence 4;
- 7a. leads to another use of an end-of-life vehicle in violation of § 4 Paragraph 2 Sentence 5;
8. treats an end-of-life vehicle in violation of § 5 Paragraph 2 Sentence 1 in combination with Annex Number 2.1.2 Sentence 1;
9. in violation of § 5 Paragraph 2. Sentence 1 in combination with Annex Number 3.2.2.1 Sentence 1, fails to remove a battery, treat a fluid tank, or dismantle, provide for the disposal of or render harmless a component, or if he or she fails to do any of the above in due time;
10. in violation of § 5 Paragraph 2. Sentence 1 in combination with Annex Number 3.2.2.1 Sentence 2, fails to remove or remove in due time, or to collect, collect in the stipulated manner or collect in due time, one of the operating fluids or operating substances there listed;
11. in violation of § 5 Paragraph 2. Sentence 1 in combination with Annex Number 3.2.3.2 Sentence 1, fails to remove, or remove in due time, the substances, materials or components there listed;
12. in violation of § 5 Paragraph 2. Sentence 1 in combination with Annex Number 3.2.3.3 Sentence 1, fails to strip, disassemble or forward for reuse or recycling, or strip disassemble or forward for reuse or recycling in due time,

- the substances, materials or components there listed, or if he or she fails to document that the respective share has been recycled;
13. in violation of § 5 Paragraph 2. Sentence 1 in combination with Annex Number 3.2.4.1 Sentence 6, fails to transfer, or transfer in due time, the materials, components or operating fluids there listed for reuse or recycling;
 14. accepts or shreds a stripped vehicle in violation of § 5 Paragraph 2. Sentence 1 in combination with Annex Number 4.1.1 Sentence 3;
 15. in violation of § 5 Paragraph 2. Sentence 1 in combination with Annex Number 4.1.2 Sentence 1, fails to recover/recycle the weight percentage there stated or to document that the respective share has been recycled;
 16. accepts or treats an end-of-life vehicle or a stripped vehicle in violation of § 5 Paragraph 2. Sentence 2;
 17. grants certification in violation of § 6;
 18. fails to present, present correctly, present completely or present in due time, a certification or monitoring certificate in violation of § 7 Paragraph 1; or
 19. puts vehicles, materials or components on the market in violation of § 8 Paragraph 2 Sentence 1.

**§ 12
Transitional Provisions**

(1) Certifications according to § 5 Paragraph 3 Sentence 1, which were properly granted at the time of entering into force of the Ordinance, shall continue to be valid until their expiration.

(2) Experts and expert organizations who, based on § 6, no longer possess the required license and whose qualification for the granting of certifications pursuant to § 5 Paragraph 3 Sentence 1 was legally verified prior to the entry into force of this Ordinance, may continue to grant certifications for a period of two months following the entry into force of the Ordinance. The validity of such certifications shall be limited to a maximum duration of six months.

Annex

Requirements for the acceptance and collection of end-of-life vehicles,
the proper and safe recovery and recycling of end-of-life vehicles and stripped vehicles,
as well as the proper and safe disposal of the resulting waste

1. General Requirements

The provisions of §§ 19g et seq. of the Water Management Act in conjunction with the respective provisions of the water management laws and ordinances of the Länder remains unaffected.

2. Requirements for Acceptance Facilities and Collection Facilities.

2.1 Overview

2.1.1 Acceptance facilities have the purpose of taking vehicles over from the owner, preparing them for transport and turning them over to an authorized dismantling facility. The cooperation with the dismantling facilities is to be regulated by contracts.

2.1.2 Acceptance facilities must not treat end-of-life vehicles, in particular they may not drain and disassemble them. The dismantling facility and the acceptance facility are to agree upon adequate pick-up intervals to ensure that environmental damage due to storage is avoided.

2.1.3 Acceptance facilities must have the required permits from the building authorities for the intended purpose of the facility, and comply with any applicable legal provisions, in particular regarding environmental protection and occupational safety.

2.1.4 The accepted end-of-life vehicles may not be stored for pick-up stacked directly on top of one another or lying on their side or roof. Vehicles must be stored for pick-up in such a way as to avoid any damage to fluid containing components (e.g., oil pan, tank, brake conduits) or removable parts such as glass panes.

2.2 Size of area, division of area and equipment of acceptance facilities

2.2.1 The overall area provided for acceptance must be divided into a drop-off area and an area where vehicles await pick-up. This area shall be protected by a mineral oil proof pavement in compliance with the generally accepted technical rules for the requirements under water regulations and shall be drained via at least one (e.g., DIN 19991-compliant) light fluid trap. If the area is roofed, it is not necessary to drain it via a light fluid trap.

2.2.2 Any equipment necessary for the inspection and transport of vehicles that can no longer roll must be on site.

2.2.3 Binding agent for any leaked operating fluids must be stored in a location where it is sheltered from the elements, and must be available in sufficient quantities.

2.2.4 The facility must possess sufficient fire extinguishers.

2.2.5 The facility must be fenced in so that unauthorized persons are kept out.

2.2.6 A sign with the name, address and opening hours of the facility must be affixed in the driveway area.

2.3 Documentation

All incoming and outgoing end-of-life vehicles must be recorded in writing in an operating log. Moreover, the following information is to be recorded:

- Copies of the certificates of destruction for all incoming end-of-life vehicles;
- Special occurrences and breakdowns including their causes and corrective action taken;

The operating log must be presented to the supervising motor vehicle guild, the expert or the competent authorities upon request. In addition, cooperation with the dismantling facilities must be documented through contracts.

2.4 Collection facilities

The requirements of Numbers 2.1 to 2.3 apply accordingly to collection facilities.

3. Requirements for dismantling facilities

3.1 Requirements with regard to structure and equipment

3.1.1 The size of the area for the treatment of end-of-life vehicles, as well as its division, must be appropriate for the number of end-of-life vehicles and the their type of treatment and selected in such a way that the requirements of this Annex are met.

¹ Can be obtained from the publishing house Beuth-Verlag GmbH, Berlin

The operations area is to be divided into the following sub-areas:

- delivery (acceptance and logging);
- preliminary storage for non-pre-treated vehicles;
- area for the pre-treatment of end-of-life vehicles;
- storage of pre-treated vehicles;
- disassembly;
- storage for usable vehicle parts that do not contain any fluids;
- storage for usable fluid-carrying motor vehicle parts;
- storage for solid waste for recycling or disposal;
- storage for fluid waste for recycling/disposal;
- storage for stripped vehicles ready to be hauled away;
- area for compacting if compacting measures are carried out.

The different work areas are to be identified clearly.

Until they have been pre-treated, any end-of-life vehicles that have been brought in may be stored only in areas that are suitable for that purpose.

3.1.2 Premises

3.1.2.1 The areas provided for drop-off and as storage for incoming vehicles shall be sufficiently large and paved in accordance with the generally accepted technical rules for water management.

3.1.2.2 For the areas provided for pre-treatment, dismantling, storage of fluids and fluid-carrying parts and compacting, adequate measures shall be taken to ensure that the recoverable waste is not damaged in its nature, and that any endangerment of the environment is excluded. This can be achieved, for example, by enclosing, roofing or compacting in mobile presses with an integrated collecting system. The areas referred to in Sentence 1 must be protected by mineral oil proof pavement in accordance with generally accepted technical standards and in compliance with water regulations. If these areas are not covered by a roof, they must be drained via at least one (e.g., DIN 1999¹ compliant) light fluid trap.

3.1.2.3 The pre-treated end-of-life and stripped vehicles shall be stored in such a way that no soil and/or water contamination need be feared.

3.1.2.4 Batteries shall be stored separately in acid-resistant containers or on an acid-resistant surface without drain.

3.2 *Requirements with regard to operation*

3.2.1 General requirements

3.2.1.1 The operator of the dismantling facility must have the licenses and notifications for construction and operation required under the Federal Emission Protection Act or, respectively, under § 67 of the Federal Emission Protection Act, and he must comply with the relevant regulations, in particular with those concerning environmental protection and occupational safety. The facility is to be constructed, operated and maintained in compliance with the requirements concerning the proper and safe recovery/recycling, as well as the disposal of waste, in the best public interest. The same applies accordingly for dismantling facilities not requiring approval under emission protection law, which therefore require approval under building law.

3.2.1.2 Prior to their pre-treatment, end-of-life vehicles may not be stored on their side or roof, in order to prevent fluids from leaking. Stacking is allowed only if the facility is equipped with the necessary installations for secure prevention of deformation and damage to fluid-carrying components such as brake conduits and oil pans, or to removable parts such as glass panes.

3.2.1.3 If pre-treated end-of-life vehicles are being stacked, the stability of the stack must be ensured. Without special securing devices no more than three end-of-life vehicles may be stack on top of one another.

3.2.1.4 The requirements under Numbers 3.2.1.2 and 3.2.1.3 also apply for transport within the premises.

3.2.1.5 The operator is required to maintain a written operating log and to prepare a written operating manual. The requirements for the operating log arise from the documentation obligations under Number 3.3. The operating manual shall contain, in particular, instructions for the treatment and storage of the end-of-life vehicles, as well as work and operating directives.

The requirements under the Technical Directive Waste (TA Abfall) Number 5.4 (GMBI. 1991 P. 147) apply accordingly. Number 5.4.3.1 of the Technical Waste Directive are replaced by the requirements under § 5 Paragraph 1 of the Specialized Disposal Facilities Ordinance of 10 September 1996 (FOG I P. 1421).

¹ Can be obtained from the publishing house Beuth-Verlag GmbH, Berlin

3.2.2 Pre-treatment

3.2.2.1 Upon receipt of an end-of-life vehicle, operators of dismantling facilities shall promptly

- remove the batteries;
- handle and dismantle the liquid gas tank adequately according to the manufacturer's instructions; and
- have the pyrotechnical components either dismantled and disposed of according to the manufacturer's instructions by trained technical personnel in authorized facilities, or render them harmless by tripping them while still installed.

Prior to any further treatment, operators of dismantling facilities must remove and collect separately the following operating fluids and operating materials:

- fuel (including liquid gas for vehicle propulsion);
- coolant;
- brake fluid;
- windshield washing fluid;
- refrigerant from air conditioners (CFC, etc.);
- oil filters;
- engine oil, transmission oil, differential oil, hydraulics oil and suspension oil, if the suspension is not dismantled; these oils can be mixed provided that according to the provision of the Waste Oil Ordinance, they can be allocated to collective category 1.

Sentence 2 does not apply to components that are to be reused as replacement parts, such as, for example, engines and transmissions, if these are then removed immediately.

Components and materials that could pose a risk for ground and surface water must be stored on designated surfaces that are paved and covered by a roof. Substances that, according to the General Directive for the Water Management Act on the Classification of Water Polluting Substances in Water Pollution Classes (VwVwS, FOG No. 98a of 29 May 1999) are classified, or should be classified, as water polluting, must be filled into and stored in specifically approved containers and in compliance with the Ordinances decreed by the Länder governing the handling of water polluting substances and specialized facilities (Appendices V- VawS).

3.2.2.2 Pre-treatment according to Number 3.2.2.1 must be state of the art. In particular, the draining of the fluids shall lead to all units being drip-free. All openings from which fluids could leak shall be tightly sealed. Compliance with Sentence 3 is not required if the stripped vehicles are stored on a mineral oil proof surface that meets the generally accepted technical rules under water regulations.

The Federal Ministry for the Environment, Nature Conservation and Nuclear Safety may, in agreement with the Federal Ministry of Economic Affairs and Technology, publish the state of the art in effect from time to time.)

3.2.2.3 The systems used for the removal of fuels must comply with the state of the art; those used for the removal of coolants must be closed systems. When handling flammable fluids, the applicable regulations shall be complied with, such as, for example, the Hazardous Materials Ordinance, the Ordinance on Flammable Fluids, and regulations for the prevention of explosions.

3.2.3 Dismantling

3.2.3.1 The facility must have the technical, organizational and human capacity to remove those vehicle parts that are to be reused as complete components or assemblies, without damaging or destroying them.

3.2.3.2 Prior to further treatment, operators of dismantling facilities shall remove the following substances, materials and components because of their hazardous and detrimental nature:

- the PCM device according to the manufacturer's recommendations;
- suspensions, if not drained;
- components containing asbestos;
- components containing mercury, such as switches, in as far as practicable;
- components and materials coded in accordance with Annex II of Directive 2000/63/EC of the European Parliament and the Council of 18 September 2000 on end-of-life vehicles (OJ EC No. L 269 P. 34) as amended, that have been put on the market after 01 July 2003;
- substances not pertaining to motor vehicles.

It is to be ensured that dismantled suspensions, which will not be reused as components, are fully drained prior to the recovery of the metallic parts.

3.2.3.3 Prior to transferring the stripped vehicle to a shredding facility or other further treatment facility, operators of dismantling facilities shall strip, disassemble and above all, provide for reuse or recycling, the following components, substances and materials:

- catalytic converters;
- balancing weights;
- aluminium wheel rims;
- front, rear and side windows, as well as sun roofs;
- tires,
- larger plastic components, such as bumpers, hub caps and radiator grilles, if the respective materials will not be separated during or after the shredding process in such a way as to allow for the materials to be recycled;
- metal components containing copper, aluminium and magnesium, if the respective metals will not be separated during or after the shredding process.

Dismantled tires that are to be recycled shall be turned over to specialized disposal facilities that are certified for the recycling of this type of waste.

3.2.4 Reuse, recycling and disposal

3.2.4.1 The components and substances obtained from the end-of-life vehicle must primarily be provided for reuse or recycling. It is to be ensured that as much as possible of the removed components are provided for reuse. Where technically possible and financial reasonable, brake fluids, hydraulic fluids, coolants from air conditioning systems and radiator fluids are to be provided for recycling. Waste oils are to be provided for reprocessing or otherwise disposed of according to the applicable regulations.

Waste to be recycled and waste to be disposed of are to be stored separately in clearly marked containers.

Prior to transferring the stripped vehicle to a shredding facility or other further treatment facility, operators of dismantling facilities shall, at the latest as of 01 January 2006, strip or remove and provide for reuse or recycling, components, materials and operating fluids at an annual average rate corresponding to at least 10 percent of the total empty weight of the accepted end-of-life vehicles, and they shall document that the required share has been recycled. Metallic components and materials, such as stripped vehicles, core scrap, spare parts and fuels, may not be included in the calculation under Sentence 6. Scrap tires and batteries may be included in the calculation under Sentence 6, if they were turned over to a specialized disposal facility certified for the recycling of this type of waste. The obligations under Sentence 6 shall not apply, if proof is provided that the requirements with regard to the annual average recycling rate in relation to the total empty weight of the accepted end-of-life vehicles in accordance with § 5 Paragraph 1 No. 1 Letter b) were fulfilled in another suitable way. In this case, the proof that the obligations under Sentence 6 have been fulfilled must be furnished jointly by all involved operators and verified by an expert pursuant to § 6.

For components, standard values or manufacturer data may be used for calculation purposes in accordance with Sentence 6.

The requirements under Sentence 6 may also be fulfilled jointly by several dismantling facilities. In this case, the proof that the obligations under Sentence 6 have been fulfilled must be furnished jointly by all involved operators and verified by an expert pursuant to § 6.

3.2.4.2 Waste that cannot be recycled must be disposed of in a way that is in the best public interest. Waste may only be turned over to another facility for disposal if such facility proves that it has been authorized accordingly.

3.2.4.3 Pre-treated or dismantled end-of-life vehicles may be compacted in suitable installations for transport purposes, provided that no more parts will be removed for further use or recycling.

3.3 Documentation

3.3.1 Operators of dismantling facilities are required to maintain an operating log in accordance with the general requirements under Number 3.2.1.5, in which the identification, drainage, dismantling, reuse, recycling of materials, recovery for the purpose of generating energy, thermal treatment and other treatment of components, materials and substances must be recorded.

3.3.2 This operating log shall contain all essential data concerning the operation of the facility, which are required for the transparency and traceability of an environmentally sound recycling of end-of-life vehicles. All incoming and outgoing volume flows including the respective disposal certificates, waybills, transport permits and receipts as well as breakdowns, their causes and measures taken as a result thereof are to be noted in the operating log.

In particular, the required documentation obligations include

- carbon copies of the certificates of destruction, as well as the respective documents pursuant to § 7 Paragraph 1 Sentence 1, in chronological order;
- inventory and whereabouts, by type and quantity, of all substances, materials and parts that have been removed;
- accounting of all waste for recycling and disposal, as well as information with regard to the reuse of parts that have been turned over for reuse;
- information with regard to volume flows from other parts of the business, which are being disposed of together with the volume flows from the disposal of end-of-life vehicles;
- Special occurrences and breakdowns including their causes and corrective action taken;

4. Requirements for Shredding Facilities and Other Further Treatment Facilities

4.1 Overview

4.1.1 In all areas where the Ordinance applies, the operator of the facility must have the licenses and notifications for the construction and operation required under the Federal Emission Protection Act or, respectively, under § 67 of the Federal Emission Protection Act, and he must comply with the applicable legal provisions, in particular with regard to environmental protection and occupational safety. The facility is to be constructed, operated and maintained in such a way that the requirements concerning the proper and safe recovery/recycling as well as the disposal of waste in the best public interest are complied with. Operators of shredding facilities may only accept and shred stripped vehicles, if the end-of-life vehicles have been treated at accredited dismantling facilities in accordance with the requirements of Numbers 3.2.2.2 Sentences 1 and 2, 3.2.3.2 and 3.2.3.3 of the Annex.

4.1.2 Operators of shredding facilities are required to provide the following annual average weight percentages, in relation to the overall amount of the empty vehicle weight, of the non-metallic portion of the shredding residues:

a) as of 01 January 2006, 5 percent for recovery, and

b) as of 01 January 2015, 5 percent for recycling and another 10 percent for recovery. They are also required to document that the required share has been recovered/recycled. The overall empty vehicle weight is calculated by totalling the empty vehicle weights reported in the certificates of destruction of the individual stripped vehicles that were accepted by a shredding facility during the reference year.

If the light shredding residues are treated in an approved way, the weight percentage of the metals thus separated can be taken into account in the calculation pursuant to Sentence, if these metals are recycled.

The requirements under this number can also be fulfilled jointly by several shredding facilities. In this case, the proof that the obligations under Sentence 1 have been fulfilled must be furnished jointly by all involved operators and verified by an expert pursuant to § 6.

4.2 Documentation

4.2.1 The operator of a shredding facility is required to maintain an operating log in accordance with the general requirements under Number 3.2.1.5 of the Annex, in which the identification, processing and other whereabouts of the flows of materials and substance must be recorded in writing.

4.3 Requirements with regard to other further treatment facilities

For operators of other further treatment facilities, the requirements under Numbers 4.1 and 4.2 apply accordingly. In addition, the provisions of the license pursuant to § 4 Paragraph 4 Sentence 2 are to be complied with.

5. Exceptions

Deviations from the requirements set forth in Numbers 2 to 4 are permitted if proof is furnished that thanks to other suitable measures, the well being of the general public – as measured by the requirements of this Ordinance – is not adversely affected. The competent authority shall decide, upon request, on the permissibility of deviations in view of granting certification in accordance with § 5 Paragraph 3.