

February 2008

Dear Sir/Madam

End of Life Vehicles (Producer Responsibility) Regulations 2005 - Certificate of Compliance and 2007 target reporting

I am writing to you as the owner or operator of an end-of-life vehicles Authorised Treatment Facility to remind you of the need to report to us by 1 April 2008 your recovery performance, against the current 85% target, for the vehicles (cars and vans up to 3.5 tonnes) you treated during the calendar year January to December 2007.

Our records show that you are not contracted to either of the two service providers, Autogreen and Cartakeback, who in turn are contracted by the vehicle manufacturers (VMs).

ATFs which are not contracted to VMs, and are therefore acting independently of vehicle manufacturer contracted facilities, need to report to us directly on all the vehicles they treated during the calendar year 2007.

The ELV Regulations require an 85% reuse, recycling and recovery rate to be met for all¹ vehicles treated. We have relaxed the 85% target requirement on burnt-out and seriously incomplete vehicles to place them in the same position as pre-1980 vehicles (see footnote), since it would be unreasonable to compel recovery on material that was not physically available to the ATF. However, the 85% target must be achieved for all other vehicles. This is not an aspirational target, and to miss it is a criminal offence punishable by a fine. It has been clearly shown that the 85% target is achievable, albeit at a cost. If you have treated (e.g. depolluted) a vehicle, it is then your responsibility to show that the 85% recovery requirement has been met, even though the vehicle is likely to have been passed to others for subsequent treatment. For many ATFs, the target can only be met by obtaining evidence of recovery of non-metallic ELV materials from automotive shredder residue. It follows that ATFs may need to strengthen their relationship with the companies that ultimately shred their vehicles to ensure that they can secure access to information on any post shredder recovery activity either directly or through membership of the Service Providers Autogreen and Cartakeback.

¹ Vehicles registered prior to 1980 have a 75% target

As we did for 2006 returns, we are attaching a table to help you to calculate your recovery performance. In future years, we hope to have this available as an online form, which will automatically complete the background calculations based on the figures you provide. At present, however, we are very happy to offer you any assistance in completing the form that we can. So do please give us a call on one of the numbers listed at the foot of this letter if that would be helpful.

I would highlight a few things to watch.

- "Sanity check" your figures -- remember that the recovery rate declared should link to the number of vehicles treated (e.g. returns which appear to show excessive recovery of tyres or fluids will be questioned - one 2006 return equated to 50 tyres per vehicle!)
- It is not possible to exceed 100% recovery
- For spare parts, batteries, etc remember it is a **non-metallic** recovery figure that needs to be provided - all metals are already fully taken into account in the 75% metals protocol
- Only claim recovery activity of which you are certain - simply because the vehicle shell/engine etc has been sent on to a shredder/fragmentiser does not mean all that material will be recovered. Under the metals protocol, all metals are automatically assumed to be recovered, but recovery of the non-metallic fraction depends on the technologies and processes in place at the shredder, which can vary from site to site.
- Not all the processes listed on the suggested table are likely to apply, in which case leave them blank. For example, only limited numbers of ATFs send engines for smelting (energy recovery) or remove plastic bumpers, etc and send them to a plastics reprocessor (non-metallic recycling).

Timing of returns

The Regulations require all returns to be submitted by 1 April. Failure to do so is a criminal offence punishable by a fine.

We expect you to submit your 2007 target returns on time. We would urge you to send this information to us now, rather than putting the exercise to one side for completion at a later date.

Certificates of Destruction (CoDs)

The numbers of CoDs issued by ATFs continues to rise, but still falls some way short of anticipated ELV numbers. There are, of course, a number of reasons for this, including handling of ELVs by unlicensed operators where we continue to press the environmental agencies (EA, SEPA and EHS) to bear down on such activity. However, there is also underreporting, faulty issue and duplication of CoDs at licensed ATFs - for example, a number have not issued a single CoD.

A CoD must be issued, where possible, for all ELVs, and not just where a customer demands it. Where insufficient information is available to issue a CoD, a Notification of Destruction should be completed instead. Absence of the log book is not a valid reason for not issuing a CoD. If you routinely receive vehicles from the same source which have been stripped of their identity, meaning that a CoD cannot be issued, please provide the details to us and we will pursue the matter.

Issuing the CoD is a legal requirement of the 2003 ELV Regulations, and BERR will be working with both DVLA and the environmental agencies to promote the uptake of CoDs, to ensure they properly reflect the numbers of vehicles treated by licensed ATFs. If you have not yet started issuing CoDs, or only to a limited extent, we would strongly urge you to fully embrace the CoD system.

Attached is a CoD guidance note which provides some further information.

Yours faithfully,

Steve Norgrove
Cottrell (020 7215 1330)

S C Norgrove
Sustainable Development and Regulation

Contact details for information:
Paul Hallett (020 7215 1860)

Peter

Steve Norgrove (020 7215 2981)