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ETRMA input to have your say for the draft ELV regulation

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Summary

The European Tyre and Rubber manufacturers' association (ETRMA) welcomes the opportunity to comment on the European Commission's proposal on circularity requirements for vehicle design and on management of end-of-life vehicles, and would like to highlight the following points:

Avoiding double regulation for ecodesign criteria

Regulatory Circularity requirements for tyre design will be introduced through the Ecodesign for Sustainable Products Regulation (ESPR) but could also be contained in End-of-Life Vehicle regulation (ELVR). It is of utmost importance to synchronize the legislations to avoid double legislation. However, tyres have been listed as a priority product for first wave action under the ESPR legislation, according to the JRC preliminary study.

"Remanufacturing" and "Refurbishment" definitions

ETRMA calls for consistent and harmonized definitions of "remanufacturing" and "refurbishment" across different legislation, such as ESPR, ELVR, and Taxonomy regulations.

Additionally, the ELVR definition of "remanufacturing" and "refurbishment" shall at the very least be aligned with the definitions included the Commission Proposal on ESPR now under negotiations to appropriately reflect the tyre industry retreading process. Indeed, in the context of ESPR and ELVR, it should be noted that the result of the retreading process *shall not be considered a new product*.

Ensuring continued high level of End-of-Life tyre management

Similarly, regarding Extended Producer Responsibility (EPR) requirements any changes to the requirements for vehicles in the ELV need to consider EPR requirements for tyres. As of today, there are two parallel existing systems; for vehicles and replacement tyres. Those systems need to be considered when developing or revising national EPR legislation for products related to vehicles.

Circularity Vehicle Passport (CVP) and tyre Digital Product Passport (DPP)

With regards to the Circularity Vehicle Passport (CVP) and the Tyre Digital product Passport (DPP) the two should have the same obligation as well as ensure interoperability between them and finally, they must avoid over-regulation.

Reusability, recyclability and recoverability of vehicles

Currently, tyres are considered 100% recyclable according to UN Regulation 133 and ISO standard 22698:2002.

ETRMA calls for a continued alignment of the ELV regulation with international regulations and standards such as UN regulation 133 and ISO 22698:2002 as well as the ESPR.

Avoiding double regulation for ecodesign criteria

The EU tyre industry supports the Green Deal and its circular economy pillar. The commitment of the tyre industry to the EU circular economy goals is high, and industry is working on several measures to make its products more circular and more broadly sustainable.

Definitions need to ensure the intended materials are in scope for the requirements laid out within the regulation. As per the Commission's intention and with the support of ETRMA, tyres should be dealt with under the ecodesign for sustainable products regulation (ESPR) and not under the End of life Vehicle Regulation (ELVR).

More precisely, **ETRMA maintains that ESPR should be to the largest extent possible the preferred regulatory tool to define circularity requirements and more generally ecodesign requirements for tyres - whether mounted on a vehicle as original equipment or as replacement** - rather than under the scope of ELVR. ESPR provides a better framework to address all the aspects of tyre ecodesign in a more comprehensive manner. Most of the ecodesign requirements defined in the ELVR proposal only apply to M1 and N1 vehicle types, which *de facto* excludes a significant number of tyre types.

ETRMA is looking to cooperate constructively with the objective of ensuring the best possible circularity strategy for tyres and to ensure regulatory certainty and avoiding overlaps between different legislations potentially and already addressing tyres.

Possible consequences for tyres included in the plastics definition

Currently, tyres have been listed as a priority product for first wave action under the ESPR legislation, according to the JRC preliminary study.

The inclusion of vulcanized elastomers - as found for example in tyres - in the plastics definition (art. 3.1 (9)) and the implied inclusion of tyres under the recycled content targets set out for plastics (art. 6) in the ELVR can create a double regulatory framework vis-à-vis the ambitions on tyres under ESPR.

Furthermore, vulcanized elastomers have not been part of the impact assessment on mandatory recycled content targets undertaken by the JRC on behalf of the European Commission.

Remanufacturing/refurbishment definitions

Truck and bus tyre retreading is the most established remanufacturing/refurbishment practice in the tyre industry. It involves replacing the tread on worn tyres while preserving the structure of the tyre – its casing – reintroducing it into the distribution circuit of tyres. Retreading extends the life of the casing, optimizing the use of raw materials and energy for production, while also reducing waste. Importantly, it also helps sustain the business of thousands of SMEs involved in the retreading supply chain.

ETRMA calls for consistent and harmonized definitions of "remanufacturing" and "refurbishment" across different legislation, such as ESPR, ELVR, and Taxonomy regulations.

Additionally, the ELVR definition of remanufacturing and refurbishment shall at the very least be aligned with the definitions now under ESPR negotiations to appropriately reflect the tyre industry

retreading[1] process. Indeed, in the context of these regulations - ESPR and ELVR - it should be noted that the result of the retreading process ***shall not be considered a new product***.

The result of the retreading process is not a new product. This is why the definition of refurbishment and remanufacturing will have to take into account this specificity in order to allow for ecodesign criteria for retreaded commercial tyres to be developed.

Given the particularities related to the practice of tyre retreading, **the ELVR should hold definitions of remanufacturing and refurbishment that are wide enough to allow for a product-specific definition.** It is furthermore very important that alignment is uphold between the definitions set out in the ESPR framework and the ELVR.

Waste vs non-waste status for parts and components removed from vehicles

ETRMA calls for the fact that the text must clearly reflect that parts and component removed from a vehicle, which **are suitable for reuse, remanufacturing or refurbishment, are not waste.**

We are very supportive of the clear mention in Article 31(1)) of ELVR, saying that "**The parts and components that are fit for reuse, remanufacturing or refurbishment shall not be considered waste**". This includes the retreading of tyres.

In this regard carcasses suitable for retreading are considered waste by most Member states. Not considering casings suitable for retreading waste (as per art. 31 (1)) but a product will support the retreading market in reaching its full potential.

Ensuring continued high level of End-of-Life Tyre management

ETRMA would like to draw the attention to **problems that are observed in the interaction of Extended Producer Responsibility (EPR) systems for End-of-Life Tyres (ELT) and end-of-life vehicles (ELV).** We see the revision of the ELV-directive as a good opportunity to address these problems.

All Member States have implemented the ELV-directive and introduced management systems for end-of-life vehicles. Although not required by EU law, most Member States have also introduced EPR legislation for end-of-life tyres from the replacement market. Several ELT systems report that the two systems do not work well together. We calculate that on average 31% (13-35%) of the tyres from ELV are introduced in the replacement market without paying a recycling fee[2]. These 6,5 million tyres for EU-27 cause an annual deficit of approximately € 13 million for our associated ELT producer responsibility organisations (ELT-PRO).

This revision provides an excellent opportunity to describe a framework that would require member states to review the way how the different EPR systems for products that are part of the vehicle should be interlinked in order to work in an efficient and effective manner. The measures taken by

1 Retreading is the process of replacing the worn-out tyre tread with a new tread, thereby reducing waste and limiting the use of resources and reducing CO2 emissions. It is a safe, low-cost and environmentally friendly solution (https://www.etrma.org/key-topics/circular-economy/)

2 As assessed on behalf of the ETRMA in 2021 by FFact and summarized in the report: Interaction of the EPR systems for end-of-life tyres and vehicles, Survey of the legal and operational situation for 11 Member states.

Member states should follow the minimum requirements for EPR systems as set out in Article 8a of the Waste Framework Directive and should ensure cooperation and coherency of the different systems.

We would like to stimulate and facilitate practical solutions for the described problems on a national level. We therefore recommend including a provision in the upcoming ELV-directive requiring that member states explicitly and unambiguous take the interaction of EPR-systems into account when developing or revising national EPR legislation for products related to vehicles.

Circularity Vehicle Passport (CVP) and Tyre Digital product Passport (DPP)- ETRMA contribution to ELV consultation proposal

Replacement tyres should be subject to the same DPP obligations as the Original Equipment ones

Tyres and vehicles lifecycles are independent of one another, which is why both require a distinctive product passport to properly manage access to information in their respective circular economy information. Tyres are changed several times during the life of the vehicle, therefore a vehicle reaching its end of life will most likely have different tyres than the ones it was originally equipped with. To support ELT sorting by ELT collectors for better recycling, information relating to tyres' sustainability and ecodesign should be directly linked to the tyre identifier, not to the vehicle identifier.

Ensure interoperability between CVP and tyre DPP to improve the traceability of vehicle and tyre life's events.

Associating to the CVP the several tyres identifiers that will be fitted on the vehicle during its lifetime and opening access to relevant tyre's DPP information could help, for instance, to evaluate the life cycle assessment (LCA) of the vehicle. And vice versa, associating the vehicle identifier to the tyre DPP could improve the tyre usage knowledge and help to design more sustainable tyres.

Information between CVP and tyre DPP must be consistent to avoid any risk of over-regulation for tyres.

In the current ELV project, the CVP provides limited information about tyres (location of the tyres on the vehicle for easier repair and dismantling). Information related to tyre eco-design performances should be accessible via the tyre DPP, as original equipment as well as replacement part.

The tyre DPP information should contribute to the CVP information: for example, to the evaluation of the recycled material rate of the vehicle or to the presence of substances of concern in the vehicle. ELV and ESPR should not lead to overregulation of sustainable tyre performances by setting potentially contradictory targets on similar performances or requiring divergent information.

Reusability/recyclability/recoverability of vehicles

The ELVR sets out that new vehicle types should continue to be constructed so as to be reusable or recyclable to a minimum of 85 % by mass and reusable or recoverable to a minimum of 95 % by mass, as already foreseen in Directive 2005/64/EC.

In order to ensure that the calculation of the reusability, recyclability and recoverability rates is done in a homogeneous manner and can be monitored, a methodology for calculation and verification of the rates of reusability, recyclability and recoverability of a vehicle should be developed in alignment with ISO standard 22628:2002 and UN regulation 133.

ETRMA calls for a continued alignment of the ELVR with these international regulations and standards. As well as future regulations such as the ESPR for tyres.

Substances of Concern minimization target

Tyres are complex engineering products that must comply with very specific technical requirements in terms of safety, rolling resistance and fuel efficiency. These performances can only be achieved with the use of certain key chemical substances, which are already handled in compliance with REACH.

A clear interface with REACH and other pieces of chemical legislations (e.g., Waste Framework) is required to avoid inconsistencies and administrative burden.