

COMMISSION DECISION**of 10 June 2005****amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of life vehicles***(notified under document number C(2005) 1707)***(Text with EEA relevance)**

(2005/438/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles ⁽¹⁾, and in particular Article 4(2)(a) thereof,

Whereas:

- (1) Article 4(2)(a) of Directive 2000/53/EC prohibits the use of lead, mercury, cadmium or hexavalent chromium in materials and components of vehicles put on the market after 1 July 2003, other than in cases listed in Annex II to that Directive, under the conditions specified therein.
- (2) As product reuse, refurbishment and extension of lifetime are beneficial, spare parts need to be available for the repair of vehicles which were already put on the market on 1 July 2003. The use of lead, mercury, cadmium or hexavalent chromium in spare parts put on the market after 1 July 2003 for the repair of such vehicles should thus be tolerated.
- (3) Directive 2000/53/EC should therefore be amended accordingly.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18 of Council Directive 75/442/EEC ⁽²⁾,

HAS ADOPTED THIS DECISION:

Article 1

In Annex II to Directive 2000/53/EC the fifth indent of the 'Notes' is replaced by the following:

— spare parts put on the market after 1 July 2003 which are used for vehicles put on the market before 1 July 2003 are exempted from the provisions of Article 4(2)(a) (*).

(*) This clause does not apply to wheel balance weights, carbon brushes for electric motors and brake linings as these components are covered by specific entries'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 10 June 2005.

For the Commission

Stavros DIMAS

Member of the Commission

⁽¹⁾ OJ L 269, 21.10.2000, p. 34. Directive as last amended by Commission Decision 2002/525/EC (OJ L 25, 28.1.2005, p. 73).

⁽²⁾ OJ L 194, 25.7.1975, p. 39. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003 p. 1).