

SEPA INTERIM ENFORCEMENT POSITION - EXPORT OF SHREDDED WASTE TYRES

1.0 Overview

SEPA is aware that there are a decreasing number of accessible and cost effective options within the UK for the recycling and recovery of waste tyres. This is resulting in greater interest in those genuine markets for waste tyres that exist outside the UK including the export of shredded waste tyres for use in a range of waste recovery technologies including energy recovery facilities.

2.0 Regulatory Background

The movement of wastes into, out of and through the UK is controlled by European Regulation 1013/06/EC on the shipment of waste (WSR). The objective of this regulation is to preserve, protect and improve the quality of the environment and human health and to ensure the environmentally sound and efficient management of wastes.

The WSR has set three levels of control for different types of waste: green list controls, notification controls and prohibition. Green list controls are the lowest level of control and apply to some imports or exports of non-hazardous waste for recovery. Notification controls apply to all imports and exports of:

- hazardous waste being moved for recovery
- any type of waste being moved for disposal
- some shipments of non-hazardous wastes to listed countries.

The movement of waste into, out of, or through the UK for disposal is banned with very few exceptions.

In accordance with Article 49(2) of the WSR in the case of exports from Scotland it is the responsibility of SEPA, as the competent authority of dispatch, to “*require and endeavour to ensure that any export of waste is managed in an environmentally sound manner throughout the period of shipment, including recovery*”.

The WSR states that “*Environmentally sound management may, inter alia, be assumed as regards the waste recovery or disposal operation concerned, if the notifier or the competent authority in the country of destination can demonstrate that the facility which receives the waste will be operated in accordance with human health and environmental protection standards that are broadly equivalent to standards established in Community legislation.*”

3.0 Classification of Shredded Tyres

There are three classifications in the WSR relevant to the consideration of the controls on the export of waste tyres/Rubber waste; they are B3040 – Rubber Waste, B3140 – waste pneumatic tyres, B3080 – waste parings and scrap of rubber. Waste described under these classifications may be exported under ‘green list’ controls.

Waste that is to be shipped under any of the above entries must not be contaminated to such an extent that would increase the risks associated with the wastes or prevent the recovery of the waste in an environmentally sound manner.

Where waste tyres have been shredded **and do not contain any contamination with other materials such as wires or textile** SEPA accepts that this material could be classified as:-

“B3040 - Rubber wastes,

The following materials, provided they are not mixed with other wastes:

- Waste and scrap of hard rubber (e.g. ebonite)
- Other rubber wastes (excluding such wastes specified elsewhere)”

4.0 Interim Enforcement Position

Where waste tyres have been shredded and still contain wire or textiles SEPA considers that the tyre shred could be classified under the Annex III entry B3140 - waste pneumatic tyres. This decision on the use of the waste pneumatic tyres classification is an interim position that will be subject to future review and its application is subject to specific conditions, detailed below.

Exporters should note that the competent authorities of other countries may not agree with this position. They may expect shredded tyres to be classified under a different description and exported under different controls or be prohibited altogether and they may consider the shipment to be illegal and thereby require its repatriation. **The costs of this repatriation would be borne by the exporter.**

For any shipments of shredded waste tyres as B3140 waste under this enforcement position, exporters must comply with the following conditions:

1. Confirm in advance with the competent authorities of transit and of destination that they are satisfied with the description of the waste shredded tyres as “waste pneumatic tyres” and provide written evidence of this confirmation to SEPA in advance of any shipment.
2. Movement of these materials to OECD countries must be done in accordance with Article 18 of the WSR controls.
3. Box 9 of the Annex VII form should identify the fact that the usual description of the waste is “shredded waste pneumatic tyres”.
4. Exports to non-OECD countries must comply with Article 37 of the WSR and the specific wishes of the country of destination¹.
5. Article 49 of the WSR must be complied with in full by ensuring that the facility receiving the waste will be operated in accordance with human health and environmental protection standards that are broadly equivalent to standards established in Community legislation. (Practical advice on compliance with Article 49 is given below).

¹ The up to date position being taken by non-OECD countries can be identified via the link <http://ec.europa.eu/trade/wider-agenda/environment/shipment-of-non-hazardous-waste/questionnaire/> or Regulation EC 1418/2007 and its amendments.

In order to ensure compliance with the aims and objectives of Article 49 of the WSR written evidence to support these requirements must be provided to SEPA and be made available for inspection by SEPA. Such evidence would include:

- confirmation from the competent authorities of transit and of destination that they are aware the material is shredded waste tyres,
- that it is being shipped under the B3140 entry as waste pneumatic tyres, and that the material is going for environmentally sound management with confirmation of the permit for the facility receiving the materials.

This evidence must be sent to SEPA **prior** to commencing export of this material. SEPA will verify this information with the appropriate Basel contact points.

This position will not apply to any export of shredded waste tyres that SEPA considers is an export for disposal (unless it falls within the limited exceptions to the prohibition on exports for disposal). In this regard, SEPA considers that exports to facilities which it would consider to be a co-incinerator, such as an appropriately designed and operated cement kiln, would be taken to be a recovery facility. For incineration in other facilities the exporter would be required to provide evidence that the facility is capable of high levels of energy recovery through a combined heat and power system i.e. one which both generates electricity and supplies heat to other users or which satisfies the energy efficiency criteria of the formula attached to category R1 of Annex II to Directive 2008/98/EC on waste. Therefore, exports to facilities which do meet the above criteria will not be covered by this enforcement position and will be prohibited.

This position takes immediate effect and applies in Scotland only. The terms of this position are based on current understanding and may be subject to review and be changed or withdrawn in light of technological developments, regulatory or legislative changes, future government guidance or experience of its use. SEPA reserves its discretion to depart from the position and to take appropriate action to avoid any risk of pollution or harm to human health or the environment.