

End of Waste Regulation (No 333/2011) for scrap metals: The requirements for scrap metal to cease to be waste

Background

EU [End of Waste Regulations on Scrap Iron, Steel and Aluminium](#)¹ came into effect on 9 October 2011. These Regulations, made under the [revised Waste Framework Directive](#)², determine when scrap iron, steel and aluminium cease to be waste and can then be handled without waste management controls.

When does scrap iron, steel and aluminium cease to be waste?

These scrap metals cease to be waste when they have undergone treatment and meet the requirements laid down in the Regulations. In addition to scrap handled by metal dealers, the Regulation also applies to steel and aluminium packaging collected by Local Authorities. The requirements cover the following:

1. The waste inputs to the metals recovery process must comply with technical criteria in the Regulations
2. The waste input must be treated in accordance with the criteria in the Regulations.
3. The output must comply with the criteria set out in the Regulations.
4. The producer of the output must issue a statement of conformity for each consignment of material which has met the relevant criteria. This must be passed on to the next holder of the material with the producer keeping a copy for a minimum of one year.
5. The producer must implement a Quality Management System (QMS) which complies with the Regulations. If any part of the treatment process has been carried out by a prior holder of the metal, that prior holder must also implement a QMS.
6. The QMS must be verified every three years by an independent outside body that has been accredited by the UK Accreditation Service (UKAS).
7. The QMS and statement of conformity must be available for inspection by the SEPA on request.

If these requirements are met, the treated scrap metal then ceases to be waste upon transfer from the producer to another holder. Another 'holder' means a person who takes possession of the treated material. This means that the scrap metal remains waste so long as the scrap producer remains in possession of it. It ceases to be waste only when handed to another person (for example a dealer or the final consumer). At this point waste regulatory controls (for example the requirement for a waste permit or exemption and the waste duty of care) will no longer apply to those persons taking receipt of the material.

Verifying the QMS

Verifying that the End of Waste criteria have been met is a critical stage in this process.

The body that verifies the QMS must first have obtained accreditation from a nationally recognised body under either the 2008 (EC No 765/2008) or 2009 (EC No 1221/2009) Regulations. The UK uses the accreditation system described by the 2008 Regulation and the national accreditation body is UKAS (UK Accreditation Service).

How accreditation works in practice

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:094:0002:0011:EN:PDF>

² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:312:0003:0030:EN:PDF>

UKAS and business sectors will need to work together to develop accreditation scheme rules for the operation of the verification process. These rules will be specific to the process requiring verification. A scheme can take quite a long time to develop as they require negotiation between UKAS, industry and verification bodies on the details and extent of the rules.

SEPA will help facilitate this. As far as SEPA is aware, none of the numerous accreditation bodies in the UK is yet accredited to assess the QMS of waste processes.

How would end of waste determinations be made in practice?

SEPA will use the statement of conformity (which includes confirmation of QMS verification) to assess whether scrap metal has ceased to be waste. If the statement has been properly completed and we are satisfied that a QMS has been verified within the last 3 years by an accredited verifier, we will accept that the consignment has ceased to be waste.

If the QMS has not been verified by an accredited verifier, the material has not ceased to be waste according to the EU Regulations and waste controls will still need to be applied.

Impacts on metal packaging waste

If the scrap metal producer treats metal packaging waste and so achieves End of Waste status in accordance with the Regulations, they will then be eligible to seek accreditation under the packaging regulations as a reprocessor. As an accredited reprocessor, operators will be able to issue Packaging Recovery Notes (PRNs).

Businesses currently accredited as reprocessors or exporters under the packaging regulations will still be eligible to be accredited and able to issue PRNs or PERNs but only on material they receive, which is still waste. Any material which has already ceased to be waste in accordance with the Regulations, will not be eligible to have PRNs raised against it.

For more information on this and on how to apply to be accredited under the packaging regulations please see the link below. Our guidance on accreditation has been updated to take into account the changes arising from the End of Waste Regulation.

Annex: The Regulations

The full text of the Regulations can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:094:0002:0011:EN:PDF>

SEPA will publish further guidance on its website when appropriate.

Articles 3, 4, 5 and 6 of the Regulations set out the general requirements of the Regulations and specific matters are defined in Annexes.

The technical criteria for inputs to the processes are set out in Section 2 of Annexes I and II to the Regulations.

The treatments must be in accordance with criteria set out in Section 3 of Annexes I and II to the Regulations.

The criteria for output are set out in Section 1 of Annexes I and II to the Regulations.

Annex III to the Regulations contains a model statement of conformity.

Further Information

Waste framework Directive -

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:312:0003:0030:EN:PDF>

Producers Responsibility -

http://www.sepa.org.uk/waste/waste_regulation/producer_responsibility.aspx

Guidance on Packaging Accreditation -

http://www.sepa.org.uk/pdf/ACC-GN01_accreditation.pdf