



Notification Number: 2014/256/UK

## Quality Protocol: End of waste criteria for the production and use of tyre-derived rubber materials (TDRM)

Date received : 03/06/2014

End of Standstill : 04/09/2014

### Message

Message 001

Communication from the Commission - TRIS/(2014) 01539

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2014/0256/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201401539.EN)

#### 1. Structured Information Line

MSG 001 IND 2014 0256 UK EN 03-06-2014 UK NOTIF

#### 2. Member State

UK

#### 3. Department Responsible

Department for Business, Innovation and Skills  
European Reform Directorate  
1 Victoria Street, London, SW1H 0ET.

Email: 9834@bis.gsi.gov.uk.

#### 3. Originating Department

Department for Environment, Food and Rural Affairs (Defra)



#### 4. Notification Number

2014/0256/UK - S20E

#### 5. Title

Quality Protocol: End of waste criteria for the production and use of tyre-derived rubber materials (TDRM)

#### 6. Products Concerned

Tyre-derived rubber materials recovered from the processing of waste tyres.

#### 7. Notification Under Another Act

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#### 8. Main Content

This Quality Protocol is an update of an existing criteria notified as 2009/0252/UK

The end-of-waste criteria for the production and use of tyre-derived rubber materials has three main purposes:- (1) to clarify the point at which tyre-derived rubber materials recovered from the process of waste tyres has undergone a complete recovery operation, has been fully recovered and has ceased to be waste within the meaning of Article 3(1) of the Waste Framework Directive (2008/98/EC); (2) to provide users with confidence that the tyre-derived rubber material they purchase conforms to an approved standard; and (3) to protect human health and the environment (including soil) by describing acceptable good practice for the use of tyre-derived rubber materials in civil engineering, landfill engineering, sports, recreation and leisure applications, and industrial and consumer applications. Tyre-derived rubber material will be regarded as having been fully recovered and ceased to be waste, and therefore no longer subject to waste management controls when dispatched to the customer, provided that a) it is produced using sourced-segregated waste tyres classified under European Waste Catalogue code 16.01.03, b) it meets the requirements of an approved standard, and c) it is destined for appropriate use in one of the designated market sectors. Producers must demonstrate that these criteria have been met by either obtaining certification from an approved certification body or producing and keeping copies of the customer supply documentation which includes a declaration that the tyre-derived rubber material meets both the approved standard and the end of waste criteria.

The updated Quality Protocol differs in several minor ways from the original:

The Quality Protocol has been redrafted to updated references and provide greater clarity.

It has been updated to mirror text in recently updated Aggregates QP. This has included updating references to legislation, engineering standards and references and references to PAS 2012 (rather than 2007). This led to consequential text amendments in the Forward, Intro, etc

The UKAS accredited certification scheme has been replaced by an industry led best practice certification scheme (the TRA Responsible Recycler Scheme already audits against PAS107) which will be approved by the relevant regional regulatory body. The scheme owner is required to demonstrate their ability to manage the administration of the compliance scheme, and they will issue a certification body mark confirming that the producer has successfully been assessed against the requirements of the QP and PAS107:2012, by means of a third party audit.

Slightly wider designated applications to reflect PAS 2012 and Uses (e.g. reference of adjacent to watercourses has been removed as the material will no longer be a waste if the QP is complied with). Other appendices were updated as consequence, including reference to fire safety guidelines.



The revised QP will be applicable in Northern Ireland as well as England and Wales.

## 9. Brief Statement of Grounds

The Waste Framework Directive requires Member States to encourage the use of waste as a resource and the Landfill Directive (Directive 1999/31/EC) sets stringent targets to reduce the amount of municipal waste that is disposed of by landfilling. The interpretation of EU legislation is ultimately a matter for the European Court of Justice (ECJ) and there is now a substantial body of case law on the interpretation of the definition of waste in Article 3(1) of the Waste Framework Directive. Subject to ECJ case law, it rests with Member States' competent authorities to determine on a case-by-case basis when substances or objects are discarded and become waste, and when waste has been fully recovered and ceases to be waste. Based on the principles set by the ECJ case law, the quality protocol for end of waste criteria for tyre-derived rubber materials seeks to identify with greater certainty the point at which tyre-derived rubber materials have been fully recovered and ceases to be waste. In doing so, the quality protocol for end of waste criteria's objective is to provide greater certainty for both establishments and undertakings producing tyre-derived rubber material under the terms of a permit issued by the competent authority under Article 23 of the Waste Framework Directive, or a permit exemption registered under Article 24 of the Directive, and to user of tyre-derived rubber material produced by such waste recovery operations. The greater certainty provided by the quality protocol for end of waste criteria for tyre-derived rubber materials will fulfil not only the objectives of the Waste Framework Directive by making more effective use of waste as a resource, but also those of the Landfill Directive by reducing the amount of waste disposed of by landfilling.

## 10. Reference Documents - Basic Texts

No Basic Text exists

## 11. Invocation of the Emergency Procedure

No

## 12. Grounds for the Emergency

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## 13. Confidentiality

No

## 14. Fiscal measures

No

## 15. Impact assessment

Yes

## 16. TBT and SPS aspects

TBT aspect

No - The draft has no significant impact on international trade



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Single Market for goods  
Prevention of Technical Barriers

SPS aspect

No - The draft is not a sanitary or phytosanitary measure

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European Commission

Contact point Directive 98/34

Fax: +32 229 98043

email: [dir83-189-central@ec.europa.eu](mailto:dir83-189-central@ec.europa.eu)