A guide to when a motor vehicle is considered waste and what controls apply

We want to minimise the effect that End-of-Life Vehicles (ELVs) have on the environment. We will do this by ensuring:

- they are stored in a way that prevents fluids escaping;
- that hazardous waste is properly controlled;
- that vehicles are fully ‘depolluted’ before they are dismantled for parts or destroyed.

People who keep or treat these vehicles need to understand when they are classed as waste and what controls apply. This short guide will help. If you are unsure you should seek further advice to ensure you are working within the law.

This Environment Agency guidance applies to England and Wales. You can get advice for operations in Scotland and Northern Ireland from SEPA and the Environment and Heritage Service respectively.

When is a motor vehicle ‘waste’?

There is no definitive list of what is waste. Under the Waste Framework Directive, waste is any substance or object ‘… which the holder discards or intends or is required to discard’. The actions and intentions of the person who produced the waste, as well as anyone who holds the waste later on, are key in deciding if something is waste. However, it’s not enough for someone to claim they didn’t intend to treat the vehicle as waste when all the circumstances suggest it has been treated as waste. Waste does not just include items going for disposal. Items that are sent for recovery are also waste. Just because something has a value or someone else has a use for it does not stop it being waste.

The decision on whether something is waste depends on the circumstances. With vehicles, this includes the condition of the vehicles, where they came from, the holder's intention, and the way the vehicles are stored and handled.

Once a vehicle is waste, the way it is stored, moved, treated or disposed of comes under regulatory control to protect the environment and health. This is because waste is usually something the holder has lost interest in and is unlikely to look after in the same way as they would a new or working product.

Common scenarios

Around 2 million vehicles reach the end of their life in the UK every year. Eventually, they will be broken down into parts and materials for reuse, recycling or disposal.
These vehicles can follow many different paths before arriving at an Authorised Treatment Facility for End-of-Life Vehicles (‘an ATF’). This is where they will be ‘depolluted’ before being dismantled. This short guide looks at a number of common scenarios and the regulatory controls that will normally apply. The controls apply to all waste motor vehicles, not just cars and vans. It is not practical to describe here every possible scenario that may arise. This guidance is not law, it is based on our understanding of the relevant legislation. We will regularly review this guidance and revise it if necessary.

Scenario 1
When a householder decides that they no longer want their vehicle and takes it to an ATF, the vehicle will normally be regarded as hazardous waste. However, a hazardous waste consignment note is not required for this trip from the householder to the ATF (even if the vehicle is moved by someone acting on behalf of the owner or keeper of the vehicle). When the vehicle is received at the ATF, the site operator should issue a Certificate of Destruction as soon as possible. Any further movement of the vehicle has to be accompanied by a hazardous waste consignment note unless the vehicle has been fully depolluted.

Scenario 2
An operator of commercial vehicles (e.g. a bus/coach company, or freight business) may have a vehicle that they no longer want and decide to send it for treatment and destruction at an ATF. When they make that decision, the vehicle is regarded as waste. The place where a vehicle becomes waste will not normally require a Site Licence\(^1\) or a registered exemption from licensing. However, ELVs should be stored on an impermeable surface with sealed drainage, must not be dismantled and must not be stored for more than a year. You can get more advice on these restrictions from your local Environment Agency office. A hazardous waste consignment note is required for moving the vehicle from the operator’s depot to an ATF or other suitably licensed facility.

Scenario 3
If a vehicle is untaxed, appears to have been abandoned or is causing an obstruction, it may be picked up and kept on behalf of the enforcing authority. The vehicle is not likely to be regarded as waste until the owner or keeper has said they will not reclaim it or the statutory period of notice has expired and the authority decides to release the vehicle for destruction. When they make that decision, the pound or depot becomes the place where the vehicle became waste. From then on, it should be stored there as an undepolluted ELV before being consigned as hazardous waste to an ATF.

Scenario 4
Vehicles may be sent to storage sites like salvage yards, pending assessment (e.g. by insurance companies), repair or to be kept on behalf of the police as evidence. A vehicle will not normally be regarded as waste until the owner or keeper decides to ‘scrap’ it. Once they make this decision, the vehicle should be stored as an undepolluted ELV (see scenario 2) before being consigned as hazardous waste to an ATF.

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1 The End of Life Vehicles Regulations 2003 refer to ‘Site Licences’. These are Waste Management Licences that authorise the treatment of undepolluted ELVs.
However, in the case of severely accident or fire damaged vehicles there is a strong presumption that they will have to be disposed of and, therefore, they should be regarded as ELVs as soon as they are received. This means that the site must have a Site Licence and the vehicles must be stored on an impermeable surface with sealed drainage. Where these vehicles have come from a Vehicle Recovery Operator’s site or some other intermediate site (e.g. a depot) they should have been accompanied by a hazardous waste consignment note.

By ‘severely damaged’ we mean ‘burn outs’ and vehicles that have been damaged to an extent that they are unlikely to be repaired. These are the sort of vehicles that will typically be classified as ‘A’ or ‘B’ under the Code of Practice for the Disposal of Motor Vehicle Salvage. Those classifications indicate vehicles that should be depolluted and scrapped.

Scenario 5
Vehicles that are being dismantled for parts or materials are being treated as if they are waste and, therefore will normally be regarded as waste. Sites where this activity occurs will need a Site Licence if they are dealing with vehicles that have not been depolluted. Alternatively, they will need an appropriate registered exemption from licensing (known as a ‘paragraph 45’ exemption) if they are dealing with vehicles that have been fully depolluted at an ATF.

The commercial breaking of ELVs at unlicensed sites is an enforcement priority as it carries the greatest risk of causing environmental damage and also undermines legitimate ATFs.

Scenario 6
Some people enjoy restoring classic cars and other vehicles as a hobby. If an enthusiast acquires a vehicle for restoration we would not normally regard the activity as a waste management operation. Obviously, they must store the vehicle appropriately (somewhere where they are entitled to store such a vehicle), dispose of unwanted fluids and damaged parts responsibly and not cause pollution.

If however, several vehicles are brought onto a site to strip them for parts for sale, to repair/restore another vehicle or a mixture of the two, this is more akin to a ‘vehicle breaking’ operation. These sites need to be regulated. If the vehicles have already been depolluted at an ATF, then the site can be regulated under a chargeable ‘paragraph 45’ exemption from Site Licensing. If the vehicles haven’t been depolluted at an ATF, then a Site Licence is needed.

Managing waste

ELVs are waste. Their storage, transport, treatment and disposal are covered by the End-of-Life Vehicles Regulations 2003 and other waste management legislation. The main requirements are summarised below.

Site Licensing
An operator of a site that accepts or dismantles undepolluted ELVs will need a Site Licence. ELVs must be depolluted (treated to remove hazardous fluids and components) before they can be crushed, flattened or shredded.
An operator of a site that accepts or dismantles depolluted vehicles will need to register an exemption from Site Licensing. This exemption is known as a ‘Paragraph 45’ exemption. Up to 40 depolluted vehicles may be dismantled in a seven day period under the exemption.
If more than 40 depolluted vehicles are dismantled in seven days, a Site Licence is needed. You can get more information from your local Environment Agency office.

Duty of Care
Everyone that handles ELVs or other waste, including the waste producer, has a Duty of Care. This aims to look after waste from ‘cradle to grave’. The waste producer must:
- store their waste properly to prevent it from harming the environment;
- only pass it to someone authorised to deal with it;
- pass a written description of the waste (Waste Transfer Note) to the waste carrier, this note accompanies the waste and helps others know how to handle the waste.

Waste producers should also check that all wastes leaving their site are taken to a properly authorised site. You can check with the Environment Agency if you have any doubts. If your waste later caused a problem (e.g. it was illegally dumped) you would need to be able to show us that you had taken steps to ensure it was properly managed, through copies of your transfer notes. Ignorance is no defence.

Hazardous Waste
An ELV that has not been ‘depolluted’ will normally be hazardous waste. If your waste is hazardous there is different paperwork that you need to fill in. Since July 2005 most producers of hazardous waste have also been required to register their premises with the Environment Agency. Hazardous waste controls normally end once an ELV has been depolluted although they will continue to apply to the hazardous materials and components removed from ELVs e.g. used engine oil, oil filters, lead-acid batteries, etc.

Transfrontier Shipment of Waste
If you intend to move waste into or out of the UK, then extra controls apply. You will need to understand exactly what is involved before moving the waste.

Burned-out or severely accident damaged vehicles should normally be considered waste. These will often have been classified as ‘A’ or ‘B’ under the Code of Practice for the Disposal of Motor Vehicle Salvage. Those classifications indicate vehicles that should be scrapped.

The rules on importing and exporting waste changed in July 2007.
We advise you to contact our National TFS Service if you are planning to export ELVs or used vehicle parts from England and Wales.

Contact details are:

    TFS National Service  
    Environment Agency,  
    Richard Fairclough House  
    Knutsford Road,  
    Warrington  
    WA4 1HT

    Tel:  01925 542265  
    Fax: 01925 542105

More information about ELVs

The Department for Environment, Food and Rural Affairs has a range of information about the ELV regulations on its website:

    http://www.defra.gov.uk/environment/waste/topics/elvehicledir.htm?lang=_e

You can also get information on the regulations from our website:


You can phone us: 08708 506 506
or email us: enquiries@environment-agency.gov.uk

Environment Agency
October 2007