

When a motor vehicle is considered to be waste

This statement sets out our view on when an abandoned, accident damaged or stolen motor vehicle is classed as waste. It replaces our earlier briefing note issued in October 2007. The main change is that vehicles that have been burnt out or badly damaged in an accident should no longer be automatically considered to be waste but should be assessed once they have been removed from the highway.

This position statement will help you decide whether you are dealing with an End-of-life Vehicle (ELV) and if you are, what you need to do to comply with the law. If you are unsure you should seek further advice to ensure you are operating within the law.

Background

There is no definitive list of what is waste. Waste is any substance or object '... *which the holder discards or intends or is required to discard*'. 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. End-of-Life Vehicles (ELVs) are motor vehicles that are waste.

Whilst the status of most vehicles is clear in most circumstances, this position statement simplifies arrangements for severely accident damaged vehicles at the highway and during subsequent storage.

This position statement replaces our briefing note, *A guide to when a motor vehicle is considered waste and what controls apply* that we published in October 2007. It is based on our understanding of the relevant legislation. We will regularly review it and may revise or withdraw it if necessary. It applies to England and Wales. You can get advice on the approach being taken in Scotland and Northern Ireland from SEPA and the Northern Ireland Environment Agency (NIEA) respectively.

Environment Agency approach

A vehicle recovered from the highway or other land by a Vehicle Recovery Operator (VRO) following a breakdown, accident, theft or abandonment will not be regarded as waste prior to its delivery to the VRO's site or initial destination. This will be the case unless the owner of the vehicle or someone who has lawfully taken over the rights of the owner (such as the police or local authorities acting under statutory powers) has previously made a decision to discard the vehicle.

In the vast majority of cases, vehicles removed from the highway will not have been discarded and so will not be waste at the time they are collected. They can be moved from the highway to the VRO's site or to another site without a hazardous waste consignment note being required. The receiving site will not require an environmental permit to receive such vehicles because they will not be waste at the time they are received. If the recovered vehicle is burnt out or likely to leak fluids, it should be stored in a manner that will not cause pollution.

If a decision is made to discard any vehicle while it is at the VRO's site, that vehicle must be stored on an impermeable surface with appropriate drainage and must not be dismantled at any site that does not have an appropriate environmental permit. The vehicle should be removed, as hazardous waste, to an Authorised Treatment Facility (ATF) who must issue a Certificate of Destruction (CoD) for that vehicle.

We have set out some common scenarios in Annex 1 to help seizing authorities, vehicle recovery operators, insurers and operators of ATFs understand when a vehicle is an ELV and the controls that apply to the storage, movement and treatment of vehicles in various situations.

What we expect from site operators

If you are dealing with ELVs we expect you to:

- be a registered waste carrier if you are transporting vehicles or vehicle parts that are waste (and you are not the producer of that waste¹) or to only use a registered waste carrier to transport your waste.
- ensure that waste vehicles are accompanied by a hazardous waste consignment note, or if fully depolluted, a waste transfer note.
- register your premises if you produce ELVs (i.e. vehicles become waste) at this location, or have ELVs removed or collected from your premises in any 12 month period.
- send us a quarterly consignee hazardous waste return if you receive hazardous waste that has been consigned to you.
- have an environmental permit and to comply with it if you are receiving undepolluted waste vehicles.
- register an appropriate exemption from environmental permitting or to have an environmental permit if you will be receiving depolluted vehicles that are waste.
- contact us for advice before you send waste overseas; we will help you understand the controls that will apply – contact details are given below.

¹ Government has recently consulted on changes to the Duty of Care and the registration of waste carriers; further controls on producers transporting their own waste may be introduced.

What you can expect from us

We will:

- make guidance available to operators and our staff to promote a common understanding of the controls that apply to the handling of waste vehicles.
- continue to take firm enforcement action against operators of illegal vehicle dismantling sites.
- work with Government, local authorities, Trade Bodies and others to promote the network of Authorised Treatment Facilities (ATFs) for End-of-Life Vehicles;
- consider enforcement action if an activity has caused, or is likely to cause, pollution of the environment or harm to health, and in taking action we will follow our published Enforcement and Prosecution Policy which can be found on our website;
- work with the DVLA to raise the profile of the CoD and support moves to make the CoD the only method of de-registering an ELV.

Further information

You can get information on the ELV regulations and related requirements from our website here: www.environment-agency.gov.uk/elvs

or you can use the free on-line NetRegs service for information on environmental regulations across the UK www.netregs.gov.uk

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

Guidance on the Hazardous Waste Regulations can be found on our website at: <http://www.environment-agency.gov.uk/hazwaste>

Guidance on the international shipment of waste can be found on our website at: <http://www.environment-agency.gov.uk/wasteshipments>
or you can contact our International Waste Movements Service on 01925 542265
e-mail natfts@environment-agency.gov.uk

MWRP Position Statement 022
Issued February 2010

customer service line

08708 506 506

www.environment-agency.gov.uk

incident hotline

0800 80 70 60

floodline

0845 988 1188

Annex 1

Some common scenarios

Around 2 million vehicles reach the end of their life in the UK every year. These vehicles follow different paths from the owner to an Authorised Treatment Facility (ATF) for ELVs. This is where they will be 'depolluted' before being dismantled. Here are some common scenarios and the regulatory controls that will normally apply.

Scenario 1 – redundant private vehicles

When a householder takes their vehicle or arranges to have it taken on their behalf to an ATF for depollution and destruction, the vehicle will be regarded as hazardous waste from the time the vehicle is delivered to the ATF or is given another person to be transported to the ATF. However, a hazardous waste consignment note is not required for the trip from the householder to the ATF (even if the vehicle is moved by someone acting on behalf of the householder, for example, a motoring organisation or local garage). If the vehicle is moved by someone else on behalf of the householder, the householder should ensure that other person is a registered carrier of waste.

When the vehicle is received for destruction at the ATF, the site operator should issue a CoD to the owner of the vehicle as soon as possible. The ATF operator will not need to make a quarterly hazardous waste consignee return to us if he only receives domestic vehicles directly from householders or people acting on their behalf. However, they will need to register their premises if more than 500kg of hazardous waste (e.g. vehicle batteries, used engine oil) is produced at, collected at, or removed from their site in a 12 month period.

Scenario 2 – redundant commercial vehicles

An operator of commercial vehicles (e.g. a bus/coach company, car hire business, 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 an environmental permit² or a registered exemption. However, ELVs must be stored on an impermeable surface with appropriate drainage and must not be dismantled. 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 permitted facility. If the vehicle is moved by someone other than the commercial vehicle operator, the person moving it should be (and the commercial vehicle operator should check that they are) a registered waste carrier. The operator of the depot where the vehicle became waste will need to notify the site as a producer of hazardous waste. The ATF will need to send us a quarterly consignee hazardous waste return because it has had hazardous waste consigned to it.

² The End of Life Vehicles Regulations 2003 (part VII of those Regulations dealing with keeping and treating waste motor vehicles has been repealed in England and Wales and replaced by the Environmental Permitting (England and Wales) Regulations 2007) referred to 'Site Licences'. These are now Environmental Permits (formerly Waste Management Licences) that authorise the treatment of undepolluted ELVs.

Scenario 3 – abandoned and nuisance vehicles

If a vehicle is untaxed, appears to have been abandoned or is causing an obstruction, it may be collected and kept on behalf of the seizing 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 seizing 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 (as described in Scenario 2 above) before being consigned as hazardous waste to an ATF. The seizing authority should have these vehicles removed promptly to an ATF and obtain a CoD for each ELV they send for depollution and destruction.

For privately owned cars, if the statutory period of notice expires while the vehicle is on the highway and the vehicle is to be sent for destruction, a hazardous waste consignment note is not required for the initial journey from the highway to the ATF or another permitted site. Any subsequent movement would need to be consigned for as long as the vehicle remains hazardous waste (i.e. until it has been fully depolluted). The site that receives the undepolluted vehicle will need to send us a quarterly consignee hazardous waste return because it has had hazardous waste consigned to it. The seizing authority should ensure that they obtain a CoD for each ELV they send for depollution and destruction.

Scenario 4 – damaged vehicles held by VROs including vehicles held on behalf of the police

VROs remove broken down, abandoned and accident damaged vehicles from the highway. These will often be taken to a VRO's base pending instruction from the owner of the vehicle, the police or other interested party such as a local authority or an insurer. We expect severely damaged vehicles and those that may be leaking fluids to be stored in a manner that will not cause pollution.

We will not normally regard these vehicles as waste until they have been discarded by the lawful owner and, in the case of vehicles held on behalf of the police, also released by the police. These vehicles should then be moved as hazardous waste to an ATF and a CoD issued for each ELV. If the decision to discard is taken while the vehicle is at the VRO's site, the site will need to be registered as a producer of hazardous waste.

Scenario 5 – vehicles being stored pending settlement of insurance claims

Vehicles may be sent to storage sites like salvage yards, pending assessment by insurance companies. We expect severely damaged vehicles and those that may be leaking fluids to be stored in a manner that will not cause pollution.

A vehicle will not normally be regarded as waste until the insurer has concluded the claim settlement with the vehicle's owner, issued payment and identified the vehicle as suitable for breaking. The insurer will need to promptly notify their decision to the salvage company. The vehicle must be stored as an undepolluted vehicle and taken to an ATF to be depolluted. If the decision to discard is taken while the vehicle is at

customer service line

08708 506 506

www.environment-agency.gov.uk

incident hotline

0800 80 70 60

floodline

0845 988 1188

the salvage company's site, the site will need to be registered as a producer of hazardous waste.

The ATF will need to send us a quarterly consignee hazardous waste return because it has had hazardous waste consigned to it. The insurance company should obtain a CoD for each ELV they send for treatment and destruction.

Scenario 6 – vehicles being dismantled

Vehicles that are being 'broken' for parts or materials are being treated as if they are waste and, therefore will be regarded as waste. An operator of a site that accepts or dismantles undepolluted ELVs will need an environmental permit (previously a site licence or waste management 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. This exemption is known as a 'Paragraph 45' exemption³ and allows up to 40 depolluted vehicles to be dismantled in a seven day period. If more than 40 depolluted vehicles are dismantled in seven days, an environmental permit is needed.

The commercial breaking of undepolluted ELVs at sites without an environmental permit carries a significant risk of causing environmental damage; it also undermines the investment made by legitimate ATFs. For these reasons, this activity has been an enforcement priority for us.

Scenario 7 – restoring a classic car as a hobby

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 it), 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 (e.g. for stock car racing) 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. If the vehicles haven't been depolluted at an ATF, then an appropriate environmental permit is needed; the site will need to become an ATF and issue CoDs to the owners of the undepolluted vehicles accepted.

If a person has purchased a car for stock car racing that person should become the registered keeper. The vehicle should only be used for racing, stored responsibly in the same manner as described above and once finished with, taken to an ATF who should issue a CoD as soon as possible.

³ Please note that Government has recently undertaken a review of exemptions; the scope and availability of this exemption is set to change. See our [exemptions review](#) page for more information.

Scenario 8 - exporting damaged vehicles

Vehicles that have been discarded are waste. Vehicles being exported for destruction are also considered waste. There are restrictions on the export of ELVs (and used parts); these vary according to the proposed destination country and the condition of the ELV/parts i.e. in the case of ELVs, whether they have been fully depolluted or not.

If you are planning to export ELVs (or used vehicle parts) from England and Wales, we advise that you contact our International Waste Movements Service at an early stage and we will help you understand the controls or restrictions that apply.

You can contact our International Waste Movements Service on 01925 542265 or by e-mail nattfs@environment-agency.gov.uk

customer service line

08708 506 506

www.environment-agency.gov.uk

incident hotline

0800 80 70 60

floodline

0845 988 1188