

USED TYRE WORKING GROUP

USED TYRE RECOVERY:

An introduction to applicable regulations in England and Wales



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What is the purpose of this leaflet?

This document provides an introduction to regulations regarding used tyres. It is the fruit of collaboration between Government and Industry Associations. Its purpose is to support improved understanding by businesses of the practical impact of regulations applicable to used tyres. It also provides a complement to guidance issued to enforcement officers.

Who is concerned by this information?

This document contains important information for all those involved with used tyres in the UK:

- Retailers
- Vehicle dismantlers
- Used tyre collectors
- Processors
- Importers
- Exporters
- Enforcement officers
- Customs officers
- Border Force personnel

Why are used tyres subject to regulation?

Waste poses a threat to the environment and to human health if it is not managed properly. Conversely, responsible waste husbandry supports the development of a more sustainable economy. Regulations establish a framework for the appropriate management of waste and provide redress against those who persistently choose not to comply.

The recovery of used tyres is both an opportunity and a challenge. Used tyres are potentially a valuable resource for reuse, retreading or other recovery processes according to their condition. In the case of reuse particular rigour is necessary since tyres are a safety-critical element of every vehicle on the road. Over the years a body of legislation has built up to address these different issues. This document aims to identify the principal obligations relating to used tyres and how to comply with them.

What is the role of the enforcement agencies?

Complying with regulation has a cost. In addition to protecting the public, the environment and the motorist, Government is committed to ensuring that businesses that comply with the law are not penalised by unfair competition from those that do not. The enforcement agencies work with businesses to support increasing compliance and have legal powers to sanction those that persistently choose not to comply.



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Basic principles

Definitions	<ul style="list-style-type: none"> The meaning attributed to words like “waste”, “reuse”, “recovery”, etc are set out in Article 3 of the <i>Waste Framework Directive 2008/98</i>. In this document “part-worn tyres” means used tyres intended for reuse on a vehicle driven on the public highway. 	
In the UK all used tyres on arising are considered to be waste	<ul style="list-style-type: none"> Once a tyre is discarded by its owner as a result of it being no longer fit for its original purpose it is considered to be a waste. 	Article 6(1) of the <i>Waste Framework Directive 2008/98</i>
Some used tyres may later be re-classified as a product for reuse	<ul style="list-style-type: none"> Subject to specific regulatory conditions it may be possible for some used tyres to no longer be classified as a waste after undergoing a suitable recovery process. See below. 	Article 6(1) of the <i>Waste Framework Directive 2008/98</i>

Waste producer’s legal duty of care – Depending on exactly where your waste is going the rules and associated risks can be very different. Knowing where your waste will ultimately end up will make it easier to assess the risks. Guidance from the Environment Agency is available [here](#) and [here](#). See also [Environmental Agency compliance rating of licensed waste sites by postcode](#).

Duty of care covers the whole recovery process not just collection	<ul style="list-style-type: none"> Operators giving rise to waste tyres (principally those fitting replacement tyres or dismantling end-of-life vehicles but importers of used tyres may also be concerned) have a legal responsibility to ensure that the waste is only passed to people authorised to receive it and that it is taken to a legitimate site. Operators should demand documentary evidence of this from their collector before releasing the tyres. Independently audited compliance schemes like the TIF Responsible Recycler Scheme can provide useful assurance in this respect. Operators are also required to retain records of all waste transfers (including Waste Transfer Notes, invoices and receipts) for at least 2 years. 	<p>Regulation 34 of the <i>Environmental Protection Act 1990</i></p> <p><i>Waste (England and Wales) Regulations 2011</i></p> <p><i>Environmental Permitting (England and Wales) Regulations 2010</i></p>
Risk of using sites operating under waste exemptions	<ul style="list-style-type: none"> Sites managing relatively small amounts of waste may be operating under a waste exemption. Such sites must still operate in a way which does not cause harm to human health or risk to the environment. If you use an exempt site you should conduct periodic audits and inspections to satisfy yourself that the operation complies with Regulations. By using a permitted site you benefit from the assurance derived from Environment Agency supervision that your waste is handled properly. 	

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Collection and transport

<p>Operators collecting or transporting waste tyres must be registered. Each consignment must be recorded</p>	<ul style="list-style-type: none"> • Operators involved in the collection and transport of waste tyres must hold a Waste Carrier's Registration and each consignment must be accompanied by a Waste Transfer Note. • A copy of the Waste Transfer Note must be given to the person from whom the tyres are collected. • Companies should check on the Environmental Agency public register that collectors of their waste tyres are registered and ask to see that registration before giving them waste for the first time. 	<p>Control of Pollution (Amendment) Act 1989</p>
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Storage and processing

<p>Operators storing used tyres may need an Environmental Permit</p>	<ul style="list-style-type: none"> • Operators holding 1000 used tyres or more must hold an Environmental Permit. The exemption threshold for tyre bales is 50 tonnes. 	<p>Environmental Permitting (England and Wales) Regulations 2010</p>
<p>Operators processing waste tyres need a permit</p>	<ul style="list-style-type: none"> • Operators processing waste tyres require an Environmental Permit. Processing includes sorting, grading, repairing, retreading, shredding, granulating and baling. 	<p>Environmental Permitting (England and Wales) Regulations 2010</p>
<p>Small scale, low risk operations may be exempt from the site permitting requirement</p>	<ul style="list-style-type: none"> • Certain small scale, low risk operations may be exempt from the requirement to hold an Environmental Permit. The obligations of the Waste Regulations still apply to exempt sites. • The exemption is only valid if the site remains compliant with the conditions set out in the exemption. Exemptions applicable to used tyres are U2-Use, S2-Storage and T8-Treatment. 	<p>Environmental Permitting (England and Wales) Regulations 2010</p>
<p>Need to prove that part-worn tyres are no longer waste before being offered for sale</p>	<ul style="list-style-type: none"> • In order to be legally offered for sale, part-worn tyres must meet the requirements of the Part-worn Tyre Regulations. See annex. This obligation applies to all operators in the supply chain, not just to retailers. • Used tyres that do not meet the requirements of the Part-worn Tyre Regulations are waste. • If you are sorting part-worn tyres from mixed used tyres you may need an Environmental Permit. 	<p>Motor Vehicle Tyres (Safety) Regulations 1994 as amended</p> <p>Environmental Permitting (England and Wales) Regulations 2010</p>

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<p>Part-worn tyres: duty to supply only safe product</p>	<ul style="list-style-type: none"> Part-worn tyres come under the scope of the General Product Safety Regulations. The Regulations maintain the duty for an operator at any point in the supply chain to supply only products that are safe. In this context “safe” means compliant with the Part-worn Tyre Regulations. See annex. Products that have been the subject of a recall are unsafe and cannot legally be sold for reuse. 	<p>Section 8(1) of <i>The General Product Safety Regulations 2005</i></p> <p><i>DVSA Code of Practice on safety defects and recalls in the vehicle aftermarket</i></p>
<p>Operators must manage the traceability of part-worn tyres</p>	<ul style="list-style-type: none"> The General Product Safety Regulations require operators throughout the supply chain to keep and efficiently produce the documentation necessary for tracing the origin of product offered for sale. The Waste Regulations also require operators to keep appropriate records of processing (including inspection) leading to the reclassification of waste as product for reuse. 	<p>Section 8(1) of <i>The General Product Safety Regulation 2005</i></p> <p><i>Waste (England and Wales) Regulations 2011</i></p>
<p>Casings intended for repair or retreading are considered to be a waste</p>	<ul style="list-style-type: none"> A casing must undergo a retreading process compliant with ECE Regulation 108 or 109 in order for it to be considered non-waste. On completion of a repair in accordance with BS Au 159g a casing may be deemed non-waste. 	<p>Motor Vehicle Tyres (Safety) Regulations 1994 as amended</p>
<p>Rubber material derived from used tyres may be deemed non-waste</p>	<ul style="list-style-type: none"> Tyre-derived rubber material may be deemed non-waste if the manufacturing process, record-keeping and product labelling comply with the Tyre Derived Rubber Material Quality Protocol and with PAS 107. 	<p><i>TDRM Quality Protocol PAS 107</i></p>
<p>Use of baled end-of-life tyres</p>	<p>Tyre bales remain waste until incorporated into a civil engineering or landfill infrastructure in compliance with the following provisions:</p> <ul style="list-style-type: none"> Small-scale use of tyre bales in construction (less than 50 tonnes) can be allowed under a <i>U2 exemption</i>. Larger scale use requires specific authorisation from the Environment Agency. Environment Agency guidance is available <i>here</i>. 	

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Transfrontier shipments from the UK

<p>It is illegal to ship used tyres in any form out of the UK for disposal</p>	<ul style="list-style-type: none"> Used tyres in any form can only be shipped out of the UK for reuse or recovery. Exporting waste is a complex process. Guidance from the Environment Agency is available here. 	<p>Waste Shipment Regulations</p>
<p>Tyres shipped out of the UK for reuse are waste unless they comply with the Part-worn Tyre Regulations</p>	<ul style="list-style-type: none"> In the UK only used tyres that meet the requirements of the Part-worn Tyre Regulations can be deemed to be non-waste. Tyres shipped for reuse in countries that have lower standards than the UK are still deemed to be waste in the UK if they do not comply with the Part-worn Tyre Regulations. Note that the “export exemption” in the Part-worn Tyre Regulations applies only to the requirements regarding markings on the tyre. See annex “Part-worn Tyre Regulations”. 	<p>Motor Vehicle Tyres (Safety) Regulations 1994 as amended</p> <p>Article 28 of the Waste Shipment Regulations.</p>
<p>Used tyres shipped out of the UK for recovery are waste whether whole, shredded or baled</p>	<ul style="list-style-type: none"> Used tyres in any form shipped out of the UK for recovery are waste. Operators must comply with the requirements of the Waste Shipment Regulations and in the case of energy recovery demonstrate that the intended recovery site complies with the requisite environmental standard. 	<p>Waste Shipment Regulations</p>
<p>Exports of used tyres outside the EU must respect the Basel Convention</p>	<ul style="list-style-type: none"> The Basel Convention sets out which countries will accept used tyres for recovery and under what conditions. Guidance from the Environment Agency is available here. 	<p>The Basel Convention</p>

Transfrontier shipments to the UK

<p>Used tyres shipped into the UK are waste unless they comply with the Part-worn Tyre Regulations prior to departure</p>	<ul style="list-style-type: none"> Used tyres that have been inspected and comply with the Part-worn Tyre Regulations prior to shipment into the UK may cease to be waste and therefore may not be subject to control under the Waste Shipment Regulations. All other used tyres shipped into the UK will be considered to be a waste and subject to the controls outlined in the Waste Shipment Regulations. 	<p>Article 28 of the Waste Shipment Regulations</p>
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Annex: Part-worn Tyre Regulations – The following is a simplified extract from the *Motor Vehicle Tyres (Safety) Regulations 1994* (MVTSR) as amended (*SII2003/1316*) and (*SII2003/2762*)

Obligations apply to all aspects of supplying a tyre, not just the sale itself	<ul style="list-style-type: none"> A reference in these Regulations to the supply of a tyre includes offering to supply, agreeing to supply, exposing for supply or possessing for supply. 	MVTSR Section 2(6)
Certain categories of tyre are exempt	<ul style="list-style-type: none"> Tyres for vehicles manufactured pre 1949, tyres manufactured solely for off-road use, competition tyres and certain specific historic tyre sizes are exempted. 	MVTSR Section 8(1)
The following obligations apply to the sale of part-worn tyres by all operators in the supply chain:		
<p>Clear limits are set regarding acceptable internal and external damage. The tyre must be removed from the rim in order to undertake the requisite internal examination.</p> <p>There is also an explicit requirement to examine the tyre for external defects when inflated.</p>	<p>The tyre must not have:</p> <ol style="list-style-type: none"> any cut in excess of 25 millimetres or 10% of the section width of the tyre, whichever is the greater, measured in any direction on the outside of the tyre and deep enough to reach the ply or cord; any internal or external lump, bulge or tear caused by the separation or partial failure of its structure; or any of the ply or cord exposed internally or externally. <p>When inflated to the highest pressure at which it is designed to operate, the tyre must not exhibit any of the external defects described above.</p>	<p>MVTSR Section 7(2)</p> <p>MVTSR Section 7(3)</p>
The remaining tread must meet clear minimum criteria	<ul style="list-style-type: none"> The grooves of the original tread pattern of the tyre must be of a depth of at least 2 millimetres across the full breadth of tread and round the entire outer circumference of the tyre. 	MVTSR Section 7(4) as amended
Any repairs must conform to BS Au 159(f). Sidewall repairs are not allowed.	<ul style="list-style-type: none"> If the tyre has been repaired, it must meet the requirements of paragraph 8 of BS AU 159(f): 1997 (which include marking requirements) and the requirements of paragraphs 5, 6 and 7 of that instrument must have been met in relation to that repair. 	MVTSR Section 7(9) as amended
The following obligations apply to the sale of part-worn tyres by all operators in the supply chain except for sales of tyres for use outside the UK:		
The tyre must bear marks showing that it was compliant with applicable regulations when first brought to market	<ul style="list-style-type: none"> A non-retreaded tyre must bear an approval mark, a speed category symbol and a load capacity index being marks that were moulded on to or into the tyre at the time that it was manufactured and that are in accordance with the requirements of ECE Regulation 30, 30.01, 30.02, 54 or 75 or of EC Directive 92/23 or 97/24. A retreaded tyre must bear an approval mark indicating that the tyre complies with the requirements of ECE Regulation 108 or 109. 	<p>MVTSR Section 7(5)(b) as amended</p> <p>MVTSR Section 7(6)(a)</p>
The tyre must be marked "Part worn"	<ul style="list-style-type: none"> The tyre must be marked "PART-WORN" in uppercase letters at least 4 millimetres high adjacent to every approval mark borne by the tyre. The mark must be permanently and legibly applied to the tyre other than by hot branding or otherwise cutting into the tyre. 	MVTSR Sections 7(5)(a), 7(6)(c) & 7(10) as amended

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