

Council Regulation (EU) No 333/2011 of 31 March 2011 establishing criteria determining when certain types of scrap metal cease to be waste under Directive 2008/98/EC of the European Parliament and of the Council

*Article 1*

**Subject matter**

This Regulation establishes criteria determining when iron, steel and aluminium scrap, including aluminium alloy scrap, cease to be waste.

*Article 2*

**Definitions**

For the purposes of this Regulation, the definitions set out in Directive 2008/98/EC shall apply.

In addition, the following definitions shall apply:

- (a) 'iron and steel scrap' means scrap metal which consists mainly of iron and steel;
- (b) 'aluminium scrap' means scrap metal which consists mainly of aluminium and aluminium alloy;
- (c) 'holder' means the natural or legal person who is in possession of scrap metal;
- (d) 'producer' means the holder who transfers scrap metal to another holder for the first time as scrap metal which has ceased to be waste;
- (e) 'importer' means any natural or legal person established within the Union who introduces scrap metal which has ceased to be waste into the customs territory of the Union;
- (f) 'qualified staff' means staff which is qualified by experience or training to monitor and assess the properties of scrap metal;
- (g) 'visual inspection' means inspection of scrap metal covering all parts of a consignment and using human senses or any non-specialised equipment;
- (h) 'consignment' means a batch of scrap metal which is intended for delivery from a producer to another holder and may be contained in either one or several transport units, such as containers.

*Article 3*

**Criteria for iron and steel scrap**

Iron and steel scrap shall cease to be waste where, upon transfer from the producer to another holder, all of the following conditions are fulfilled:

- (a) the waste used as input for the recovery operation complies with the criteria set out in Section 2 of Annex I;

- (b) the waste used as input for the recovery operation has been treated in accordance with the criteria set out in Section 3 of Annex I;
- (c) the iron and steel scrap resulting from the recovery operation complies with the criteria set out in Section 1 of Annex I;
- (d) the producer has satisfied the requirements set out in Articles 5 and 6.

#### *Article 4*

### **Criteria for aluminium scrap**

Aluminium scrap, including aluminium alloy scrap, shall cease to be waste where, upon transfer from the producer to another holder, all of the following conditions are fulfilled:

- (a) the waste used as input in the recovery operation complies with the criteria set out in Section 2 of Annex II;
- (b) the waste used as input in the recovery operation has been treated in accordance with the criteria set out in Section 3 of Annex II;
- (c) the aluminium scrap resulting from the recovery operation complies with the criteria set out in Section 1 of Annex II;
- (d) the producer has satisfied the requirements set out in Articles 5 and 6.

#### *Article 5*

### **Statement of conformity**

1 The producer or the importer shall issue, for each consignment of scrap metal, a statement of conformity in accordance with the model set out in Annex III.

2 The producer or the importer shall transmit the statement of conformity to the next holder of the scrap metal consignment. The producer or the importer shall retain a copy of the statement of conformity for at least 1 year after its date of issue and shall make it available to competent authorities upon request.

3 The statement of conformity may be in electronic form.

#### *Article 6*

### **Quality management**

1 The producer shall implement a quality management system suitable to demonstrate compliance with the criteria referred to in Articles 3 and 4, respectively.

2 The quality management system shall include a set of documented procedures concerning each of the following aspects:

- a acceptance control of waste used as input for the recovery operation as set out in Section 2 of Annexes I and II;
- b monitoring of the treatment processes and techniques described in Section 3.3 of Annexes I and II;

- c monitoring of the quality of scrap metal resulting from the recovery operation as set out in Section 1 of Annexes I and II (including sampling and analysis);
- d effectiveness of the radiation monitoring as set out in Section 1.5 of Annexes I and II, respectively;
- e feedback from customers concerning compliance with scrap metal quality;
- f record keeping of the results of monitoring conducted under points (a) to (d);
- g review and improvement of the quality management system;
- h training of staff.

3 The quality management system shall also prescribe the specific monitoring requirements set out in Annexes I and II for each criterion.

4 Where any of the treatments referred to in Section 3.3 of Annex I or Section 3.3 of Annex II are carried out by a prior holder, the producer shall ensure that the supplier implement a quality management system which complies with the requirements of this Article.

5 A conformity assessment body, as defined in Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products<sup>(1)</sup>, which has obtained accreditation in accordance with that Regulation, or any other environmental verifier as defined in Article 2(20)(b) of Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)<sup>(2)</sup> shall verify that the quality management system complies with the requirements of this Article. The verification should be carried out every 3 years.

6 The importer shall require his suppliers to implement a quality management system which complies with the requirements of paragraphs 1, 2 and 3 of this Article and has been verified by an independent external verifier.

7 The producer shall give competent authorities access to the quality management system upon request.

#### *Article 7*

#### **Entry into force**

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 9 October 2011.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 31 March 2011.

*For the Council*

*The President*

VÖLNER P.

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**Status:** *This is the original version (as it was originally adopted).*

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- (1) OJ L 218, 13.8.2008, p. 30.
- (2) OJ L 342, 22.12.2009, p. 1.