

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

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives<sup>(1)</sup> and in particular Article 6(2) thereof,

Having regard to the proposal from the European Commission,

After submission of the proposed measures to the European Parliament,

Whereas:

- (1) It results from an evaluation of several waste streams that recycling markets for scrap metal would benefit from the development of specific criteria determining when scrap metal obtained from waste ceases to be waste. Those criteria should ensure a high level of environmental protection. They should be without prejudice to the classification of scrap metal as waste by third countries.
- (2) Reports of the Joint Research Centre of the European Commission have shown that a market and demand exist for iron, steel and aluminium scrap to be used as feedstock in steel works, foundries, aluminium refiners and remelters for the production of metals. Iron, steel and aluminium scrap should therefore be sufficiently pure and meet the relevant scrap standards or specifications required by the metal producing industry.
- (3) The criteria determining when iron, steel and aluminium scrap cease to be waste should ensure that iron, steel and aluminium scrap resulting from a recovery operation meet the technical requirements of the metal producing industry, comply with existing legislation and standards applicable to products and do not lead to overall adverse environmental or human health impacts. Reports of the Joint Research Centre of the European Commission have shown that the proposed criteria on the waste used as input in the recovery operation, on the treatment processes and techniques, as well as on the scrap metal resulting from the recovery operation, fulfil those objectives since they should result in the production of iron, steel and aluminium scrap devoid of hazardous properties and sufficiently free of non-metallic compounds.

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**Changes to legislation:** There are outstanding changes not yet made to Council Regulation (EU) No 333/2011. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (4) In order to ensure compliance with the criteria, it is appropriate to provide that information on scrap metal which has ceased to be waste is issued and that a quality management system is implemented.
- (5) A review of the criteria may prove necessary if, on the basis of a monitoring of the development of market conditions for iron and steel scrap and aluminium scrap, adverse effects on recycling markets for iron and steel scrap and aluminium scrap are noted, in particular with regard to the availability of, and access to, such scrap.
- (6) In order to allow operators to adapt to the criteria determining when scrap metal ceases to be waste, it is appropriate to provide for a reasonable period to elapse before this Regulation applies.
- (7) The Committee established by Article 39(1) of Directive 2008/98/EC has not delivered an opinion on the measures provided for in this Regulation and the Commission therefore submitted to the Council a proposal relating to the measures and forwarded it to the European Parliament.
- (8) The European Parliament has not opposed the proposed measures,

HAS ADOPTED THIS REGULATION:

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(1) [OJ L 312, 22.11.2008, p. 3.](#)

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**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Signature words omitted by [S.I. 2019/620 reg. 9\(7\)](#)
- Art. 2(1) Art. 2 renumbered as Art. 2(1) by [S.I. 2019/620 reg. 9\(2\)\(a\)](#)
- Art. 2(1)(e) words substituted by [S.I. 2019/620 reg. 9\(2\)\(b\)\(i\)\(aa\)](#)
- Art. 2(1)(e) words substituted by [S.I. 2019/620 reg. 9\(2\)\(b\)\(i\)\(bb\)](#)
- Art. 2(1)(i)-(k) inserted by [S.I. 2019/620 reg. 9\(2\)\(b\)\(ii\)](#)
- Art. 2A2B inserted by [S.I. 2019/620 reg. 9\(3\)](#)
- Art. 2A(1) words substituted in earlier amending provision S.I. 2019/620, reg. 9(3) by [S.I. 2020/1540 reg. 14\(5\)\(a\)\(i\)](#)
- Art. 2A(2) words substituted in earlier amending provision S.I. 2019/620, reg. 9(3) by [S.I. 2020/1540 reg. 14\(5\)\(a\)\(ii\)](#)
- Art. 2A(5)-(7) substituted in earlier amending provision S.I. 2019/620, reg. 9(3) by [S.I. 2020/1540 reg. 14\(5\)\(a\)\(iii\)](#)
- Art. 2A(9) words substituted in earlier amending provision S.I. 2019/620, reg. 9(3) by [S.I. 2020/1540 reg. 14\(5\)\(a\)\(iv\)](#)
- Art. 2B(8) substituted in earlier amending provision S.I. 2019/620, reg. 9(3) by [S.I. 2020/1540 reg. 14\(5\)\(b\)](#)
- Art. 6(6A) inserted by [S.I. 2019/620 reg. 9\(4\)\(b\)](#)
- Art. 6A inserted by [S.I. 2019/620 reg. 9\(5\)](#)
- Art. 6A words substituted in earlier amending provision S.I. 2019/620, reg. 9(5) by [S.I. 2020/1540 reg. 14\(5\)\(c\)](#)