

2003 No. 593

ENVIRONMENTAL PROTECTION

**The End-of-Life Vehicles (Storage and Treatment) (Scotland)
Regulations 2003**

Made - - - - - *30th November 2003*

Laid before the Scottish Parliament *1st December 2003*

Coming into force - - - *7th January 2004*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Title, commencement and extent

1.—(1) These Regulations may be cited as the End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003 and shall come into force on 7th January 2004.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations—

“depollution”, in relation to a waste motor vehicle, means the carrying out on it of any of the operations described in paragraph 3 of Part 2 of the Schedule to these Regulations that are possible (or, in the case of a component identified as containing mercury, feasible) in respect of it, and only when all such operations have been completed shall a waste motor vehicle qualify as “depolluted”;

“Directive” means Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles as amended(b);

“end-of-life vehicle” means a vehicle which is waste within the meaning of Article 1(a) of the Waste Directive;

“energy recovery” means the use of combustible waste as a means to generate energy through direct incineration with or without other waste but with recovery of the heat;

“keeping” has the same meaning as does the word “storage” in the Directive, and references to “keeping or treatment” include, where appropriate, references to “keeping and treatment”;

“recovery” means any of the operations listed in Annex IIB to the Waste Directive;

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), (“the 1998 Act”), Schedule 8, paragraph 15(3). The function conferred upon the Minister under section 2(2), insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) O.J. No. L 269, 21.10.2000, p.34; amended by Commission Decisions 2002/151/EC (O.J. No. L 50, 21.2.2002, p.94) and 2002/525/EC (O.J. No. L 170, 29.6.2002, p.81).

“recycling” means the processing in a production process of waste materials for the original purpose or for other purposes but excluding energy recovery;

“reuse” means any operation by which components of end-of-life vehicles are used for the same purpose for which they were conceived;

“treatment” means any activity after the end-of-life vehicle has been handed over to a facility for depollution, dismantling, shearing shredding, recovery or preparation for disposal of the shredder wastes, and any other operation carried out for the recovery and/or the disposal of the end-of-life vehicle and its component, and “treated” shall be construed accordingly;

“vehicle” means any vehicle designated as category M1 or N1 in Council Directive 70/156/EEC as amended(a) on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers, and three wheel motor vehicles as defined in Council Directive 92/61/EEC(b) relating to the type-approval of two or three wheel motor vehicles, but excluding motor tricycles;

“Waste Directive” means Council Directive 75/442/EEC on waste as amended(c);

“waste management licence” means a licence granted under section 35 (waste management licenses: general) of the Environmental Protection Act 1990(d) or, as the case may be, issued under section 5 (licences to dispose of waste) of the Control of Pollution Act 1974(e), and “site licence” means the type of waste management licence thus described in section 35(12) of the Environmental Protection Act 1990; and

“waste motor vehicle” means a motor vehicle of any type that is waste and includes an end-of-life vehicle;

Modifications of conditions to existing waste management licences

3.—(1) Any site licence which authorises, at the time of coming into force of these Regulations, the keeping or treatment (or both) of a waste motor vehicle is modified so as now to include, as conditions to that licence, the provisions of the Schedule and, in the event of any inconsistency between any such new conditions and any prior condition in the licence, the prior condition shall be over-riden by the new condition to the extent of such inconsistency.

(2) The provisions of sections 37 (variation of licenses) and 37A (consultation before certain variations) of the Environmental Protection Act 1990(f) shall not apply in relation to any modification of the conditions to a site licence imposed by paragraph (1) for as long as the site is authorised to accept waste motor vehicles.

Requirement for site licence in respect of activities formerly exempted

4.—(1) Subject to paragraph (2), and to the exception contained in regulation 6, the classification of any recovery of a waste motor vehicle as set out in paragraph 45 of Schedule 3 to the Waste Management Licensing Regulations 1994(g) as an exempt activity (and hence not required to be authorised by a waste management licence) shall cease to have effect, and any such recovery may only be carried out after the coming into force of these Regulations if it is authorised by a site licence.

(2) Subject to paragraphs (3) and (4), where the recovery of a waste motor vehicle described in paragraph (1) was the subject of a registration (pursuant to regulation 18 of the Waste Management Licensing Regulations 1994) subsisting immediately prior to the coming into force of these Regulations, such recovery may nevertheless continue as an exempt activity subject to its

(a) O.J. No. L 42, 23.2.70, p.1, as amended by Directive 98/91/EC of the European Parliament and of the Council (O.J. No. L 11, 16.1.99, p.25).

(b) O.J. No. L 225, 10.8.92, p.72.

(c) O.J. No. L 194, 25.7.75, p.39; amended by Council Directives 91/156/EEC (O.J. No. L 78, 26.3.91, p.32) and 91/692/EEC (O.J. No. L 377, 31.12.91, p.48) and by Commission Decision 96/350/EC (O.J. No. L 135, 6.6.96, p.32).

(d) 1990 c.43.

(e) 1974 c.40.

(f) 1990 c.43. Section 37A was introduced by the Environment Act 1995 (c.25), section 120 and Schedule 22, paragraph 71.

(g) S.I. 1994/1056; relevant amendments are S.I. 1995/288, 1998/606 and 2000/1973.

said registration (or, upon the subsequent expiry of that registration, as if still subject to it) and without the authorisation of a site licence—

- (a) where an application for a site licence, accompanied by the appropriate charge described in regulation 8, is submitted before the applicable date, that is to say the earlier of—
 - (i) the cancellation date of that registration, or
 - (ii) 1st February 2004,until such time as a site licence is either granted or refused in response to that application; or
- (b) where no such application is submitted before the applicable date, until immediately before the applicable date.

(3) Any recovery in respect of which an application for a site licence is made in accordance with paragraph (2) shall be subject to the condition that it conforms with such of the obligations and the minimum technical requirements described, respectively, in Parts 1 and 2 of the Schedule as are applicable to the recovery in question.

(4) The condition described in paragraph (3) shall have effect as if it were a condition applied to the recovery of waste motor vehicles in Schedule 3 to the Waste Management Licensing Regulations 1994, and one to which regulation 17 of those Regulations is subject.

Conditions to be included in site licences

5.—(1) The Scottish Environment Protection Agency shall include in any site licence that it grants for the keeping or treatment of waste motor vehicles (whether in response to an application submitted further to regulation 4(2)(a) or otherwise) the condition that the keeping or treatment authorised by that site licence shall conform with the obligations and minimum technical requirements described, respectively, in Parts 1 and 2 of the Schedule as are applicable to the activity or operation in question.

(2) The provisions of sections 37 and 37A of the Environmental Protection Act 1990 shall not apply in relation to that condition for as long as the site is authorised to accept waste motor vehicles.

Recovery of depolluted waste motor vehicles as an exempt activity

6. Regulation 4 shall not apply to any recovery of a waste motor vehicle classified as an exempt activity as set out in paragraph 45 of Schedule 3 to the Waste Management Licensing Regulations 1994 where such treatment consists only in recovery operations carried out only on depolluted waste motor vehicles.

Amendments to the Waste Management Licensing Regulations 1994

7.—(1) The Waste Management Licensing Regulations 1994 are amended as described in paragraphs (2), (3) and (4).

(2) In regulation 1(3) (interpretation) , after the definition of “waste management licence”, insert—

““waste motor vehicle” has the meaning given in regulation 2 (interpretation) of the End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003;”.

(3) In regulation 18 (registration in connection with exempt activities), after subparagraph (4A)(c) insert—

- “(cc) in the case of waste motor vehicles, it has first verified, further to its inspection of each such place—
 - (i) the type of waste to be treated;
 - (ii) the quantities of waste to be treated;
 - (iii) the general technical requirements to be complied with; and

- (iv) the safety precautions that are to be taken,
 - in order to achieve the objectives referred to in Article 4 of the Directive, and a registration further to such verification shall continue subject to the requirement that verification upon inspection be made annually in respect of it.”.
- (4) In Schedule 3 (activities exempt from waste management licensing)–
 - (a) after sub-paragraph 41(1A), insert–
 - “(1B) Subject to sub-paragraph (1A), sub-paragraph (1) shall only apply to waste motor vehicles where such temporary storage conforms with the obligations and the minimum technical requirements described, respectively, in paragraph 1 to each of Parts 1 and 2 of the Schedule to the End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003.”;
 - (b) in paragraph 45(1), after “Subject to sub-paragraph (3) below” insert “and to regulations 4 and 6 of the End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003”;
 - (c) in paragraph 45, in Table 4A–
 - (i) for the entries relating to motor vehicles, for the entry in–
 - (aa) column 1 (kind of waste), substitute “Depolluted motor vehicles”; and
 - (bb) column 2 (activities), substitute “Dismantling, rebuilding, restoring or reconditioning”; and
 - (ii) for the entries relating to lead acid motor vehicle batteries–
 - (aa) for the entry in column 1, substitute–
 - “Lead acid motor vehicle batteries (including those whose contents are special waste) not forming part of, nor contained in, a motor vehicle”; and
 - (bb) in column 2, omit “(including removal from motor vehicles)”;
 - (d) in paragraph 45(2), for paragraph (f), substitute–
 - “(f) in the case of waste motor vehicles, they are, where appropriate, stored on an impermeable pavement”;
 - (e) in paragraph 45, in Table 4B–
 - (i) for the entries relating to motor vehicles–
 - (aa) for the entry in column 1 (kind of waste), substitute “Motor vehicles, stored where appropriate on an impermeable pavement”; and
 - (bb) in column 2 (maximum total quantity), omit “400 vehicles”; and
 - (ii) for the entries relating to lead acid motor vehicle batteries, in the entry in column 1, for “whether or not forming part of or contained in, a motor vehicle” substitute “not forming part of, nor contained in, a motor vehicle”; and
 - (f) in paragraph 45(6), after “shears” insert “, and “depolluted” in relation to waste motor vehicles has the meaning given in regulation 2 of the End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003”.

Charges

- 8.—(1)** The charge to accompany an application for a site licence submitted further to regulation 4(2)(a)–
- (a) in respect of the keeping or treatment of less than 2,500 tonnes of waste motor vehicles per year, shall be £650, and in relation to such an application the provision as to the charge to be submitted with an application for a site licence contained in section 36(1)(a) (grant of licenses) of the Environmental Protection Act 1990 shall have no effect; or
 - (b) in respect of the keeping or treatment of 2,500 tonnes or more of waste motor vehicles per year, shall be the amount prescribed for the quantity in question in the charging scheme for waste management licences made by the Scottish Environment Protection Agency

under section 41 (power to make schemes imposing charges) of the Environment Act 1995(a).

(2) In respect of the provision made in paragraph (1)(a) the power of the Scottish Environment Protection Agency to make a similar provision under section 41 of the Environment Act 1995 shall not apply.

St Andrew's House,
Edinburgh
30th November 2003

ROSS FINNIE
A member of the Scottish Executive

(a) 1995 c.25.

SCHEDULE

Regulations 3 and 4

CONDITIONS TO BE INCLUDED IN SITE LICENCES

PART 1

OBLIGATIONS IN RESPECT OF KEEPING OR TREATMENT OF WASTE MOTOR VEHICLES

1. No waste motor vehicle shall be kept (even temporarily) unless such keeping–
 - (a) is carried out in accordance with the general requirements laid down in Article 4 of the Waste Directive; and
 - (b) complies with the minimum technical requirements set out in Part 2 below.
2. No waste motor vehicle shall be treated unless, in respect of the activity or operation performed, that treatment–
 - (a) is carried out in accordance with the general requirements laid down in Article 4 of the Waste Directive; and
 - (b) complies with the minimum technical requirements set out in Part 2 below and, where applicable, meets the following obligations–
 - (i) save where it has already been so treated–
 - (aa) the waste motor vehicle shall first be stripped in a way that best reduces any adverse impact on the environment, before any further treatment or other equivalent arrangement is undertaken, and
 - (bb) any of its components or materials which have been labelled or otherwise made identifiable in accordance with regulation 18(2) of the End-of-Life Vehicles Regulations 2003(a) shall be stripped before any further treatment;
 - (ii) save where it has already been so treated in whole or part, and subject to paragraph (i), depollution of the waste motor vehicle shall be completed as soon as possible;
 - (iii) hazardous materials and components shall be removed from the waste motor vehicle and segregated in such a way so as not to contaminate any part of the vehicle that is subsequently to be shredded; and
 - (iv) any stripping or keeping of the waste motor vehicle shall be carried out in such a way as to ensure the suitability of its components for either reuse or recovery, and in particular recycling.

PART 2

MINIMUM TECHNICAL REQUIREMENTS FOR THE KEEPING AND TREATMENT OF WASTE MOTOR VEHICLES

1. The keeping (even temporarily) of a waste motor vehicle prior to treatment shall only be carried out at a site–
 - (a) having, in appropriate areas, impermeable surfaces and provided with spillage collection facilities, decanters and cleanser-degreasers, and

(a) S.I. 2003/2635.

- (b) provided with equipment for the treatment of water (including rainwater) in compliance with all applicable legislation concerning health and environmental matters.

2. The treatment of a waste motor vehicle shall only be carried out at a site–

- (a) having, in appropriate areas, impermeable surfaces and provided with spillage collection facilities, decanters and cleanser-degreasers;
- (b) provided with storage facilities that are appropriate for dismantled spare parts, including impermeable storage facilities for spare parts that are contaminated with oil;
- (c) provided with containers that are appropriate for the storage of batteries (whether electrolyte neutralisation is carried out on-site or elsewhere), filters, and condensers containing any PCB (Polychlorinated Biphenyls) or PCT (Polychlorinated Terphenyls) or both;
- (d) provided with storage tanks that are appropriate for the separate segregated storage of any fluid from a waste motor vehicle;
- (e) provided with equipment for the treatment of water (including rainwater) in compliance with all applicable legislation concerning health and environmental matters; and
- (f) at which there is appropriate storage for used tyres without excessive stockpiling, and minimising any risk of fire.

3. Treatment operations for the depollution of a waste motor vehicle shall consist of–

- (a) the removal of the battery or batteries;
- (b) the removal of the liquefied gas tank;
- (c) the removal of neutralisation of all potentially explosive components (including air bags);
- (d) the removal and separate collection and storage of all–
 - (i) fuel;
 - (ii) motor oil;
 - (iii) transmission oil;
 - (iv) gearbox oil;
 - (v) hydraulic oil;
 - (vi) cooling liquids;
 - (vii) antifreeze;
 - (viii) brake fluids; and
 - (ix) air-conditioning system fluids,and any other fluid contained in the said vehicle, but excluding any fluid which is necessarily retained for the re-use of the part concerned;
- (e) the removal, so far as is feasible, of all components identified as containing mercury.

4. In order to promote its subsequent recycling, where an article or material listed below is first present in a waste motor vehicle, no treatment of that vehicle shall prevent the removal–

- (a) of the catalyst or catalysts;
- (b) (either during shredding or otherwise) of all metal components containing one or more of copper, aluminium and magnesium;
- (c) (either during shredding or otherwise) of the tyres;
- (d) (either during shredding or otherwise) of all large plastic components (including bumpers, the dashboard, and any fluid container) in such a way that they can be effectively recycled as materials;
- (e) of glass,

and where any such article or material is removed it shall be done in such a way as best promotes its recycling.

5. Any keeping operations shall be carried out in such a manner as avoids damage–

- (a) any component containing a fluid or fluids;
- (b) any recoverable component;
- (c) any spare part.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose the requirements of Article 6 of Directive 2000/53/EC on end-of-life vehicles (O.J. No. L 269, 21.10.2000, p.34). The remaining provisions of the Directive are transposed in the End of Life Vehicles Regulations 2003, and are applicable to the UK as a whole.

Regulation 3 provides that all existing site licences, being a type of waste management licence granted, in Scotland, by the Scottish Environment Protection Agency under section 36 of the Environmental Protection Act 1990, in terms of which either or both the keeping or treatment of waste motor vehicles is currently authorised, are modified to include the conditions contained in the Schedule. These conditions, and other relevant provisions, are as required by Article 6 of, and Annex I to Directive 2000/53/EC.

Regulation 4 deals with the arrangements whereby recovery operations which are, at present, carried out under the cover of registered exemptions from the requirement to have a site licence, and which by virtue of these Regulations, are now required to be conducted under the authorisation of a site licence, may now apply for site licences.

Regulation 5 requires the Scottish Environment Protection Agency to include the conditions in the Schedule in any site licence it grants for the keeping or treatment of waste motor vehicles.

Regulation 6 preserves the exemption from the requirement to have a site licence for those treating only depolluted waste vehicles.

Regulation 7 provides for certain consequential amendments to the Waste Management Licensing Regulations 1994.

Regulation 8 prescribes the fees required to accompany applications made under Regulation 4.

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