



A GUIDE FOR THE SHIPMENT OF USED VEHICLES, USED VEHICLE PARTS AND USED ELECTRICAL AND ELECTRONIC EQUIPMENT

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1. Introduction

In Ireland, the *Waste Management (Shipments of Waste) Regulations 2007 (S.I.419 of 2007)* gives effect to *Regulation (EC) No. 1013/2006* on shipments of waste (the TFS Regulations). The 2007 Regulations designated Dublin City Council as the National Competent Authority for the export, import and the transit of waste shipments, and the National TFS Office (NTFSO) was established in July 2007. Since 2011, Dublin City Council has been designated as the National Competent Authority for the control on the movement of hazardous waste exclusively within Ireland under the *European Communities (Shipments of Hazardous Waste Exclusively Within Ireland) Regulations 2011 (S.I. 324 of 2011)*, giving further effect to the provisions contained within the TFS Regulations. Since 2008, Dublin City Council has also been designated as the National Competent Authority for purposes of the *Waste Management (Brokers and Dealers) Regulations 2008 (S.I.113 of 2008)*. The main purpose of the Waste Shipment Regulations is “*the protection of the environment, its effects on international trade being only incidental.*”¹

This guidance document is designed to provide assistance for those organising the shipment of used or pre-owned vehicles, vehicle parts, tyres, electrical and electronic equipment, personal effects, machinery and other items that are still in usable condition. It aims to clarify and simplify the information contained within the European Union Member States *Correspondents' Guidelines No. 9* and the *Waste Electrical and Electronic Equipment Regulations 2014 (S.I.149 of 2014)*.

When used goods are shipped into or out of Ireland for the purpose of re-use, an exporter must be satisfied that the used goods are fit for direct re-use and/or for the same purpose for which the goods were originally designed. It is the responsibility of those parties organising shipments for re-use to ensure that the items being shipped are not waste.

Further information on the shipment of wastes and the NTFSO can be found on the Dublin City Council website:

http://www.dublincity.ie/WaterWasteEnvironment/Waste/National_TFS_Office/Pages/NationalTFSOffice.aspx

¹ REGULATION (EC) No 1013/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 June 2006 on shipments of waste.

2. Waste Shipments and Shipments for Re-Use

Waste

Waste is “any substance or object which the holder discards or intends or is required to discard”.² The NTFSO is concerned that waste items intended for export are:

1. correctly classified as waste for recovery as Green-list waste. Waste material declared as Green-list waste is subject to the general information requirements under the TFS Regulations; and
2. correctly classified as Amber-list or mixed waste, which is shipped for recovery or disposal in accordance with notification and consent procedures set down in Article 3 and 4 of the TFS Regulations.

Re-use

Re-use means “any operation by which products or components that are not waste are used again for the same purpose for which they were conceived”.³ The NTFSO is concerned whether items intended for export for the purpose of re-use are i) not waste material, ii) have been correctly certified as such, and iii) can be used for their original purpose.

Shipments of used vehicles

For the purposes of the TFS Regulations, a differentiation is made between i) second-hand operational vehicles and parts which are not regarded as waste items and which are capable of being re-used for their original purpose, ii) end-of-life vehicle (ELVs) regarded as waste and iii) vehicle parts which are not capable of being re-used for their original purpose. The Correspondents' Guidelines No. 9 represents the common understanding of how the TFS Regulations should be interpreted in relation to the shipment of used vehicles.

Shipments of used electrical and electronic equipment (EEE)

A differentiation is made between EEE which is capable of being re-used for its original purpose and waste from electrical and electronic equipment (WEEE). The European Union (Waste Electrical and Electronic Equipment) Regulations 2014 (S.I. No. 149 of 2014) gives effect to Directive 2012/19/EU on WEEE. Schedule 11 of S.I. No.149 of 2014 details the “minimum requirements for shipments of used EEE suspected to be WEEE”.

² Section 4.1 of the EUROPEAN COMMUNITIES (WASTE DIRECTIVE) REGULATIONS 2011

³ Section 5(ix) of the EUROPEAN COMMUNITIES (WASTE DIRECTIVE) REGULATIONS 2011

3. What is an illegal waste shipment?

A waste shipment is defined as an illegal waste shipment in Article 2.35 of the TFS Regulations. It is the responsibility of both the owner of the items and any person or organisation arranging the shipment to ensure that any exported material is not an illegal waste shipment. It is also important to be aware that it is an offence to assist others in the illegal shipment of waste.

The shipment of certain used items may be banned by the European Union, banned from import by the country of destination and many countries place very strict controls on importation. Some used items may contain controlled substances, for example old refrigerators that contain chlorofluorocarbons (CFCs) that are banned from export out of the European Union regardless of their condition.

If you are unsure of what waste is subject to controls under the TFS Regulations or what controls are in effect in the country of destination, you are advised to contact the National TFS Office for assistance.

- E-mail: nationaltfs@dublincity.ie
- Tel: +353 1 222 4374; +353 1 222 4467

4. Shipment of used vehicles, used vehicle parts and EEE: Pre-shipment Checklist

A shipment is considered to have started from the time a load is en-route to the port or border crossing.

1. The person or organisation arranging the shipment should ensure the following checks have been carried out prior to the load arriving at the port or border crossing:
 - a. The used vehicles and all used items within the shipment are functional and fit for direct re-use (tested and certified by a suitably qualified person, e.g. National Car Test (NCT) certificate or mechanical/electrical certificate).
 - b. The used vehicles and all used items within the shipment are not prohibited nor do they contain substances which are prohibited from export or import by the country of destination.
 - c. The packaging around items sufficiently protects them from damage during transport.
 - d. The shipment is not sealed in such a way that prevents a visual inspection of all used items within the shipment (i.e welded, locked, use of expanding foam etc).
 - e. The used vehicles and all used items within the shipment have a market value and are not utilising outdated technology.
2. The person or organisation arranging the shipment should ensure that at all times during the shipment the following documents are available for inspection by Waste Enforcement Officers from the National TFS Office:
 - a. **Proof of ownership** (sales receipts, ownership documents or declaration of ownership for personal effects).
 - b. **Evidence of functionality** (NCT certificate, mechanical and/or electrical test certificates (see sample certificates in Appendices A, B & C).
 - c. **A detailed packing list** identifying the make, model, quantity and serial number for every item within a shipment, including a declaration signed and dated by the person/organisation arranging the shipment stating that the used goods being shipped are not waste - (see sample in Appendix D).
 - d. **Relevant transport documents**, e.g. Convention on the Contract for the International Carriage of Goods by Road (CMR), Bill of Lading or waybill.

Regardless of a shipment being within a shipping container or within a used vehicle, all documentation listed in points 2(a) to 2(d) above must accompany the shipment i.e. within the cab of the vehicle; inside the door of a shipping container or inside the door or attached to an unaccompanied trailer. Incomplete or illegible documentation may result in the shipments being delayed.

N.B. In the absence of the required documentation, a shipment of used vehicles and other used items will be placed on hold and/or returned to the point of origin for further investigation, or when appropriate, directed to an authorised waste facility. Any subsequent charges or handling costs will be at the expense of the person or organisation arranging the shipment. Furthermore, where illegal waste shipments are discovered, the National TFS Office may also apply additional charges and/or prosecute those responsible.

5. Examples of packaging



The packaging of personal effects and used 2nd hand goods must demonstrate that care has been taken to protect the goods during transit

6. Examples of used items not suitable for shipment



Tyre wall and casing split



Non-roadworthy tyre



Incomplete computer base unit



Not packaged to prevent damage



Not properly packed to prevent damage



Not properly packed to prevent damage



Not properly packed to prevent damage



Not properly packed to prevent damage

7. Examples of vehicles not suitable for shipment

Vehicles must be dismantled prior to shipment if the used vehicle parts are intended for re-use. When the intention is to dismantle a used vehicle for its component parts in the country of destination, or if the vehicle is not fit for direct reuse in its current condition, the vehicle will be subject to the requirements of the TFS Regulations.

Vehicles can only be dismantled for their parts at an Authorised Treatment Facility (ATF) in accordance with the Waste Management (End-Of-Life Vehicles) Regulations 2006, and the Waste Management (Facility Permit and Registration) Regulations 2007, as amended.

Prior to export, the person or organisation arranging the shipment will be requested to provide details of where the used vehicle parts are sourced. Therefore, the information contained in Appendix B should be completed at the time of purchase.



Vehicles not fit for repair – e.g. crashed vehicles and excessively corroded vehicles



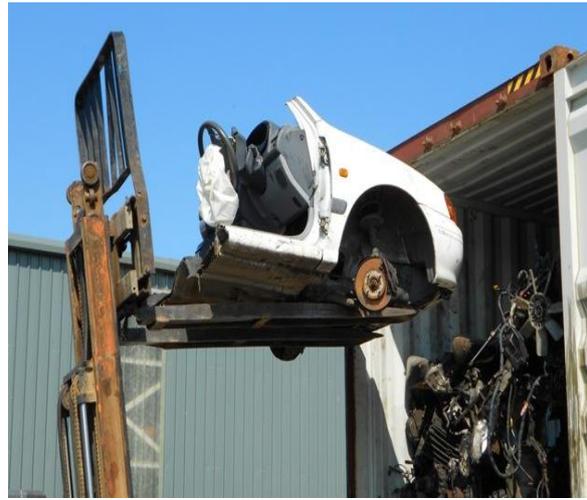
Structurally unsound vehicles – e.g. vehicles with corroded chassis and crushed vehicles

8. Examples of cut vehicles

If the body of a vehicle is cut, regardless of the reason, it will be classified as an ELV. A person or organisation arranging a shipment of used vehicles should be aware that it is a criminal offence to break up a vehicle on a site that is not a registered ATF, and assisting others to ship waste illegally is also a criminal offence.



Roof cut off to reduce load height



Front end of a vehicle



Front end of vehicles



9. Examples of other issues that may result in a shipment being delayed/stopped



Unit and contents cannot be fully inspected



Unit and contents cannot be fully inspected



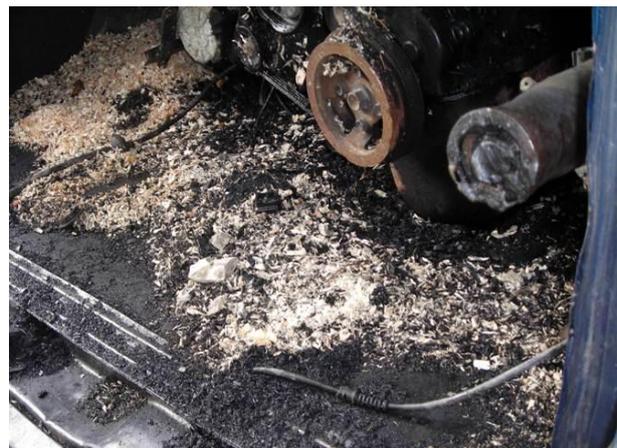
Unit and contents cannot be fully inspected



Unit and contents cannot be fully inspected

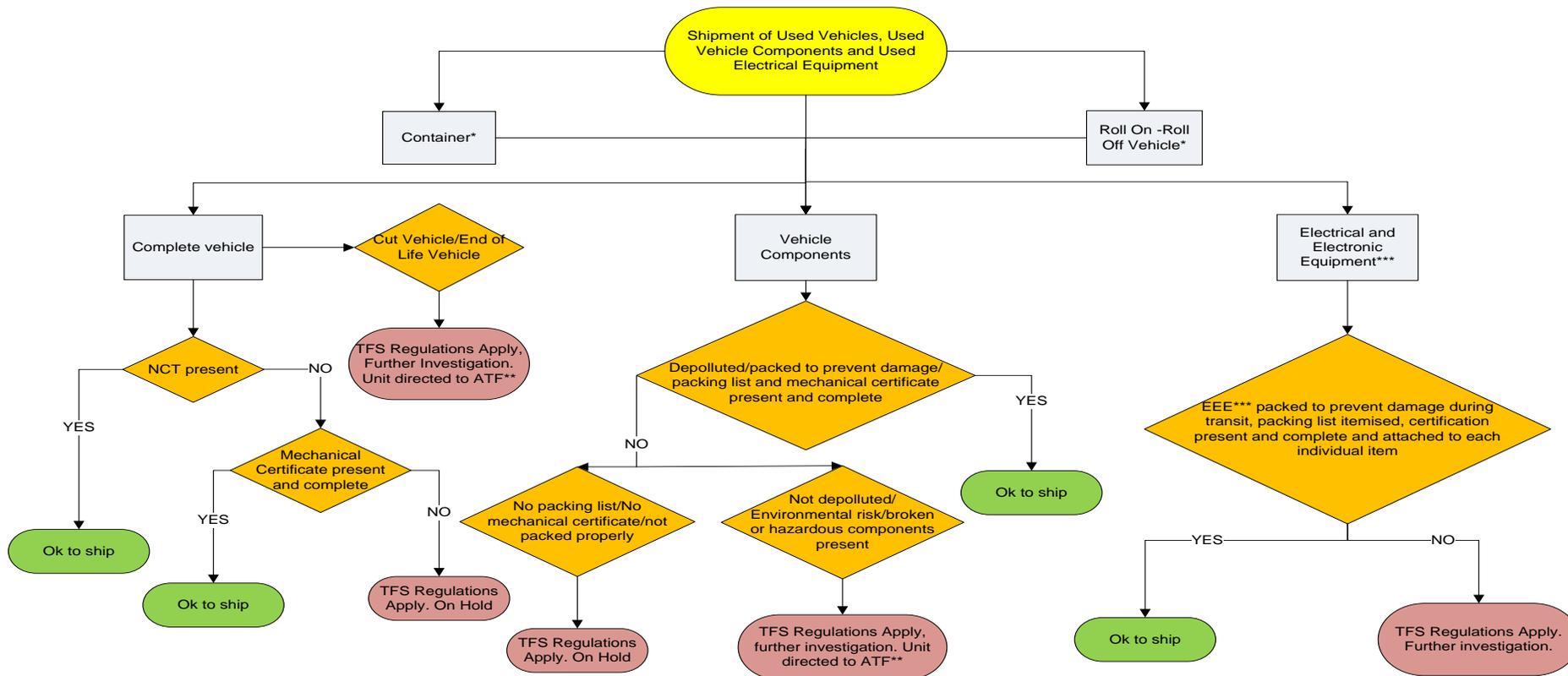


Broken windows, mirrors, lights etc to be removed prior to shipment



Oil leaks from components or a vehicle

10. Guidance Flow Chart



* Any vehicle or unit sealed (foam/rivet/welded) and unable to be inspected by authorised officers will be placed on hold, pending full inspection
 ** Authorised Treatment Facility
 *** Electrical and Electronic Equipment
 **** Waste Electrical and Electronic Equipment

Appendix A

Certificate for used vehicle

| | | |
|----------------------------------------------------------------------------------|---------------------|--|
| Vehicle Owner/Liable Person (Name & Address): Phone No/Fax: Email: | Vehicle make/model: | |
| | Chassis No: | |
| | Registration No: | |

Vehicle Mileage: _____ Estimated Value: € _____ Date of Testing: _____

Name and Address of facility where vehicle tested: _____

Details of test carried out on vehicle: _____

If vehicle is in need of repair, detail parts to be repaired and cost of same (including labour): _____

Estimated Total Cost of Repair: € _____

Name, address and contact details for motor assessor/vehicle mechanic¹ who tested this vehicle:

Declaration Motor Assessor/Mechanic¹:

I declare that the vehicle listed above has been repaired/needs only minor repair and is repairable, is/can become roadworthy, is suitable for use for its original purpose and meets/can meet European Safety Standards.

Signed: _____

Company Stamp:

Date: _____

¹ Motor Assessor: Must be registered professional who is accredited in the country of dispatch of the shipment

Vehicle Mechanic: A person skilled in maintaining, repairing and operating vehicles and motors and with appropriate certification as to his/her skills from a National Accreditation Body in the country of dispatch for the shipment

***Please be aware that providing false/misleading information to an authorised officer is an offence under the Waste Management Act 1996 as amended, and the Waste Management (Shipments of Waste) Regulations 2007**

Appendix B

Certificate for used vehicle parts

| | |
|-----------------------------------------------------------------|--------------------------|
| Vehicle Mechanic /Motor Assessor ¹ (Name & Address): | Customer Name & Address: |
| Contact No/Fax No: | Contact No/Fax No: |
| Email: | Email: |

Details of where second hand parts sourced: Where vehicle parts are sourced from multiple locations please include an additional Annex B to this document for each location.

Name of Facility: _____

Address of Facility: _____

Waste facility permit number/ ATF number (if applicable): _____

Contact name: _____

Telephone number: _____

E-mail address: _____

| Vehicle Part: Make/Model | Quantity | Method of Testing | Pass / Fail (Y/N) | Estimated Value. |
|-----------------------------|----------|-------------------|----------------------|------------------|
| | | | | € |
| | | | | € |
| | | | | € |
| | | | | € |
| | | | | € |
| | | | | € |
| | | | | € |
| | | | | € |
| | | | | € |

This is a guidance document only and does not purport to provide, nor should it be relied on, as a legal interpretation of the regulations

Appendix C

Electrical Declaration

| | |
|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Electrical Inspector ¹ (Name & Address): Contact details: Email: | Customer Name & Address: Contact Details: Email: |
|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|

Make/Model (including serial number and year production): _____

Detail Method of Testing: _____

Result of test- Pass or Fail: _____

Date of Test: _____

Estimated value of item: € _____

Name and address of testing location: _____

Declaration of Functionality:

I declare that the electrical item specified above is in working condition and is suitable for re-use for its original purpose and meets all European Safety Standards.

Signed: _____

Company Stamp:

Date: _____

¹ Electrical Inspector: Must be a registered professional with appropriate accreditation from a National Accreditation Body in the country of dispatch for the shipment

***Please note that CFC containing material is not acceptable for Export from the EU**

***Please be aware that providing false/misleading information to an authorised officer is an offence under the Waste Management Act 1996, as amended, and the Waste Management (Shipments of Waste) Regulations 2007**

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Additional Notes:

Estimated Total Value of shipment (Euros): € _____

Declaration of liable person:

I declare that all details entered above are correct to the best of my knowledge. I declare that the items within this shipment have been packed individually in such a manner so as not to cause environmental risk, or to be damaged in transit. I declare that all electrical items included as part of this shipment are re-useable in their current condition and are not waste as defined by Article 3(1) of Directive 2008/98/EC. I declare that each electrical item has been tested and that the result of each functionality test has been attached to that item. I declare that all vehicles as part of this shipment are re-useable in their current state or in need of only minor repair. I declare that all second hand vehicle parts included as part of this shipment have been depolluted and do not contain any hazardous material and are fit for re-use or require only minor repair.

Signature: _____

Block Capitals: _____

Date: _____

Declaration of ownership where Invoice/Receipt not present:

For items listed above for which no receipt/invoice is available or present, I declare that I am the legal owner of the item which is to be re-used in its current condition.

Signature: _____

Block Capitals: _____

Date: _____

***Please note that the shipment of CFC containing material is not permitted to or from the EU**

***Please be aware that providing false/misleading information to an authorised officer is an offence under the Waste Management Act 1996 as amended, and the Waste Management (Shipments of Waste) Regulations 2007**

***Please be aware that any shipment that requires further investigation or is required to be returned to origin may incur a Return to Origin Fee of €750**

***Please be advised that any shipment that requires a written direction to be issued by this office may incur a Monitoring Fee of €350**

***Please be advised that the shipment of waste in contravention of Regulation (EC) 1013/2006 may result in a court appearance and if convicted fines can be issued up to €4,000 per offence and /or costs and /or 12 months imprisonment**

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