

# Detailed guide: Turn your waste into a new non-waste product or material

*Updated:* We have updated information on how to use the Definition of Waste Service to get an Environment Agency opinion on the waste status of your material.

Work out if your waste material complies with an [European Union \(EU\) end of waste regulation](#) or meets the end of waste test through a [quality protocol](#) (QP) or an individual [assessment](#).

## **EU end of waste regulations**

Your first step is to check whether your waste derived product needs to meet the requirements of an EU End of Waste Regulation. There is a regulation for the following waste types:

- iron, steel and aluminium scrap
- glass cullet
- copper scrap

Find the EU End of Waste Regulations on the [European Commission website](#).

If the EU Regulation requirements cannot be met, then it remains waste. If you can meet them, end of waste is achieved.

## **Meet the end of waste test**

If no EU End of Waste Regulation applies to your waste derived product, you need to make an end of waste assessment on the basis of the relevant case law on end of waste. The Court of Appeal OSS end of waste test generally represents all the case law requirements for the end of waste test.

This test assesses whether:

- the waste has been converted into a distinct and marketable product, this means:
  - the waste has been turned into a completely new product, for example a playground surface is produced from waste tyres
  - the new product is different from the original waste (minor changes to its composition may not be sufficient), for example non packaging plastic recycled material is processed to make new plastic products
  - there is a genuine market for the material so it will definitely be used – if it's stored indefinitely with little prospect for use the material remains waste

- the processed substance can be used in exactly the same way as a non-waste
- the processed substance can be stored and used with no worse environmental effects when compared to the material it is intended to replace

## Quality protocols

In England, Wales and Northern Ireland there are several QPs available. They are voluntary end of waste frameworks for specific wastes and end uses based on the relevant end of waste case law.

[Check if a QP applies to your operation](#). What you are doing to your waste must meet the requirements set out in the relevant QP to demonstrate end of waste.

Generally QPs:

- ensure the product made from waste does not pose an unacceptable risk to human health or the environment
- increase market confidence in the quality of products made from waste and their potential value
- encourage greater waste recycling and recovery

For guidance on assessing whether excavated materials are classified as waste or not, or when developing or remediating land you can use the [The Definition of Waste: Development Industry Code of Practice](#).

If your waste derived product does not meet the requirements in the relevant QP or meet the end of waste test, it will still be waste so you must comply with waste management controls. If you do not comply you could be committing an offence and face a penalty.

If there is no applicable QP, you will need to assess whether your waste derived product meets end of waste on a case by case basis using the OSS test.

### Use the QP checker

Use the [QP checker online tool](#) to check if your waste derived aggregate or compost is compliant with a QP and is no longer waste.

## Definition of waste assessment

In England, if you produce a product from waste you can ask the Environment Agency for an opinion on the waste status of your material.

If you want to ask for our opinion you must use the [IsItWaste tool](#). There's a charge to use this Service.

The IsItWaste tool holds a checklist which sets out the minimum information you'll need to begin a Definition of Waste assessment.

You'll need to:

- provide all the required information
- submit your proposal

We'll then email you details on how to pay the interim charge of £750 plus VAT. Once we receive payment we'll check you've provided the right information and in the correct format.

If you have, we'll provide a cost estimate to do the full assessment. This will be based on £125 per hour plus VAT.

Once you've signed the charging agreement we'll do the assessment and give you our opinion on the waste status of your material. We may need to ask for more information to complete the assessment.

You can also do a self-assessment to get an indicative outcome. Use the [IsItWaste tool](#). There's no charge to do a self-assessment.

If you operate in other parts of the UK, contact your environmental regulator to find out what services they provide.

If your material is no longer waste, you'll also need to comply with all relevant product legislation, for example the registration, evaluation, authorisation and restriction of chemicals (REACH) regulations or groundwater authorisations.

## **End of waste: more information**

- [Defra's legal definition of waste guidance](#)
- [Regulatory position statement: Regulation of materials under consideration for a QP](#)
- [EU Life+ project EQual: Ensuring Quality of waste derived products to achieve resource efficiency](#)
- [Material comparators for end of waste decisions: Manufactured fertilisers](#)
- [Material comparators for end of waste decisions: Applying waste derived materials to land](#)