

Unofficial translation

Ministry of Environment
Waste Management Department
Vršovická 65, 100 10 Prague 10
www.mzp.cz

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Opinion

of the Waste Management Department of the Ministry of the Environment on the definition of a tyre producer and on determination of tyre types that are subject to obligations under Act No. 542/2020 Coll., on End-of-Life Products

In the light of the diversity of tyres placed on the market in the Czech Republic, the Waste Management Department of the Ministry of the Environment issues this methodological communication, which serves to determine which tyres are subject to obligations under Act No. 542/2020 Coll., on End-of-Life Products (hereinafter referred to as "AELP"), and which tyres fall outside the scope of the AELP.

Definition of a tyre producer pursuant to Section 3 (1) o) of the AELP

In Section 3 (1) o), the AELP defines a tyre producer as an entrepreneur who, regardless of the method of sale, including the use of means of distance communication, places on the market in the course of their business tyres or functional units of which tyres are part or accessories; the entrepreneur is not a tyre producer in relation to tyres which the entrepreneur hands over solely for the purpose of placing them on any market, in the Czech Republic or outside, as part or accessories of a functional unit.

The second part of the definition after the semicolon therefore lays down that according to the AELP an entrepreneur is not a tyre producer in relation to tyres which the entrepreneur hands over typically to a vehicle manufacturer for the purpose of placing those tyres on the market as standard vehicle equipment. It is the manufacturer of vehicles, or generally of functional units, who is considered the producer of these tyres in the original equipment and only this manufacturer therefore fulfils the obligations under the AELP after the placement of the functional unit including tyres on the market in the Czech Republic. The AELP provides the definition of a tyre producer in order to avoid a situation in which tyre producers and manufacturers of functional units are forced to transfer and verify information and pay recycling fees in relation to a large number of tyres that are only mounted on manufactured vehicles in the Czech Republic and then exported from the Czech Republic.

This definition of a tyre producer significantly reduces the transaction costs of all parties concerned and reduces the risk of irregularities in their records and the State's records. If the obligations were established for tyres supplied to the production of functional units, they would be burdened with a recycling fee and recorded in the register of the quantities placed on the market. This affects, for example, the compulsory level of take-back and, for producers fulfilling their obligations individually, the amount of the guarantee. However, since a large part of these functional units and tyres on them are subsequently exported, all interested parties would have to report and verify such exported quantity for the purpose of refunding the recycling fees (however, the AELP lays down this obligation only for collective systems), the recalculation of the guarantee, the preparation of the annual report on end-of-life products and the annual report according to the Act on Accounting.

However, the tyres supplied for purposes of separate sale, including those supplied to producers of functional units, shall be considered to be placed on the market in accordance with the general definition of the AELP and their respective supplier/importer is in the position of a tyre producer with all relevant obligations.

Finally, in accordance with the definition, a tyre producer will typically be a supplier/importer of functional units from outside the Czech Republic, in relation to tyres forming part or accessories of these functional units.

Definition of a tyre pursuant to Section 3 (1) h)

There has been no change in the definition of a tyre in the AELP compared to the definition referred to in Section 38a (4) of the old Act No. 185/2001 Coll., on Waste. Therefore, in accordance with Section 3 (1) (h) of the AELP a tyre is defined as: *a flexible component of a wheel composition which is made of natural or synthetic rubber and reinforcing materials, without the rim, with the exception of a wheel for use on equipment towed or pushed by a person walking, on a bicycle or on a personal medical device or on a rehabilitation or assistive device.*

Therefore, the obligations of the AELP generally apply to any flexible part of the wheel composition which is made of natural or synthetic rubber and reinforcing materials (the tyre according to the AELP does not include a rim, which serves to mount the tyre). **However, as an exception to this general rule, the obligations of the AELP do not apply to tyres which are defined according to the use for which they are intended:**

Wheels for use on devices towed or pushed by a person walking

- Children's toys (e.g. motorbikes/vehicles)
- Strollers
- Lawnmowers
- Snow blowers
- Cultivators
- Hand garden carts, trays.

However, if garden or other equipment can move on its own, i.e. without the need for human power, then the obligations of the AELP apply to them.

Wheels for use on bicycles

- Bicycles
- Scooters [in the opinion of the Waste Management Department, an exemption for bicycles can be used here, because according to Annex No. 12 letter c), point 9 of Decree No. 341/2014 Coll., on the approval of the roadworthiness and technical conditions for the use of vehicles on the road, scooters are considered bicycles for the purposes of this Decree].
- Electric bicycles or electric scooters [if they are considered to be bicycles pursuant to Decree No. 341/2014 Coll., on the approval of the roadworthiness and technical conditions for the use of vehicles on the road].

Wheels for use on a personal medical device or on a rehabilitation or assistive device

- Senior electric scooters
- Wheelchairs.

Exceptions from the definition of a tyre and obligations of the AELP must be interpreted restrictively. Typically, for example, tyres of universal parameters for uses covered by the exceptions, but also in other ways, will be subject to the obligations of the AELP.

Annex no. 6 to the AELP serves primarily for the division of tyres covered by the AELP, but in practice it may also serve as a confirmation of a categorisation of a tyre subject to the obligations of the AELP. However, this Annex does not contain an exhaustive list of the types of tyres falling under the obligations of the AELP. The fact that the use of tyre is not explicitly mentioned in the examples in Annex 6 to the AELP does not mean that the tyre in question is not subject to the obligations of the AELP. The tyres that cannot be categorised under groups 1 to 4 will be classified under group 5.

The tyres covered by the AELP shall be divided for registration and reporting purposes into:

- 1. Tyres for motorcycles, tricycles and quadricycles.*
- 2. Tyres for passenger cars, tyres for off-road and light commercial vehicles; Tyres for goods vehicles with an internal tyre diameter of less than 17.5 inches; Tyres for buses, trailers and special vehicles with an internal tyre diameter of less than 17.5 inches.*
- 3. Tyres for goods vehicles with an internal tyre diameter of 17.5 inches or more; Tyres for buses, trailers and special vehicles with an internal tyre diameter of 17.5 inches or more.*
- 4. Tyres for agricultural and forestry tractors or machinery.*

5. Industrial tyres for loading machines, handling equipment and earth-moving machinery; Tyres for other working machinery and military equipment; Tyres for other means of transport or equipment other than vehicles.

In conclusion, it is necessary to point out that tyres which fall under the relevant exemptions from the obligations of the AELP must be categorised in accordance with Decree No. 8/2021 Coll., on the Waste Catalogue and Assessment of Waste Characteristics, under catalogue number 16 01 03 – Tyres.

Prepared by: Waste Management Department of MoE

Approved by: Bc. Jan Maršák, Ph.D., Director of the Waste Management Department