

European Commission Confirms: Tire Manufacturers' Responsibility Ends When Waste Tires Are Used to Produce Tire Blocks

Rehviringlus employs several methods for recycling used tires, including their transfer for the production of tire blocks. In 2024, the Estonian Environmental Board authorized the manufacturing of construction products from waste tires and recognized these tire blocks as products. Consequently, under Article 6(1) of the Waste Framework Directive and §2¹ of the Estonian Waste Act, the tires used in tire block production cease to be considered waste.

According to the Guidance on the Interpretation of the Waste Framework Directive issued by the European Commission, the cessation of waste status also marks the completion of the recovery process. Once a material or substance ceases to be waste, it falls outside the scope of waste legislation.

Therefore, there should be no ambiguity as to whether the producer responsibility of tire manufacturers ends when waste tires are used to make tire blocks or merely “pauses” to “resume” later when those blocks eventually become waste again. Yet this question has been publicly raised. Why?

In 2022, Estonian Tire Recycling MTÜ (ETR) joined the list of producer responsibility organizations for tire manufacturers. A smear campaign soon emerged in the media, claiming that the use of tire blocks in construction was “disturbing” and harmful to the environment. The intent appeared to be to create the impression that using waste tires in tire blocks does not release tire importers from producer responsibility.

In autumn 2024, a representative of ETR's business partner Ragn-Sells AS (RS) submitted a proposal during the parliamentary debate of the Waste Act Amendment Bill (430 SE), suggesting that the law should be changed so that tire block production would no longer terminate producer responsibility.

Although this proposal did not gain support in the Estonian Parliament, it was backed by the Ministry of Climate, which argued that no legal amendment was needed—only a “reinterpretation.” The core of this interpretation was the position that if recycling does not substantially alter the original properties of the waste (even when it becomes a new product), then the producer's obligations do not end despite the cessation of waste status.

Rehviringlus submitted a formal request for clarification, asking the Ministry to explain the legal basis of such an interpretation and how it aligns with the EU's autonomous concept of end-of-waste status, which cannot have “local peculiarities.” The Ministry of Climate failed to provide substantive answers to these questions.

As a result, Rehviringlus turned to the European Commission, seeking clarification on whether, under Article 6(1) of the Waste Framework Directive, producer responsibility ends definitively when waste ceases to be waste—or whether it could “pause” and later “resume” once the resulting new product becomes waste.

The Commission's response was clear and unequivocal: when a new product that has ceased to be waste later becomes waste again, the producer responsibility lies with the manufacturer of that new product—not with the producer of the original material used as input.

Accordingly, claims that tire manufacturers' responsibility does not end when waste tires are used to make tire blocks are incorrect. The differing positions expressed by the Ministry of Climate and ETR are not grounded in law and contradict both EU legislation and the European Commission's interpretation.

MTÜ Rehviringlus