



Casework Summary **Report**

Case Number: CMS-545

Description: Failure by the Environment Agency (EA) to regulate the export of waste tyres from England to India, in accordance with UK Waste Shipment Regulations 2006.

Case Overview

Background/Complaints Summary
<p>The Office for Environmental Protection (OEP) received a complaint in May 2024 alleging the Environment Agency (EA) had failed in numerous areas when regulating the export of waste tyres to India. These failures ranged from T8 exemption limits being exceeded, Carrier Broker Dealer licenses being granted erroneously to overseas brokers, and inadequate due diligence on the end use importing country. The complainant submitted evidence highlighting the failures and the correspondence they had with the EA.</p> <p>Whilst assessing this complaint, we were made aware of legal action being brought forward by action group Fighting Dirty¹ against the EA concerning similar issues.</p> <p>The key area of concern identified by Fighting Dirty was the potential for waste tyres to be exported to India and treated in illegal pyrolysis plants. This suggested a failure under Article 49 of the Waste Shipment Regulations², whereby the competent authority, in this case the EA, has a responsibility to require and endeavour that waste exported is treated in an environmentally sound manner. In addition to this they have a responsibility to prohibit an export if it will not be treated in an environmentally sound manner.</p> <p>The EA launched a rapid review of its approach to regulating waste tyre exports following the notification of proposed legal action by Fighting Dirty.</p>
OEP Actions
<p>We considered the information submitted by the complainant and spoke to the EA to understand its position. We requested additional information to support our assessment of the case and aligned this request with the rapid review the EA launched into the issues raised.</p> <p>We engaged with the EA throughout its rapid review to understand its objectives and set out our own concerns highlighted by the complaint under assessment.</p> <p>As a result of this engagement, the EA agreed to address these concerns as part of the wider rapid review.</p>

On 31 July 2025 the EA published its Waste Tyres Internal Review³ and responded to our information request.

Conclusions and Outcomes

Following our assessment of the complaint submitted to the OEP, information provided directly by the EA, and the resulting internal review, we determined that there was evidence to suggest that there had been one or more serious failures to comply with environmental law.

Following our continued engagement and the conclusion of the EA's internal review, published on 31 July 2025, the EA corroborated that this is the correct interpretation of the obligations under Articles 49(2) and 36(1)(g).

The OEP concluded that the EA, as the competent authority, has obligations under Articles 49(2) and 36(1)(g) of the Waste Shipment Regulations² to ensure that waste is not dispatched to a destination where they have reason to believe it will not be treated in an environmentally sound manner. Our assessment of the supporting information indicated that the EA may not have been taking the necessary steps to discharge these duties.

The EA agreed in its review that if it has reason to believe that waste will not be handled in an environmentally sound manner under Waste Shipment Regulations² Articles 49(2) and 36(1)(g), then it has a duty to prohibit relevant exports. The EA has acknowledged that there is inadequate information to allow it to assume that waste tyres exported to India are being handled in an environmentally sound manner. Based on the evidence available, it accepts that it is "highly likely" that some waste tyres are being diverted to illegal pyrolysis plants. It has also noted that it should take further steps to ensure it is fulfilling its legal obligations.

The EA's review resulted in four proposed actions, to be delivered in a phased approach:

Phase 1: Staff recruitment and training. 1 August 2025- 30 September 2025.

Phase 2: Start enhanced checks. 1 October 2025 onwards.

Phase 3: Continuous review of checks and development of an implementation plan based on other recommendations identified during the review. 1 October- 31 December 2025.

Phase 4: Planning for regulatory reform in relation to Article 18 wastes. 2026 onwards.

In view of these steps, we did not consider that commencing an investigation at this time would be appropriate. We advised the EA that the OEP will monitor its progress with its proposed action plan and recommendations.

¹ [Legal Action Fighting Dirty](#)

² [UK Waste Shipment Regulations 2006](#)

³ [Waste Tyres Internal Review - Final Report Redacted.pdf](#)