

Message 001

Communication from the Commission - TRIS/(2026) 0535

Directive (EU) 2015/1535

Notification: 2026/0087/ES

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahtuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20260535.EN

1. MSG 001 IND 2026 0087 ES EN 20-02-2026 ES NOTIF

2. Spain

3A. Subdirección General de Asuntos Industriales, Energéticos, de Transportes y Comunicaciones y de Medioambiente

Dirección General de Mercado Interior y otras Políticas Comunitarias

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3B. Gobierno Vasco

Viceconsejería de Medio Ambiente

Departamento de Industria, Transición Energética y Sostenibilidad

4. 2026/0087/ES - S20E - Waste

5. DRAFT DECREE ESTABLISHING THE LEGAL ARRANGEMENTS APPLICABLE TO ACTIVITIES FOR RECOVERING SLAG FROM WASTE-TO-ENERGY PROCESSES IN THE AUTONOMOUS COMMUNITY OF THE BASQUE COUNTRY, FOR SUBSEQUENT USE AS A SECONDARY AGGREGATE

6. Slag from waste-to-energy processes

7.

8. The draft decree sets out the criteria for determining when slag from waste-to-energy processes in the Autonomous Community of the Basque Country ceases to be considered waste, for the purposes of subsequent use as a secondary aggregate.

It regulates the criteria for granting end-of-waste status (Article 3 of the draft decree) and the requirements that the waste being recovered and the recovery facilities must meet (Annex I to the draft decree).

Issues related to slag recovery activities are also identified (Article 4 of the draft decree),

as are the obligations of those who recover slag for the purpose of being granted end-of-waste status (Article 5 of the draft decree).

Furthermore, the uses and destinations of secondary aggregates are regulated (Article 6 and Annex II of the draft decree) and criteria for environmental evaluation and control according to the uses of secondary aggregates are established (Annex III to the draft decree). In this regard, it is clarified that the amendment introduced with respect to the initial notification (2025/0518/ES) consists of the inclusion of two new uses for secondary aggregates, which were not included in the initial version. The text has been included in Table 2 of Annex II.

Requirements relating to the declaration of conformity to be issued by the person recovering the waste for each consignment are set out (Article 7 of the draft decree).

Lastly, the draft decree regulates the management system used to demonstrate that the criteria for being granted end-of-waste status have been met (Article 8 of the draft decree) and provides instructions on the sampling plan and the sampling of secondary aggregates (Annex IV), in order to obtain a representative sample of the batch of slag processed.

9. Slag waste from waste-to-energy processes is one of the 10 non-hazardous sources of waste and, if recovered, would contribute the largest mass of recovered products under the objective of the 2030 Basque Country Waste Prevention and Management Plan. There are currently two waste-to-energy facilities producing slag in the Autonomous Community of the Basque Country: the Zabalgardi plant (Bizkaia) and the Zubieta Environmental Complex (Gipuzkoa). According to the 2020 municipal waste inventory, around 70 000 tonnes of slag per year are produced from waste-to-energy processes in this Autonomous Community.

In line with the strategic objectives of the European Union and the current Basque Country Waste Prevention and Management Plan, the recovery of such slag, which in some cases present characteristics very similar to certain raw materials, is a practice that must be promoted to address one of the foremost concerns in the Basque Country's waste management.

The achievement of these new objectives, including that of achieving 85% recovery by 2030, requires the incorporation into the legal order of this Autonomous Community of a decree establishing the requirements for the use of aggregates derived from the recovery of this slag for its reintroduction into production processes in accordance with the uses authorised in said decree.

This notification is being made in order to communicate the amendment made to the document sent in the previous notification (2025/0518/ES). The amendment consists of the inclusion of two new uses of secondary aggregates, not covered in the initial version. The text has been inserted in Table 2 of Annex II (marked in red in the attached document).

10. References to basic texts: 2025/0518/ES

The basic texts were forwarded with an earlier notification:  
2025/0518/ES

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

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European Commission

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