

Message 001

Communication from the Commission - TRIS/(2026) 1902

Directive (EU) 2015/1535

Notification: 2026/0370/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 - Nezahajuje 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 - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx 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: 20261902.EN

1. MSG 001 IND 2026 0370 ES EN 13-07-2026 ES NOTIF

2. Spain

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

Dirección General de Coordinación del Mercado Interior y otras Políticas Comunitarias

Secretaría de Estado para la Unión Europea

Ministerio de Asuntos Exteriores, Unión Europea y Cooperación

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4. 2026/0370/ES - S20E - Waste

5. Draft Order establishing the criteria for determining when treated electric arc furnace slag, intended for use as steel slag aggregate, ceases to be waste in accordance with Law 7/2022 of 8 April on waste

6. Certain electric arc furnace slag (carbon steel, silico-manganese and copper slag), after being treated and having met the end-of-waste criteria set out in the order, will no longer be considered waste for

7.

8. This Ministerial Order, which applies throughout the territory of the State, sets out the requirements under which certain types of waste, once they have undergone the treatment specified for each type of slag intended for use in certain permitted applications, which are subject to technical, environmental and use-related conditions, may cease to be classified as waste in accordance with Law 7/2022 of 8 April on waste and contaminated land for a circular economy, provided that a management system is in place incorporating a procedure for verifying compliance with the established end-of-waste criteria.

9. This is a flow that currently does not have a single regulatory framework at European Union level.

Given the importance of this waste stream, the large volume generated and the absence of regulation at EU level, the development of national end-of-waste criteria for furnace slags, as foreseen in Article 6 of Directive 2008/98/EC of 19 November, has been considered necessary.

9a. The notified measure addresses the risk arising from the current lack of a national regulatory framework governing the use of steelmaking slag. The use of slag for various purposes has implications for human health and the environment that must be managed, and conditions must be put in place for each instance of use to ensure that risks are minimised. This is demonstrated in several published studies, including those carried out by the JRC itself. (1)

The end-of-waste mechanism is the ideal tool for managing and controlling the risks associated with the use of steelmaking slag. Experience shows that this has been the mechanism(2) used by both the European Commission and by several Member States to reintroduce waste into the production cycle.

The public interest objective is pursued in a coherent and systematic way, since the end-of-waste mechanism is the principal tool established by European legislation, namely in Article 6 of the Waste Framework Directive for the reintegration of waste into the production cycle.

(1) Scoping possible further EU-wide end-of-waste and by-product criteria

(2) Study on methodological aspects regarding limit values for pollutants in aggregates in the context of the possible development of end-of-waste criteria under the EU waste Framework Directive. JRC technical reports.

9b.

The draft measure does not impose any restriction on the internal market. Those wishing to continue treating their slag as waste may continue to do so, subject to the regulations governing the shipment of waste. Only

those operators who decide to move the slag as a product shall comply with the draft measure.

There are currently no national regulations that classify slag as a product. Consequently, there is a legal vacuum regarding the conditions under which slag can be considered a product. The notified project measure is the least restrictive and the most relevant, as this is the approach laid down for that purpose in Article 6 of the Waste Framework Directive.

There are no less restrictive alternatives. The only possibility to declassify slag as waste is the application of the provisions of Article 6(3) of the Waste Framework Directive. If the end-of-waste status is not established, the slag will continue to be regarded as waste. Consequently, should it be intended for use in any capacity, this must be carried out in accordance with the legal framework governing waste.

This is because continuing to regard slag as waste hinders its reintegration into the production cycle and impedes the development of the circular economy.

This is the mechanism specifically provided for that purpose in Article 6(3) of the Waste Framework Directive itself.

9c. The restrictions imposed by the proposed measure are necessary and proportionate, as it is necessary to establish technical, use-related and environmental conditions to ensure the protection of human health and the environment in the use of steelmaking slag.

There is no interference with the internal market. Those operators who wish to continue managing steelmaking slag as waste can continue to do so in accordance with waste legislation. Those wishing to manage it as a product must comply with the measures set out in the regulation. If the development of the circular economy is to be promoted, it is necessary to establish end-of-waste mechanism for different waste streams.

There is neither a failure to serve the public interest nor any harm caused by the restriction. Waste operators who wish to continue treating steelmaking slag as waste may continue to do so, and those who wish to treat it as a product, in compliance with the proposed regulations, will not be acting contrary to the public interest.

10. References to the basic texts: There are no basic texts

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects:

The draft is a technical regulation or a conformity assessment

SPS aspects: No

European Commission

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