



Draft Royal Decree regulating waste industrial oils

18 May 2026

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I

The primary aim of the waste policy is prevention, with a view to reducing the amount of waste generated. Secondly, this policy is aimed at the environmentally sound management of the waste ultimately generated, minimising its adverse effects on human health and the environment.

Waste management must be carried out in accordance with the principle of the waste hierarchy, a fundamental pillar of the circular economy, so as to maximise the recovery of the materials contained in waste as secondary raw materials for use in production processes, thereby promoting a more efficient use of available resources. This approach must constitute a firm strategic commitment on the part of all public authorities and must involve the active engagement and commitment of all economic and social stakeholders. Finally, in accordance with the principles of proximity and self-sufficiency, the transport of waste should be kept to a minimum, provided that a suitable waste operator is available in the vicinity of the place where the waste is generated.

The oils used in motor vehicles and the lubricants used in industrial processes are ubiquitous in everyday life, as they are essential for the operation of many machines, engines and mechanisms. As a result of their use, these oils progressively lose their properties, become contaminated, and eventually cease to be suitable for their originally intended purpose. At that time, they should be replaced by new lubricating oils. It is estimated that approximately 50% of the industrial oil used becomes waste, whilst the rest is lost during combustion or use, through leaks or for other reasons.

In accordance with Law 7/2022 of 8 April 2022 on waste and contaminated soils for a circular economy, waste industrial oils are considered hazardous waste, in accordance with the provisions of Commission Decision of 18 December 2014 amending Decision 2000/532/EC on the list of waste, in



accordance with Directive 2008/98/EC of the European Parliament and of the Council.

Due to their liquid nature, the uncontrolled disposal of these waste oils can cause serious soil and water pollution, as they can seep through the ground and reach rivers, lakes or streams, putting aquatic ecosystems and public health at risk.

II

Concerns about the environmental impact of waste oils led to the early adoption of measures at European level. Thus, in 1975, Council Directive 75/439/EEC of 16 June 1975 on the management of waste oils was adopted, subsequently amended by Council Directive 87/101/EEC of 22 December 1986 amending Directive 75/439/EEC on the management of waste oils.

Those directives were transposed into Spanish law by the Order of 28 February 1989 regulating the management of waste oils, as amended by the Order of 13 June 1990 amending paragraph 2 and Annex II to the Order of 28 February 1989.

In Spain, the first waste law adopted following the country's accession to the European Economic Community was Law 10/1998 of 21 April 1998 on Waste, which incorporated the principle of producer responsibility into national law; this principle constitutes one of the fundamental pillars of European waste policy.

This law empowered the Government to establish regulatory measures that obliged economic operators to design and manufacture their products in such a way as to facilitate their subsequent management as waste, or to participate in schemes that promote selective collection.



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Furthermore, Law 10/1998 of 21 April expressly provided for the possibility that these obligations could be met by establishing their own management systems, or through voluntary agreements or cooperation arrangements, in line with the principle of shared responsibility, amongst other principles underpinning European policy in this area.

In 2006, due both to the need to adapt the management of this waste stream to the provisions of Law 10/1998 of 21 April 1998 and to the decision to apply the principle of producer responsibility, Royal Decree 679/2006 of 2 June 2006 regulating the management of waste industrial oils was approved.

Royal Decree 679/2006 of 2 June 2006 provided for measures relating to the production, possession and management of waste oils, based on the premise that both industrial oil producers and holders had to ensure their delivery to an authorised operator.

It also established an order of priorities in the management of waste oils, starting with regeneration, followed by other forms of recycling, and, lastly, energy recovery. The aforementioned Royal Decree set out specific targets for recovery and regeneration.

In order to fulfil their obligations, producers of waste oil could join integrated management systems authorised and supervised by the Autonomous Communities, and funded through contributions proportional to the quantity of industrial oil placed on the national market. The funds thus collected were essentially intended to finance environmentally sound management of waste industrial oils in accordance with the provisions of Royal Decree 679/2006 of 2 June 2006.



Subsequently, Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (hereinafter ‘the Waste Framework Directive’), in the framework of a process of simplification and consolidation of European waste legislation, repealed Council Directive 75/439/EEC of 16 June 1975, while incorporating its key provisions into the Waste Framework Directive, in particular by defining ‘waste oils’ in Article 3, and by including specific measures for such waste in Article 21.

The Waste Framework Directive was amended in 2018 by Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste, introducing relevant changes to Article 21. The revised Directive stipulates that Member States must take the necessary measures to ensure that waste oils are collected separately, whenever technically possible, taking into account best practice; that waste oils are treated, giving priority to regeneration or, alternatively, to other recycling operations resulting in an overall environmental outcome equivalent to or better than regeneration, in accordance with the principles of the waste hierarchy and the protection of human health and the environment; and that waste oils with different characteristics are not mixed with one another, or with other types of waste or substances, if such mixing prevents its regeneration or another recycling operation resulting in an overall environmental outcome equivalent to or better than regeneration.

Furthermore, Article 21(2) of the Directive provides that, for the purposes of the separate collection of waste oils and their proper treatment, Member States apply additional rules, such as technical requirements, rules on extended producer responsibility, economic instruments or voluntary agreements, in order to ensure the separate collection of waste oils and their proper treatment.



Article 21(3) also allows Member States to restrict cross-border shipments to waste incineration or co-incineration facilities where waste oils are subject to national regeneration requirements.

At national level, Law 22/2011 of 28 July 2011 on waste and contaminated soils transposed the provisions of the Waste Framework Directive, whilst maintaining Royal Decree 679/2006 of 2 June 2006 in force insofar as it did not conflict with, contradict or prove incompatible with this law.

Order APM/205/2018 of 22 February 2018 establishing the criteria for determining when processed waste oil deriving from the treatment of waste oils for use as fuel ceases to be waste in accordance with Law 22/2011 of 28 July 2011 on waste and contaminated soils aims to establish the criteria for determining when processed waste oil obtained from the treatment of waste oils for use as fuel is no longer considered waste in accordance with the provisions of Law 22/2011 of 28 July 2011. If such oil does not meet the requirements set out in this order, it shall continue to be classified as waste and must be managed through recovery or disposal operations, in accordance with the provisions of the aforementioned law.

Subsequently, the adoption of Law 7/2022 of 8 April 2022 on waste and contaminated soils for a circular economy updated the provisions relating to waste oils contained in the repealed Law 22/2011 of 28 July 2011, in line with the revision of the Waste Framework Directive. Furthermore, Law 7/2022 of 8 April 2022 stipulates in its sixth final provision that the regulation on extended producer responsibility must be brought into line with the provisions of the law by 5 January 2023.



Consequently, and also in view of the need to resolve various problems identified in the practical application of Royal Decree 679/2006 of 2 June 2006, since its entry into force, it is considered necessary to update it. The definitions have therefore been revised, specifying the definition of 'industrial oil' to include oils which, regardless of their nature, are used in industry and transport. In addition, 'lubricating greases' have been defined as mixtures of lubricating oil, thickener and additives, in order to distinguish them from lubricating oils.

On the other hand, the technical evolution of industrial oils, both in terms of quality and durability, makes it necessary to rethink the objectives of the management of their waste, as well as the requirements regarding the quality of the materials obtained after their treatment. In order to guarantee this quality, the Royal Decree incorporates requirements regarding input materials and treatments that must be applied to waste industrial oils used to obtain reclaimed lubricating bases. Also, this Royal Decree specifies when fuel obtained from waste industrial oils can be used as a product.

In addition, the reporting obligations and the extended producer responsibility scheme are being updated to bring them into line with the provisions of Law 7/2022 of 8 April 2022.

IV

The Royal Decree is structured in a preliminary title and four titles, which contain the articles, and is supplemented by four transitional provisions, a single repealing provision and four final provisions.

The preliminary title contains the general provisions of the Royal Decree. This section sets out the purpose, definitions, scope of application and planning instruments relating to waste industrial oils.



As regards definitions, those set out in Law 7/2022 of 8 April 2022 shall apply. In addition, new definitions have been introduced to clarify and specify the scope of the Royal Decree; these definitions include: 'industrial oils', 'waste industrial oils' and 'lubricating greases'.

Furthermore, although Law 7/2022 of 8 April 2022 already defines the concept of regeneration of waste oils, the Royal Decree incorporates a specific definition of 'regenerated lubricating bases', in order to specify when it is considered that a waste industrial oil subjected to a treatment operation can be considered as regenerated. Furthermore, the definitions of 'waste holder', 'waste producer' and 'product producer' set out in the aforementioned law are clarified for their specific application to the field of industrial oils. With regard to the definition of 'holder of waste industrial oils', the Royal Decree clarifies that this designation applies to importers of waste industrial oils, as well as to those who acquire them in another Member State of the European Union.

Title I, dedicated to the prevention and management of waste industrial oils, regulates both aspects by strengthening the application of the waste hierarchy principle. This title is divided into two chapters. Chapter I sets out provisions aimed at promoting the prevention and regeneration of waste industrial oils. For its part, Chapter II regulates the priorities and objectives in the management of waste industrial oils that are generated. In addition, provisions regarding the shipment of this waste are included, in line with the applicable regulations on shipments. Through the priorities and management objectives established in this Royal Decree, preference is given to the regeneration of waste industrial oils over other forms of recovery with a greater environmental impact. All waste industrial oils generated must be collected separately; 'separate collection' is defined as the separation of waste industrial oil from other waste streams at source for subsequent treatment. Likewise, quantifiable regeneration targets are set, which are mandatory for the autonomous communities, in relation to all waste industrial oils generated in their respective territories. The Royal Decree



also provides a timetable for the achievement of these objectives and establishes specific prohibitions, among which the dumping of industrial oils or their waste stands out.

In addition, the requirements for the management of waste industrial oils to be used for regeneration operations are specified. With regard to waste industrial oil that has been processed for use as fuel, it may only be used as a product once it ceases to be classified as waste, in accordance with the provisions of Order APM/205/2018 of 22 February 2018.

In relation to the transfer of waste industrial oils, this Royal Decree establishes the priority of treatment in facilities as close as possible to the place of generation, in application of the principle of self-sufficiency and proximity. Similarly, consideration is being given to restricting the export of such waste outside the country's territory when it is destined for incineration or co-incineration facilities, with a view to promoting more sustainable management options.

Title II contains the provisions relating to the extended producer responsibility scheme and is divided into two chapters. Chapter I regulates the reporting obligations relating to the placing on the market of industrial oils. This chapter provides for the creation of the industrial oils section within the Register of Product Producers, as well as the obligations arising from registration in that register. In particular, it determines the information that producers of the product must provide at the time of registration. Furthermore, Chapter I sets out the obligation for producers to compile and submit, on an annual basis, information regarding industrial oils placed on the domestic market.

Chapter II deals with the extended producer responsibility scheme and is itself divided into four sections. The first section contains the general obligations to be undertaken by the producers of the product or, in the case of producers



established in another Member State or in third countries marketing their oils in Spain, their authorised representatives. These obligations may be fulfilled individually or through the establishment of individual or collective extended producer responsibility systems. This same section lays down the obligation to draw up corporate prevention plans by product producers.

The second section regulates the obligations of extended product producer responsibility systems, including both the general obligations applicable to all systems, and the additional obligations that correspond specifically to collective systems. It also sets out the provisions relating to the constitution and operation of such systems, including the procedures for the authorisation of collective systems and the prior communication required of individual systems. It also defines the scope of the financial contribution to be made by producers of the product to extended producer responsibility systems, so that they bear the full cost of managing the waste generated, the costs of providing information on prevention measures, the costs of awareness-raising and information campaigns, and the costs associated with data collection and reporting.

Section 3 sets out the financial guarantees that must be provided by extended producer responsibility systems, whether individual or collective.

Finally, the fourth section regulates the specific obligations of producers or holders of waste industrial oils.

Title III, entitled 'Information and awareness-raising obligations', lays down, in its first article, the obligations for extended producer responsibility systems and natural or legal persons authorised to manage waste industrial oils and entities or undertakings acting as dealers and brokers of such waste to provide information to public authorities.



Furthermore, the article on information and awareness-raising campaigns provides for the possibility that both public authorities and producers of industrial oils may carry out information and awareness-raising campaigns aimed at ensuring that the collection and treatment of waste industrial oils are carried out in an environmentally sound manner. In addition, it is envisaged that public administrations may adopt measures to promote the demand for regenerated oil. Finally, this same article establishes the obligation to inform the consumer about the economic impact that the management costs of waste industrial oils have on the final price of the product, once it becomes waste.

Title IV sets out the provisions governing inspection and monitoring, as well as the penalties scheme applicable under this Royal Decree. On the one hand, it sets out the inspection and control actions to be carried out by the competent public administrations, in order to ensure the correct application of the provisions provided for in this regulation.

Furthermore, with regard to the shipment of waste industrial oils, provision is made for the competent authorities to charge the costs arising from inspection and monitoring activities to the shipper and, failing that, to the natural or legal person who physically carries out or organises the shipment, to third parties acting on their behalf, or to other persons who organise such a shipment.

As regards the penalties scheme, this is governed by the provisions of various sector-specific regulations. Firstly, Law 7/2022 of 8 April 2022 establishes the general framework for offences and penalties relating to waste production and management, including compliance with the waste hierarchy and the principles of responsibility, proportionality and remediation of environmental damage. Furthermore, Law 21/1992 of 16 July 1992 on Industry applies in respect of infringements arising from non-compliance with the technical and safety requirements applicable to industrial activities, including



those relating to the treatment of waste industrial oils.

Finally, this Royal Decree contains four transitional provisions, a single repealing provision and four final provisions.

As regards the transitional provisions, the first establishes a time limit for the adaptation of the facilities for the treatment of waste industrial oils, as well as, where appropriate, for the review of their authorisations. The second provision sets out transitional arrangements to facilitate the transition to the new extended producer responsibility scheme. The third transitional provision establishes the first reporting year in relation to the reporting obligations set out in this Royal Decree. Finally, the fourth provision establishes transitional arrangements for the financial guarantees required of extended producer responsibility systems.

The sole repealing provision expressly repeals Royal Decree 679/2006 of 2 June 2006 and renders null and void any provisions of equal or lower rank that conflict with the provisions of this Royal Decree.

As regards the final provisions, the first introduces an amendment to Royal Decree 553/2020 of 2 June 2020, regulating the shipment of waste within the territory of the State; the second provision authorises the drafting of implementing regulations; the third provision sets out the legal basis on which this Royal Decree is issued; and the fourth provision concerns the entry into force of the Royal Decree.

The amendment of Royal Decree 553/2020 of 2 June 2020 is intended to bring it into line with the provisions of Law 7/2022 of 8 April 2022, in particular with regard to the definition of intermediate processing and the transfer regime established in Article 31 of that law. Accordingly, the scope of Royal Decree 553/2020 of 2 June 2020 is amended in order to harmonise the scheme for



monitoring and controlling waste shipments throughout the country, regardless of whether such shipments take place between autonomous communities or within a single autonomous community. In addition, and in line with the definition of intermediate treatment in Law 7/2022 of 8 April 2022, the obligation to provide additional information is introduced in the prior notification for operations D08 and D09.

Furthermore, it is stipulated that the identification document for mixed municipal waste managed by local authorities will be valid for one month and will not be linked to any specific transport vehicle. Since the scheme for monitoring and controlling shipments has been harmonised throughout the territory of the State, the second additional provision of Royal Decree 553/2020 of 2 June 2020 on shipments of waste within an autonomous community has been deleted. This deletion does not affect the power of the Autonomous Communities to lay down additional standards of protection within the framework of basic environmental protection legislation, in accordance with Article 149(1)(23) of the Spanish Constitution, which also applies to shipments of waste not subject to prior notification and carried out within an autonomous community.

Finally, the sole transitional provision is amended to set a two-month deadline for the autonomous communities to notify the scheme they have chosen for transfers within their territory, and a one-year period is allowed for the development of the necessary IT tools in those autonomous communities that opt to process applications electronically using their own systems.

Finally, this Royal Decree is supplemented by eight annexes setting out the technical and procedural details essential for its implementation.

Annex I contains a list of oils that are considered industrial oils for the



purposes of this standard, thereby defining the material scope of application.

Annex II lists the information to be provided by product producers to the Register of Product Producers in respect of industrial oils.

Annex III sets out the requirements applicable to the regeneration operations of waste industrial oils, with the aim of ensuring both the quality of the regenerated product and that the regeneration treatments are carried out in an appropriate manner.

Annexes IV and V regulate the content of the communication to be submitted by individual extended producer responsibility systems and the minimum content of the authorisation of collective systems.

Annex VI determines the minimum content of the information to be provided annually to public administrations, both on industrial oils and on their waste.

Annex VII lays down the formula for calculating the amount of the financial guarantee to be provided by producer responsibility systems, based on the costs associated with waste management.

Finally, Annex VIII governs the manner in which information relating to industrial oils and their residues is to be supplied.

V

This Royal Decree is issued under Article 149(1)(13) and 149(1)(23) of the Spanish Constitution, which confers exclusive competence on the State in matters of bases and general coordination of planning the economic activity, and basic environmental protection legislation, respectively, without prejudice to



the powers of the Autonomous Communities to lay down additional protection rules.

As regards its content and the procedure followed for its adoption, this Royal Decree complies with the principles for sound regulation referred to in Article 129 of Law 39/2015 of 1 October 2015, on the Common Administrative Procedure of Public Administrations, in particular the principles of necessity, effectiveness, proportionality, legal certainty, transparency and efficiency.

The need for this regulation stems from the obligation set out in the sixth final provision of Law 7/2022 of 8 April 2022, which requires the regulations governing extended producer responsibility to be brought into line with the provisions of that law by 5 January 2023.

In this sense, and in application of the principles of effectiveness and proportionality, this Royal Decree establishes the legal framework applicable to the placing on the market of industrial oils and to the production and management of waste industrial oils. The regulation incorporates management objectives for such waste, established in accordance with the waste hierarchy. All of this is intended to reduce the generation of waste from industrial oils, ensure their proper treatment and guarantee a basic common functioning throughout the territory of the State, in line with the principles of regulatory cohesion and environmental protection.

In accordance with the principle of legal certainty, this Royal Decree is consistent with the national and European Union legal frameworks as a whole, in relation to the obligation to collect waste industrial oils separately, as well as the priorities established for their proper management. Similarly, this Royal Decree implements the provisions of Law 7/2022 of 8 April 2022 regarding extended producer responsibility, ensuring consistency with that legislation and



setting out specific details, such as the financial contributions to be made by producers.

In accordance with the principle of efficiency, the regulation aims to rationalise the management of public resources, avoiding the imposition of unnecessary or ancillary administrative burdens on citizens and businesses.

Specifically, in accordance with the eighth additional provision of Law 7/2022 of 8 April 2022, all administrative procedures relating to this waste must be carried out electronically. Similarly, the reporting obligations set out in this Royal Decree must be fulfilled electronically, to ensure greater efficiency and administrative traceability.

In accordance with the principle of transparency, all necessary steps have been taken to ensure the public participation of citizens and those affected by the regulation. In this regard, prior to the drafting of the text of this Royal Decree, the prior public consultation provided for in Article 133 of Law 39/2015 of 1 October 2015 in conjunction with Article 26(2) of Government Law 50/1997 of 27 November 1997 has been substantiated through the web portal of the Ministry for Ecological Transition and the Demographic Challenge.

This Royal Decree, in accordance with Article 25 of Government Law 50/1997 of 27 November 1997, is included in the 2026 Annual Regulatory Plan, and has also been subject to the information procedure in the area of technical rules and regulations relating to information society services provided for in Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, and that set out in Royal Decree 1337/1999 of 31 July 1999, regulating the transmission of information in the field of technical standards and regulations and rules relating to information society services.



The power to issue this royal decree is contained in Article 37(2) of Law 7/2022 of 8 April 2022, which establishes that the obligations of product producers must be established by royal decree approved by the Council of Ministers. Furthermore, the first paragraph of the fourth final provision, points (b), (c) and (d), of Law 7/2022 of 8 April 2022 empowers the Government to adopt, within the scope of its powers, the regulatory provisions necessary for the development and application of this law and, in particular, to establish rules for the different types of products in relation to the waste they generate, to develop extended producer responsibility by regulation, and to lay down rules for waste, which will establish special provisions relating to its production and management.

In the drafting of this Royal Decree, economic and social stakeholders, the Autonomous Communities and the cities of Ceuta and Melilla, as well as local authorities, have been consulted through the Waste Coordination Commission, together with the most representative sectors potentially affected. In addition, the draft has been referred to the Environmental Advisory Council, and the public participation procedure has been carried out, in accordance with the provisions of Law 27/2006 of 18 July 2006 regulating the rights of access to information, public participation and access to justice in environmental matters (transposing Directives 2003/4/EC and 2003/35/EC), and with the provisions of Law 50/1997 of 27 November 1997.

The reports gathered during the legislative process for this bill include those from the Ministry of Territorial Policy and Democratic Memory and the Ministry of Industry and Tourism, as well as the report from the National Commission on Markets and Competition.



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By virtue thereof, at the proposal of the Minister for the Ecological Transition and the Demographic Challenge, with the prior approval of the Minister for Digital Transformation and the Civil Service, in agreement with the Council of State and after deliberation by the Council of Ministers at its meeting on

THE FOLLOWING IS DECREED:

PRELIMINARY TITLE
General provisions

Article 1. *Purpose.*

1. The purpose of this Royal Decree is to establish the legal framework governing the management of waste industrial oils, in accordance with Law 7/2022 of 8 April 2022 on waste and contaminated soils for a circular economy, with a view to preventing risks to human health and the environment and reducing the generation of such waste.

2. Furthermore, the purpose of this Royal Decree is to implement the extended producer responsibility scheme for industrial oils placed on the domestic market.

Article 2. *Definitions.*

Without prejudice to the definitions contained in Article 2 of Law 7/2022 of 8 April 2022, for the purposes of this Royal Decree, the following definitions shall also apply:

- a) 'Industrial oils': the products and preparations listed in Annex I.
- b) 'Waste industrial oils': industrial oils that meet the definition set out in Article 2(b) of Law 7/2022 of 8 April 2022.



c) 'Regenerated lubricating bases': fractions derived from waste industrial oils which, after being treated to remove the contaminants, the oxidation products and the additives contained in such oils, are used as a base for the production of industrial oils, provided that the requirements of Article 8(2) are met.

d) 'Lubricating greases': a solid or semi-solid substance resulting from the mixture of lubricating oil, a thickener and additives.

e) 'Holder of waste industrial oils' means a producer of waste industrial oils or any natural or legal person in possession of such oils. In particular, the importer of waste industrial oils and the acquirer of waste industrial oils in another Member State of the European Union shall be considered the holder of waste industrial oils.

f) 'Producer of waste industrial oils' means any natural or legal person whose activity produces waste industrial oils.

In the case of goods withdrawn by the control and inspection services at border facilities, the holder of the goods, or the importer or exporter thereof, as defined in customs legislation, shall be regarded as the producer of waste industrial oils. In the case of goods seized by the police authorities through confiscation or seizure carried out under a judicial mandate, the holder of the goods shall be regarded as the producer of waste industrial oils.

g) 'Product Producer': any natural or legal person who professionally develops and manufactures industrial oils, and economic operators engaged in the purchase of industrial oils in other Member States of the European Union or their import from third countries for the purpose of placing them on the domestic market.

When industrial oils originating from outside of Spain are placed on the market via e-commerce platforms and the producer has not appointed an authorised representative in accordance with Article 13(2), the producer shall act, in the alternative, as a producer of the product for the purposes of financial and information obligations, as well as organisational, where appropriate, regulated by this Royal Decree, in respect of such products.



Article 3. Scope of application.

1. The scope of application of this Royal Decree includes:

a) Industrial oils placed on the domestic market, including industrial oils incorporated in equipment and components, whether manufactured in Spain, purchased in a Member State of the European Union or imported from third countries.

b) Waste industrial oils produced on Spanish territory, as well as those purchased in Member States of the European Union and those imported from third countries.

2. This Royal Decree shall not apply to:

a) Industrial oils falling within the scope of Royal Decree 1378/1999 of 27 August 1999 laying down measures for the disposal and management of polychlorinated biphenyls, polychlorinated terphenyls and equipment containing them, unless their concentration of polychlorinated biphenyls (PCBs) is less than 50 ppm.

b) Waste industrial oils falling within the scope of the International Convention for the Prevention of Pollution from Ships (MARPOL), adopted in 1973 and amended by the Protocols of 1978 and 1997.

c) Process oils that are not used for lubrication, but serve as a raw material or a component of another material or product and are consumed during the manufacturing process.

d) Lubricating greases.

Article 4. Planning instruments for waste industrial oils.

1. The State Waste Prevention Programme and the State Waste Management Framework Plan will incorporate a specific chapter on waste



industrial oils, the contents of which will be established in accordance with the provisions of Articles 14 and 15 of Law 7/2022 of 8 April 2022.

2. In line with the above instruments, the plans and programmes for the prevention and management of waste of the Autonomous Communities and, where appropriate, the local authorities, in accordance with the provisions of the legislation of the respective Autonomous Communities, must also contain a specific chapter on waste industrial oils, the content of which shall be established in accordance with the provisions of Articles 14 and 15 of Law 7/2022 of 8 April 2022.

TITLE I

Prevention and management of waste industrial oils

CHAPTER I

Prevention of waste industrial oils

Article 5. Measures for the promotion of the prevention and regeneration of waste industrial oils.

In order to promote waste prevention and the regeneration of waste industrial oils, industrial oils must:

- a) be formulated and manufactured in such a way as to limit the use of hazardous substances to the minimum necessary.
- b) be formulated and manufactured in such a way as to extend their useful life and improve their characteristics to facilitate regeneration.
- c) incorporate regenerated lubricant bases into their formulation, where technically, environmentally and economically feasible.



CHAPTER II

Management of waste industrial oils

Article 6. *Priorities in the management of waste industrial oils.*

1. In order to ensure compliance with the waste hierarchy in the management of waste industrial oils, and in accordance with Articles 8 and 29 of Law 7/2022 of 8 April 2022, the following order of priority is established for the management of waste industrial oils:

a) Regeneration, or alternatively, other recycling processes that result in an overall environmental impact equivalent to or better than that of regeneration. Waste industrial oils must be managed in this way unless this is not technically feasible.

b) For waste industrial oils where the above is not technically feasible:

1. Firstly, conversion into fuel, in accordance with the provisions of Order APM/205/2018 of 22 February 2018 laying down criteria for determining when processed waste oil deriving from the treatment of waste oils for use as fuel is no longer considered as waste in accordance with Law 22/2011 of 28 July 2011 on contaminated waste and soils.

2. Where this is not possible, energy recovery as waste in installations authorised for the incineration or co-incineration of waste.

2. The following activities shall be prohibited:

a) Any discharge of industrial oils, waste industrial oils or waste resulting from their treatment onto land, into surface water or groundwater, into any part of territorial waters, or into sewerage or wastewater disposal systems.

b) Any treatment of waste industrial oil resulting in air pollution exceeding the level laid down in the regulations on the protection of the atmospheric environment.



Article 7. Management objectives for waste industrial oils.

1. All waste industrial oils generated shall be collected separately without mixing them with other waste streams, unless the separate collection is not technically feasible taking into account good practices and shall be managed, throughout the territory of the State, in accordance with the objectives specified below.

2. At least the following regeneration objectives must be met with regard to collected waste industrial oil:

- a) 80% by 1 January 2028,
- b) 85% by 1 January 2030,
- c) 90% by 1 January 2035; and
- d) 95% by 1 January 2038.

These targets will apply to all waste industrial oils, including those covered by extended producer responsibility schemes that are not regulated by this Royal Decree.

3. To ensure that the above targets are met, the autonomous communities must meet these minimum targets for waste industrial oils generated within their territory. Waste industrial oils transferred from one autonomous community to another for treatment shall be counted in the autonomous community where the waste was generated.



Article 8. Requirements for the management of waste industrial oils.

1. The collection, transport and treatment of waste industrial oils must comply with the requirements set out in Law 7/2022 of 8 April 2022 and any other applicable regulations.

2. Waste industrial oils intended for regeneration operations shall:

- a) Comply with the requirements set out in Annex III(A). A.
- b) Be processed in such a way that at least 60% of the resulting product, on a dry weight basis, is classified as a regenerated lubricant base.
- c) Comply with the provisions of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC.

3. Waste industrial oil that has been processed for use as fuel may only be used as a product once it has ceased to be classified as waste by complying in full with the provisions of Order APM/205/2018 of 22 February 2018. To this end, the waste operator must have a management system in place which must be certified by an external conformity assessment body accredited for Order APM/205/2018 of 22 February by the National Accreditation Body in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008, laying down requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93.



Article 9. Shipment of waste industrial oils.

1. To ensure compliance with the waste hierarchy and the proximity principle in accordance with Articles 8 and 9 of Law 7/2022 of 8 April 2022, the recovery of waste industrial oils shall be prioritised at facilities as close as possible to the point of generation, taking into account the management priorities and objectives set out in Articles 6 and 7(1) of this Royal Decree, through the use of the most appropriate technologies and methods to ensure a high level of protection of the environment and human health, whilst meeting the requirements of efficiency and environmental protection in waste management.

The application of the proximity principle shall not be interpreted as an obligation to send waste to the nearest treatment facility where, in accordance with the waste management priorities set out in Article 6, there are more efficient or economically viable treatment options available.

2. The shipment of waste industrial oils made by the producers of waste industrial oils to the operators of waste industrial oils, or between them, shall be carried out in accordance with the provisions of Articles 31 and 32 of Law 7/2022 of 8 April 2022 and Royal Decree 553/2020 of 2 June 2020 regulating the shipment of waste within the territory of the State.

3. The shipment of waste industrial oils outside the territory of the State shall be carried out in accordance with the provisions of Regulation (EU) No 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056, and repealing Regulation (EC) No 1013/2006, and any other applicable legislation,

4. To ensure compliance with paragraph 1 of this article, and in accordance with Article 32(4) of Law 7/2022 of 8 April, the competent authority of the autonomous community may restrict the export of waste industrial oils outside



the territory of the State to countries within the European Union where such oils are destined for treatment facilities for conversion into fuel, incineration or co-incineration, and shall apply the provisions of Articles 11 or 12 of Regulation (EU) No 2024/1157 of the European Parliament and of the Council of 11 April 2024. Similarly, the Ministry for Ecological Transition and the Demographic Challenge may restrict shipments of waste industrial oils to third countries where these are destined for treatment facilities for processing into fuel, incineration or co-incineration.

TITLE II

Extended responsibility of the product producer

CHAPTER I

Obligations to provide information on placing industrial oils on the market

Article 10. Creating the industrial oils section in the Register of Product Producers.

In order to comply with the reporting obligations regarding the placing on the market of industrial oils and the management of their waste, a section on industrial oils is hereby established within the Register of Product Producers, in accordance with Article 38(2) of Law 7/2022 of 8 April 2022.

Article 11. Inscription in the Register of Product Producers.

1. Producers of products or authorised representatives, shall be entered in the industrial oils section of the Register of Product Producers within three months of the date of entry into force of this Royal Decree.



2. Upon registration, producers shall provide the information contained in Annex II(1), which shall be updated when there is a change to the registration. They must also provide a certificate confirming their membership of an individual or collective extended producer responsibility scheme. The information will be public, without prejudice to the applicable regulations on the protection of personal data.

3. Upon registration, a registration number will be assigned, which must appear on all invoices issued by producers in connection with the marketing of their products, or on any document serving as a substitute for such invoices.

4. In the event of definitive cessation of the activity, the producer of the product or their authorised representative shall notify the Register of Product Producers within one month of the cessation of the activity and certify it, forwarding the corresponding document of cessation of activity of the undertaking.

Article 12. Reporting obligations for industrial oils.

1. Producers registered in the industrial oils section of the Register of Product Producers, or their authorised representatives, shall compulsorily collect and submit the information contained in Annex II(2), corresponding to the industrial oils they have placed on the national market in each calendar year.

2. This information shall be forwarded annually to the Directorate-General for Environmental Quality and Assessment of the Ministry for Ecological Transition and the Demographic Challenge before 31 March of the year following the year to which it relates, for the purposes of ascertaining the quantities of waste industrial oils placed on the market, monitoring compliance with the obligations laid down in this Royal Decree, the operation of extended producer responsibility, and preparing the information on the management of



waste industrial oils to be provided to the European Commission in accordance with Article 24.

3. The information provided by producers shall not be made public and shall be accessible only to the competent authorities for inspection and control purposes.

CHAPTER II

Extended producer responsibility scheme

SECTION 1. PRODUCT PRODUCER OBLIGATIONS

Article 13. *General Product Producer Obligations.*

1. In accordance with Article 37 of Law 7/2022 of 8 April 2022, the product producer shall be required to:

a) Place on the market industrial oils or, where appropriate, including packaged industrial oils, in compliance with the manufacturing, design, marking and information requirements laid down in this Royal Decree and the other rules applicable to them.

b) Develop and implement a corporate prevention plan, where appropriate, in accordance with Article 14, with the goal of reducing the use of non-renewable resources, increasing the use of regenerated industrial oils, and enhancing the recyclability of its products.

c) To ensure compliance with, at a minimum, the management objectives set out in Article 7.

d) To finance and organise, throughout the country, the collection and recovery of all waste industrial oils generated, with the exception of industrial oils contained in other waste streams covered by other extended producer responsibility schemes, the financing of which shall be the responsibility of the



producers under those other schemes, in direct proportion to the quantity of new industrial oil they place on the market, regardless of the type of oil placed on the market, in accordance with the provisions of Article 19 of this Royal Decree.

e) To provide operators of waste industrial oils with timely information to ensure their proper treatment.

f) Provide information on the management of waste industrial oils, specifying separately the details regarding oils covered by other extended producer responsibility schemes.

g) Inform consumers about the environmental protection criteria taken into account at the stage of formulation and manufacture of the industrial oil, either through their internet portals or by any other means they consider appropriate.

h) Provide collective extended producer responsibility systems, where applicable, by 1 March of the year following that in which the data were collected, with the information necessary to enable the scheme to comply with the obligations laid down in Article 24.

i) Ensure that the extended producer responsibility systems in which they participate comply with the requirements laid down in this Royal Decree and that they have sufficient financial means to fulfil their obligations for the financing, collection and treatment of waste generated by their products within the territorial scope of the system.

2. Product producers who, whilst established in another Member State or in third countries, market industrial oils in Spain, must appoint a natural or legal person within Spanish territory as an authorised representative for the purposes of fulfilling the obligations of the product producer. This representative will be responsible for ensuring that product producers comply with the obligations set out in this Royal Decree.

The natural or legal persons designated as authorised representatives shall have at their disposal documentation attesting to such representation.

In the event that the product producers have not appointed an authorised



representative in Spain, the first distributor or trader of the product based in Spain shall, in the alternative, be responsible for the obligations laid down for the producers of the product.

3. Producers of the product shall comply with the obligations set out in points (c), (d) (e) and (f) of paragraph 1 by setting up the relevant individual or collective extended producer responsibility systems. Under no circumstances may the producer fulfil the obligations for the same product by participating in several extended producer responsibility systems.

The remaining obligations of producers referred to in paragraph 1 shall be fulfilled on an individual basis.

4. A product producer leaving a collective extended producer responsibility system shall inform the origin system, the new system in which it is incorporated or constituted, and the Register of Product Producers, before the last quarter of the year. In any event, the change from one responsibility system to another shall be conditional on the producer's accreditation of the financial obligations assumed under the extended producer responsibility system of origin.

The change from one responsibility system to another means that the new system assumes in full the producer's obligations arising from the placing on the market of industrial oils in the following year.

Article 14. *Corporate prevention plans.*

1. Producers of industrial oil who place more than 10 tonnes of such oil on the domestic market in a calendar year shall be required to draw up and implement a corporate prevention plan from the year following the one in which this threshold is exceeded. These plans must be updated every five years.

2. Corporate prevention plans must include, as a minimum:



a) The measures envisaged to promote the prevention and regeneration of waste industrial oils, in accordance with Article 5.

b) Actions aimed at extending the useful life of industrial oils, improving their characteristics and facilitating their regeneration or recycling.

3. The plans may be drawn up directly by the producers of the product or, where applicable, by the collective extended producer responsibility schemes to which they belong. In this last case:

a) The extended producer responsibility scheme will be responsible for drawing up and monitoring the plan, although the actual implementation and final compliance will always be the responsibility of the producers concerned.

b) Each product producer shall decide which measures of the plan to implement and inform the collective extended producer responsibility system accordingly. Furthermore, the producer must submit annual information on the degree of compliance with these measures to the collective system. This information shall be available to the competent authorities for monitoring, inspection and control purposes.

4. Producers who draw up their own plan must submit a report to the autonomous community in which their registered office is located, within three months of the plan's completion.

In the case of plans drawn up by a collective extended producer responsibility system, the report must be submitted by the collective system within the same timeframe to the autonomous community in which it has its registered office, which will then forward it to the other autonomous communities in which the system operates. This report must identify the producers covered by its scope.

The report submitted by product producers or collective extended responsibility systems shall reflect the degree of compliance with the prevention measures included in the plan and shall allow verification of compliance with the obligation laid down in Article 13(1)(b).



Product producers or collective extended producer responsibility systems must make these reports available to the public, whilst ensuring, in all cases, the confidentiality of any information relevant to the manufacturers' production or commercial activities and compliance with current data protection legislation.

SECTION 2. INDIVIDUAL AND COLLECTIVE EXTENDED PRODUCER RESPONSIBILITY SYSTEMS

Article 15. General obligations of individual and collective extended producer responsibility systems.

1. Individual and collective extended producer responsibility systems shall be required to fulfil the obligations entrusted to them by producers with regard to the organisation of the collection, transport and treatment of waste industrial oils, the achievement of targets, financing and information obligations arising from the extended producer responsibility provisions laid down in this Royal Decree. In any case, in relation to these systems:

a) They shall have the financial or financial and organisational resources necessary to fulfil their extended producer responsibility obligations, which shall be exclusively intended for the fulfilment of those obligations.

b) They shall implement the provisions set out in the prior notification or authorisation of individual and collective extended producer responsibility systems, respectively, in accordance with this Royal Decree.

c) They will enter into agreements with public authorities, where the latter are involved in organising the management of waste industrial oils, in order to finance and, where appropriate, organise the management of this waste. They may conclude multilateral conventions involving several collective extended responsibility schemes.

d) They will organise the collection throughout the national territory of the waste industrial oils that are generated, except those that are subject to other



extended producer responsibility systems. To this end, they may enter into agreements with authorised waste management operators to coordinate the organisation of the collection, transport and treatment of waste generated by their products, whilst avoiding anti-competitive practices. The conditions for contracting with waste operators must ensure compliance with the principles set out in this Royal Decree and, where appropriate, the application of the principle of proximity.

e) They shall finance, in accordance with Article 19, the collection and treatment of waste industrial oils, except those subject to other extended producer responsibility systems.

f) They shall provide waste industrial oils operators with the information provided for in Article 13(1)(e) by product producers.

g) They shall submit, by 31 May each year, to the competent authorities of the autonomous communities and to the Waste Coordination Commission a report, in electronic format, covering the preceding calendar year and detailing their activities, containing the information listed in Annex VI. The report submitted to the Waste Coordination Commission shall include both aggregate data at national level and data for each autonomous community.

Extended producer responsibility systems shall take appropriate measures to ensure the confidentiality of information that may be relevant to the commercial activities of producers and waste operators.

The report shall include the audit of its annual accounts drawn up and approved, in accordance with Article 53(1)(d) of Law 7/2022 of 8 April 2022. If the report involves deviations from the forecasts submitted in the previous year by the collective system, the justification for this deviation must be provided. The competent authorities and the Waste Coordination Commission may require such additional information as they consider necessary.

The extended producer responsibility system shall publish, on its website, in a clear and comprehensible manner, the information relating to Annex VI, paragraphs 1 to 4. The remaining information provided will not be made public and will only be accessible to the competent authorities for the purposes of



carrying out control, monitoring and inspection activities.

h) They shall put in place an appropriate self-monitoring mechanism to assess:

1. Its financial management, supported by periodic independent audits, including studies of costs and economic and performance indicators of the system at state level and disaggregated by each autonomous community.

2. The quality of the data collected and reported in accordance with paragraph (g), supported by independent audits.

- i) They shall make publicly available through their internet portals updated information on an annual basis on the achievement of the industrial waste oil management objectives, as well as the audits provided for in paragraph (h) in relation to financial management and data quality.

2. The annual report referred to in paragraph 1(g) shall be assessed by each competent autonomous community authority within its territorial scope through such monitoring mechanisms as it considers appropriate. This report will be reviewed by the industrial oils working group of the Waste Coordination Commission, particularly the section relating to the national level.

3. Extended producer responsibility systems may only organise the management of waste from industrial oils that producers who are part of those systems place on the market and for which they are authorised or have been set out in their communication. For these purposes, industrial oils covered by an extended producer responsibility system may be identified, if the system so provides, by means of a certification symbol that is identical throughout the entire territory covered by that system. This symbol must be clear and unambiguous, and must not mislead consumers as to its management.

4. The individual and collective extended producer responsibility systems, when organising the management of waste industrial oils, shall act as holders for the purposes of their consideration as a transport operator in accordance



with Royal Decree 553/2020 of 2 June 2020.

Article 16. Additional obligations of collective extended product producer responsibility schemes.

1. Without prejudice to the provisions of the preceding Article, collective systems shall:

a) Ensure equal treatment of producers of products irrespective of their origin or size.

b) Establish their internal operating rules by ensuring the participation of producers in decision-making. All members of the collective system shall have the right to receive information arising from compliance with the provisions of this Royal Decree, to submit comments and representations and to have them assessed and taken into account in the operation of the system.

c) Safeguard the confidentiality of the information provided by the members of the collective system for its operation, in particular information that may be relevant to the economic activities of other members of the system or third parties. Furthermore, they shall also ensure the confidentiality of the information provided by waste operators with whom they have concluded agreements.

d) Inform producers of compliance with the objectives of the collective management system established in this Royal Decree.

e) Notify producers of the initiation of penalty proceedings for failure to comply with their obligations under the Royal Decree on extended producer responsibility.

f) Submit the report referred to in Article 24 by the deadline, duly audited and including elements that enable its authenticity to be verified.

The report shall include the audit of its annual accounts drawn up and approved, in accordance with Article 53(1)(d) of Law 7/2022 of 8 April 2022. If the report involves deviations from the forecasts submitted in the previous year by the collective system, the justification for this deviation must be provided.

The report to be sent to the Waste Coordination Commission shall include



information relating to both the regional and national levels. The Waste Coordination Commission may request any additional information it deems necessary.

g) In the event that the collective system ceases operations, this must be notified at least three months in advance to all participating producers and to the competent administrative authority that granted the authorisation, so that the authorisation may be revoked. Producers may set up another system of extended responsibility or join an existing one as provided for in this Royal Decree.

h) Make available to the public information on:

1. The legal form chosen for the establishment of the system, indicating its structure and composition, as well as the producers participating in the system, including their method of participation in the decision-making of the system.

2. The financial contributions paid by producers per tonne of product marketed, as well as any other additional contribution to the system, indicating its purpose.

Without prejudice to the proactive publicity obligations set out in this section, which may be carried out via the collective systems' websites, end users or consumers of industrial oils shall be entitled to receive a reasoned response, within a maximum period of two months, to enquiries made regarding how the extended producer responsibility obligations of the collective system are fulfilled, including access to information on the economic amounts devoted to the management of waste industrial oils.

3. The procedure for selecting waste operators, which shall respect the principles of publicity, competition and equality, in order to ensure free competition, as well as the principles of self-sufficiency, proximity, protection of human health and the environment and the waste hierarchy, and the list of selected operators.

2. Collective systems may fulfil their obligations either directly or through a management body, which must have its own separate legal personality and act



under their direction.

3. Collective systems may, on a voluntary basis and with the express consent of the producers who pay for it, allocate financial resources to carry out activities that complement the object of the collective system.

The financing of these voluntary actions shall not come into conflict with the activities of waste operators, and competition rules shall apply to them. Consent shall never appear as a mandatory clause in the contract for the incorporation of producers into the collective system, nor shall it be required for them to remain in the collective system.

4. Collective systems must give at least three months' notice to all their members and to the industrial oils working group of the Waste Coordination Commission of any proposed changes to the financial contributions intended to cover the management of waste industrial oils.

Article 17. Constitution, communication and operation of individual extended producer responsibility systems.

1. In accordance with Article 49 of Law 7/2022 of 8 April 2022, producers who choose to fulfil their extended producer responsibility obligations through an individual system must submit a prior notification to the competent authority of the autonomous community in which their registered office is located, containing the information set out in Annex IV. This notification shall be accompanied by the financial guarantee signed in accordance with Article 20 and shall be registered ex officio by the competent regional authority in the Register of Waste Production and Management.

2. Individual systems shall submit their annual accounts each year by 1 June to the Waste Coordination Commission, which shall reflect the financial resources allocated to fulfil the obligations of extended producer responsibility,



without prejudice to the reporting obligations set out in Article 24.

3. The competent bodies of the Autonomous Communities shall monitor compliance at their territorial level with the forecasts contained in the communication.

Failure by individual systems to comply with extended responsibility obligations may lead to the initiation of the corresponding penalty procedure. The competent authority to initiate the penalty proceedings shall be the Autonomous Community corresponding to the territory where the infringement is committed, which may suspend the activity of the individual system in its territory.

Without prejudice to the above, the competent authority may assess the total or partial forfeiture of the financial guarantee.

Where the non-compliance occurs in more than one autonomous community, the Waste Coordination Commission shall issue a report prior to assessing the relevance of the total revocation of the authorisation. Where appropriate, the decision shall be issued and notified by the competent authority of the autonomous community in which the prior notification was submitted, which shall proceed to remove that notification from the Register of Waste Production and Management. In all cases, revocation shall be subject to the interested party being given a prior opportunity to be heard.

Article 18. Establishment, authorisation and operation of collective extended product producer responsibility systems.

1. Producers who opt for a collective system to fulfil their obligations under extended producer responsibility shall establish such a system and apply for the relevant authorisation in accordance with Article 50 of Law 7/2022 of 8 April 2022. The collective system shall have as its sole purpose compliance with the extended producer responsibility obligations established in this Royal Decree.



2. The application for authorisation of the collective system shall be submitted to the competent authority of the autonomous community where the system intends to establish its registered office and shall be accompanied by the documentation relating to the financial guarantee that the collective system will subscribe in accordance with Article 20 of this Royal Decree.

The authorisation to be granted shall have the content set out in Annex V.

3. The Waste Coordination Commission shall assess the content of the application in relation to the fulfilment of the obligations of extended responsibility. The following aspects will be analysed, inter alia:

a) Transparency and objectivity in the forms of incorporation of producers into the collective system, establishing agile and simple systems, and without discrimination of any kind against producers of products.

b) The annual possibility for producers to change the manner in which their extended responsibility is fulfilled, either through another collective system or through the establishment of an individual system.

c) The internal decision-making process, to be carried out exclusively by the producers incorporated into the system, on the basis of objective criteria and taking into account their market share, without prejudice to the existence of executive bodies that must be chosen by all the members of the system or their representatives, and which will in any case follow the decisions taken by the producers that make up the system.

d) The rights to information of producers who are part of the system, to the formulation of claims and to their assessment.

e) The mechanisms for the exchange of information between the members of the collective system and between the collective system and the waste operators with whom it has concluded contracts or agreements.

f) The application of objective, transparent and non-discriminatory conditions in the relations between the system and the waste operators. Decision-making and the provision of information should not lead to an increase in the risk of collusion between the producers of the system, nor between the



system and the waste operators.

g) The absence of any conflict of interest between the members of the system or those who are part of the executive bodies and other operators, in particular with the waste operators they must contract.

h) Agreements concluded, where appropriate, with other extended producer responsibility systems for industrial oils, indicating the coordination instruments to be put in place if necessary.

i) Compliance with the obligations arising from the extended producer responsibility provided for in this Royal Decree during the validity of the authorisation, in the procedure for renewal of the authorisation.

j) Respect for the principles of publicity, competition and equality of the collective system and, where appropriate, the administering entity, in order to guarantee the right to free competition.

4. Following a report by the Waste Coordination Commission on the application, the competent body of the autonomous community in which the registered office of the extended producer responsibility system is located shall, where appropriate, grant the authorisation, which shall specify the technical, organisational, economic, logistical and operational requirements and guarantees necessary for compliance with this Royal Decree throughout the national territory, in accordance with the content of Annex V.

In addition, the authorisation shall incorporate the points arising from the report of the Waste Coordination Commission and from compliance with the extended producer responsibility obligations, including, where appropriate, specifications for the performance of the collective system in the Autonomous Regions.

5. The maximum period for processing the authorisation shall be six months. This deadline may be extended for a further six months, subject to justification, on grounds relating to the complexity of the case; such an extension must be granted before the original deadline expires. After the expiry



of the period without express notification, the application submitted shall be deemed to have been rejected, except in the case of applications for renewal of the authorisation, in which the prior authorisation granted shall be deemed to have been extended until the express decision on the application for renewal has been notified.

6. Once the documentation proving the validity of the corresponding financial guarantee has been submitted, the autonomous community will proceed to register the authorisation in the Register of Waste Production and Management, and the collective system may begin with its activity from this moment on. Once one month has elapsed after notification of the termination of the collective system's authorisation without proof of the validity of the financial guarantee, the authorisation shall cease to apply.

7. The validity of the authorisation shall be eight years, after which it shall be reviewed and the procedure set out in this Article shall be re-initiated, and the authorisation shall remain in force until notification of the express decision relating to the application for renewal of the authorisation, whether upholding or rejecting the application. During each year and during the validity of the authorisations, the Autonomous Communities shall monitor at their territorial level, compliance with the conditions of the authorisation.

8. Failure to comply with the conditions of the authorisation may lead to the initiation of the corresponding penalty proceedings. Penalty proceedings shall be initiated by the competent authority of the autonomous community corresponding to the territory in which the infringement is committed, which may suspend the scheme's activity within its territory.

Without prejudice to the above, the competent authority may assess the total or partial forfeiture of the financial guarantee.

Where the non-compliance occurs in more than one autonomous community, the Waste Coordination Commission shall issue a report prior to



assessing the relevance of the total revocation of the authorisation. Where appropriate, the decision shall be issued and notified by the competent authority of the autonomous community in which the authorisation was granted, which shall remove the authorisation from the Register of Waste Production and Management. In all cases, revocation shall be subject to the interested party being given a prior opportunity to be heard.

9. A producer wishing to switch to another collective extended producer responsibility system shall inform the original system, the new system being established or being joined, and the Register of Product Producers, before the final quarter of the year. In any event, the change from one responsibility system to another shall be conditional on the producer's accreditation of the financial obligations assumed under the extended producer responsibility system of origin. A change from one collective extended producer responsibility system to another shall entail the new system assuming in full the producer's obligations arising from its market share in the following year.

Article 19. General Scope of producers' financial contribution to extended producer responsibility systems.

1. In accordance with the 'polluter pays' principle, the costs relating to the management of waste industrial oils generated in national territory, including the costs of the necessary infrastructure and its operation, shall be borne by the producers of the product.

2. In accordance with Article 43 of Law 7/2022 of 8 April 2022, the financial contribution paid by the producer of the product to comply with its extended producer responsibility obligations must cover the following costs:

a) Separate collection of waste industrial oils, transport, analysis, storage and, when destined for regeneration, treatment, including a reasonable profit for the operator, to achieve at least the regeneration targets set out in Article 7 and



taking into account the revenues obtained from the sale of regenerated industrial waste oil. Financing shall not be granted for energy recovery or for the treatment of waste industrial oils for conversion into fuel, including the preliminary treatment required for such operations.

b) Providing information to users and holders of waste industrial oils on measures to prevent the generation of such oils, as well as awareness-raising and information campaigns on prevention, proper collection and management of waste industrial oils, or any other measures to encourage separate collection.

c) The collection and communication of data.

For the purposes of complying with this section, documentary evidence must be provided to demonstrate that the activities eligible for funding have been carried out.

3. Producer responsibility systems shall not be obliged to finance operations for the management of waste industrial oils imported or purchased from other States.

4. The financial contribution paid by the producer shall not exceed the costs necessary to ensure that waste management is cost-efficient in economic, social and environmental terms. These costs must be determined in a transparent and regular manner by all the parties involved, taking into account the specific circumstances of each autonomous community. In determining these costs, account shall be taken of the costs incurred by both private entities and, where applicable, public entities involved in the management of waste industrial oils. Where the parties involved do not reach agreement, the costs shall be determined by means of independent studies.

In the case of collective systems, at the end of each year, the necessary compensation mechanisms shall be put in place to refund to producers any excess revenue received where such excess exceeds 10% of the amounts actually incurred in fulfilling their obligations. Alternatively, they may provide a satisfactory explanation to the producers participating in the system as to why it



is necessary to use those resources in the year following the compliance period, based on the projected income and expenditure for the coming financial year. In the case of refund, the collective systems will refund the amounts that exceed 10% of the deviation between the revenue and expenditure. Any surplus of less than 10% may be carried forward by collective systems for a maximum of four consecutive years; after this period, if they have not used it to meet their obligations, they must return it. If, in any of those years, the accumulated surplus exceeds 10%, it shall be returned to the producers. Furthermore, if any producer leaves the collective extended producer responsibility system during this period, the system must, upon their departure, refund them the proportionate share of the accumulated surplus to which they are entitled.

5. For the purposes of facilitating the monitoring and supervision of the financing obligations laid down in this Royal Decree, invoices issued by producers in respect of commercial transactions involving industrial oils placed on the market through collective extended producer responsibility systems shall identify the contribution paid to those systems separately and clearly from the other items included in the invoice. The aforementioned payment must be identified collectively for all items included on each invoice.

Where the amount of the contribution to the collective systems is not shown on the invoice, it shall be presumed, unless proof to the contrary, that the contribution due for the industrial oils covered by it has not been paid.

The price stated on the invoice for the sale of industrial replacement oils to the consumer or end-user shall reflect the cost of the environmental management of the waste generated by such products.

Producers shall be obliged, in respect of industrial oils placed on the market through collective extended producer responsibility schemes, to maintain information on the annual contribution made to the extended responsibility system for each type of industrial oil placed on the market for a period of five years.

Producers shall facilitate the actions and verifications carried out by both



the managing bodies of the collective extended producer responsibility schemes and the competent authorities to verify the quantity and typology of industrial oils placed on the market by them through those schemes.

The entities managing collective systems shall respect the principles of commercial and industrial confidentiality with regard to any information that comes to their knowledge as a result of managing the waste industrial oils generated by products placed on the market by the companies participating in those schemes.

6. The costs of drawing up corporate prevention plans by collective systems in accordance with Article 14 and associated reports shall be borne only by product producers who comply with the obligation to implement these plans through those schemes.

SECTION 3. FINANCIAL GUARANTEES

Article 20. Subscription, scope, amount, implementation and replenishment of financial guarantees.

1. In accordance with Article 51 of Law 7/2022 of 8 April 2022, extended producer responsibility systems shall take out a financial guarantee and shall provide evidence thereof to the competent authority in the autonomous community where the prior notification is to be submitted or the authorisation for those systems is to be requested. This financial guarantee shall be in force throughout the period of operation of the extended producer responsibility system.

In all matters not specifically provided for in this Royal Decree, the financial guarantee shall be governed by the provisions of Royal Decree 208/2022 of 22 March 2022 on financial guarantees in the field of waste. In particular, the partial or total execution of the financial guarantee, as well as its replenishment,



must be carried out in accordance with the aforementioned Royal Decree.

2. The financial guarantee shall ensure that the management of waste industrial oils is financed in such a way that the minimum objectives of the extended responsibility scheme are met, in the case of:

a) Insolvency of one or more producers in the case of collective responsibility systems.

b) Insolvency of the extended producer responsibility system itself.

c) Failure to comply with the conditions of authorisation or prior communication.

d) Dissolution of the extended responsibility system without guaranteeing the financing of the waste management due to it.

3. The amount of the financial guarantee for extended producer responsibility systems shall be determined on the basis of the quantities of industrial oils differentiated by material placed on the market through the system and the average costs of managing waste industrial oils according to the formula set out in Annex VII.

4. The term of the financial guarantee is annual, after this period shall be reviewed and a new one may be set up to bring its scope and amount into line with the provisions of the previous paragraph, or, where appropriate, be replenished during its period of activity.

Article 21. Financial guarantees from individual extended responsibility systems.

1. The producer who opts for an individual extended responsibility system must submit the accreditation of the subscription of the financial guarantee together with the prior communication, to the competent body of the autonomous community.



2. The competent body to which the communication was addressed shall supervise the documents submitted and the calculation of the amount of the guarantee in accordance with the provisions of the preceding article.

3. The guarantee must be valid at the start of the activity of the individual responsibility system.

Article 22. Financial guarantees for collective extended responsibility systems.

1. Producers opting for a collective extended producer responsibility system shall contribute to the subscription of the collective financial guarantee in proportion to the industrial oils they place on the market.

2. The financial guarantee must be in force at the start of the activity of the collective system, with a period of one month from the notification of the termination of the collective system's authorisation to be set up and presented to the competent authority.

SECTION 4. OBLIGATIONS OF THE PRODUCER OR HOLDER OF WASTE INDUSTRIAL OILS

Article 23. General obligations of the producer or holder of waste industrial oils.

1. Without prejudice to the obligations laid down in Law 7/2022 of 8 April 2022 and its implementing legislation, producers or holders of waste industrial oils shall comply with the following obligations:

- a) Separate all waste industrial oils generated.
- b) Store these under suitable conditions that ensure they remain in good condition, facilitate their proper collection and prevent them from being disposed of, taking particular care to avoid mixing them with water or other waste.



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c) Ensure that all waste industrial oils generated are treated in accordance with the provisions of this Royal Decree and to hold the relevant documentary certification. To this end, producers or holders must hand them over to an authorised waste operator, as provided for in Article 20(1) of Law 7/2022 of 8 April 2022, and in accordance with the waste management arrangements established by the extended producer responsibility system pursuant to Article 15(1).



TITLE III

Information and awareness-raising obligations

Article 24. Information to Public Administrations.

1. Individual and collective extended producer responsibility systems shall submit to the environmental authority of the autonomous communities in which they operate and to the Waste Coordination Commission, by 31 May of the year following that in which the data was collected, an annual report containing the information set out in Annex VI. The report submitted to the Waste Coordination Commission shall include both aggregate data at national level and data for each autonomous community.

2. In accordance with Article 65 of Law 7/2022 of 8 April 2022, natural or legal persons authorised to carry out collection operations on a professional basis and treatment of waste industrial oils must send to the corresponding autonomous community, before 1 March of the subsequent year in respect of which the data have been collected, a summary report containing the information required under that Article.

Entities or undertakings transporting industrial oils on a professional basis or acting as dealers and brokers of such waste shall send the report referred to in the previous paragraph to the environmental body of the autonomous community in which they submitted the prior notification.

3. Before 1 September of the year following that in which the data were collected, the Autonomous Communities shall send to the Ministry for Ecological Transition and the Demographic Challenge the information referred to in the previous paragraph, validated for the purposes of fulfilling the obligations to submit information to the European Commission.



Article 25. Information and awareness campaigns.

1. In order to facilitate compliance with the provisions of this Royal Decree, the public administrations, within the scope of their respective competences, may launch information and awareness campaigns aimed especially at ensuring that the collection and treatment of waste industrial oils is carried out under environmentally appropriate conditions.

These campaigns may be financed by producers of industrial oils through the signing of the corresponding agreements with the public administrations.

2. Producers of industrial oils may carry out their own information and awareness campaigns aimed at the purposes specified in the previous paragraph.

3. Public administrations, within the scope of their respective competences, may adopt measures to promote the demand for regenerated oil, including, inter alia, public purchases.

4. Producers of industrial oils shall inform users of the economic impact on the final product price of the costs of managing waste industrial oils that they will incur when these oils become waste, in accordance with Article 13(1)(g).

TITLE IV
Control, inspection and penalties scheme

Article 26. Control, surveillance and inspection.

1. The competent public administrations, including Law Enforcement Agencies, when, by reason of their duties, are required to carry out control, surveillance and inspection tasks, shall carry out appropriate checks and



inspections to verify the correct application of this Royal Decree. Without prejudice to Article 106 of Law 7/2022 of 8 April 2022, these inspections shall include at least:

- a) The information concerning products placed on the market provided to the Register of Product Producers in accordance with Article 11, as well as the verification of the inclusion in the invoice of contributions to producer responsibility systems in accordance with Article 19(6).
- b) Operations in treatment facilities in accordance with Law 7/2022 of 8 April 2022 and with the provisions of this Royal Decree.
- c) The information provided by waste operators and extended producer responsibility systems in accordance with this Royal Decree, including aspects relating to financing.

2. In the case of shipments of waste industrial oils, the competent public authorities may charge the costs of the relevant analyses and inspections, including the costs of storing the waste industrial oils, to the operator responsible for the shipment or, failing that, to the natural or legal person who physically carries out or organises the shipment, to third parties acting on their behalf, or to other persons organising the shipment.

3. The competent authorities shall be responsible for the supervision and control of the exercise of operators in their territory as laid down in Article 21 of Law 20/2013 of 9 December 2013 on the guarantee of market unity.

Article 27. Penalties scheme.

1. With regard to infringements relating to the production and management of waste industrial oils, including compliance with the waste hierarchy and the principles of responsibility, proportionality and remediation of environmental damage, the penalties scheme set out in Chapter II of Title IX of Law 7/2022 of 8 April 2022 shall apply.



2. Furthermore, with regard to infringements arising from non-compliance with the technical and safety requirements applicable to industrial activities, including the technical and safety requirements applicable to facilities involved in the management of waste industrial oils and the technical specifications required for materials resulting from such treatment, the penalties scheme provided for in Industry Law 21/1992 of 16 July 1992 shall apply. In matters not covered by this Act, the provisions of Title IV of Act 39/2015 of 1 October 2015 on the Common Administrative Procedure of Public Administrations and Chapter III of the Preliminary Title of Act 40/2015 of 1 October 2015 on the Legal Framework for the Sector shall apply.

First transitional provision. Adjustment of authorisations.

1. Facilities for the treatment of waste industrial oils and the natural or legal persons operating such facilities must comply with the provisions of this Royal Decree within one year of its entry into force and, where necessary, must apply to the autonomous community authorities responsible for waste management to have their authorisations reviewed.

2. Within one year of the submission of the application for review referred to in the previous paragraph, the autonomous communities shall bring the content of existing authorisations into line with the provisions of this Royal Decree, incorporating any additional conditions that the operators of the facilities may be required to comply with.

Second transitional provision. *Reporting obligations of product producers for the year 2025.*



With regard to the reporting obligations set out in Article 12(2), the first reporting year will be 2026, covering industrial oils placed on the domestic market during 2025.

Producers must submit this information within the timeframe specified in the industrial oils section of the Register of Product Producers from the date of their registration in that section, in accordance with Article 11.

Third transitional provision. *Adaptation to the new extended producer responsibility scheme.*

1. Producers of products shall establish extended producer responsibility systems or adapt existing integrated management systems in accordance with this Royal Decree within one year of its entry into force. To this end, within a maximum of six months from the entry into force of this Royal Decree, they must submit to the competent authority either the prior notification of the individual extended producer responsibility scheme or the application for authorisation as a collective system.

2. The existing integrated management systems for industrial oils shall continue to be governed by the provisions of Royal Decree 679/2006 of 2 June 2006 regulating the management of waste industrial oils, until they are adapted to the provisions of this Royal Decree, in accordance with the provisions of paragraph 1.

Fourth transitional provision. *Regulation of the financial guarantees of extended producer responsibility systems.*

Until the extended producer responsibility systems have been brought into line with the provisions of this Royal Decree, in accordance with the third transitional provision, financial guarantees already in place shall remain



applicable and shall be fully valid for the purposes of complying with the obligation set out in Article 51 of Law 7/2022 of 8 April 2022.

Single repealing provision. *Repeal of regulations.*

All provisions that oppose, contradict or are incompatible with the provisions of this Royal Decree and, in particular, Royal Decree 679/2006 of 2 June 2006, are hereby repealed.

First final provision. *Amendment to Royal Decree 553/2020 of 2 June 2020 regulating the shipment of waste within the territory of the State.*

Royal Decree 553/2020 of 2 June 2020 is hereby amended as follows:

One. Article 1(2) is amended to read as follows:

'2. This regulation applies to shipments of waste within the territory of the State for recovery or disposal, including shipments to facilities carrying out interim treatment and storage operations.'

Two. Subparagraphs (d) and (j) of Article 2 are amended to read as follows:

'd) 'Intermediate treatment': recovery operations R12 and R13 and disposal operations D08, D09, D13, D14 and D15 and their disaggregated codes in Annexes II and III to Law 7/2022 of 8 April 2022, respectively.'

'j) 'eSIR': Electronic Waste Information System, governed by Article 66 of Law 7/2022 of 8 April 2022, which consists of the Register of Waste Production and Management, the annual reports of the operators and the repository of shipments, among others, and which allows the recording, validation and



electronic exchange of information, including documents relating to the procedure for shipments of waste within the territory of the State':

Three. Article 6(3) is amended to read as follows:

'3. In the case of mixed municipal waste, identified with EWL code 20 03 01, managed directly or indirectly by local authorities, the procedure set out in the previous paragraph shall be followed. In this case, for multiple shipments where the origin and destination are the same, the operator may issue a single identification document stating the quantity expected to be shipped within a month. This document shall remain valid until the cumulative quantities delivered to the destination facility reach the quantity specified in the identification document, up to a maximum of one month.

Information relating to the quantities of waste weighed during each delivery to the destination facility shall be included into the chronological records kept by the operator of the destination facility. Identification documents shall be retained for at least three years.

Once the validity period has expired, the operator of the destination facility shall enter the quantity actually transferred in section 10 of the identification document and forward it to the competent authority of the destination autonomous community in order to continue with the procedure set out in the previous paragraph.'

Four. Article 8(3) is amended to read as follows:

'3. Where the waste is destined for a storage operation D15 or R13, the prior notification shall also indicate the recovery or disposal facility to which the waste is subsequently destined. Where this subsequent destination is another storage facility, the subsequent recovery or disposal facility must also be specified. No more than two successive storage operations shall be permitted during waste shipments.



Where waste is destined for an interim treatment facility classified as D08, D09, D13, D14 or R12, the subsequent recovery or disposal facility must be specified in the prior notification.'

Five. Article 9(4) is amended to read as follows:

'4. Where waste is transferred to facilities carrying out intermediate treatment operations (D08, D09, D13, D14 and R12) or storage operations (D15 or R13), the competent bodies of the Autonomous Communities of origin and destination shall assess their possible opposition to the shipment on the grounds set out in paragraphs 2 and 3 in relation to intermediate treatment or storage operations and facilities, as well as in relation to subsequent treatment operations and facilities.'

Six. The second additional provision concerning movements of waste within an autonomous community has been deleted.

Seven. The single transitional provision is amended to read as follows:

'Single transitional provision. *Transitional arrangements for the shipment procedure* .

1. Within a maximum of two months of this amendment coming into force, those autonomous communities that are not currently using the electronic transfer procedure established by the Ministry for Ecological Transition and Demographic Challenge for transfers carried out within their own territory must opt for one of the following methods of electronic processing for the transfer procedure:

a) Via the online portal linked to the Ministry for Ecological Transition and Demographic Challenge, in accordance with Articles 6, 8 and 9 of this Royal Decree, or



b) Via their own online portal.

The chosen option will be communicated to the Ministry for Ecological Transition and the Demographic Challenge, as well as to the users of the scheme at the level of the autonomous community.

2. Autonomous communities that choose to conduct the electronic processing of the transfer procedure via their own online portal will have one year from the entry into force of this amendment to adapt their IT systems and ensure proper interconnection with eSIR and the transfer repository. If, by the end of this period, the aforementioned adaptation and interconnection have not taken place, the transfer procedure must be completed electronically via the associated online portal of the Ministry for Ecological Transition and Demographic Challenge.'

Second final provision. *Authorisation of regulatory development.*

1. The Minister for Ecological Transition and Demographic Challenge is authorised to issue, within the scope of their powers, all necessary provisions for the implementation and implementation of this Royal Decree.

2. The Minister for Ecological Transition and the Demographic Challenge is hereby authorised, within the scope of their powers, to issue the necessary provisions for updating and amending the annexes to this Royal Decree in order to bring them into line with the provisions and amendments introduced by European Union legislation and, where appropriate, with state-of-the-art scientific and technical knowledge and developments, provided that such updates do not conflict with Community law.

Third final provision. *Attribution of powers.*



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This Royal Decree constitutes basic legislation and is issued pursuant to the provisions of Article 149(1)(23) of the Spanish Constitution, which confers on the State exclusive competence over basic legislation on environmental protection, without prejudice to the powers of the autonomous communities to establish additional protection measures; as well as Article 149(1)(13), which recognises the State's exclusive competence over the foundations and coordination of general economic planning.

Fourth final provision. *Entry into force.*

This Royal Decree shall enter into force on the day after its publication in the 'Official State Gazette'.



ANNEX I

Industrial oils

Mineral, animal, vegetable, synthetic or similar to synthetic lubricating oils which, irrespective of their nature, are used, inter alia, in the following applications and sectors:

1. Engine and gearbox oils: including engine oils and gear oils (used in the automotive, aviation, marine, industrial and other sectors). Greases and bilge oils are excluded.
2. Industrial oils: including machine oils, hydraulic oils, turbine oils, transformer oils, heat-transfer oils and compressor oils. Fats and oils used for emulsions are excluded.
3. Industrial oils (emulsions only): including metallurgy oils.

In any case, except in the case of products specifically excluded in accordance with the provisions of this Royal Decree, this definition includes the products and preparations included in the most current version of ISO 6743 Lubricants, industrial oils and related products (class L).

This also includes any other products intended for consumption, offered for sale or used for the purposes typical of the products and preparations identified in the preceding paragraphs.



ANNEX II

Registration and annual information to be provided to the Register of Product Producers for industrial oils

1. Information regarding entry in the Register of Product Producers.

Manufacturers of the product will be required to provide the following information at the time of registration and to keep it up to date:

- a) Name and address of the producer or its authorised representative, including postal code, city, street and number, country, phone number, email and contact person. In the case of an authorised representative, the contact details of the producer they represent shall also be provided.
- b) European tax identification number or national tax identification number.
- c) A declaration of the extended producer responsibility system(s) in which the company participates and through which it fulfils its obligations for each industrial oil it places on the market, accompanied by a certificate of participation in collective systems or the environmental identification number in the case of individual systems.
- d) Declaration of veracity of the information provided.

2. Annual information:

Producers of the product must submit annually the quantities by weight of industrial oils they place on the domestic market, in accordance with the options set out in the 'Oils' section of the Register of Product Producers.



ANNEX III

Requirements for regeneration operations of waste industrial oils

A. Waste industrial oils suitable for regeneration:

Only the following waste industrial oils may be regenerated:

12 01 06* Mineral-based machining oils containing halogens (excluding emulsions or solutions).

12 01 07* Mineral-based machining oils free of halogens (except emulsions and solutions).

12 01 09* Halogen-free machining emulsions and solutions.

12 01 10* Synthetic machining oils.

12 01 19* Easily biodegradable machining oils.

13 01 05* Non-chlorinated emulsions.

13 01 09* Chlorinated mineral hydraulic oils.

13 01 10* Non-chlorinated hydraulic oils.

13 01 11* Synthetic hydraulic oils.

13 01 12* Easily biodegradable hydraulic oils.

13 01 13* Other hydraulic oils.

13 02 04* Mineral-based chlorinated engine, gear and lubricating oils.

13 02 05* Mineral-based non-chlorinated engine, gear and lubricating oils.

13 02 06* Synthetic engine, gear and lubricating oils.

13 02 07* Readily biodegradable engine, gear and lubricating oils.

13 02 08* Other engine, gear and lubricating oils.

13 03 06* Mineral-based chlorinated insulating and heat transmission oils other than those mentioned in 13 03 01.

13 03 07* Mineral based non-chlorinated insulating and heat transmission oils.

13 03 08* Synthetic insulating and heat transmission oils.

13 03 09* Readily biodegradable insulating and heat transmission oils.

13 03 10* Other insulating and heat transmission oils.



- 13 05 06* Oil from oil/water separators.
- 19 02 07* Oil and concentrates from separation.
- 20 01 26* Oils and greases other than those covered by code 20 01 25.

These oils must have:

A polychlorinated biphenyls (PCB) content of less than 50 ppm.

A halogen content (expressed as chlorine) of less than 2000 ppm.

B. Regeneration requirements:

The regeneration process for the oils referred to in the previous paragraph will involve the recovery of base oils through physical and chemical processes designed to separate out water, additives and their degradation products, asphaltenes, light hydrocarbons and solvents, as well as other contaminants acquired during their use or handling, such as heavy metals and chlorine. These processes shall include at least a fractional vacuum distillation to separate from each other different fractions according to their viscosity and boiling point range.

C. Quality criteria for regenerated waste industrial oils:

In order for the material resulting from the above treatments to be considered a regenerated lubricating base, it must meet, as a minimum, the following quality criteria:



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PARAMETER	LIMIT	REFERENCE STANDARDS		
		ASTM	ISO	UNE
Maximum water	0.1% V/V	D 4377	ISO 6296:2000 Petroleum products — Determination of water — Potentiometric Karl Fischer titration method	UNE 51216. Water in liquid petroleum products using the Karl Fischer reagent
Maximum acidity	0.05 mg KOH/g	D 664		UNE-EN 12634:1999 Petroleum products and lubricants. Determination of acid value. Potentiometric titration method in a non-aqueous medium
Maximum carbonaceous residue	0.1%	ASTM D4530- 15(2020) Standard Test Method for Determination of Carbon Residue (Micro Method)		
Maximum colour	3.0	ASTM D1500- 12(2017) Standard Test Method for ASTM Color of Petroleum Products (ASTM Color Scale)	ISO 2049:1996 Petrol eum products — Determination of colour (ASTM scale)	



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ANNEX IV

Minimum contents of the communication of individual extended producer responsibility systems for industrial oils

1. Identification details of the producer and, where applicable, their authorised representative: registered office, NIF, information and contact person. Indication of whether the producer is an intra-community manufacturer, importer or acquirer.
2. Territorial scope of action.
3. Identification by type and estimation in weight of industrial oils placed on the market annually and annual estimation in weight of:
 - a) The waste industrial oils expected to be generated (please specify the EWL code).
 - b) Collected waste industrial oils.
 - c) Waste industrial oils intended for regeneration, recovery for use as fuel, and energy recovery, expressed by weight and as a percentage of the total collected.
4. Description of the arrangements for the collection of waste industrial oils, including collection points and their locations, the types of containers used, the minimum collection frequencies, and the intended destinations of the waste collected.
5. Identification of the operators responsible for the collection and treatment of waste industrial oils, together with their registration number in the Register of Waste Production and Management, as well as the facilities that will take charge of the waste for treatment.
6. Copy of the financial guarantee subscribed in accordance with Article 21.
7. A copy of the contracts entered into and of the agreements concluded for the collection and treatment of waste industrial oils.



8. The form of financing of the activities, including an estimate of the planned expenditure for the management of waste industrial oils, as well as the details of the financing thereof.

9. Procedure for collecting data and providing information to public administrations, in compliance with the information obligations laid down in this Royal Decree.

ANNEX V

Minimum content of the authorisation for collective extended responsibility systems

1. Name, legal form and registered office of the system and the waste on which it acts.

2. Registered producers of industrial oils and the identification of the industrial oils they place on the market.

3. Criteria and conditions for the incorporation of new members.

4. Identification, where applicable, of the managing body, as well as the legal relationships and links established between that body and the collective extended producer responsibility system and the parties comprising the system; identification of the obligations assumed by the managing body on behalf of the system.

5. Legal relations, links or agreements to be established with public administrations, where appropriate, other extended responsibility systems, entities or companies with whom they agree or contract for the management of waste in compliance with the obligations established in this Royal Decree.

6. Geographical area of action.

7. A description of how it operates and the measures taken to fulfil the obligations arising from the extended producer responsibility system, including:

a) Specific collection networks and their locations, and the organisation of the planned management.



b) Types of containers and their suitability to ensure efficient collection of waste industrial oils in terms of the quality and quantity of waste captured, and with adequate endowments and accessibility for users, within the scope of the system's action.

c) Minimum collection frequencies for maximum effectiveness.

d) Estimated quantities of waste (tonnes) to be collected. Intended destinations of the waste collected.

e) Identification of the operators to whom the collection and treatment operations of waste industrial oils, the facilities responsible for treating the waste, and description of the planned processes of contracting or awarding and its conditions, including, if any, social clauses, are assigned. If available, commitment document signed between the scheme and the treatment plants.

8. Description of the financing of the scheme:

a) Estimated revenue. Details of the income and sources thereof. Producers' quotas and method of calculating the quota associated with covering the costs referred to in the previous paragraph.

b) Cost estimate, specifying: the planned costs of managing waste industrial oils, costs incurred in setting up collection networks, costs arising from cooperation agreements signed with public administrations for the collection, sorting and sorting of waste industrial oils, information obligations and awareness-raising campaigns, expenditure arising from contracts with operators and distribution agreements, and administrative costs of the collective system, including details of financial investments made by the system.

c) Methods for calculating and assessing the amount of the contribution required to cover the total cost of fulfilling the obligations undertaken by the system, ensuring that it will be used to finance the planned management. Where applicable, the surcharge included in the cost of the product shall also be indicated.

d) The manner and period for its collection.

e) The conditions and modalities for the revision of the quotas according to the evolution of the fulfilment of the assumed obligations.



9. An affidavit that both its members and those of the decision-making bodies are not, and do not have, any direct or indirect relationship with operators of waste industrial oils or other extended producer responsibility systems, which may lead to a conflict of interest, unless it is established that such a conflict does not exist or that the necessary measures have been taken to eliminate it.

10. Procedure for the collection of data from operators carrying out activities related to the exercise of the functions of the collective extended producer responsibility system and the provision of information to public administrations.

11. Calculation of the amount of the financial guarantee.

12. Projected percentages of regeneration or other recycling operations with an overall environmental outcome equivalent to or better than recovery, recovery through conversion into fuel, and energy recovery.

13. Identification logo of the collective system.

14. Deadlines, monitoring and control mechanisms for the degree of compliance.

The application must be accompanied by a statement of veracity from the legal representative of the collective extended producer responsibility system.



ANNEX VI

Minimum content of the annual information referred to in Article 24

1. General system information:

- a) Identification of the extended producer responsibility system and number in the Register of Waste Production and Management.
- b) Identification of the producer(s) integrated into the extended responsibility system and of other economic operators participating in it.
- c) Reporting period.

2. Data on placing on the market:

Total quantity of industrial oils placed on the national market and in the territory of each autonomous community by producers of industrial oils, distinguishing, where appropriate, those oils which have been imported from third countries or purchased in other Member States of the European Union or the European Economic Area, specifying the categories included in Annex VIII.

3. Quantity of waste industrial oil collected separately, total and by autonomous community and by category of oil as set out in Annex VIII. The following information shall also be provided for each autonomous community:

- a) Waste industrial oils, by weight, for the collection of which they have provided funding.
- b) List of operators with whom there is an agreement for the collection of waste industrial oil.
- c) Quantity of oil collected by each operator with which there is an agreement.
- d) The collection rate (percentage collected in relation to the total generated) achieved in the year by the system.

4. Treatment data of collected waste industrial oils, total and by autonomous community:



a) For each treatment operation carried out in accordance with Annexes II and III of Law 7/2022 of 8 April 2022, the final treatment facility must be specified, including, where applicable, those located outside Spanish territory, stating the quantity (by weight) and the EWL code of the treated waste industrial oils.

b) Aggregation of the above information in accordance with the processing operations set out in Annex VIII.

c) Management objectives achieved in the previous year, in accordance with those set out in Article 7.

5. A description of the procedure and methodology for the collection and verification of the information submitted, as well as the results of the self-monitoring mechanisms provided for in Article 15(1) of this Royal Decree.

6. Economic data:

Extended producer responsibility systems must submit an annual report, which shall be audited periodically, containing financial data relating to the system's annual operations as set out in its authorisation. The following must be included, as a minimum:

a) A justification for the costs of the system, and justification that these have been allocated exclusively to the fulfilment of the obligations arising from the extended producer responsibility that the scheme has assumed. The costs associated with each of the actions carried out by the system within the framework of its obligations should be specified.

b) A report on payments made to or income received from organisations or companies that manage waste industrial oils.

c) Financing of the system, with the exception of oils affected by other extended producer responsibility schemes:

- 1.º Detailed information on the procedure for fixing the amount of the quota.
- 2.º Financial contribution of producers to the system.



3.º Revenues received by the system from any other source, specifying those sources, as well as from arrangements with other extended producer responsibility system for oils, providing information on the economic conditions of such agreements. It should be ensured that there is no double funding in the case of the application of different extended producer responsibility schemes.

4.º Costs of the management of waste industrial oils at State level and disaggregated by each autonomous community. Details must be provided of the amounts allocated in each autonomous community to the various categories: separate collection, transport, analysis and recovery, in accordance with the provisions of Article 18.

5.º Communication campaigns at state level, specifying, where appropriate, the costs of the specific campaigns of each autonomous community.

6.º Administrative costs of the system, distinguishing the costs of complying with the reporting obligations, in particular the costs associated with the development and maintenance of database systems, the costs of obtaining the information and the costs associated with ensuring the traceability and reliability of the data.

d) List of audited companies and overview of audits carried out, both of product producers belonging to the system, and of authorised waste operators with which agreements have been concluded for the separate collection and treatment of waste industrial oils.

e) Estimation of the quotas to be applied in the following year, as well as their justification.

f) Revenue and expenditure forecasts for the year following the compliance period.



ANNEX VII

Calculation of the financial guarantee for extended producer responsibility systems.

The amount of the system's financial guarantee shall be determined according to the following formula:

$$\text{Total system FG} = 0.10 * (Q \times \text{AMC})$$

Where:

Total system FG: Amount of the annual financial guarantee for the system, in euros (€).

Q: Annual quantity of industrial oils placed on the market through the scheme, in tonnes (t).

AMC: Estimated average management cost of waste industrial oils in the year of compliance, based on the actual costs incurred, in euros per tonne (€/t), in accordance with the provisions of Article 19 of this Royal Decree.



ANNEX VIII
Information to be provided concerning industrial oils and their waste

	Oils sold (t)	Waste oils produced (dry oil) (t)	Separately collected waste oils (t)	Exported waste oils (t)	Imported waste oils (t)	Regeneration (t)	Other types of recycling (t)	Energy recovery (t)	Disposal (t)
Engine and gearbox oils ¹									
Industrial oils ²									
Industrial oils (emulsions only) ³									
Oil and concentrates from separation ⁴									



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¹ Including engine oils and gear oils (automotive, aviation, marine, industrial and other sectors). Greases and bilge oils are excluded. These correspond to the following EWL codes:

130204*
130205*
130206*
130207*
130208*

² Including machine oils, hydraulic oils, turbine oils, transformer oils, heat transfer oils and compressor oils. Fats and oils used for emulsions are excluded. These correspond to the following EWL codes:

120106*	130110*	130307*
120107*	130111*	130308*
120110*	130112*	130309*
120119*	130113*	130310*
130101*	130301*	
130109*	130306*	



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³ Including metallurgical oils. These correspond to the following EWL codes:
120108*
120109*
130104*
130105*
130802*

⁴ Only oils from the waste oil separation process falling under code 19 02 07* of the Commission Decision of 18 December 2014 amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council.