

Message 001

Communication from the Commission - TRIS/(2026) 1565

Directive (EU) 2015/1535

Notification: 2026/0292/ES

Notification of a draft text from a Member State

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

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

MSG: 20261565.EN

1. MSG 001 IND 2026 0292 ES EN 12-06-2026 ES NOTIF

2. Spain

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

Dirección General de Coordinación del Mercado Interior y otras Políticas Comunitarias

Secretaría de Estado para la Unión Europea

Ministerio de Asuntos Exteriores, Unión Europea y Cooperación

3B. Subdirección General de Residuos

Dirección General de Calidad y Evaluación Ambiental

Secretaría de Estado de Medio Ambiente

Ministerio para la Transición Ecológica y el Reto Demográfico

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28071 Madrid

4. 2026/0292/ES - S20E - Waste

5. Draft Royal Decree regulating used industrial oils

6. Requirements for used industrial oils and their treatment for the production of regenerated lubricant base oils. It requires industrial oils to incorporate regenerated lubricant base oils where technically feasible. Reviews the EPR scheme.

7.

8. This Royal Decree, valid throughout Spain, establishes the legal regime for the management of used industrial oils and regulates the extended producer responsibility of industrial oils placed on the Spanish market.

To this end, regulations have been introduced governing the obligations of producers or holders of used industrial oils, who shall be required to:

- separate all oils for industrial use that they generate and store under appropriate conditions.
- ensure that all used industrial oil they generate is processed in accordance with the provisions of the Royal Decree and that they hold the relevant documentary certification.

An extended producer responsibility scheme is also established to finance the management of used industrial oil, including, in accordance with Article 60 of Law 7/2022 of 8 April 2022, the obligation for the producers concerned to register in the relevant section of the Register of Product Producers and to provide annual information on products placed on the market.

With regard to financial obligations, producers must cover, at a minimum, the costs of the separate collection, transport, analysis, storage and, where intended for regeneration, the treatment of used industrial oils, as well as the costs of providing information and raising awareness amongst users and holders of used industrial oils.

9. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and its subsequent revision in 2018 laid down new provisions on used industrial oils, as well as on the regulation of extended producer responsibility. That Directive has been transposed into Spanish law by Law 7/2022 of 8 April 2022 on waste and contaminated soils for a circular economy.

Consequently, Royal Decree 679/2006 of 2 June 2006 regulating the management of used industrial oils to the new regulatory framework established in the Law must be adapted. It is also necessary to adapt the standard to the new technical requirements applicable to the regeneration treatments of used industrial oils.

9a. Used industrial oils are classified as hazardous waste which, when not properly managed, may cause pollution of soil, surface water and groundwater and polluting emissions into the atmosphere, as well as adversely affecting human health. The available scientific evidence shows that these residues have a high pollution potential due to the presence of hazardous substances, such as heavy metals and hydrocarbons. In this regard, it is essential to ensure that such waste is collected separately and processed appropriately, with a priority on regeneration, in order to improve resource efficiency and minimise environmental risks, in line with the principles of the circular economy.

The draft legislation contributes to the achievement of the public-interest objectives of ensuring the proper treatment of used industrial oils by updating the existing regime in Spain which has until now been governed by Royal Decree 679/2006 of 2 June 2006 regulating the management of used industrial oils. Consequently, management priorities and objectives for waste oils are established in line with the waste hierarchy, giving preference to regeneration over other management options with a greater environmental impact. Thus, the

draft standard is aligned with the provisions of Directive 2008/98/EC and Law 7/2022 of 8 April 2022 on waste and contaminated soils for a circular economy.

Furthermore, the draft updates and strengthens the extended producer responsibility (EPR) scheme already in place under Royal Decree 679/2006, as a means of ensuring the proper management of this waste stream and securing the financing of the costs associated with the proper management of used industrial oils, including obligations for producers of industrial oils regarding financing, the organisation of the management of used industrial oils and the provision of information.

The measure is also based on the 'polluter pays' principle, in line with the European regulatory framework established by Directive 2008/98/EC and Law 7/2022 of 8 April 2022 in order to establish proportionate and consistent obligations for all stakeholders involved, promoting more efficient management of resources and favouring the regeneration of waste oils over other treatment options with a greater environmental impact, in line with the European Union's climate and environmental objectives and environmental protection.

9b. The notified draft measure does not introduce restrictions on the internal market, but lays down obligations linked to the EPR of industrial oils and the management of used industrial oils, which are necessary to ensure the protection of human health and the environment. These obligations apply equally to all producers placing industrial oils on the Spanish market, regardless of whether they originate in Spain, another Member State or third countries.

The impact on the market is limited to requiring producers of industrial oils to comply with administrative, financial and information obligations related to the proper management of waste derived from products placed on the market. These obligations include registration in the e-SIR electronic register, participation in extended producer responsibility schemes, the financing of waste management, and the provision of information on products placed on the market.

These requirements are consistent with the European waste regulatory framework and the objectives set out in Directive 2008/98/EC, avoiding significant distortions in the internal market and ensuring uniform conditions for all economic operators.

The existing general waste rules do not make it possible to address in a sufficiently detailed manner the particularities associated with industrial oils and their waste. In this regard, the draft legislation does not create a separate regulatory framework distinct from that provided for in Law 7/2022 of 8 April 2022, but rather updates and clarifies the obligations already established in general terms for this waste stream, strengthening traceability, specifying operational and organisational requirements, and ensuring the effectiveness of the new EPR scheme.

As regards the alternatives considered, the possibility of amending the regime currently in force, namely Royal Decree 679/2006 of 2 June 2006, has been examined in order to incorporate the changes introduced by Law 7/2022 of 8 April 2022 and to adapt the extended producer responsibility scheme to the provisions of Directive 2008/98/EC, as amended by Directive (EU) 2018/851. However, this option has been ruled out due to the need to include in the regulatory legislation further details and clarifications required to bring the regulation into line with technical progress and the realities of the production and management of industrial oils and their waste. Consequently, the decision has been taken to draft a new regulatory text, which provides greater legal certainty and not introducing measures that are more restrictive than those that would have resulted from amending the existing legislation.

In this context, the measure chosen represents the least restrictive option for achieving the objectives pursued, as it merely elaborates on and specifies the obligations already set out in the existing basic legislation on waste, establishing a proportionate set of obligations directly linked to the impacts generated

and necessary to ensure environmentally sound management, without imposing technical barriers or discrimination in market access.

9c. The restrictions imposed by the measure are proportionate to the importance of the public interest objective pursued, which is aimed at preventing and reducing the environmental impacts resulting from the improper management of used industrial oils, which are of significant environmental concern due to their hazardous nature and their potential to cause pollution.

The expected administrative and financial burdens are directly related to the quantity of product placed on the market and the costs associated with the collection and treatment of the waste generated. It should again be noted that the EPR has already been applied to this waste stream since the adoption of Royal Decree 679/2006 of 2 June 2006.

The protection of the public interest has also been assessed in relation to the degree of interference with the functioning of the internal market, leading to the conclusion that the measure is appropriate to ensure a high level of environmental protection without creating disproportionate obstacles to trade.

Failure to achieve the objectives pursued would entail an increased risk of soil and water contamination, higher public decontamination costs and the loss of recoverable resources, as well as difficulties in the traceability and control of this waste stream.

On the contrary, the implementation of this measure will promote the efficient use of resources, reduce negative impacts on the environment and human health, and move towards a more circular economy. Consequently, the measure strikes the right balance between the obligations imposed and the benefits sought, since it is proportionate and necessary to ensure a high level of protection of the environment and human health.

10. References to basic texts: 2020/0658/E

The basic texts were forwarded with an earlier notification:
2020/0658/E

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects:

The draft is not in conformity with an international standard

SPS aspects: No

European Commission

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