MINISTRY

FOR THE ECOLOGICAL TRANSITION AND THE DEMOGRAPHIC

SECRETARY OF STATE OF THE ENVIRONMENT

DIRECTORATE GENERAL OF QUALITY AND ENVIRONMENTAL ASSESSMENT

# REPORT ANALYSING THE REGULATORY IMPACT OF THE DRAFT ROYAL DECREE REGULATING INDUSTRIAL WASTE OILS

# EXECUTIVE SUMMARY SHEET

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<tr><th colspan="4">EXECUTIVE VIEW</th></tr>
<tr><td>Ministry/body<br>Proposer</td><td>Ministry for the Ecological Transition and the Demographic Challenge<br>Directorate-General for Environmental Quality and Assessment</td><td>Date</td><td>18/05/2026</td></tr>
<tr><td>Title of the standard</td><td colspan="3">Draft Royal Decree regulating industrial waste oils</td></tr>
<tr><td>Type of report</td><td colspan="3">Normal ☒ Abbreviated ☐</td></tr>
<tr><th colspan="4">TIMELINESS OF THE PROPOSAL</th></tr>
<tr><td>Situation being regulated</td><td colspan="3">Following the adoption of the new law on waste (Law 7/2022, of 8 April, on waste and contaminated soil for a circular economy), a full revision of the text of Royal Decree 679/2006, of 2 June, regulating the management of industrial waste oils must be carried out in order to bring its content into line with the provisions laid down in Law 7/2022, of 8 April, in particular as regards the extended producer responsibility scheme, as well as to resolve the shortcomings identified. In particular, it should be noted that Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste set a deadline of January 2023 to bring the rules of existing extended producer responsibility schemes into line with the Directive.</td></tr>
<tr><td>Objectives pursued</td><td colspan="3">Continue to make progress in preventing the generation of industrial waste oils in order to avoid risks to human health and the environment and establish measures for the environmentally sound management of this waste.<br>Bring the rules on waste from industrial waste oils governed by Royal Decree 679/2006 of 2 June 2007 into line with Law 7/2022 of 8 April 2007.<br>Review aspects arising from technical progress, current regulations or problems detected during the application of</td></tr>
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| | Royal Decree 679/2006 of 2 June 2007. |
| **Main alternatives considered** | The alternatives considered were:<br>- The drafting of a new royal decree.<br>- Amendment of the existing Royal Decree.<br>- Inaction.<br>The first option has been chosen because the adaptation to Law 7/2022 of 8 April 2003 and to technical progress requires clarification and clarification of most of the text of the previous legislation. The third option is not feasible as it would be in breach of the mandate under Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 to revise extended producer responsibility (EPR) schemes to align them with the regulated minimum requirements. |
| **CONTENT AND LEGAL ANALYSIS** | |
| **Type of regulation** | Royal Decree |
| **Structure of the Regulation** | The rule is structured in an explanatory part and an enacting part divided into 27 articles divided into five titles, four transitional provisions, one repealing provision, and four final provisions, followed by eight annexes. |
| **Reports gathered** | • Report from the Ministry of Territorial Policy and Democratic Memory, pursuant to the sixth paragraph of Article 26 (5) of Government Law 50/1997 of 27 November. (12/08/2025)<br>• Report by the Ministry of Health in accordance with the first paragraph of Article 26 (5) of Law 50/1997 of 27 November. (15/08/2025)<br>• Report of the Ministry of Social Rights, Consumer Affairs and the 2030 Agenda in accordance with the first paragraph of Article 26 (5) of Law 50/1997 of 27 November. (04/09/2025)<br>• Report from the Ministry of the Economy, Trade and Enterprise, in accordance with the first paragraph of Article 26 (5) of Law 50/1997 of 27 November. (26/09/2025) |

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| | • Report from the Ministry of Industry and Tourism, in accordance with the first paragraph of Article 26 (5) of Law 50/1997 of 27 November. (29/09/2025)<br>• Report of the National Commission on Markets and Competition, pursuant to Article 5 (2) of Law 3/2013 of 4 June. (16/10/2025)<br>• Report from the Ministry of the Interior, in accordance with the first paragraph of Article 26 (5) of Law 50/1997 of 27 November. (13/02/2026)<br>• Report of the Ministerial Commission on Digital Administration of the Ministry for the Ecological Transition and the Demographic Challenge. (pending)<br>• Report from the Office for Coordination and Regulatory Quality of the Ministry of the Presidency, Justice and Relations with Parliament, in accordance with Article 26 (9) of Law 50/1997 of 27 November. (requested on 05/08/2025 and not yet received)<br>• Report from the TSG of the Ministry for the Ecological Transition and the Demographic Challenge, in accordance with the fourth paragraph of Article 26 (5) of Law 50/1997 of 27 November. (06/02/2026)<br>• Prior approval by the Ministry for Digital Transformation and the Civil Service, pursuant to Article 26 (5), fifth paragraph, of Law 50/1997 of 27 November. (27/03/2026). The report is unfavourable due to a number of essential observations set out in the section describing the processing of this report.<br>• Opinion of the Council of State pursuant to Article 22 (3) of Organic Law 3/1980 of 22 April of the Council of State. (pending) |
| **Initial public consultation** | In accordance with Article 26 (2) of Law 50/1997 of 27 November, prior public consultation was carried out via the internet portal of the Ministry for the Ecological Transition and the Demographic Challenge, from 27 January 2022 to 16 February 2022 inclusive. |

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| **Consultation process** | • In accordance with Article 26 (6) of Law 50/1997 of 27 November, the public participation procedure was carried out via the internet portal of the Ministry for the Ecological Transition and the Demographic Challenge between 1 July 2025 and 31 July 2025.<br>• The Autonomous Communities, the cities of Ceuta and Melilla and local authorities were consulted via the Waste Coordination Committee and sent to the internet portal between 1 July 2025 and 31 July 2025.<br>• It has been discussed in the Advisory Council for the Environment (CAMA), as provided for in Article 19 of Law 27/2006, of 18 July, regulating the rights of access to information, public participation and access to justice in environmental matters. (01/07/2025).<br>• Notification to the European Commission under Directive (EU) 2015/1535 of the European Parliament and 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. (Of XXXX) | |
| **ANALYSIS OF IMPACTS** | | |
| **Matching skills** | The new Royal Decree is drawn up pursuant to Articles 149.1.13a and 149.1. Article 23 of the Spanish Constitution, which confers on the State exclusive competence with regard to basic legislation on the general planning of economic activity and basic legislation on environmental protection, without prejudice to the powers of the Autonomous Communities to lay down additional protection rules, respectively. | |
| **Economic impacts.** | Effects on the wider economy | It has no impact on the wider economy. |
| | Effects on SMEs | This draft Royal Decree does not have significant effects on SMEs. |

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| | On competition, market unity and competitiveness | ☐The standard does not have significant effects on competition, market unity and competitiveness.<br>☒The rule has positive effects on competition, market unity and competitiveness.<br>☐The standard has negative effects on competition, market unity and competitiveness. |
| **Impact on the budget** | From a budgetary point of view, the rule:<br>☐ Affecting the budget of the State Administration<br>☐Affecting the budgets of other territorial administrations | ☐Involves expenditure<br>☐involves an income<br>☒Has no effect on budgets |
| **Analysis of administrative burdens** | In terms of the administrative burden | ☒It lessens the administrative burden.<br>Estimated quantification**:** EUR 8.614.670,9/year<br>☐It incorporates new administrative burdens for the private sector.<br>☐does not affect administrative burdens |
| **Gendered impact on children and adolescents and the family** | The impact of the regulation on gender issues is | Negative ☐<br>Null ☒<br>Positive ☐ |
| **Gendered impact on children and adolescents and the family** | Impact on children and adolescents | Negative ☐<br>Null ☒<br>Positive ☐ |

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| | The standard has an impact on the family | Negative ☐<br>Null ☒<br>Positive ☐ |
| **Climate change impact** | Climate change impact, to be assessed in terms of climate change mitigation and adaptation | Negative ☐<br>Null ☐<br>Positive ☒ |
| **Impact on equal opportunities, non-discrimination and universal accessibility for persons with disabilities** | Impact on equal opportunities, non-discrimination and universal accessibility for persons with disabilities. | Negative ☐<br>Null ☒<br>Positive ☐ |
| **Other impacts considered** | Social and environmental impact.<br>Impact on the development or use of digital government means and services. | Positive impacts are deduced: public health and the environment are protected and digital government is promoted. |

**INTRODUCTION**

This report on the regulatory impact analysis is drawn up in accordance with Article 26 (3) of Government Law 50/1997 of 27 November, implemented by Royal Decree 931/2017 of 27 October regulating the regulatory impact analysis report.

This report contains the reports provided for in Law 50/1997 of 27 November 2003 and a description of the processing required under Law 27/2006 of 18 July 2006 regulating the rights of access to information, public participation and access to justice in environmental matters (incorporating Directives 2003/4/EC and 2003/35/EC).

## I. APPROPRIATENESS OF THE RULE

### 1. Motivation

Article 21 of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, as amended by Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste (‘the Waste Framework Directive’), provides that Member States are to take the necessary measures to ensure that waste oils are collected separately, if technically feasible, and treated by prioritising regeneration or, alternatively, other recycling operations with an overall environmental outcome equivalent to or better than regeneration. That Article also provides that Member States may apply additional rules, such as technical requirements or producer responsibility rules, for the separate collection of industrial waste oils and their correct treatment. The same Article provides that transboundary shipments to waste incineration or co-incineration plants may be restricted where waste oils are subject to national regeneration requirements.

In addition, Article 8a of the Waste Framework Directive regulates the general minimum requirements for extended producer responsibility schemes and stipulates that these requirements must apply to existing schemes in member countries by 5 January 2023.

Law 7/2022, of 8 April, on waste and contaminated soil for a circular economy, revised the provisions on extended producer responsibility and on waste oils to incorporate the provisions of the Waste Framework Directive, and maintains in force Royal Decree 679/2006, of 2 June, regulating the management of industrial waste oils, in all respects that do not contradict or are incompatible with the law. In addition, Law 7/2022 of 8 April established 5 January 2023 as the deadline for the adaptation to the legislation on extended producer responsibility, provided for in the aforementioned law.

It is therefore necessary to revise Royal Decree 679/2006 of 2 June 2007 in order to bring it into line with Law 7/2022 of 8 April 2007. This revision is also intended to resolve the problems identified in the application of the aforementioned Royal Decree.

**2. Objectives**

The purpose of the draft royal decree is to establish the legal framework for the management of industrial waste oils and to comply with the provisions laid down in Law 7/2022 of 8 April 2006 on waste oils. It also aims to develop extended producer responsibility for industrial oils placed on the national market. In particular, the following objectives are pursued:

- Clarify the scope of the Royal Decree and the industrial oils that are excluded from its application.
- Update priorities and objectives for the management of industrial waste oils.
- Incorporate requirements for the treatment of industrial waste oils by regeneration.
- Bring the extended producer responsibility (EPR) scheme into line with Law 7/2022 of 8 April (obligations to register and submit information, set up EPR systems and regulate their financial guarantees)
- Update the reporting obligations in accordance with Law 7/2022 of 8 April.

Finally, the aim is to review those aspects that have become outdated as a result of technical progress and to solve the problems identified during the application of Royal Decree 679/2006 of 2 June 2007.

## 3. Option analysis

In developing the standard, the following alternatives have been analysed:

- The drafting of a new royal decree which, in addition to bringing it into line with Law 7/2022 of 8 April 2007, makes the necessary changes to adapt it to technical progress and the reality of the production and management of industrial oils.
- The amendment of the existing Royal Decree to incorporate the provisions of Law 7/2022, of 8 April, not included in Royal Decree 679/2006, of 2 June, and the adaptation to scientific and technical progress.
- No new royal decree or amendment of the existing royal decree.

The first option has been chosen because, in addition to the obligation to adapt the Royal Decree to the provisions of Law 7/2022 of 8 April, which makes the third option unworkable, it is necessary to include in the text of the Royal Decree other clarifications and clarifications necessary to correct certain deviations detected during the almost 20 years of application of Royal Decree 679/2006 of 2 June. The amendments are of such a magnitude that it has been considered more appropriate to draft a new royal decree to replace the previous one for greater legal certainty, therefore the second option is discarded.

## 4. Alignment with the principles of good regulation

This standard is in line with the principles of good regulation, established in Article 129 of Law 39/2015 of 1 October 2015 on the Common Administrative

Procedure of Public Administrations, and specifically those of necessity, effectiveness, proportionality, legal certainty, transparency and efficiency.

Its necessity is determined by the obligation laid down in the sixth final provision of Law 7/2022 of 8 April 2011 to adapt the implementing provisions on waste to the provisions contained in the law.

In this regard, in accordance with the principle of effectiveness and proportionality, the legislation lays down the legal regime applicable to the management of industrial waste oils, including the objectives relating to their management established in application of the most favourable options in the waste hierarchy. This reduces the generation of waste from industrial oils and ensures a basic common functioning throughout the territory of the State.

In accordance with the principle of legal certainty, the rule is consistent with the rest of the national and European Union legal order as regards the separate collection of industrial waste oils and the priorities for the management of such waste. This Royal Decree also implements Law 7/2022 of 8 April 2007 on extended producer responsibility, being consistent with it and specifying specific aspects such as producers' financial contributions.

In line with the principle of efficiency, this rule aims to streamline the management of public resources; not imposing unnecessary or ancillary administrative burdens on citizens and businesses. In particular, in accordance with the eighth additional provision of Law 7/2022 of 8 April, the handling of all procedures related to this waste will be electronic. The same applies to the reporting obligations included in this Royal Decree.

In accordance with the principle of transparency, all the procedures enabling public participation by the citizens and addressees of the legislation have been completed. Thus, prior to the drafting of this Royal Decree, the prior public consultation provided for in Article 133 of Law 39/2015 of 1 October on the Common Administrative Procedure of Public Administrations, in conjunction with Article 26 (2) of Law 50/1997 of 27 November, was conducted via the internet portal of the Ministry for the Ecological Transition and the Demographic Challenge.

This Royal Decree was drawn up in consultation with economic and social stakeholders, the Autonomous Communities and the cities of Ceuta and Melilla and local authorities via the Waste Coordination Committee, as well as the most representative sectors potentially affected. In addition, the project has been submitted 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 2015.

**II. CONTENT**

The draft Royal Decree consists of an explanatory and an operative part with 27 articles divided into four titles, four transitional provisions, one repealing provision and four final provisions. The text is supplemented by eight annexes.

The narrative part consists of five distinct sections. The first part sets out the general framework for the prevention and management of industrial oils. The second part sets out the specific context of oils and their high potential for environmental pollution. The third section highlights the need to update the Royal Decree to bring it into line with current waste legislation. The fourth part sets out the content of the Royal Decree, as well as the definitions and management objectives. Finally, the fifth section sets out the structure and principles of good regulation.

The content of the enacting terms is described below.

Heading Preliminary General Provisions.

The Preliminary Title contains the general provisions and objectives of the Royal Decree. This title is structured in four articles covering the subject matter, definitions, scope and planning instruments in the field of industrial oils.

Article 1. Subject.
This Article sets out the purpose of the Royal Decree, which is to establish the legal regime for the management of industrial waste oils and to develop the extended responsibility of producers of industrial oils placed on the national market.

Article 2. Definitions.
This article includes the definitions of the terms used in the standard. The definitions set out in Law 7/2022 of 8 April 2007 apply. In addition, others have been added to define and specify the scope of the Royal Decree, to clarify the terms used in it and to facilitate its application.

Article 3. Field of application.

This Article specifies the industrial oils which are subject to this standard and those which are excluded from it.

Article 4. Planning instruments for industrial waste oils.
This Article requires that the waste prevention and management plans of the different competent authorities have a specific chapter for industrial waste oils.

Title I. Prevention and management of industrial waste oils.
This title is dedicated to the prevention and management of industrial waste oils by strengthening the application of the waste hierarchy principle. It is divided into two chapters.

Chapter I Prevention of industrial waste oils.
This chapter contains a single article laying down measures to promote the prevention and regeneration of industrial oils.

Article 5. Measures to promote the prevention and regeneration of industrial oils.
This Article sets out the requirements to be met by industrial oils in order to prevent the generation of industrial waste oils and to promote the regeneration of such oils.

Chapter II Management of industrial waste oils.
This chapter focuses on the priorities and objectives for the management of the industrial waste oils generated. In addition, it also lays down the requirements to be met for the management of industrial waste oils and regulates the shipment of such waste. It is divided into four articles.

Article 6. Priorities in the management of industrial waste oils.
This Article lays down both the priorities to be followed in the management of industrial waste oils and the prohibition of certain activities such as the discharge of industrial oils. The regeneration of these oils is given priority over other recovery treatments with a higher environmental impact.

Article 7. Management objectives for industrial waste oils.
This Article contains collection and regeneration targets for industrial waste oils which are applicable to all industrial waste oils and which must be met by the Autonomous Communities with the industrial waste oils generated in their territory. In addition, in the case of regeneration, a timetable for the achievement of these objectives is determined.

Article 8. Requirements for the management of industrial waste oils.
This Article specifies the requirements to be met by industrial waste oils to be destined for regeneration operations in terms of input materials, treatment and resulting materials. It also requires that industrial used oil processed for use as fuel may only be used as a product when it reaches end-of-waste status by complying with the provisions of Order APM/205/2018 of 22 February 2013.

Article 9. Shipment of industrial waste oils.
This Article regulates the shipment of industrial waste oils. Priority is given to treatment in facilities as close as possible to the point of generation in order to guarantee the principle of self-sufficiency and proximity, and it is possible to restrict the disposal of industrial waste oils outside the territory of the State when the oils are destined for incineration or co-incineration facilities.

Title II Extended producer responsibility for the product.
This title contains the provisions related to the extended producer responsibility scheme for products and is divided into two chapters.

Chapter I. Information obligations concerning the placing on the market of industrial oils.
This chapter contains information obligations on the placing on the market of industrial oils and provides for the creation of the industrial oils section in the Register of Product Producers, the obligations arising from registration in this register and the information to be collected and supplied annually by product producers on the industrial oils they have placed on the national market. It is divided into three articles.

Article 10. Creation of the industrial oils section in the Register of Product Producers.
This Article creates the industrial oils section of the Register of Producers of Products.

Article 11. Entry in the Register of Producers of Products.
This Article obliges the producers of the product to register in the industrial oils section of the Register of Producers of Products and specifies the obligations that this registration entails.

Article 12. Information obligations on placing on the market.
This article obliges product producers registered in the industrial oils section of the Register of Product Producers to collect information on the industrial oils they place on the market and to supply it to the Ministry for the Ecological Transition and the Demographic Challenge.

Chapter II Extended producer responsibility scheme for the product.
This chapter is dedicated to the ‘Extended Producer Responsibility scheme for the product’ and is divided into four sections: the first regulates the general obligations

of the producer of the product, the second the extended producer responsibility scheme, the third the financial guarantees and the fourth the obligations of producers and holders of industrial waste oils.

Section 1. Obligations of the producer of the product.
This section contains the obligations to be undertaken by the producers of the product. It contains three articles.

Article 13. General obligations of the producer of the product.
This Article details the general obligations to be assumed by the producer of the product or, in the case of producers established in another Member State or in third countries marketing their oils in Spain, by their authorised representatives. These obligations can be fulfilled individually or by setting up individual or collective extended producer responsibility schemes.

Article 14. Business prevention plans.
This article regulates the prevention business plans to be drawn up and complied with by certain producers of products. Details are provided on how these plans should be developed and updated to prevent or minimise the negative impacts of their products. These plans may be drawn up by the producers of the product or by the collective extended producer responsibility schemes in which these producers participate.

Section 2.a Extended Producer Responsibility Schemes.
This section is organised into five articles which, on the one hand, set out the obligations of the extended producer responsibility schemes for the product and, on the other hand, regulate the set-up and functioning of these schemes. In addition, this section also defines the scope of the financial contribution of producers of products to producer responsibility organisations. It is divided into five articles.

Article 15. General obligations of individual and collective extended producer responsibility schemes for the product.
This Article details the general obligations applicable to individual schemes and collective producer responsibility organisations.

Article 16. Additional obligations of collective extended producer responsibility schemes for the product.
This article introduces additional obligations that collective extended responsibility schemes must comply with in order, inter alia, to ensure equality between

producers, safeguard the confidentiality of the information provided by their members or ensure the participation of producers in decision-making. It also lays down the obligation to submit an audited annual report, to communicate the cessation of activity and to make information on its operation publicly available.

Article 17. Establishment, prior notification and operation of individual extended producer responsibility schemes for the product.
This Article regulates the prior communication to be submitted by individual extended responsibility schemes prior to the start of their activity and the supervision of their compliance by the competent authorities.

Article 18. Establishment, authorisation and operation of collective extended producer responsibility schemes for products.
This article describes the procedure for the authorisation of extended collective responsibility schemes, determines the period of validity of the authorisation and lays down the rules for the internal operation of these schemes. In particular, it establishes the obligation to submit the application for authorisation to the competent authority of the Autonomous Community where the system intends to establish its registered office. Applications for authorisation submitted shall be deemed to have been rejected if no express decision has been notified within the time limits laid down, in accordance with Article 50 (2) of Law 7/2022 of 8 April.

Article 19. General scope of producers' financial contribution to extended responsibility schemes.
This Article determines the scope of the financial contribution in such a way that the producer of the product bears the costs of separate collection, transport, storage, analysis and treatment of waste, as well as information and awareness raising and data collection and reporting in respect of the products it places on the market. In addition, the invoices issued by producers for the commercial transactions of industrial oils placed on the market through collective extended producer responsibility schemes must identify separately the contribution made to those schemes. It is also required that the invoice for the sale of industrial replacement oils to the final consumer or user specify the impact on the price of the cost of environmental waste management to which they will give rise.

Section 3. Financial guarantees.
This section regulates the financial guarantees to be subscribed by individual and collective EPR schemes. It is divided into three articles.

Article 20. Underwriting, scope, amount, realisation and replenishment of financial guarantees.
This Article establishes the obligation for producer responsibility organisations to take out a financial guarantee, which should be covered by this guarantee and how the amount of such guarantee is calculated. In addition, it determines the mechanism for its replacement and implementation.

Article 21. Financial guarantees from individual schemes.
This article describes the procedure for attesting the subscription of the financial guarantee by individual producer responsibility organisations.

Article 22. Financial guarantees from collective schemes.
This article describes the procedure for the provision of the financial guarantee by the collective producer responsibility organisations and how it should be submitted with the application for authorisation.

Section 4. Obligations of the producer or holder of industrial waste oils.
This section lays down in a single article the obligations of producers and holders of industrial waste oils.

Article 23. General obligations of the producer or holder of industrial waste oils.
This Article specifies the obligations of producers of industrial waste oils, including their separation at source, as well as ensuring the treatment of all industrial waste oils they generate.

Title III. Information and awareness-raising obligations.
Title III is divided into two articles which lay down the obligations to inform public administrations and to inform and raise awareness among the general public.

Article 24. Information to public administrations.
This article sets out the reporting obligations to be met by individual and collective extended responsibility schemes, natural or legal persons authorised to manage industrial waste oils and entities and undertakings acting as dealers and brokers of such waste.

Article 25. Information and awareness-raising campaigns.
This Article enables public administrations or industrial oil producers to launch information and awareness-raising campaigns aimed at ensuring that the collection and treatment of industrial waste oils takes place under environmentally sound conditions and that public administrations adopt measures aimed at creating demand for regenerated oil. In addition, it also lays down an obligation to inform the consumer about the economic impact on the final price of the product of the costs of managing industrial waste oils that are generated when the product becomes waste.

Title IV Inspection, control and penalty system.
This title is divided into two articles: the first sets out the general measures for inspection and control and the second sets out the penalty regime applicable.

Article 26. Inspection and control.
This Article sets out the actions to be monitored by the public administrations to ensure the proper implementation of this Royal Decree and, for shipments of waste from industrial waste oils, gives the possibility for the competent authorities to charge the costs to the operator of the shipment, to the natural or legal person who carries out or arranges the shipment, to third parties acting on their behalf, or to other persons who arrange the shipment.

Article 27. Penalties.
This Article establishes the applicable system of penalties, which is that laid down in Law 7/2022, of 8 April, and in Law 21/1992, of 16 July, on Industry.

First transitional provision Adaptation of authorisations.
This provision sets the deadline for the adaptation of industrial waste oil treatment plants and, where appropriate, for the review of their authorisations.

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

This provision determines the first reporting year in relation to the reporting obligations of the Royal Decree.

Third transitional provision: Alignment with the new extended producer responsibility scheme.
This provision provides for a transitional regime for the adaptation to the new extended producer responsibility scheme.

Fourth transitional provision Regulation of financial guarantees of extended responsibility schemes.
This provision provides for a transitional period for financial guarantees already deposited to remain valid until the systems are brought into line with the Royal Decree.

Sole repeal provision. Repeal of legislation.
This provision expressly repeals Royal Decree 679/2006 of 2 June 2007 and all rules that contradict or are incompatible with the Royal Decree.

First final provision Amendment of Royal Decree 553/2020 of 2 June 2006 regulating the shipment of waste within the territory of the State.
This provision amends Royal Decree 553/2020, of 2 June, with the aim of bringing this legislation into line with Law 7/2022, of 8 April; in particular, the definition of intermediate treatment and the shipment regime laid down in Article 31 of the Law. The purpose of this amendment is to harmonise the system for the supervision and control of shipments throughout the territory of the State, regardless of whether they are shipments between autonomous communities or within the same autonomous community.

Second final provision Implementation powers
The second final provision authorises the head of the Ministry for the Ecological Transition and the Demographic Challenge to update and amend the annexes to the Royal Decree.

Final provision 3. Competence.
The third final provision defines the applicable jurisdiction.

Fourth final provision Entry into force.
In accordance with this final provision, the Royal Decree enters into force on the day following that of its publication in the Official State Gazette.

Annex I. Industrial oils.
This Annex contains a list of the oils that are considered industrial oils in this Royal Decree and therefore fall within its scope.

ANNEX II — Registration and annual information to be provided to the Register of Producers of Products in the Field of Industrial Oils.
This Annex lists the information to be provided by product producers to the Register of Producers of Industrial Oils.

ANNEX III. Requirements for regeneration operations of industrial waste oils.
This Annex sets out the requirements for regeneration operations of industrial waste oils, in order to ensure the quality of industrial regenerated oils and that regeneration treatments are carried out in an appropriate manner. These requirements concern input materials, treatment and resulting materials.

ANNEX IV. Minimum content of the communication of individual extended producer responsibility schemes for industrial oils.
This Annex specifies the minimum content of the communication to be submitted to the competent authority by individual extended producer responsibility schemes for industrial oils.

Annex V. Minimum content of the authorisation of extended collective responsibility schemes.
This Annex details the requirements to be contained in the authorisation of collective schemes, including the identification of the producers, the description of their operation and of the measures for the fulfilment of the extended producer responsibility obligations of the product, their form of financing and the calculation of the financial guarantees.

ANNEX VI: Minimum content of the annual information provided for in Article 24.
Annex VI determines the minimum content of the information to be provided by producer responsibility organisations to public administrations on industrial oils and their waste, including on the quantities of industrial oils placed on the market and waste managed.

ANNEX VII. Calculation of the financial guarantee of producer responsibility organisations.
This Annex sets out the formula for determining the amount of the financial guarantee of producer responsibility organisations.

ANNEX VIII. Information to be supplied concerning industrial oils and their residues
This Annex sets out how information on industrial oils and their residues is to be provided.

## III. LEGAL ANALYSIS

### 1. Legal basis and legal status

The draft Royal Decree is basic environmental protection legislation in accordance with Article 149 (1). Article 23 of the Spanish Constitution, which confers on the State exclusive competence in relation to basic legislation on environmental protection without prejudice to the powers of the Autonomous Communities to lay down additional protection rules.

The rank of this law is that of a Royal Decree in accordance with Article 37 (2) of Law 7/2022 of 8 April, which provides that the obligations of producers of industrial oils which, through use, become waste shall be laid down in a Royal Decree approved by the Council of Ministers. In turn, in accordance with the principle of the hierarchy of norms, this draft will make it possible to repeal Royal Decree 679/2006 of 2 June.

In accordance with paragraph 1 (b), (c) and (d) of the fourth final provision of that law, the Government is empowered to adopt, within the scope of its powers, the regulatory provisions necessary for the different types of products in relation to the waste they generate, to implement extended producer responsibility by regulation and to establish rules for the different types of waste laying down specific provisions relating to their production and management.

**2. Link with national law**

This draft Royal Decree is issued under Law 7/2022 of 8 April. Article 29 of that law provides that the measures necessary to comply with the conditions for the disposal of waste oils must be laid down by implementing legislation. This legislation should also include the requirements necessary to comply with the European Union's reporting obligations on waste oils and oils.

Furthermore, Article 37 (2) of Law 7/2022 of 8 April provides that the obligations and extended producer responsibility scheme for the product must be established by Royal Decree.

Finally, in line with Order APM/205/2018 of 22 February 2011 establishing the criteria for determining when processed waste oil 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 soil, the draft Royal Decree provides that recovered industrial oils that comply with the provisions of this Order shall no longer be considered waste.

**3. Link with European Union law**

The draft Royal Decree derives from the obligation laid down in Article 21 of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008, as amended by Directive (EU) 2018/851 of the European Parliament and of the Council of 30 November 2018, which requires Member States to take the necessary measures to ensure that waste oils are collected separately, where technically possible taking into account good practices; treated by giving priority to reclamation or other recycling operations with an overall environmental outcome equivalent to or better than reclamation; and that waste oils of different characteristics are not mixed with each other, or with other types of waste or substances, if such mixing prevents regeneration or another recycling operation that achieves an equivalent or better overall environmental outcome than regeneration.

The same Article also provides that Member States may apply additional rules, such as technical requirements, producer responsibility rules, economic instruments or voluntary agreements, for the purpose of the separate collection of waste oils and their proper treatment; and that transboundary shipments to waste incineration or co-incineration plants may be restricted, where waste oils are subject to national regeneration requirements.

These articles have been transposed in Law 7/2022 of 8 April, as mentioned above.

Furthermore, the draft Royal Decree is in line with the methodology for collecting information on industrial oils pursuant to Commission Implementing Decision (EU) 2019/1004 of 7 June 2019 laying down rules for the calculation, verification and reporting of data on waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council and repealing Commission Implementing Decision C (2012) 2384.

**4. Entry into force**

This Royal Decree shall enter into force on the day following its publication in the Official State Gazette. This derogates from the application of Article 23 of Law 50/1997 of 27 November 2007, which provides that the legislation is to enter into force on 2 January or 1 July following its publication, in the case of laws or regulations approved or proposed by the Government or its members, and which impose new obligations on natural or legal persons carrying out an economic or professional activity as a result of the exercise of that activity.

The second paragraph of Article 23 provides: ‘The provisions of this Article shall not apply to royal decree-laws, or where compliance with the deadline for transposition of European directives or other justified reasons makes this advisable, and this fact must be duly established in the relevant report’.

The justification lies in the fact that the obligation under the Waste Framework Directive to adapt extended producer responsibility schemes must be met as soon as possible. In this regard, the sixth final provision of Law 7/2022 of 8 April provides that, in the case of the regulation on extended producer responsibility, the adaptation of the corresponding legislation to the provisions of this Law must be adapted by 5 January 2023.

### 5. Repeal of regulations

The draft royal decree includes a single repealing provision to repeal all provisions that contradict, contradict or are incompatible with the provisions of the royal decree, and in particular Royal Decree 679/2006 of 2 June 2007 regulating the management of industrial waste oils.

## IV. ALIGNMENT OF THE RULE TO THE ORDER OF DISTRIBUTION OF COMPETENCES

This rule has the legal nature of basic legislation in accordance with Article 149 (1.13) (a) of the Spanish Constitution, which confers on the State exclusive competence for the bases and coordination of the general planning of economic activity, and Article 149 (1.23) (a) of the Spanish Constitution, which confers on the State exclusive competence in matters of basic legislation on environmental protection, without prejudice to the powers of the Autonomous Communities to establish additional protection rules.

The measures laid down in the proposed legislation respect the distribution of powers laid down in Law 7/2022 of 8 April, and are issued pursuant to the empowerment laid down in paragraph 1 (b), (c) and (d) of the fourth final provision of that law, which empowers the National Government to issue, within the scope of its powers, the regulatory provisions necessary for the implementation and application of this law and, in particular, to establish the rules for the different types of waste, which shall lay down specific provisions relating to their production and management, as well as to develop extended producer responsibility.

## V. DESCRIPTION OF THE PROCEDURE

The draft Royal Decree has been processed in accordance with the provisions of Article 26 of Law 50/1997, of 27 November, and, as it is a law with an environmental impact, in accordance with the provisions of Law 27/2006, of 18 July, regulating the rights of access to information, public participation and access to justice in environmental matters. The steps taken are as follows:

### a) Initial public consultation

In accordance with Article 26 (2) of Law 50/1997 of 27 November, a prior public consultation was carried out via the internet portal of the Ministry for the Ecological Transition and the Demographic Challenge, https://www.miteco.gob.es/es/ministerio/servicios/participación-publica/default.aspx, from 27 January 2022 to 16 February 2022 inclusive.

Comments and contributions were received from the following associations, companies and public authorities:

- ACITRE (Catalan Association of Special Treatment Facilities).
- ANGEREA (National Association of Automotive Waste Managers).
- ANIAGA (National Association of Authorised Waste Industrial Oil Managers).
- Directorate-General for Climate Change and Environmental Education. Autonomous Community of Aragon.
- ASEGRE (Association of Waste Management Companies and Special Resources).
- ASELUBE (Spanish Lubricants Association).
- CATOR S.A.
- SERTEGO.
- SIGAUS (Waste Oil Management System).

The assessment of the comments received is set out in Annex I.

### b) Public notification procedure.

Public information on the draft Royal Decree has been made available in the public participation section of the web portal of the Ministry for the Ecological Transition and the Demographic Challenge: www.miteco.gob.es/es/ from 1 July to 31 July 2025 inclusive.

At the end of the public information procedure, comments and proposals had been received from the following associations and companies:

- ASELUBE (Spanish Lubricants Association).

- Fuchs Lubricantes S.A.U.
- CATOR S.A.
- AGERSAN (Association of Health Waste Managers).
- SIGAUS (Waste Oil Management System).
- WORP ISLAS BALEARES, S.L.
- ASEGRE (Association of Waste Management Companies and Special Resources).
- Quaker Houghton Sales BV. Branch in Spain.
- CONEPA (Spanish Federation of Automotive Workshop Employers).
- ASEDAS (Spanish Association of Distributors, Self-Services and Supermarkets).
- AEDRA (Asociación Española del Desguace y Reciclaje del Automóvil – Spanish Association for Car Dismantling and Recycling)
- Shell España, S.A.
- ACITRE (Catalan Association of Special Treatment Facilities).
- Repsol, S.A.
- MOEVE Commercial S.A.U.
- Ecologico Ibérica y Mediterránea, S.A. and Limpiezas Nervión, S.A.U.
- Sertego Servicios Medio Ambientales, S.L.U.
- Castrol España S.A.U.
- Canary Islands Industrial Association (ASINCA).
- AFILUB (Association of Independent Lubricants Manufacturers).
- A human being.
- AGALEUS MEDIO AMBIENTE Y ENERGIA, S.L.

The assessment of the comments received is set out in Annex II.

**c) Procedure for hearing Autonomous Communities and local authorities**

The Autonomous Communities and local authorities were heard by email with reference to the information published on the Ministry’s internet portal for public information and with the same deadline for submission, from 1 July 2025 and 31 July 2025.

Comments and contributions have been received from two Autonomous Communities (Catalonia and Galicia), which, together with their assessment, are included in Annex III.

**d) Reports from Ministries**

In accordance with Article 26 (5) of Law 50/1997 of 27 November, the Technical Secretariat-General of the Ministry for Ecological Transition and the Demographic Challenge has requested the following reports:

- Report from the Ministry of Territorial Policy and Democratic Memory, pursuant to the sixth paragraph of Article 26 (5) of Law 50/1997 of 27 November, without comments. (12/08/2025)
- Report by the Ministry of Health in accordance with the first paragraph of Article 26 (5) of Law 50/1997 of 27 November, without comment. (15/08/2025)
- Report of the Ministry of Social Rights, Consumer Affairs and the 2030 Agenda in accordance with the first paragraph of Article 26 (5) of Law 50/1997 of 27 November, with observations. (04/09/2025)
- Report by the Ministry of the Economy, Trade and Enterprise, in accordance with the first paragraph of Article 26 (5) of Law 50/1997 of 27 November, with comments. (26/09/2025)
- Report from the Ministry of Industry and Tourism, in accordance with the first paragraph of Article 26 (5) of Law 50/1997 of 27 November, with comments. (29/09/2025)
- Report of the National Commission on Markets and Competition, pursuant to Article 5 (2) of Law 3/2013 of 4 June. (16/10/2025)
- Report from the Ministry of the Interior, in accordance with Article 26 (5), first paragraph, of Law 50/1997 of 27 November, without comments. (13/02/2026)
- Report of the Ministerial Commission on Digital Administration of the Ministry for the Ecological Transition and the Demographic Challenge. (pending)
- Report from the Office for Coordination and Regulatory Quality of the Ministry of the Presidency, Justice and Relations with Parliament, in accordance with Article 26 (9) of Law 50/1997 of 27 November. (requested on 05/08/2025 and not yet received)

Annex IV contains the assessment of the observations received in the reports of the ministerial departments and public bodies.

( **e) Report of the Environmental Advisory Council (CAMA**)

In accordance with Article 19 of Law 27/2006 of 18 July, this draft Royal Decree was notified on 30 June 2025 at the meeting of the plenary session of the Environmental Advisory Council, without any comments having been received.

**f) Report of the Technical Secretariat-General of the Ministry for Ecological Transition and the Demographic Challenge.**

The report of the Technical Secretariat-General of this Ministry was issued on 5 February 2026, with comments on both the draft Royal Decree and this report.

The comments received on the text of the draft Royal Decree and their assessment are set out below:

- *'Article 7. Management targets for industrial waste oils, in addition to management targets, refers in paragraph 1 to separate waste collection. It is therefore recommended that a reference to the separate collection of industrial waste oils be added to the title of the article.*" Not acceptable. It is not considered necessary to mention the collection of oils in the title of the article since, in accordance with the definition of 'waste management' in Article 2 (n) of Law 7/2022 of 8 April 2007, collection is included in the concept of waste management. Furthermore, as it is mentioned that all industrial waste oils must be collected separately, the first paragraph of the article includes a target for the separate collection of these oils, which is to collect 100 % of these oils in this way.

- *'Article 11 provides that producers of products must register in the Register within 3 months of the entry into force of the Royal Decree and must provide a certificate of membership of an individual or collective extended producer responsibility scheme. With regard to the requirement of this certificate for registration, account should be taken of the content of the third transitional provision, which provides that producers of products must have one year to set up EPR systems or adapt existing ones."* It is not accepted since the obligation to comply with the extended producer responsibility obligations for industrial oils has already been required since 1 January 2007, in accordance with the provisions of the previous Royal Decree 679/2006 of 13 June, producers of products must already belong to an extended responsibility scheme. Therefore, at the time of registration in the Register of Producer Producers, producers must provide the certificate of membership of such schemes.

- *'Article 13 (1) (a), which refers to the obligations of the producer of the product, contains the following statement: 'To place on the market industrial oils or, where appropriate, packaged products...'. As these are producers of industrial oils, it should be clarified whether the reference to "... or, where appropriate,* *packaged products" refers to another type of product, or only to packaged industrial oil.' The wording has* been accepted and amended to clarify that the indication of packaged products refers to packaged industrial oil and not to other types of products.

- *Article 13 (1) (b) lays down as a general obligation for the producer of the product 'to draw up and implement business plans for the prevention of industrial oils where appropriate'. With regard to the term 'industrial oil prevention plan', it is considered appropriate either to delete the phrase 'industrial oils' or to change the wording in order to prevent oils from being interpreted as the object of prevention and to correctly express the aim of preventing the generation of waste industrial oils. Furthermore, it is recommended to unify the terminology to refer to these prevention plans throughout the Decree, if the plan regulated in Article 13 is the same "prevention plan" as those regulated in Article 14 "business prevention plans". If these are the same plans (despite the different names), and given that Article 14 lays down the obligation to draw up and implement prevention plans only for those placing more than 10 tonnes on the market per year, it is considered necessary to make an express reference in Article 13 to the provisions of Article 14 (1), since the literal wording of Article 13 implies imposing the obligation on all producers. Furthermore, it is recommended that the expression be used in both articles either in the plural or in the singular. The phrase 'industrial oils' has been accepted and deleted from* Article 13 (1) (b). Regarding the unification of terminology, it is partially accepted. In Article 13, reference is made in the singular to the obligation on producers who have placed on the market more than 10 tonnes of industrial oil to draw up and implement this plan in accordance with Article 14. Moreover, Article 14 mentions these plans in the plural because several producers may meet the conditions for drawing up and implementing these plans.

- *'Article 13 (4) states that the producer of the product leaving an extended collective responsibility scheme must, during the third quarter of the year, inform the system of origin, the new system into which it is incorporated or which it constitutes, and the Register of Producers of Products. However, Article 19 (9) states that a producer intending to switch to another collective extended responsibility scheme must inform the system of origin, the new system being set up or in which it is integrated and the Register of Producers of Products in the last quarter of the* ***year. It*** *is considered necessary to clarify the point in time at which the producer must provide information when he changes his collective system.*' It is accepted and indicated that it will be reported before the last quarter of the year in both articles. The deadline is not further specified because the aim of including this deadline is to give extended collective responsibility schemes time to manage the change of system, but there is no need to set a more specific deadline.

- *'Article 14 (3) (b) states that each producer of a product shall select the measures in the plan that it will implement and shall inform the collective extended producer responsibility scheme accordingly. It is suggested that the term "select" be replaced by another term that better expresses what is the duty of the producers of the product with regard to the measures contained in the prevention plans of the collective system".* Finding accepted. The term 'select' has been replaced and the wording of this article has been amended to clarify that the producer of the product must decide which measures in the business prevention plan it will implement.

- *'The second paragraph of Article 14 (4) on the submission of the report on the prevention plan does not clearly specify, in the case of collective schemes, who must draw up and submit the report, whether it is always the responsibility of the collective scheme, whether it is the responsibility of the producer of the product or whether both possibilities will be accepted*'. It is accepted and clarified that the report will be submitted by the collective extended responsibility scheme.

- *'Article 15 regulates the obligations not only of the producer of the product but also of the holders of waste. However, this article is included in Chapter II on the Extended Producer Responsibility Scheme. Unless the holders are in some way producers of the product, it would be recommended in order to avoid confusion to regulate the obligations of the holders outside this Chapter II dedicated exclusively to the responsibility of the producer of the product".* Partially accepted. For greater clarity in the regulation of obligations, it has been decided to delete Article 15 from Section 1a of Chapter II and to add it to a new Section 4a on the obligations of producers or holders of industrial waste oils, which is added to Chapter II. However, it is not considered appropriate to regulate the obligations of holders outside this Chapter II, because Law 7/2022 of 8 April requires that, when an extended producer responsibility scheme is established, the roles of all actors involved are defined. As a result of this amendment, the articles of the draft Royal Decree have been renumbered on the basis of Article 15 and the section of the MAIN has been adapted to reflect this remuneration.

- *Article 17 (3) provides that 'The financing of these voluntary actions shall not conflict with the activities of waste managers, and competition law shall apply to them. Consent shall never be included as a mandatory clause in the contract for the inclusion of producers in the collective scheme, nor shall it be required in order to remain in it.' It is recommended that this paragraph be worded more clearly so as to make it understandable, since it is not clear how or in what sense the financing of activities may conflict with an activity of waste managers*. Not acceptable. The proposed wording is that set out in Article 42 of Law 7/2022, of 8 April, as well as in other implementing legislation already approved regulating the financing obligations of extended producer responsibility schemes, such as Royal Decree 1055/2022, of 27 December, on packaging and packaging waste or Royal Decree 712/2025, of 26 August, on end-of-life tyres.

The observations made to MAIN together with its assessment are as follows:

- The MAIN index submitted does not have a section VI. Furthermore, MAIN does not indicate whether or not this project is included in the annual regulatory plan, with the justification for its non-inclusion. Finding accepted. Section VI of the MAIN has been included with the content of the Annual Regulatory Plan and, as a result, the various sections of the MAIN have been renumbered and the table of contents has been amended.

- The executive summary, processing section, contains a clerical error regarding the date of the report by the Ministry of Territorial Policy and Democratic Memory, which is 12 August, and not 3 October as shown. The error with the correct date is accepted and corrected.

- The entry into force section on page 8 indicates that the standard is linked to milestone 441 within reform C12.R2, it is suggested to revise this mention and delete it in case this draft regulation does not constitute a milestone of the Recovery and Resilience Plan. The reference to the Recovery, Transformation and Resilience Plan has been accepted and deleted, as the approval of this standard is not currently linked to compliance with milestone 441 of Reform C12.R2 of the Plan.

- Section II Content on page 11 indicates that the draft Royal Decree consists of five titles. However, the text of the draft legislation consists of four titles and it is therefore necessary to correct this aspect in the MAIN.' The error is accepted and corrected, indicating that there are four titles that make up the draft royal decree.

- In section "II Content" on page 19, there is an error as the content of the second final provision refers to the third final provision and vice versa. The two final provisions indicated are accepted and correctly mentioned.

- It is considered appropriate to assess the need to indicate in the 'Description of the procedure' section on page 24 that the draft legislation will be subject to procedure (EU) 2015/1535. *A new paragraph on the submission of the draft Royal Decree to the European Commission as a technical rule has* been accepted and added, in accordance with procedure (EU) 2015/1535.

**(h) Prior approval by the Ministry for Digital Transformation and the Civil Service, pursuant to the fifth paragraph of Article 26 (5) of Law 50/1997 of 27 November. (27/03/2026)**

The report of the Ministry for Digital Transformation and the Civil Service was issued on 27 March 2026, and prior approval was not granted due to a number of essential comments concerning both the draft Royal Decree and this report.

The comments received on the text of the draft Royal Decree and their assessment are set out below:

- Article 2 (f) contains a definition of *'producer of industrial waste oils'.* However, there are no subsequent references to the *'producer of industrial waste oils'* in the articles. Finding accepted. Although the titles of Section 4 of Title II and Article 23 of the Royal Decree refer to the obligations of producers or holders of industrial waste oils (in plural), those titles have been changed to refer to the producer of industrial waste oils in the singular so that it corresponds exactly to the term used in the definition. It proceeds in the same way with the holders of industrial waste oils and is also expressed in the singular.

- Article 9 (2) contains a general reference to Law 7/2022 of 8 April on the shipment of waste, but since this is specifically regulated in Articles 31 and 32, the draft legislation would be more precise if express reference were made to those legal provisions. Article 9 (2) is accepted and amended with an express reference to Articles 31 and 32 of Law 7/2022 of 8 April.

- In Article 12, the reference *to 'monitoring compliance with the obligations laid down in this Royal Decree and the functioning of extended producer responsibility*' could be replaced *by 'checking compliance with the obligations laid down in this Royal Decree and ensuring that the extended producer responsibility system complies with the requirements laid down in this Royal Decree (...)*'. This is not accepted, since Article 53 (1) (a) of Law 7/2022 of 8 April, entitled *'Information obligations for the control and monitoring of extended responsibility schemes', provides that producers* of products shall be obliged to provide, at least annually, information on the products they place on the market and the manner of compliance with the obligations of the extended producer responsibility scheme, indicating, where appropriate, the collective system. Therefore, the information to be provided in accordance with Article 12 of the Royal Decree is for the purposes of the control and monitoring of extended responsibility systems, not for the purpose of mere verification.

- Article 18 is *entitled 'Establishment and operation of collective extended producer responsibility schemes*', but its content is regulating the authorisation procedure, so the title of the article should refer to that authorisation procedure. In this regard, the regulatory technical guidelines state (Guideline 28) that *'Articles should bear a title indicating the content or subject matter to which they refer'.* Accepted and reference is made in the title of Article 18 to the authorisation of collective schemes. Similarly, the title of Article 17 refers to prior communication of individual systems.

- Article 18(1) States that "Producers *(...) shall constitute and authorise", however, it is up* to the corresponding Autonomous Community to authorise it. Article 18 (1) is accepted and amended to clarify that producers must apply for the corresponding authorisation in accordance with Article 50 of Law 7/2022 of 8 April.

- Article 18 (2) refers to the application for authorisation, but does not regulate where it must be submitted. In this regard, account should be taken of the rules laid down in Article 50 (2) of Law 7/2022 of 8 April on waste and contaminated soil for a circular economy, which provides that *'the application for authorisation shall be submitted to the competent authority of the Autonomous Community where the system intends to establish its registered office'. It is* therefore possible to supplement that legislative provision in the sense indicated or to make an express reference to that legal provision. It is accepted and included in Article 18 (2) that the application for authorisation must be submitted to the competent authority of the Autonomous Community where the system intends to establish its registered office.

- Reference is made to the possibility of extending the maximum period for processing the authorisation, but the maximum period for the extension is not specified. In this regard, it should be borne in mind that Article 23 of Law 39/2015 of 1 October 2013 provides that the extension of the maximum period may not exceed that laid down for the conduct of the procedure. Article 18 (5) is accepted and supplemented by specifying the deadline for the extension, which will be a maximum of six months.

- Given that the silence of refusal is established for the authorisation procedure, it would be appropriate to specify in the MAIN the provision or provision of Law 7/2022 of 8 April establishing the silence of refusal, since the MAIN only makes a generic reference to that law in relation to this point. Finding accepted. It is included in the description of the content of Article 18 of this report that administrative silence is to be rejected in accordance with Article 50 (2) of Law 7/2022 of 8 April.

- In Article 18(8), it would be more precise to say that "penalty proceedings shall be initiated by the competent authority of the Autonomous Community" instead of "proceedings shall be initiated by the Autonomous Community". In fact, the following paragraph refers to "the competent authority". The wording of Article 18 (8) has been accepted and amended as proposed.

- In the second paragraph of Article 20 (1), there is ‘that’ before ‘must be carried out in accordance with the aforementioned Royal Decree’. The “which” in Article 20 (1) is accepted and deleted.

- Article 21 (2) refers to ‘communication’, but it seems that it should be supplemented by ‘prior communication’. It is accepted and supplemented by ‘prior notification’ in Article 21 (2) and in Article 20 (2) (c).

- We note the repetitive content of Articles 22.2 and 18.2. Article 22 (2) is accepted and deleted as it is considered to be repetitive of Article 18 (2).

- Article 25.1 (2) refers to ‘cooperation agreements’ with public administrations. However, with Law 40/2015 of 1 October, this terminology disappears, referring simply to ‘agreements’. In line with this, Law 7/2022 of 8 April also refers to ‘agreements’ without more. ‘Cooperation’ has been accepted and deleted in the reference to the signing of agreements with public administrations.

- Article 27 regulates the system of penalties and therefore reference should be made to Laws 39 and 40 governing, respectively, the penalty procedure and the principles of the penalty procedure. This should include a legislative provision (a new paragraph 3) stating that *‘The provisions of Chapter III of the preliminary title of Law 40/2015 of 1 October on the Legal Regime for the Public Sector and Title IV of Law 39/2015 of 1 October shall also apply*’. Finding accepted. The wording of paragraph 1 has been revised in order to make it clearer that the entire system of penalties laid down in Law 7/2022 of 8 April applies, Article 112 of which refers to both laws, and it has been clarified in paragraph 2 concerning the system of penalties laid down in Law 21/1992 of 16 *July*, that the provisions of Title IV of Law 39/2015 of 1 October on the Common Administrative Procedure of Public Administrations and Chapter III of the preliminary title of Law 40/2015 of 1 October on the Legal System of the Sector also apply.

- The first transitional provision states that '*installations for the treatment of industrial waste oils and natural or legal persons operating such installations shall be adapted'* must be clarified, since its meaning cannot be understood by adding 'or natural or legal persons operating such installations'. In this regard, it seems that it will be the producers of industrial waste oils who will have to adapt to the regulation contained in this royal decree and request a review of their authorisations from the competent authorities. Not acceptable. The authorisation scheme provided for in Article 33 (1) and (2) of Law 7/2022 of 8 April provides that fixed installations where waste treatment operations are to be carried out and physical or legal installations carrying out waste treatment operations are subject to authorisation. Therefore, if it is necessary to adapt the treatment facilities in order to be able to comply with the provisions of the draft Royal Decree, it will be necessary to reflect these adaptations both in the authorisations of the treatment facilities and in those of the natural or legal persons managing these facilities.

- As regards the second paragraph of the third transitional provision, the wording could be improved if it were stated that *'Integrated systems for the management of industrial oils shall continue to be governed by the provisions of Royal Decree 679/2006 of 2 June regulating the management of industrial oils until they are brought into line with the provisions of this Royal Decree, in accordance with the provisions of paragraph 1'.* The wording of the second paragraph of the third transitional provision has been accepted and amended in accordance with the suggested wording.

- The first final provision amends the single transitional provision of Royal Decree 553/2020 of 2 June 2007, and in this regard it should be noted that what is being done is to amend its content, but that provision is not replaced, so instead of *'the single transitional provision is replaced'* it should be stated that *'the single transitional provision is amended'.* In paragraphs 1 and 2, the reference must be to the website associated with the Ministry, in accordance with Article 10 of the Regulation on the operation and functioning of the public sector by electronic means, approved by Royal Decree 203/2021 of 30 March. The wording suggested in the comment is accepted and amended.

- With regard to the single repealing provision, it should be borne in mind that Royal Decree 679/2006 of 2 June 2007 will continue to apply until the integrated systems for the management of industrial oils have been brought into line with the rules contained in the draft legislation, in accordance with the third transitional provision.
  Therefore, the wording of this repealing provision should be corrected and a legislative provision should be included with the following or similar wording: *'Until the end of the period for adaptation referred to in the third transitional provision, in accordance with the provisions of the third transitional provision, Royal Decree 679/2006 of 2 June 2007 regulating the management of industrial waste oils shall remain in force*.' Not acceptable. It is considered superfluous to include this provision since it is already included and the same is stated in the third subparagraph of the transitional provision. It is also considered that it would be confusing to include in a derogating provision a provision which is transitional.

In addition, the report of the Ministry for Digital Transformation and the Civil Service contains observations regarding the calculation of the administrative burdens resulting from the draft royal decree. Most of the proposed suggestions have been accepted and the section on administrative burdens in this MAIN has been revised accordingly. The following have not been considered administrative burdens of this draft Royal Decree:

- The electronic submission of documents, invoices or requirements in accordance with Article 19 (2) (c). This Article requires that the financial contribution paid by the producer of the product covers the collection and reporting of data. However, the provision of this information is regulated in Article 24.
- The submission of an electronic communication in accordance with Article 21 (1). This Article obliges a producer who opts for an individual extended responsibility scheme to present proof of subscription to the financial guarantee together with prior notification to the competent body of the Autonomous Community. However, the latter burden is already covered by Article 17 (1). However, the administrative burden has been reflected in the proof of the subscription of the financial guarantee by the individual schemes.
- All administrative burdens linked to Article 22 (2). At the proposal of the Ministry for Digital Transformation and the Civil Service, this article has been deleted as it is superfluous.

- The submission of an electronic communication in accordance with Article 24 (3). This Article obliges the Autonomous Communities to send information to the Ministry for the Ecological Transition, so it cannot be counted as an administrative burden, since only the administrative obligations imposed by the legislation on citizens and businesses are considered administrative burdens.
- The submission of an electronic communication in accordance with the first final provision, paragraph 4, amending Article 8.3 of Royal Decree 553/2020 of 2 June regulating the shipment of waste within the territory of the State. The report indicates that this amendment introduces a new prior notification obligation for certain subjects, indicating that it will be necessary to calculate the population data. However, this statement is not correct, since the persons required to submit the prior notification remain the same as those required, i.e. the operators of the shipment indicated in Article 8 (1) of Royal Decree 553/2020 of 2 June. This amendment to the Royal Decree containing the fourth final provision merely aims to specify certain information in the prior notification that is already required to be submitted. Specifically, this notification must specify the subsequent recovery or disposal facility in cases where the waste is destined for an intermediate treatment facility D08 or D09, as must this information when this intermediate treatment facility is a D13, D14 and R12 facility, as already provided for in the Royal Decree in its current version. As a result, no new administrative burden is created, but the information to be included in the prior notification that the operators of the shipment were already required to submit is specified.

**(h) Referral to the European Commission as a technical standard. (pending)**

Under Article 5 of 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, Member States must immediately communicate to the European Commission any draft technical regulation, except where it merely transposes the full text of an international or European standard, in which case information regarding that standard is sufficient.

Given that this draft Royal Decree involves the establishment of technical requirements, it has been decided, in compliance with this provision, to submit this draft to or to the procedure for the provision of information on standards regulated in Royal Decree 1337/1999 of 31 July regulating the provision of information in the field of technical standards and regulations and regulations relating to information society services, in order to comply with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015.

The draft Royal Decree was communicated to the European Commission via the Subdirectorate-General for International Relations of the Ministry for the Ecological Transition and the Demographic Challenge by e-mail dated XX XX 2026 and was available for comments from XX XX to XX XX 2026.

**(I) Opinion of the Council of State. (pending)**

## VI. ANNUAL REGULATORY PLAN

This draft Royal Decree was included in the 2025 Annual Regulatory Plan (hereinafter PAN) with the title: '*Draft Royal Decree on oils and lubricants and the management of their waste'*.

Given that this project has taken a long time to process, it was not possible to approve it in 2025, as provided for in the PAN. It should also be noted that, during the processing of this draft Royal Decree, it has been decided to amend the title compared to that contained in the PAN 2025 in order to comply with regulatory technical guideline No 7, so that the name of the provision makes it possible to identify it and describe its essential content. The new title is considered to accurately and precisely reflect the subject matter regulated.

## VII. ANALYSIS OF IMPACTS

### 1. Economic impacts.

The legal basis for the analysis of the economic impact is Article 26 (3) (d) of Law 50/1997 of 27 November and Article 2 (1) (d). Royal Decree 931/2017 of 27 October 1 regulating the regulatory impact assessment report.

In Spain, the industrial oils sector is made up of a heterogeneous group of companies, which place around 330.000 tonnes of industrial oils on the market per year.

According to the data provided by the two existing Extended Producer Responsibility schemes for industrial oils (SIGAUS and SIGPI), industrial waste oils are collected separately in their entirety, reaching a volume of approximately 190.000 tonnes that are collected annually.

Although the obligation imposed on producer responsibility organisations to subscribe to a financial guarantee as provided for in Article 51 of Law 7/2022 of 8 April 2007 in order to meet their responsibilities can be considered as an economic impact, and will have a limited impact on product producers, this guarantee will help to reduce the costs incurred by the competent administrations in the event of non-compliance with these obligations by the extended responsibility schemes.

Based on the information provided by SIGAUS, which is the producer responsibility organisation with the largest market share (approximately 86 %) and taking into account the existence of another integrated management system (SIGPI), the economic impact of the joint guarantee for these two systems (which should be 10 % of the average annual cost to the extended responsibility schemes of managing collected industrial waste oils) is estimated to be around EUR 950.000.

In order to determine the amount of this financial guarantee, the estimated total volume of waste oil collected annually (190.000 tonnes) and the average cost of managing the collected waste oil (EUR 50 per tonne according to the information provided by the extended responsibility schemes) have been taken into account. Thus, a total annual economic cost of EUR 9 500 000 is estimated. The amount of the joint financial guarantee for both systems would result from applying the expression of calculation contained in Royal Decree 208/2022 of 22 March 2011 on financial guarantees in the field of waste.

There is also a positive economic impact for the established collective extended producer responsibility systems, since the obligation to have an authorisation in each of the Autonomous Communities in which they are established has been replaced by the obligation to have a single authorisation, granted by the Autonomous Community in which the system has its registered office, covering operations throughout the national territory.

As regards the economic impact on the companies producing the product, the Royal Decree establishes that the financial contribution of the producers of the product to the extended responsibility schemes must cover the costs of separate collection, transport, analysis, storage and, when destined for regeneration, the processing of industrial oils they place on the market, as well as the costs of information and awareness-raising for the user and holder of the industrial waste oils and the collection and communication of data. Thus, the companies with the largest volume of product placed on the market will have to bear most of the financial liabilities arising from the application of this Royal Decree.

However, these obligations were already laid down in Royal Decree 976/2006 of 2 June, and therefore do not have a significant economic impact. As regards the new obligations introduced by this Royal Decree for product producers, they are to be entered in the corresponding section of the Register of Product Producers and to inform consumers of the environmental protection criteria taken into account at the stage of formulation and manufacture of the industrial oils they place on the market. However, it is considered that these new measures do not have a significant economic impact on the product producers.

As regards the impact on consumers, the standard will help to improve the characteristics of industrial oils and extend their shelf life, which will result in savings for the final consumer due to the reduced need to replace the oils they use.

Therefore, this Royal Decree is not expected to have a significant economic impact on the operators or groups directly affected by the proposal, as it does not incorporate substantial changes concerning the production and management of industrial oils and industrial waste oils, largely maintaining the framework established by Royal Decree 679/2006 of 2 June.

**2. Impact on market unity and competition**

The draft Royal Decree fully complies with the provisions of Law 20/2013 of 9 December 2013 on market unity. The new legislation will favour this unit, since one of the changes being made, pursuant to Article 50 (2) of Law 7/2022 of 8 April, is that, in order to operate at national level, collective extended responsibility schemes must be authorised exclusively by the competent authority of the Autonomous Community in which their head office is located, avoiding, as has been the case until now, the need for such schemes to have authorisation from each of the Autonomous Communities in which they operate. In the case of individual extended responsibility schemes, none are currently established on the basis of the provisions of Royal Decree 679/2006 of 2 June 2015.

Moreover, the project is consistent with market unity and does not distort competition. The principle of freedom to act throughout the national territory is respected, since no different requirements are imposed on grounds of territory and the same obligations are imposed on domestically produced industrial oils and those purchased in other Member States of the European Union or imported from third countries. In addition, the draft royal decree lays down measures to improve transparency throughout the life cycle of industrial oils. Finally, the information corresponding to the industrial oils section of the Register of Product Producers is accessible to the competent public administrations of all the Autonomous Communities, as well as to other control bodies, facilitating the monitoring and control of the functioning of the management system, which will have positive effects on market competition.

**3. Impact on the budget**

The analysis of the budgetary impact has been carried out in accordance with Article 26 (3) (d) of Law 50/1997 of 27 November and Article 2 (1) (d) (2) of Royal Decree 931/2017 of 27 October.

The project does not have a direct impact on the public expenditure of the General State Administration, both financial and non-financial, nor does it entail an increase in allocations or remuneration, since the instruments provided for in this Law will be implemented with the existing material and human resources, namely the following:

- Register of Product Producers: the section on industrial oils in the Register of Product Producers will be created using existing material and personnel.
- The electronic processing of administrative procedures and reporting obligations included in the Royal Decree.
- Inspection, surveillance and control services shall be carried out by existing staff or by means of agreements with other public administration bodies where necessary. As far as the General State Administration is concerned, these activities are associated only with compliance with the obligation to report to the Register of Producers of Products.

On the other hand, this draft legislation, by laying down the obligation imposed on extended producer responsibility organisations to take out the corresponding financial guarantees in order to meet any responsibilities incumbent on them, in compliance with Article 51 of Law 7/2022 of 8 April, as implemented by Articles 22 and 23 of this draft Royal Decree with regard to extended producer responsibility organisations, will help to reduce the cases in which the competent public administrations have to bear costs, as a result of the possible failure to comply with the obligations incumbent on producers through these extended producer responsibility schemes. The existence of properly endowed and constituted securities will ensure that these administrations are able to recover any costs they may incur as a result of such failure. In turn, this guarantee will make it easier for extended responsibility schemes to meet any financial liabilities that may be required of them by the administration.

## 4. Analysis of administrative burdens

The draft Royal Decree replaces Royal Decree 679/2006 of 2 June, which has been in force since 2006. With regard to the previous provision, the draft Royal Decree introduces new administrative burdens for producers of industrial oils, who are required to be entered in the industrial oils section of the Register of Product Producers and to notify the removal of the latter when their activity ceases, to provide regular information on placing on the market, to inform consumers about the environmental impact of their products and to make information on their production or commercial activity available to the public.

As regards the administrative burdens arising from setting up the extended producer responsibility system, Article 50 (2) of Law 7/2022 of 8 April introduces an amendment that reduces the administrative burden for collective extended responsibility systems by requiring a single authorisation of the system with national effects applied for before the Autonomous Community in which the system has its registered office, rather than an authorisation by each of the Autonomous Communities and cities in which the systems operate. Thus, instead of 19 authorisations to operate in the 17 autonomous communities and the two autonomous cities, only one authorisation will be required. Similarly, for individual extended responsibility schemes, Article 49 (1) of Law 7/2022 of 8 April also provides that they must submit a single notification prior to the start of their activities to the competent authority of the Autonomous Community in which their head office is located. It should also be borne in mind that the authorisation is valid for 8 years instead of 5 years, as laid down in Royal Decree 679/2006 of 2 June.

In addition, the signing of the corresponding financial guarantees by the producer responsibility organisations to fulfil any responsibilities incumbent on them constitutes a new administrative burden, although it will have to be submitted only once in the Autonomous Community where it has its registered office, instead of 19. The new requirement for collective extended responsibility schemes to set up a self-monitoring mechanism supported by independent audits to assess their financial management and the quality of the data collected and reported, as laid down in Article 16 (1) (h) of the draft Royal Decree, is also considered an

administrative burden. Finally, in the event that the business prevention plans are drawn up through the extended responsibility schemes, the draft Royal Decree obliges these schemes to submit these plans to the corresponding Autonomous Community and to inform the public about these plans.
In the case of the obligation to keep a register by producers of industrial oils that generate more than 500 l/year of these oils, laid down in Article 5.3 of Royal Decree 679/2006 of 2 June, this obligation, although not explicitly included in the draft Royal Decree, remains an administrative burden, in this case for all producers of industrial waste oils as it corresponds to the obligation for registered natural or legal persons to have a chronological file in accordance with Article 64 of Law 7/2022 of 8 April. This burden has thus been associated with Article 23 (1) of the draft Royal Decree, which requires compliance with the obligations laid down in Law 7/2022 of 8 April.

The following tables show a comparison of the administrative burdens of Royal Decree 679/2006 of 2 June 2007 and the burdens resulting from the implementation of the draft Royal Decree.

Burdens have been measured on the basis of the ‘Simplified method for measuring and reducing administrative burdens’. Shared System of Public Administrations’. The quantification of each administrative burden results from multiplying the unit cost of complying with the burden, the annual frequency with which it must be carried out and the population that must comply with the burden.

| **Administrative burdens of Royal Decree 679/2006 of 2 June.** | | | | | | |
|---|---|---|---|---|---|---|
| **Obligation administrative** | **Article** | **Load** | **Unit cost (EUR)** | **Frequency/ year** | **Population** | **Cost annual (EUR)** |
| Keeping books (prevention business plan) | 4 | 14 | 300 | 0,25 | 2 [1)] | 150 |
| Waste oil leak register | 5.3 | 14 | 300 | 1 | 50.000 [2)] | 15.000.000 |
| Face-to-face application to the AC for registration in the Waste Production and Management Register | 5.3 | 1 | 80 | — [3)] | 50.000 | 4.000.000 |
| Face-to-face application for authorisation in all the communities where it operates | 12.3 | 1 | 80 X 19 [4)] | 0,2 | 2 | 608 |
| Submission of information | 14.1 (a) | 8 | 2 | 1 | 2 | 4 |

| | | | | | | |
|---|---|---|---|---|---|---|
| on industrial oils placed on the market | | | | | | |
| Submission of information by waste oil managers | 14.1 (b) | 8 | 2 | 1 | 403 [5)] | 806 |
| Reporting by SGIs | 14.2 | 10 | 500 | 1 | 2 | 1.000 |
| Information on the costs of waste oil management in the price of the product. | DA 4A | 17 | 100 | 1 | 66.000 [6)] | 6.600.000 |
| **Annual cost of administrative burdens** | | | | | | **25.602.568** |

( [1)] the company prevention plans have been drawn up using the integrated management systems established, which in this case are two, as permitted by Article 4 (4) of Royal Decree 679/2006 of 2 June.

( [2)] estimated number of waste oil producers generating more than 500 litres per year and waste oil managers. The figure has been estimated on the basis of waste generation points where existing extended responsibility schemes collect used industrial oil and the operators linked to these schemes.

( [3)] in this case, the frequency does not count towards the final calculation. The frequency is defined in the methodological guide for the preparation of MAIN as 'the times in the year in which the procedure must be completed'. It is then specified that if the obligation is made when an event occurs, it is not multiplied by the population because the frequency and population are the same. In this case, entry in the Waste Production and Management Register is made only once.

( [4)] cost: The cost of the burden is multiplied by the 17 Autonomous Communities and the 2 Autonomous Cities, as the application must be submitted in all of them. In this case the authorisation is renewed every 5 years.

[(5]) waste oil operators adhering to existing integrated management systems.

[(6) the] invoices issued by the manufacturers of industrial oils have been estimated on the basis of the number of points at which industrial waste oils are generated, assuming that the industrial oils to be purchased to replace those which have become waste are purchased only once a year.

| Administrative burdens of the draft Royal Decree regulating industrial waste oils | | | | | | |
|---|---|---|---|---|---|---|
| **Obligation administrative** | **Article** | **Load** | **Unit cost (EUR)** | **Frequency/ year** | **Population** | **Cost annual (EUR)** |
| Registration of the producer in the industrial oils section of the Register of Producers of Products. | 11.1 | 13 | 50 | — [1)] | 279 [2)] | 13.950 |
| Provision of information upon registration | 11.2 | 8 | 2 | — [1)] | 279 | 558 |
| Notification of removal from the Register of Product Producers. | 11.4 | 6 | 2 | — [1)] | 279 | 558 |
| Electronic submission of proof of cessation of activity | 11.4 | 7 | 4 | — [1)] | 279 | 1.116 |
| Information obligations concerning the placing on the market of oils for industrial use | 12 | 8 | 2 | 1 | 279 | 558 |
| Information on environmental criteria in industrial oil production | 13.1 (g) | 17 | 100 | 1 | 279 | 27.900 |
| Keeping of books (prevention business plan) for more than 10 tonnes of industrial oil | 14 | 14 | 300 | 0,2 | 2 [3)] | 120 |
| Electronic submission of the prevention business plan to the AC | 14.4 | 7 | 4 | 0,2 | 2 | 1,6 |
| Information to the public on the business plan for prevention | 14.4 in fine | 17 | 100 | 0,2 | 2 | 40 |
| Information to managers by EPR systems | 15.1 (f) | 8 | 2 | 1 | 2 | 4 |
| Reporting on their activities of EPR systems | 15.1 (g) | 10 | 500 | 1 | 2 | 1.000 |
| Reporting by collective schemes. | 16.1 (f) | 10 | 500 | 1 | 2 | 1.000 |
| Independent audit for the self-monitoring mechanism | 16.1 (f) | 16 | 1.500 | 1 | 2 | 3.000 |
| Electronic submission for deregistration of the EPR system | 16.1 (g) | 6 | 2 | 1 | 2 | 4 |
| Communication of estimates of changes to the financial | 16.4 | 6 | 2 | 1 | 2 | 4 |

| | | | | | | |
|---|---|---|---|---|---|---|
| contribution | | | | | | |
| Prior communication of individual systems | 17.1 | 6 | 2 | — [1)] | 0 [4)] | 0 |
| Electronic submission of the financial guarantee subscribed by the individual systems | 17.1 | 7 | 4 | — [1)] | 0 | 0 |
| Keeping annual accounts of individual systems | 17.2 | 14 | 300 | 1 | 0 | 0 |
| Electronic application for a single authorisation by collective systems | 18.2 | 2 | 5 | 0,125 | 2 [5)] | 1,25 |
| Accreditation of the financial guarantee taken out by the collective schemes | 18.2 | 7 | 2 | 0,125 | 2 | 0,5 |
| Electronic communication of system change | 18.9 | 6 | 2 | 0,125 [6)] | 279 | 69,75 |
| Information to third parties on the invoice | 19.5 | 17 | 100 | 1 | 70.000 [7)] | 7.000.000 |
| Proof of financial guarantee subscription by individual schemes | 21.1 | 7 | 4 | — [1)] | 0 | 0 |
| Electronic time file for waste oils | 23.1 of RD and 64 of Law 7/2022 | 15 | 150 | 1 | 66.049 [8)] | 9.907.350 |
| Reporting by EPR systems | 24.1 | 10 | 500 | 1 | 2 | 1.000 |
| Electronic submission of summary report | 24.2 | 7 | 4 | 1 | 403 [9)] | 1.612 |
| Information on the costs of disposal of waste oils in the price of the product. | 25.4 | 17 | 100 | 1 | 279 | 27.900 |
| Submission of an application to adapt the authorisation | DT 1A | 2 | 5 | — [10)] | 30 [11)] | 150 |
| **Annual cost of administrative burdens** | | | | | | **16.987.897,1** |

( [1)] in this case, the frequency does not count towards the final calculation. The frequency is defined in the methodological guide for the preparation of MAIN as 'the times in the year in which the procedure must be completed'. It is then specified that if the obligation is made when an event occurs, it is not multiplied by the population because the frequency and population are the same.

( 2) producers of products that are members of existing extended producer responsibility schemes. Updated data from the webpages of the two existing Extended Responsibility Schemes have been taken.
( 3) it has been considered that all corporate prevention plans are drawn up through collective extended responsibility schemes.
( 4) there is currently no individual system of extended responsibility.
( 5) correspond to the two collective schemes that are set up.
( 6) it is considered that all producers of the product can request the change of scheme and that they do so once every 8 years.
( 7) commercial transactions for industrial oils placed on the market through collective extended producer responsibility schemes and for industrial replacement oils have been estimated on the basis of the number of points at which industrial waste oils are generated assuming that the industrial oils that they have to purchase to replace those that have become waste are purchased only once a year.
( 8) number of waste oil producers and operators linked to existing extended responsibility schemes. It has been estimated based on data from the webpages of the two existing EPR schemes.
(9) collection and treatment operators adhering to collective extended producer responsibility schemes.
( 10) if the treatment plants need to be adapted to comply with the draft royal decree, the permits for those plants must be amended to reflect the technical adaptations that have been made. The request to review the authorisation of the facilities is unique and must be made within one year of the entry into force of the Royal Decree.
(11) waste treatment facilities whose operators could request a review of the permit.

In short, the total saving on the administrative burdens entailed by the draft royal decree results from subtracting the burdens already in force under Royal Decree 679/2006 of 2 June (estimated at EUR 25.602.568) from those resulting from the new draft royal decree (estimated at EUR 16.987.897,1). The reduction of administrative burdens amounts to **EUR 8.614.670,9.**

It should be noted that, for public administrations, the existence of properly endowed securities constituted by extended liability schemes will ensure that they are able to recover any costs they may incur as a result of a possible failure to comply with the obligations arising from authorisations to operate, which would avoid, where appropriate, having to resort to enforced recovery or other forms of collection to cover the costs incurred.

**5. Impact by genero**

For the purposes of Article 19 of Organic Law 3/2007 of 22 March for effective equality between women and men and Article 26.3 (f) of Law 50/1997 of 27 November, the draft law does not contain any measure that is discriminatory on grounds of gender that could breach or undermine the principle of equal opportunities for women and men.

Similarly, the gender impact in relation to the elimination of inequalities between women and men and in relation to the achievement of equality policy objectives is also zero, in so far as no inequalities in these aspects can be deduced from the very purpose of the legislation or from its application.

Finally, the draft order is based on a situation in which there is no inequality of opportunity or treatment between men and women in this area and no change in this situation is envisaged.

In view of the above, the draft legislation is considered to have no gender impact.

**6. Impact on children and adolescents**

No impact is expected on children and adolescents, as a result of Article 22d of Organic Law 1/1996 of 15 January 1996 on the legal protection of minors, the partial amendment of the Civil Code and the Code of Civil Procedure, also introduced by Law 26/2015 of 28 July 2009 amending the system for the protection of children and adolescents, the draft legislation has no impact on children or adolescents.

**7. Impact on the family**

No impact on the family is foreseen in accordance with the Tenth Additional Provision of Law 40/2003, of 18 November, on the Protection of Large Families, introduced by the Fifth Final Provision of Law 26/2015, of 28 July, as it deals exclusively with organisational matters and does not have direct legal effects on natural persons.

**8. Impact on equal opportunities, non-discrimination and universal accessibility for persons with disabilities**

No impact is expected on equal opportunities, non-discrimination and universal accessibility for persons with disabilities, as provided for in the recast General Law on the Rights of Persons with Disabilities and their Social Inclusion, approved by Royal Legislative Decree 1/2013 of 29 November 2015 and Law 39/2006 of 14 December 2006 on the promotion of personal autonomy and care for persons in a situation of dependency.

## 9. Climate change impact

This draft royal decree has a positive impact due to climate change, insofar as regeneration is established as a priority option for the management of industrial waste oils. The regeneration of these oils makes it possible to avoid emissions from the production of virgin lubricant oils and involves less use of natural resources.

In addition, the regeneration of industrial waste oils reduces energy consumption, as the energy needed to regenerate oils is less than what would be needed to produce virgin oils from oil.

Finally, prioritising the regeneration of industrial waste oils over their energy recovery, as well as aligning with the circular economy, makes it possible to reduce greenhouse gas emissions from the combustion of these oils.

## 10. Other impacts

### 10.1. Environmental impact

The draft royal decree aims to reduce the adverse impacts on human health and the environment caused by the generation of waste industrial waste oils. In particular, the Royal Decree prioritises the treatment of this waste by regeneration, which is the option with the best environmental performance.

The main environmental benefits derived from this Royal Decree are those described in the previous section related to the reduction of greenhouse gas emissions and climate change mitigation. Furthermore, by promoting the regeneration of industrial waste oils, the draft royal decree strengthens the priority options of the waste hierarchy and favours the circular economy.

### 10.2. Impact on the development or use of digital government means and services

The use of electronic tools in the management of industrial waste oils has a positive impact on the professional sector of the producers of these products. Specifically, these producers will be required to register in the industrial oils section of the Register of Producers of Products, as provided for in Article 11, by electronic means, which makes it easier for them to comply with the obligation of these professionals to interact with the public authorities by electronic means and increases their effectiveness and efficiency. For public administrations, setting up the register electronically means making progress on the digital transformation of public administrations.

## VIII. EX POST EVALUATION

In accordance with Article 28 (2) of Law 50/1997 of 27 November and Article 3 of Royal Decree 286/2017 of 24 March regulating the Annual Regulatory Plan and the Annual Regulatory Evaluation Report of the General State Administration and creating the Regulatory Planning and Evaluation Board, it is considered that, due to the nature and content of the standard, it should not be subject to evaluation due to its results and, therefore, there are no ex post evaluation mechanisms.

# ANNEXES

## Annex I: Summary of comments received during the prior public consultation procedure

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
|---|---|---|---|---|---|---|
| 1 | ACITRE (Catalan Association of Special Treatment Facilities) | Association | General | From the point of view of Catalonia, Royal Decree 679/2006, where, since 1993, the legislation has already required all the waste oils produced to be regenerated, is shown to be a Royal Decree with much room for improvement in terms of ecological objectives and in terms of its alignment with the Circular Economy Strategy. | S | Finding accepted. More ambitious regeneration targets have been included. |
| 2 | ACITRE (Catalan Association of Special Treatment Facilities) | Association | Article 6 | The total installed regeneration capacity is in Spain higher than the tonnes of waste oil generated. It is therefore proposed to set a progressive increase of the current target to 100 % in the coming years. | P | Partially accepted. More ambitious regeneration targets have been included. It is not considered appropriate to set a regeneration target of 100 % to take into account the possibility of non-regenerable waste oils. |
| 3 | ACITRE (Catalan Association of Special Treatment Facilities) | Association | Article 3 | Definition of Regeneration: Treatment of waste oils to recover base oils, by physical and chemical processes that allow the separation of water, additives and their degradation products, asphalt fractions, light hydrocarbons and solvents, as well as other contaminants acquired in their use or handling; these include | P | Partially accepted. It is not considered appropriate to include a definition of regeneration, because it already exists in Law 7/2022 of 8 April 2011 on waste and contaminated soil for a circular economy. Requirements for |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
|---|---|---|---|---|---|---|
| | | | | vacuum fractional distillation processes to separate different base oils according to their viscosity and boiling point range, and which, complying with minimum specifications, are again suitable for the same initial use, in accordance with the quality standards and authorisations required by the legislation in force. | | regeneration treatment have been included in an annex |
| 4 | ACITRE (Catalan Association of Special Treatment Facilities) | Association | Article 3 | Definition of base oil from used oil: Products obtained in the regeneration of waste oils by fractional distillation, of different viscosities at boiling intervals, which enable industrial oils to be formulated, giving them their particular characteristics and meeting at least the following specifications:<br>• Water content = less than 0.1 % by weight (Karl Fisher)<br>• Acidity = less than 0.05 mg KOH/gr (ASTM D664)<br>• Ramsbottom carbon = less than 0.10 % (ASTM D4530)<br>• Colour (ASTM D1500) = less than 3,0 | P | Partially accepted. A definition of regenerated industrial oils is included and the technical specifications of regenerated bases are included in an annex |
| 5 | ACITRE (Catalan Association of Special | Association | Article 15 | Regeneration plants are currently around 65 % dry yield, so it is proposed to increase the minimum plant yield to 62 % regenerated waste oil. | P | Partially accepted. No minimum performance of the regeneration process is set. Instead, the minimum% to be used as lubricant |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
|---|---|---|---|---|---|---|
| | Treatment Facilities) | | | | | base for the formulation of industrial oils is specified. |
| 6 | ANGEREA (National Association of Automotive Waste Managers) | Association | Art. 6 | In the light of experience in recent years, it is suggested that the rate of regeneration of recovered waste oils be increased to 75 %. | S | Finding accepted. More ambitious regeneration targets and a progressive increase of these targets until 2030 have been set |
| 7 | ANGEREA (National Association of Automotive Waste Managers) | Association | Article 3 | With regard to the definition in Article 2 (m) 'base oil from used oil', it is suggested that this definition should be further specified, specifying:<br>• Minimum regeneration process performance of 60 %,<br>• Minimum technical characteristics:<br>o Water content = less than 0.1 % by weight (Karl Fisher)<br>o Ramsbottom carbon = less than 0.10 % (ASTM D4530)<br>o Acidity = less than 0.05 mg KOH/gr (ASTM D664)<br>o Colour (ASTM D1500) = less than 3,0 | P | Partially accepted. A definition of industrial regenerated oils is included and the technical specifications of regenerated bases are included in an annex. In terms of process performance, no minimum performance is set. Instead, the minimum% to be used as lubricant base for the formulation of industrial oils is specified. |
| 8 | ANGEREA (National Association of Automotive Waste | Association | Article 22 | The revision of RD 679/2006 should solve the problems related to the financing and calculation of targets for oils contained in end-of-life vehicles and in waste electrical and electronic equipment, due to the fact that: | S | Finding accepted. Management objectives are set that apply to all industrial waste oils regardless of the flow in which they are generated. However, industrial |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
|---|---|---|---|---|---|---|
| | Managers) | | | The regulations on the management of ELVs and WEEE excluded the financing that had been carried out on the oils contained in this waste, and a funding gap has therefore been created.<br>Furthermore, the calculation of management objectives is based on the regulation of ELVs and WEEE, but not on Royal Decree 679/2006. That is to say, the oil contained in an ELV must meet the objective of recovering the entire ELV or WEEE and not the oil. | | regenerated oils also count towards meeting the assessment targets laid down in the WEEE and ELV legislation. The financing of the collection and treatment of industrial waste oils covered by other extended producer responsibility schemes should be covered by these schemes. |
| 9 | ANIAGA (National Association of Authorised Waste Industrial Oil Managers) | Association | Article 1.1 | In order to correctly define the scope in terms of the waste to be managed, we suggest adding a table xxx detailing the list of the LER codes that are the subject of provisions contained in this Royal Decree. Currently, it is the SGI itself which establishes that LER finances and which does not. | S | Finding accepted. LER codes have been included to sort waste. |
| 10 | ANIAGA (National Association of Authorised Waste Industrial Oil Managers) | Association | Article 1.2 | Establish the generation coefficient on the basis of available statistical data (the figure of 40 % used is obsolete). | N | We do not consider it necessary to establish a waste oil generation coefficient in the Royal Decree. |
| 11 | ANIAGA | Association | Article 2 | • Change “manufacturer” to “producer and | P | Partially accepted. The definition of |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
|---|---|---|---|---|---|---|
| | (National Association of Authorised Waste Industrial Oil Managers) | | | importer”.<br>• In any case, oil residues corresponding to the LER codes shown in Table xxx are included in this definition.<br>• “collector”: Manager who, taking ownership of the waste, carries out waste oil collection operations.<br>• “fuel fabrication”: Manufacture by final treatment of waste oils, ensuring compliance with Order APM/205/2018 of 22 February 2006 establishing the criteria for determining when processed waste oil from the treatment of waste oils for use as fuel ceases to be waste. | | a product producer, which includes the importer of industrial oils, has been introduced. The LER codes for waste that can be regenerated are included. Definitions already included in other waste legislation are not included. |
| 12 | ANIAGA (National Association of Authorised Waste Industrial Oil Managers) | Association | Article 2 | Add Waste Oil Producer’.<br>‘Holder of waste oils’.<br>‘Extended Producer Responsibility Scheme’. | P | Partially accepted. The definition of a product producer, which includes the importer of industrial oils, has been introduced. The LER codes for waste that can be regenerated are included. Definitions already included in other waste legislation are not included. |
| 13 | ANIAGA (National Association of Authorised Waste | Association | Article 4 | Adding: The prevention measures must take into account the provisions of the waste prevention programmes that the public administrations, within their respective spheres of competence, determine, as stipulated in | S | Finding accepted. Prevention measures are established in line with the provisions of Law 7/2022 of 8 April 2011 on waste and contaminated soil for a circular |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
|---|---|---|---|---|---|---|
| | Industrial Oil Managers) | | | Article 14 of the Draft Law on Waste and Contaminated Soil. | | economy. |
| 14 | ANIAGA (National Association of Authorised Waste Industrial Oil Managers) | Association | Article 5 | In line with Article 29 of the Draft Law on Waste and Contaminated Soil. | S | Finding accepted. The proposal for a Royal Decree provides for the provisions of Article 29 of Law 7/2022 of 8 April. |
| 15 | ANIAGA (National Association of Authorised Waste Industrial Oil Managers) | Association | Article 11 | In line with Chapter II of Title IV of the Draft Law on Waste and Contaminated Soil.<br>It is important to conclude agreements with other Extended Producer Responsibility Schemes to ensure the financing of 100 % of management operations to ALL managers. In other Liability Systems, the majority of SGIs take over the funding and then assign their responsibilities to other SGIs.<br>Suggestion: what about the financial “stock exchange” that Liability Systems have at the end of the year? | P | Partially accepted. It is possible to establish agreements with other Extended Producer Responsibility schemes for industrial oils. As regards the use of funds, there is an obligation to justify and audit the revenue and expenditure of the EPR systems, as well as to justify that they are used exclusively for the fulfilment of EPR obligations that the system has assumed. |
| 16 | ANIAGA (National Association of Authorised Waste | Association | Article 13 | Extended Liability Schemes for producers of waste oils shall be financed by producers of industrial oils contributing a quota per kilogram of oil placed on the national market for the first time and covering the full cost of fulfilling the | N | Not acceptable. In accordance with Law 7/2022 of 8 April 2015, it should be the EPR system that establishes the methods for calculating and assessing the |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
|---|---|---|---|---|---|---|
| | Industrial Oil Managers) | | | obligations assumed by the scheme. The charge established in accordance with paragraph 1 of this Article shall not be invoiced separately but shall be included in the final price of the lubricant. Nor will it be possible for holders of waste oils to pass it on to end users and consumers ('polluter pays' principle). | | amount of the contribution, so as to cover the total cost of fulfilling the obligations assumed by the system. |
| 17 | ANIAGA (National Association of Authorised Waste Industrial Oil Managers) | Association | Add articles | • On the delivery of waste oils to authorised operators. Separate collection. Conditions for temporary storage of waste oils at transfer centres.<br>• On the manufacture of fuels from waste oils.<br>• On the manufacture of bases from industrial waste oils (end-of-waste OM). | S | Finding accepted. It includes requirements for the management of industrial waste oils, which must also comply with those laid down in Law 7/2022 of 8 April 2007.<br><br>Requirements are laid down for oil regeneration treatments.<br><br>It has been clarified that the use of treated industrial waste oil as a product to produce fuel is permitted only when it complies with Order APM/205/2018 of 22 February 2006 establishing the criteria for determining when processed waste oil from the treatment of waste oils for use as fuel ceases to be waste. |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptanc e Y/P/N | Valuation |
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| 18 | ANIAGA (National Association of Authorised Waste Industrial Oil Managers) | Association | First additional provision | Oils from armed forces. Under the same conditions as other industrial oils | S | Finding accepted. These oils are not excluded from the scope of the proposed Royal Decree. |
| 19 | ANIAGA (National Association of Authorised Waste Industrial Oil Managers) | Association | To be taken into consideration | Given that the costs associated with the management of industrial waste oils are very sensitive to oil fluctuations, review formulas associated with such fluctuations are considered necessary for the calculations of financing by Extended Producer Responsibility Schemes. | N | Not acceptable. It should be up to the EPR systems to take this into account in their funding calculation methods. |
| 20 | ANIAGA (National Association of Authorised Waste Industrial Oil Managers) | Association | To be taken into consideration | Preventive policy against the fraudulent management of waste oils: action is taken to prevent the financial resources made available to finance waste management operations from ultimately financing malpractices. Extended Producer Responsibility Collective Systems may not finance any waste oil management operation at any position in the process where the principle of management (collection) provides for payments in cash or in kind to the waste producer or holder. | N | Not acceptable. It is included that EPR systems must justify the expenditure of the system and that this expenditure has been used exclusively for the fulfilment of EPR obligations. It is also necessary to specify the costs associated with each of the actions carried out by the system as part of its obligations. |
| 21 | Directorate- | Public | Article 14 | In order to facilitate the control work of the | P | Partially accepted. The data to be |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
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| | General for Climate Change and Environmental Education. AC Aragon | Administration – CA | | competent bodies of the Autonomous Community, it is proposed that in paragraph 3 of the Article a reference be made to the fact that the information included in Annex I must be presented in a format compatible with its processing by means of a spreadsheet. (whether or not a standard paper "model" is shown in Annex I, this format must be in spreadsheet form and we should try to unify it among all the Autonomous Communities) | | provided are indicated and a table with the fields to be reported is provided. |
| 22 | Directorate-General for Climate Change and Environmental Education. AC Aragon | Public Administration – CA | Annex I | Irrespective of whether the content of the information to be provided by the operators is displayed, such as a form, it is proposed that this information be in a format compatible with spreadsheet and that the information be unified for all the Autonomous Communities, containing the following table of contents:<br>1. List of producers belonging to the SCRAP in the Autonomous Community<br>2. Registrations and withdrawals of producers with a company name in C.A.<br>3. Oil Place on the AC market<br>4. List of establishments collecting oils and collectors operating in the Autonomous Community<br>5. List of managers operating in the | P | Partially accepted. The data to be provided are indicated and a table with the fields to be reported is provided. |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
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| | | | | Autonomous Community<br>6. Management summary in accordance with section C of Annex I to Royal Decree 679/2006<br>7. Management of waste oil generated in the AC.<br>8. Objectives (this section is self-filled in the spreadsheet based on the information provided in the previous ones. | | |
| 23 | ASEGRE (Association of Waste Management Companies and Special Resources) | Association | Article 2 (m) | In the light of experience in the management of waste oils and the state of the art of treatment of this waste, it is considered that the regeneration target should be raised to 75 %. | S | Finding accepted. More ambitious regeneration targets have been included and are progressively increased. All quantitative targets set exceed 75 % regeneration |
| 24 | ASEGRE (Association of Waste Management Companies and Special Resources) | Association | Article 8 (c) | The definition of 'base oil from used oil' should be specified with a minimum process yield target of 60 %, and with the following technical characteristics:<br>· Water content = less than 0.1 % by weight (Karl Fisher)<br>· Acidity = less than 0.05 mg KOH/gr (ASTM D664)<br>· Ramsbottom carbon = less than 0.10 % (ASTM 4530)<br>· Colour (ASTM D1500) = less than 3,0 | P | Partially accepted. A definition of industrial regenerated oils is included and the technical specifications of regenerated bases are included in an annex. Partially accepted. No minimum performance of the regeneration process is set. Instead, the minimum% to be used as lubricant base for the formulation of industrial oils is specified. |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
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| 25 | ASELUBE (Spanish Lubricants Association) | Association | Article 1 and Article DA 1 (a). | It should be made clear that the standard applies **to all industrial oils** covered by the concept (namely those used by any public administration, including the army and law enforcement agencies), unless they are covered by other EPR legislation (e.g.: electric and electronic vehicles and equipment). This would mean removing from the new legislation the current DA 1a of Royal Decree 679/2006, which refers to waste oils from the armed forces. Furthermore, for reasons of legal certainty, it should be made clear that MARPOL oils are excluded from this standard, as they already have their own specific regulations. | S | Finding accepted. The proposed RD excludes MARPOL oils, PCB-containing oils and process oils. Other industrial oils, including those used by public administrations, are included in the scope. |
| 26 | ASELUBE (Spanish Lubricants Association) | Association | Art. 15 and Annex I.F | For the sake of legal certainty, the **technical requirements for the management of waste oils by regeneration should be regulated more precisely,** so that these requirements are sufficient to ensure a high quality of the regenerated bases obtained after the process. Improving the quality of the regenerated bases is absolutely essential in order to be able to include them, or even increase their use, in lubricant formulations, making it possible to guarantee the necessary technical characteristics. Otherwise, the use of unsuitable | S | Finding accepted. Requirements are laid down for treatments and for materials resulting from regeneration. Those requirements make it possible to ensure that the characteristics of the reclaimed bases are equivalent to those of the non-waste bases which they replace. |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
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| | | | | bases leads to greater material wear and tear, higher energy consumption, higher emissions and, finally, a faster degradation of the lubricant, which prevents better use of existing resources. Similarly, those technical requirements must be designed to demonstrate the end-of-waste status of reclaimed bases, in a similar way to the technical requirements laid down in the management of waste oils for the production of fuel. | | |
| 27 | ASELUBE (Spanish Lubricants Association) | Association | Article 4 | The obligation to identify the contribution of industrial oils placed on the market to the SCRAP on an invoice and on a separate line should be maintained, as a particularly important measure for monitoring fraud and preventing unfair competition between producers. This obligation should be imposed throughout the marketing chain, up to the final consumer; and, for greater legal certainty, it should appear in the articles (as has been done in the draft Royal Decree on Packaging), rather than in an additional provision, as is the case in the current Royal Decree 679/2006. | S | Finding accepted. It is included that invoices associated with commercial transactions for industrial oils placed on the market through collective extended producer responsibility schemes should identify separately the contribution made to the scheme and that it should be identified throughout the supply chain to the final consumer. |
| 28 | ASELUBE (Spanish Lubricants | Association | Article 4 | Provision should be made for anti-fraud measures similar to those already provided for in the legislation on EEE: control of imports | S | Finding accepted. Product producer is defined to include importers of industrial oils. These |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
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| | Association) | | | through the customs services, so that customs clearance of the goods is not authorised until it is verified that the importer is entered in the register for the industrial oils imported. | | product producers must be entered in the Register of Producers of Products. |
| 29 | CATOR S.A | Company | Royal decree | Experience gained since the entry into force of RD 679/2006 shows that the standard may be much more ambitious in its ecological objectives and should also be more precise in preventing other management modes from being considered 'regeneration' that are not regeneration and do not recover the primary material for its initial use. It is also an opportunity to align the law with the Spanish Circular Economy Strategy by improving the efficiency of its resources. | S | Finding accepted. More ambitious targets are proposed, gradually increasing in line with the circular economy strategy. |
| 30 | CATOR S.A | Company | Article 2 (g) | The definition should make it explicit that regeneration includes a fractional vacuum distillation process, to separate the different base oils from each other, according to their viscosity and boiling range, and that the oils must meet the specifications indicated below (Articles 2 (m) and Article 9 (1)).<br>Proposal: "Regeneration" means: Treatment of waste oils to recover base oils, by physical and chemical processes that allow the separation of water, additives and their degradation products, | P | Partially accepted. It is not considered appropriate to include a definition of regeneration, because it already exists in Law 7/2022 of 8 April 2011 on waste and contaminated soil for a circular economy. Requirements for regeneration treatment have been included in an annex |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
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| | | | | asphalt fractions, light hydrocarbons and solvents, as well as other contaminants acquired in their use or handling; these include vacuum fractional distillation processes to separate different base oils according to their viscosity and boiling point range, and which, complying with the minimum specifications indicated in paragraph (m), are again suitable for the same initial use, in accordance with the quality standards and authorisations required by the legislation in force. | | |
| 31 | CATOR S.A | Company | Article 2 (m) | Specifications should be explicitly included and shall identify them and differentiate them from products obtained by processes other than regeneration and, in particular, the maximum values for colour, acid index, Ramsbottom carbon and water content. These specifications should be measured using the ASTM standards for base oils, which are those internationally used in the trade and regulation of base oils. Proposal: 'Base oil from used oil' means: Products obtained in the regeneration of waste oils by fractional distillation, of different viscosities at boiling intervals, which enable industrial oils to be formulated, giving them their particular characteristics, and which meet at | P | Partially accepted. A definition of regenerated industrial oils is included and the technical specifications of regenerated bases are included in an annex |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
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| | | | | least the following specifications:<br>• Water content = less than 0.1 % by weight (Karl Fisher)<br>• Acidity = less than 0.05 mg KOH/gr (ASTM D664)<br>• Ramsbottom carbon = less than 0.10 % (ASTM D4530)<br>• Colour (ASTM D1500) = less than 3,0 | | |
| 32 | CATOR S.A | Company | Article 8 | According to the data published by SIGAUS in its latest published report (2020), 74 % of waste oils managed were regenerated in Spain. This figure is achieved, among other reasons, thanks to Catalonia’s legislation requiring 100 % of waste oils to be regenerated, with a strong commitment to the circular economy of this waste.<br>Proposal: Taking into account that the installed regeneration capacity in Spain exceeds the total tonnes generated of this waste in the territory, and that in some countries and Autonomous Communities 100 % of the waste oils generated are already regenerated, it is proposed to increase the national regeneration target to at least 85 % of the waste oil generated. | s | Finding accepted. More ambitious targets are proposed, gradually increasing to 90 % by 2030. |
| 33 | CATOR S.A | Company | Article 9 | The best available techniques make it possible | P | Partially accepted. No minimum |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
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| | | | | to ensure that there are no technical reasons for not increasing the minimum dry yield in base oils above 60 %.<br>Proposal: Increase from 55 % to 62 % of regenerated waste oil. | | performance of the regeneration process is set. Instead, the minimum% to be used as lubricant base for the formulation of industrial oils is specified. |
| 34 | CATOR S.A | Company | Article 9 | It is proposed to add a paragraph 4, obliging reclamation plants to market at least 30 % of their produced bases to lubricant manufacturers. Thus ensuring an effective circular economy.<br>It should be noted that not all viscosities of base oil resulting from regeneration can be used as a lubricant. But a minimum of 30 % already guarantees that this plant is producing a product suitable for initial use. | N | Not acceptable. Instead, it is stipulated that a minimum percentage of the product resulting from regeneration is to be used as lubricant bases for the production of industrial oils. |
| 35 | CATOR S.A | Company | Article 9 | It is proposed to add a paragraph 5, obliging reclamation plants to submit annually to the competent authority a report of their activity, justifying the obligations indicated in this Article and, in particular, the yield and its specific calculation, the destination of the products produced and the specifications of the base oils obtained. | S | Finding accepted. The text includes the obligation to comply with the information requirements of Law 7/2022 of 8 April 2007, which include a report specifying the destination of the materials resulting from the processing operations. |
| 36 | CATOR S.A | Company | Article 13.2 | Currently, activities are being financed under the umbrella of 'pre-treatment, secondary treatment and other forms of recycling' where | S | Finding accepted. The proposal for a Royal Decree states that no additional funding will be granted |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
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| | | | | the final destination of these oils is energy recovery plants. Regeneration is the only process that meets the circular economy criterion, making used oil, toxic and hazardous waste, a raw material suitable again for its initial use, the manufacture of new lubricants. It is also the most technically and environmentally complex process with the greatest investment and cost, and therefore, in order to make a reasonable profit, it is covered and financed by the integrated management systems.<br>Proposal: No funding for upstream, secondary or other forms of recycling as these are not activities with a management deficit and none of them is necessary for the regeneration of oils (priority and environmentally more sustainable management pathway). In addition, pre-treatment, secondary treatment and other forms of recycling are used to fund energy recovery treatments.<br>Experience gained over 25 years in Catalonia where only regeneration is allowed, indicates that 100 % of oils can be managed without any alternative method and therefore eligible for funding. | | for energy recovery or for the treatment of industrial waste oils for conversion into fuel. |
| 37 | SERTEGO | Company | Article 2 (f) | As a definition of regeneration it is proposed to: | P | Partially accepted. It is not |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
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| | | | | Treatment of waste oils to recover base oils, by physical and chemical processes that allow the separation of water, additives and their degradation products, asphalt fractions, light hydrocarbons and solvents, as well as other contaminants acquired in their use or handling; these include vacuum fractional distillation processes to separate different base oils according to their viscosity and boiling point range, and which, complying with the minimum specifications indicated in point 2, are again suitable for the same initial use, in accordance with the quality standards and authorisations required by the legislation in force. | | considered appropriate to include a definition of regeneration, because it already exists in Law 7/2022 of 8 April 2011 on waste and contaminated soil for a circular economy. Requirements for regeneration treatment have been included in an annex |
| 38 | SERTEGO | Company | Article 2 (m) | How the definition of lubricant base is proposed: Products obtained in the regeneration of waste oils by fractional distillation, of different viscosities at boiling intervals, which enable industrial oils to be formulated, giving them their particular characteristics, and which meet at least the following specifications:<br>Water content = less than 0.1 % by weight (Karl Fisher)<br>Acidity = less than 0.05 mg KOH/gr (ASTM D664) | P | Partially accepted. A definition of regenerated industrial oils is included and the technical specifications of regenerated bases are included in an annex |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptanc e Y/P/N | Valuation |
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| | | | | Carbonaceous residue = less than 0.10 % (ASTM D4530)<br>Colour (ASTM D1500) = less than 3,0 | | |
| 39 | SERTEGO | Company | Article 8 (c) | The current Waste Oils Royal Decree includes a regeneration target of 65 %. The Royal Decree also states that this target should have been revised, but no such revision has been carried out to date.<br>In many EU countries this percentage has already been established over the years and is higher than the 65 % target we currently have in Spain.<br>Although Spain currently has a target of at least 65 %, the figure is 72-74 %.<br>In Spain, there is capacity to regenerate 100 % of the industrial waste oil produced, so we believe that the minimum target for regeneration by industrial oil manufacturers should be progressively increased as follows:<br>By 1 January 2023: 80 %<br>By 1 January 2025: 85 %<br>By 1 January 2027: 90 %<br>In Spain there are regions where the minimum regeneration target is not met (65 %) and other regions where 100 % is reached. In order to achieve these new objectives, both collectors | S | Finding accepted. Regeneration targets are included, gradually increasing to 90 % by 2030. |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
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| | | | | and intermediate managers should be required to prove to the competent authority that a percentage equal to the environmental objective has been used for regeneration. | | |
| 40 | SERTEGO | Company | Article 9.2 | Due to the technological improvements that have taken place over recent years, we propose that the dry yield be increased from 55 % at present to 60 %, i.e. it is proposed that regenerators should justify compliance with 60 % as an average on an annual basis, dividing the tonnage of base oils sold by the managed waste oil (discounting water and sediment). | P | Partially accepted. No minimum performance of the regeneration process is set. Instead, the minimum% to be used as lubricant base for the formulation of industrial oils is specified. |
| 41 | SERTEGO | Company | Article 13 | The regulations on the management of ELVs and WEEE excluded the financing that had been carried out on the oils contained in this waste, and therefore created a funding gap.<br>The calculation of management objectives is also due to the regulation of ELVs and WEEE, but not of RD679/2006. That is to say, the oil contained in an ELV must meet the objective of recovering the entire ELV or WEEE and not the oil.<br>The revision of RD679/2006 should solve these two identified problems. | S | Finding accepted. Management objectives are set that apply to all industrial waste oils regardless of the flow in which they are generated. However, industrial regenerated oils also count towards meeting the assessment targets laid down in the WEEE and ELV legislation. The financing of the collection and treatment of industrial waste oils covered by other extended producer responsibility schemes should be |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
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| | | | | | | covered by these schemes. |
| 42 | SIGAUS (Waste Oil Management System) | Association | Article 1 and First Additional Provision | It should be specified that the standard applies to all industrial oils covered by the concept (specifically, those used by any public administration, including the army and law enforcement agencies), unless they are covered by other extended producer responsibility (EPR) regulations (e.g.: electric and electronic vehicles and equipment). This would mean removing from the new legislation the current DA 1a of Royal Decree 679/2006, which refers to waste oils from the armed forces.<br>In addition, for reasons of legal certainty, it should be specified that MARPOL oils are excluded from the scope of this standard, as they already have specific regulations.<br>In view of the above, SIGAUS proposes to include in Article 1:<br>Industrial oils covered by another legislation regulating a waste stream subject to an extended producer responsibility scheme are excluded from the scope. MARPOL oils are also excluded from this standard. | S | Finding accepted. The proposed RD excludes MARPOL oils, PCB-containing oils and process oils. Other industrial oils, including those used by public administrations, are included in the scope. |
| 43 | SIGAUS (Waste Oil | Association | Article 4 | As with other legislation regulating waste streams subject to the EPR system, thresholds | P | Partially accepted. Thresholds have been set to determine when |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
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| | Management System) | | | should be set to determine in which cases manufacturers are required to draw up business prevention plans (PEPs), so that they are only required from a certain quantity of oils placed on the market.<br>In addition, the particularities should be specified for cases of imports and intra-Community acquisitions, where the possibility for manufacturers to put in place prevention measures is more limited.<br>In the light of the above, SIGAUS, with a view to improving legal certainty in the enacting terms of Royal Decree 679/2006, proposes that the following be incorporated into Article 4:<br>(I) Setting thresholds to define in which cases producers are obliged to produce PEPs. This is without prejudice to the fact that this obligation can be fulfilled through a collective EPR system.<br>(II) Define the particularities for cases of import and intra-Community acquisition of industrial oils. | | a plan for the prevention of industrial waste oils should be drawn up. No specific requirements are laid down for purchase and import, as it is considered that they should apply the same requirements. |
| 44 | SIGAUS (Waste Oil Management System) | Association | Articles 6, 12 and 13 | Given the time that has elapsed since RD 679/2006 was approved, it is clear that this regulation became obsolete following the entry into force of Law 22/2011, and must therefore | S | Finding accepted. The proposal for a Royal Decree is in line with the provisions of Law 7/2022 of 8 April 2007 and Royal Decree 208/2022 |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
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| | | | | be adapted to the general extended producer responsibility scheme regulated in that Law and in the new draft law that is about to be approved. In particular:<br>— To adapt the scheme to the new single authorisation to be granted by the Autonomous Community or City of the seat of the SCRAP (in this case, by the Community of Madrid) and new obligations of the SCRAP (in particular, the new financial guarantees that will be required for all the RAP systems) and;<br>— In any event, the regulation of SCRAP's financial obligations must make it possible to maintain the current system (essentially as regards payment to waste oil managers), which SIGAUS has successfully implemented since the start of its activities.<br>On the basis of the above, SIGAUS proposes that this comment be taken into account in the amendment to RD 679/2006. | | of 22 March 2007 on financial guarantees in the field of waste with regard to the single permit and financial guarantees. |
| 45 | SIGAUS (Waste Oil Management System) | Association | Article 8 | Any revision of targets (mainly regeneration targets) should be done in accordance with rigorous and verified technical criteria and, as far as possible, these new targets should be aligned with those set in other Member States (as they are not set in directives). | P | Partially accepted. Regeneration targets have been updated in the light of available information. The Autonomous Communities must meet these targets with the industrial waste oils generated on |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
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| | | | | In any case, for the calculation of regeneration targets, the list of LER Codes of non-regenerable industrial waste oils shall be reviewed and updated. Similarly, the objectives must correspond to the definitions of the various waste management operations laid down in the basic State legislation (removing obsolete terms such as 'recovery').<br>In relation to the above, a methodology must be established for meeting objectives at Autonomous Community level, which is different from the criterion of placing on the market in each Autonomous Community, since this is a data that is impossible to determine precisely.<br>If a percentage of waste oil generation is established in relation to industrial oils placed on the market, that percentage should be calculated in accordance with reasoned technical criteria and, in any event, taking into account the reference values for the calculation of waste oils generated, set out in Table 4 of Annex VI to Implementing Decision (EU) 2019/1004.<br>Finally, it should be established that the same waste oil management targets provided for in this standard will also be required for the oil | | their territory. The LER codes for oils suitable for regeneration have also been included. Criteria are established for input materials, treatments and resulting materials, thus clarifying when a used industrial oil can be considered as regenerated for the purpose of meeting the targets.<br>It has been established that the targets set apply to all industrial waste oils, including those financed under extended producer responsibility schemes other than that established in the proposal for a Royal Decree. |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
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| | | | | streams regulated in other EPR standards. | | |
| 46 | SIGAUS (Waste Oil Management System) | Association | Article 9 | For the sake of legal certainty, the technical requirements for the management of waste oils by regeneration should be regulated more precisely, so that these requirements are sufficient to ensure a high quality of the regenerated bases obtained after the process. Similarly, those technical requirements must be designed to demonstrate the end-of-waste status of reclaimed bases, in a similar way to the technical requirements laid down in the management of waste oils for the production of fuel.<br>On the basis of the above, SIGAUS proposes that this comment be taken into account in the amendment to the articles of RD 679/2006. | S | Finding accepted. Requirements are laid down for treatments and for materials resulting from regeneration. Those requirements make it possible to ensure that the characteristics of the reclaimed bases are equivalent to those of the non-waste bases which they replace. |
| 47 | SIGAUS (Waste Oil Management System) | Association | Art. 14 and Annex I | To be aligned with Commission Implementing Decision (EU) 2019/1004 of 7 June 2019 laying down rules for the calculation, verification and reporting of data on waste (Annex VI).<br>On the basis of the above, SIGAUS proposes that this comment be taken into account in the amendment to the articles of RD 679/2006. | S | Finding accepted. The provision of the data required under Commission Implementing Decision (EU) 2019/1004 of 7 June 2019 is included in the annual reporting requirements. |
| 48 | SIGAUS (Waste Oil Management | Association | Annex II | The content of Annex II needs to be adapted to the provisions included in the new waste shipment legislation (Royal Decree 553/2020). | S | Finding accepted. Annex II has been deleted as these documents are already regulated in Royal |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
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| | System) | | | On the basis of the above, SIGAUS proposes that this comment be taken into account in the amendment to the articles of RD 679/2006. | | Decree 553/2020 and the proposal for a Royal Decree has been drafted in line with the provisions of Royal Decree 553/2020. |
| 49 | SIGAUS (Waste Oil Management System) | Association | Fourth additional provision | The obligation to identify the contribution of industrial oils placed on the market to the SCRAP on an invoice and on a separate line should be maintained, as a particularly important measure for monitoring fraud and preventing unfair competition between producers. This obligation should be imposed throughout the marketing chain, up to the final consumer; and, for greater legal certainty, it should appear in the articles (as has been done in the draft Royal Decree on Packaging), rather than in an additional provision, as is the case in the current Royal Decree 679/2006.<br>On the basis of the above, SIGAUS proposes that this comment be taken into account in the amendment to the articles of RD 679/2006. | S | Finding accepted. It is included that invoices associated with commercial transactions for industrial oils placed on the market through collective extended producer responsibility schemes should identify separately the contribution made to the scheme and that it should be identified throughout the supply chain to the final consumer. |
| 50 | SIGAUS (Waste Oil Management System) | Association | Article 4 | Specific anti-fraud measures similar to those already provided for in the EEE legislation should be envisaged: control of imports through the customs services, so that customs clearance of the goods is not authorised until it is verified that the importer is entered in the | S | Finding accepted. Product producer is defined to include importers of industrial oils. These product producers must be entered in the Register of Producers of Products. |

| NO | Name Entity | Type of Claimant | Article RD 679/2006 | Comment | Acceptance Y/P/N | Valuation |
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| | | | | register for the industrial oils imported. SIGAUS therefore proposes that a specific article be included in Royal Decree 679/2006, including inspection and control measures. | | |

## Annex II: Summary of the submissions received in Public Information

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
|---|---|---|---|---|---|---|
| 1 | ASELUBE (Spanish Lubricants Association ) | Association | 2 (a) and Annex I | Include a broader definition of industrial oils and exclude base oils from the definition of industrial oils, whereas base oils are not final products intended for direct consumption or industrial use, but always require prior processing, being used as raw materials in the formulation of finished lubricants. It is proposed that Annex I be worded as follows:<br>'Industrial oils<br>Mineral, vegetable, synthetic or similar lubricating oils of animal origin which, irrespective of their nature, are used, inter alia, in the following uses and sectors:<br>1. Engine oils and gear boxes: including engine oils and gear oils (automotive, aviation, marine, industrial and other | S | The text is accepted and amended |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | sectors); excluding greases and bilge oils.<br>2. Industrial oils: including machine oils, hydraulic oils, turbine oils, transformer oils, heat transmission oils, compressor oils; excluding greases and oils used for emulsions.<br>3. Industrial oils (emulsions only): including oils for metallurgy.<br>4. Oils and concentrates from the separation process: only oils from the waste oil separation process falling within code 19 02 07 * of Decision 2000/532/EC.<br>In any event, products and preparations included in the most current version of ISO 6743 Lubricants, industrial oils and related products (Class L) are included in this definition, unless they are excluded according to the general rules laid down in this Royal Decree.<br>This definition also includes any other products intended for consumption, offered for sale or used in the uses appropriate to the products and preparations identified in the preceding paragraphs.' | | |
| 2 | ASELUBE (Spanish Lubricants Association ) | Association | 2 (f) | Correct the error in the reference to Article 11 in relation to the definition of the producer's authorised representative, when it is correct to refer to Article 13 (2) (which governs the concept of authorised representative). | S | The text is accepted and amended |
| 3 | ASELUBE | Association | 11.2 | As the second paragraph is worded, since the certificate must | S | The text is accepted and amended by |

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| | (Spanish Lubricants Association ) | | | be a certificate of membership of a SCRAP, it cannot be issued until the current SGIs have obtained the adaptation of their authorisation to operate as a SCRAP (which, taking into account the time limits laid down in the Royal Decree, would not be earlier than one year after its entry into force). As the obligation to fulfil EPR obligations for industrial oils (either through an individual system or through membership of a GIS) has already been required in Spain since 1 January 2007 (in accordance with Royal Decree 679/2006), it is considered necessary that at the time of registration in the RPP producers provide a certificate of membership of a GIS (or apply an individual system) in accordance with Royal Decree 679/2006.<br>It is proposed that the second paragraph of Article 11 (2) establish that, at the time of registration in the RPP, producers of industrial oils must already provide a certificate of membership of a GIS (or apply an individual system), in accordance with Royal Decree 679/2006. | | deleting the reference to the deadline. Thus, when they are entered in the Register of Producers of Products, producers of industrial oils must provide a certificate of membership of one of the existing SGIs. |
| 4 | ASELUBE (Spanish Lubricants Association ) | Association | 11.4 | The requirement that the entry number in the RPP must appear on the invoices issued to end users raises serious logistical problems in the case of sales made by distributors. First, because it is sometimes not easy for distributors to identify the specific producers of the products they sell to their customers (for example, when the same product has been purchased from several producers). Secondly, because | N | Not acceptable. It is considered necessary for the entry number in the Register of Product Producers (RPP) to appear on all invoices issued to the end user in order to ensure the traceability of industrial oils placed on the market. On the other hand, it should be borne in mind that the |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | the information relating to the producer of industrial oils has in many cases a high commercial value for distributors and the inclusion in the invoice of the registration number in the RPP of the producers of the industrial oils they market obliges them to provide their customers with confidential information because of their high commercial value. In this regard, it is understood that monitoring compliance with EPR obligations up to the end user (through invoices) already complies with the requirement to identify on the invoice, up to the end user, the contribution to EPR systems, in accordance with Article 20 (6).<br>It is proposed that invoice identification of the RPP registration number should be required only on invoices issued by producers to their customers (only in the first economic transaction, not to the end user). | | information contained in the RPP has to be of a public nature, so it is not considered to be confidential information. |
| 5 | ASELUBE (Spanish Lubricants Association ) | Association | 11 and 12 | In the interests of legal certainty and in order to reduce the bureaucratic burden on producers, the articles should expressly provide for the possibility for producers who so wish to authorise EPR systems to comply with the aforementioned obligations on their behalf, by means of the appropriate authorisation entered in the Special Register of Support Schemes (REA). | N | Not acceptable. The producer may authorise any person deemed appropriate without the need to specify in the Royal Decree only one of the possible authorised persons. |
| 6 | ASELUBE (Spanish Lubricants | Association | 15.1 (b) | The wording leads to confusion, because the EPR systems do not 'establish' the authorised managers who will carry out the treatment of waste oils, but, in accordance with Article 16 | S | The text is accepted and amended, but with a different wording. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | Association ) | | | (1) (d), ' **may conclude** agreements with authorised waste managers to coordinate the organisation of the collection, transport and treatment of waste generated by their products, avoiding anti-competitive practices'.<br>Our suggestion is to make a reference to Article 20 (1) (b) of Law 7/2022 of 8 April on waste and contaminated soil for a circular economy and to amend the final paragraph of Article 15 (1) (b), which regulates the obligations of the final holders of used industrial oils, to read as follows: 'To this end, they shall hand them over to an authorised manager, in accordance with Article 20 (1) of Law 7/2022 of 8 April on waste and contaminated soil for a circular economy'. | | |
| 7 | Fuchs Lubricantes S.A.U. | Company | 2 (a) and Annex I | Include a broader definition of industrial oils and exclude base oils from the definition of industrial oils, whereas base oils are not final products intended for direct consumption or industrial use, but <u>always require prior processing, being</u> used as raw materials in the formulation of finished lubricants. It is proposed that Annex I be worded as follows:<br>'Industrial oils<br>Mineral, vegetable, synthetic or similar lubricating oils of animal origin which, irrespective of their nature, are used, inter alia, in the following uses and sectors:<br>1. Engine oils and gear boxes: including engine oils and gear oils (automotive, aviation, marine, industrial and other sectors); excluding greases and bilge oils. | S | The text is accepted and amended |

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| | | | | 2. Industrial oils: including machine oils, hydraulic oils, turbine oils, transformer oils, heat transmission oils, compressor oils; excluding greases and oils used for emulsions.<br>3. Industrial oils (emulsions only): including oils for metallurgy.<br>4. Oils and concentrates from the separation process: only oils from the waste oil separation process falling within code 19 02 07 * of Decision 2000/532/EC.<br>In any event, products and preparations included in the most current version of ISO 6743 Lubricants, industrial oils and related products (Class L) are included in this definition, unless they are excluded according to the general rules laid down in this Royal Decree.<br>This definition also includes any other products intended for consumption, offered for sale or used in the uses appropriate to the products and preparations identified in the preceding paragraphs.' | | |
| 8 | Fuchs Lubricantes S.A.U. | Company | 2 (f) | Correct the error in the reference to Article 11 in relation to the definition of the producer's authorised representative, when it is correct to refer to Article 13 (2) (which governs the concept of authorised representative). | S | The text is accepted and amended |
| 9 | Fuchs Lubricantes S.A.U. | Company | 7.1 (b) | Setting a 90 % regeneration target makes it impossible to recover industrial waste oils as fuel: the viability of the industries currently engaged in this activity would be | P | Partially accepted. In accordance with the waste hierarchy established in Article 8 of Law 7/2022 of 8 April 2007, the |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | seriously compromised if only 10 % of the industrial waste oils generated were allowed to be recovered.<br>Two alternatives are proposed: (I) a strong commitment to the circular economy, setting the 2035 regeneration target at 100 % (which would de facto entail a ban on the recovery of industrial waste oils as fuel), or (ii) a reduction of the 2035 target to 80 % (and a proportional reduction of the 2030 and 2028 targets), allowing a quantity of industrial waste oils to be used for recovery that would reasonably allow the industries engaged in this activity to continue. | | regeneration of industrial waste oils should be prioritised over their energy recovery. However, given that some of the waste industrial oils generated may be non-regenerable, it is not considered appropriate to set a regeneration target of 100 % of the collected waste industrial oil, and it is necessary to maintain the path of energy recovery for these non-regenerable oils. It has been clarified in Article 6 (1) that the use as fuel is limited to non-regenerable oils and, in coherence, the management objectives set out in Article 7 are revised. |
| 10 | Fuchs Lubricantes S.A.U. | Company | 11.2 | As the second paragraph is worded, since the certificate must be a certificate of membership of a SCRAP, it cannot be issued until the current SGIs have obtained the adaptation of their authorisation to operate as a SCRAP (which, taking into account the time limits laid down in the Royal Decree, would not be earlier than one year after its entry into force). As the obligation to fulfil EPR obligations for industrial oils (either through an individual system or through membership of a GIS) has already been required in Spain since 1 January 2007 (in accordance with Royal Decree 679/2006), it is considered necessary that at the time of registration in the RPP producers provide a certificate of membership of a GIS (or | S | The text is accepted and amended by deleting the reference to the deadline. Thus, when they are entered in the Register of Producers of Products, producers of industrial oils must provide a certificate of membership of one of the existing SGIs. |

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| | | | | apply an individual system) in accordance with Royal Decree 679/2006.<br>It is proposed that the second paragraph of Article 11 (2) establish that, at the time of registration in the RPP, producers of industrial oils must already provide a certificate of membership of a GIS (or apply an individual system), in accordance with Royal Decree 679/2006. | | |
| 11 | Fuchs Lubricantes S.A.U. | Company | 11.4 | The requirement that the entry number in the RPP must appear on the invoices issued to end users raises serious logistical problems in the case of sales made by distributors. First, because it is sometimes not easy for distributors to identify the specific producers of the products they sell to their customers (for example, when the same product has been purchased from several producers). Secondly, because the information relating to the producer of industrial oils has in many cases a high commercial value for distributors and the inclusion in the invoice of the registration number in the RPP of the producers of the industrial oils they market obliges them to provide their customers with confidential information because of their high commercial value. In this regard, it is understood that monitoring compliance with EPR obligations up to the end user (through invoices) already complies with the requirement to identify on the invoice, up to the end user, the contribution to EPR systems, in accordance with Article 20 (6). | N | Not acceptable. It is considered necessary for the entry number in the Register of Product Producers (RPP) to appear on all invoices issued to the end user in order to ensure the traceability of industrial oils placed on the market. On the other hand, it should be borne in mind that the information contained in the RPP has to be of a public nature, so it is not considered to be confidential information. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | It is proposed that invoice identification of the RPP registration number should be required only on invoices issued by producers to their customers (only in the first economic transaction, not to the end user). | | |
| 12 | Fuchs Lubricantes S.A.U. | Company | 11 and 12 | In the interests of legal certainty and in order to reduce the bureaucratic burden on producers, the articles should expressly provide for the possibility for producers who so wish to authorise EPR systems to comply with the aforementioned obligations on their behalf, by means of the appropriate authorisation entered in the Special Register of Support Schemes (REA). | N | Not acceptable. The producer may authorise any person deemed appropriate without the need to specify in the Royal Decree only one of the possible authorised persons. |
| 13 | Fuchs Lubricantes S.A.U. | Company | 15.1 (b) | The wording leads to confusion, because the EPR systems do not 'establish' the authorised managers who will carry out the treatment of waste oils, but, in accordance with Article 16 (1) (d), ' **may conclude** agreements with authorised waste managers to coordinate the organisation of the collection, transport and treatment of waste generated by their products, avoiding anti-competitive practices'.<br>Our suggestion is to make a reference to Article 20 (1) (b) of Law 7/2022 of 8 April on waste and contaminated soil for a circular economy and to amend the final paragraph of Article 15 (1) (b), which regulates the obligations of the final holders of used industrial oils, to read as follows: 'To this end, they shall hand them over to an authorised manager, in accordance with Article 20 (1) of Law 7/2022 of 8 April on | S | The text is accepted and amended, but with a different wording. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | waste and contaminated soil for a circular economy’. | | |
| 14 | Fuchs Lubricantes S.A.U. | Company | 20.5 | In the last paragraph of this Article, the statement *“However, if the deviation is less than 10 %, the surplus may be accumulated by the CECAF for a maximum of four consecutive years after which, if it has not been used to meet its obligations, it shall be returned to the SCRAP. Furthermore, if in any of these cumulative years the deviation exceeds 10 %, the corresponding excess will be returned*’. This contradicts what was stated first, because if, in a calendar year, ‘the deviation is less than 10 %’, there would no longer be any obligation to repay the excess, so it makes no sense to establish that the SCRAP may accumulate surpluses for four years. Secondly, whatever the year in which the 10 % is exceeded, SCRAPs can always be exempted from the repayment obligation if they justify ‘the need to use these resources in subsequent years’ (which is the criterion commonly used as recognised by the Directorate-General for Taxation in binding consultations).<br>It is proposed to draft the last paragraph of Article 20 (5) as follows: ‘In the case of collective schemes, at the end of each calendar year, they shall set up the necessary compensation mechanisms to return to producers the excess revenue received, where that excess has been greater than 10 % of the amounts actually borne for the fulfilment of their obligations, or they shall duly justify to the producers | P | Partially accepted. The wording is amended to clarify the management of the excess, but the obligation to accumulate surplus stocks for a maximum of four years when they are less than 10 % is maintained. |

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| | | | | participating in the scheme the need to use such resources in years subsequent to the compliance period, on the basis of forecasts of revenue and expenditure for the coming financial years.' | | |
| 15 | Fuchs Lubricantes S.A.U. | Company | New final provision 2a | Article 7 (1) provides that the targets for the management of industrial waste oils 'shall apply to all industrial waste oils, including those financed under extended producer responsibility schemes other than the scheme established in this Royal Decree'.<br>For greater legal certainty, it is suggested to introduce a new second final provision amending Royal Decree 110/2015 of 20 February 2011 on waste electrical and electronic equipment in order to include in it the provision that the targets for the management of industrial waste oils laid down in the Royal Decree regulating industrial oils and their waste will also apply to industrial waste oils financed under the EPR for electrical and electronic equipment. | N | Not acceptable. In accordance with the second additional provision of Royal Decree 110/2015 of 20 February 2007, it applies without prejudice to the specific regulations on waste management, fluorinated gases, industrial oils, batteries and accumulators or product design. We therefore consider that it is not necessary to amend this Royal Decree to include this provision, which is already clearly laid down in Article 7.2 of the Royal Decree regulating industrial oils and their waste. |
| 16 | Fuchs Lubricantes S.A.U. | Company | New final provision 3a | In line with the above, it is suggested to amend, by means of a new third final provision, Royal Decree 265/2021, of 13 April, on end-of-life vehicles and amending the General Vehicle Regulation, approved by Royal Decree 2822/1998, of 23 December, in order to include in it the provision that the targets for the management of industrial waste oils laid down in the Royal Decree regulating industrial oils and their waste shall also apply to industrial waste oils financed under the | N | Not acceptable. In accordance with Additional Provision 1 of Royal Decree 265/2021 of 13 April, the latter applies without prejudice to the national legislation in force. We therefore consider that it is not necessary to amend this Royal Decree to include this provision, which is already clearly laid down in Article 7.2 of the Royal |

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| | | | | RAP for cars. | | Decree regulating industrial oils and their waste. |
| 17 | CATOR S.A | Company | 7.1 (b) | The 90 % regeneration target in 2035 should be 100 % for various reasons:<br>— To support environmental and circular economy objectives.<br>— Because 100 % is already regenerated in Catalonia and neighbouring countries such as Portugal or Italy (and we are talking about a target 10 years ahead).<br>— Because it has been shown that controlling energy recovery is very complicated and leaving this route open will not discourage activity. Moreover, with a 10-year phase-out period, existing installations could be amortised and converted, and new investments in this activity would no longer appear, as is currently the case.<br>— Because if energy recovery were to be eliminated, there would be almost no need to finance the system, since the prices of waste oil would be regulated on their own and regeneration would not have to be paid so much only to compete with what energy recovery companies can pay for. Because it would be almost impossible to control such low levels of energy recovery (10 %) if there were authorised facilities. If we want to limit it so much, it is much more optimal to ban it altogether or the whole system will be stressed, as to reach 90 % regeneration the current funding | P | Partially accepted. As some of the waste industrial oils generated may be non-regenerable, it is not considered appropriate to set a regeneration target of 100 % of the waste industrial oil generated. In this regard, it is considered necessary to maintain the path of energy recovery for industrial waste oils that are not regenerable. However, Article 6 (1) is amended to limit the use of non-regenerable oils as fuel and, accordingly, the management objectives laid down in Article 7 are revised. |

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| | | | | would need to be greatly increased, whereas paradoxically if the target were 100 % the necessary funding would be drastically reduced.<br>It is proposed to amend Article 7 (1) (b) as follows: "3°. By 1 January 2035 at the latest by 100 %.' | | |
| 18 | CATOR S.A | Company | 8 | It is stated that each Autonomous Community will have to comply with the regeneration targets, but these have no tools. We believe that the Royal Decree should include the possibility for the Autonomous Communities to limit shipments of waste oils to energy recovery plants.<br>It is proposed that a paragraph be added to Article 8 stating that, in order to enable the Autonomous Communities to meet the targets for the regeneration of waste oils generated in their territory, they may restrict the disposal of oils to other Autonomous Communities or territories when they are destined for energy recovery facilities. | N | Not acceptable. In accordance with Article 31 (5) of Law 7/2022 of 8 April, the Autonomous Communities are already empowered to restrict such shipments on a case-by-case basis in application of Article 12 (1) (a) of Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste. |
| 19 | CATOR S.A | Company | 9.2 (b) | It is not clear whether the resulting products refer to those of regeneration or of the resulting base oil.<br>It is proposed that the wording be amended as follows: 'Be treated in such a way that at least 60 % of the resulting product on a dry basis is considered to be an oily base for the formulation of lubricants, and at least 60 % of these bases are actually marketed to lubricant manufacturers'. | P | Partially accepted. The reference to the placing on the market of regenerated lubricant bases is not included as it is considered that the technical requirements established for the regeneration operation are sufficient to ensure the quality of the bases obtained. On the other hand, the requirement to prove that lubricants have actually been placed on the market would |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | | | require a mechanism to be put in place to verify that they have been placed on the market. |
| 20 | CATOR S.A | Company | 20.2 (a) | It is stated that no financing will be granted for energy recovery, but they are currently being funded under the 'treatment' umbrella.<br>We propose to indicate that pre-treatment will only be financed if the final destination is regeneration by adding: 'the costs of separate collection of industrial waste oils, the costs of transport, analysis and processing with a view to regeneration'. | S | The text is accepted and amended, but with a different wording. |
| 21 | CATOR S.A | Company | 20.4 | The financing of regenerated waste oils in other countries should also be limited so that no shipments or exports of oils are carried out and that these have to be financed by the Spanish system.<br>It is proposed to add: Producer responsibility organisations shall not be obliged to finance operations for the management of industrial waste oils exported, imported or purchased from other States. | N | Not acceptable. Extended Producer Responsibility (EPR) should finance the costs of managing industrial waste oils from industrial oils that have been placed on the market on Spanish territory, regardless of whether such management takes place within the territory of the State or outside it. |
| 22 | CATOR S.A | Company | 20.5 | It is stated that if there is a surplus of more than 10 % between the revenue collected and the financing of the scheme, the member producers will be reimbursed. We are concerned that in extraordinary situations where the system needs higher funding, there may not be enough cash. | N | Not acceptable. The possibility of keeping surpluses below 10 % for a period of four years is considered sufficient to ensure that funds are available to deal with extraordinary situations. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | We propose to increase the surplus to 25 % instead of 10 %. | | |
| 23 | CATOR S.A | Company | Annex I | Delete Point 4 of Annex I. We believe this is a mistake and should be deleted from this list as it is a waste. | S | The text is accepted and amended |
| 24 | CATOR S.A | Company | Annex III | Regeneration requirements include a halogen (such as chlorine) content of less than 500 ppm.<br>Such a limitation should not be put in place as up to 2 000 ppm of oils are perfectly regenerable and this is provided for in the legislation of most European countries such as Portugal, Germany, etc.<br>It is proposed to set the limit for halogen (as chlorine) content below 2.000 ppm. | S | The text is accepted and amended |
| 25 | AGERSAN (Association of Health Waste Managers) | Association | General | As stated in the regulatory impact analysis report, the aim of the draft Royal Decree regulating industrial oils and their waste is ‘to establish the legal regime for the production and management of industrial waste oils and to comply with the provisions laid down in Royal Decree Ley7/2022 of 8 April 2007 on waste oils’.<br>We consider that a Royal Decree aimed at regulating industrial oils and their waste is not the most appropriate regulatory framework for amending Royal Decree 553/2020, of 2 June, regulating the shipment of waste within the territory of the State. | N | Not acceptable. It is considered necessary to amend the Royal Decree on shipments in order to respond to various problems detected as a result of its application and to ensure its consistency with the legislation in force. By regulatory technique, this amendment must be made by means of a Royal Decree or other higher-ranking legislation, and it is therefore considered appropriate to include it in this Royal Decree, which also refers to Royal Decree 553/2020 of 2 June 2007 in some of its provisions. |

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| 26 | AGERSAN (Association of Health Waste Managers) | Association | first final provision | In Royal Decree 553/2020 regulating the shipment of waste within the territory of the State, only total rejections are permitted. We request that, if Royal Decree 553/2020 is amended, consideration be given to allowing partial rejections as well.<br>We propose to add a new paragraph in the first final provision:<br>'Four. Article 7 is amended to read as follows:<br>Article 7. Rejection of waste.<br>1. Where the waste has been totally or partially rejected by the consignee in accordance with the treatment contract, the operator may:<br>(a) return the waste to the place of origin accompanied by the identification document indicating the return of the waste; or<br>(b) Send waste to another treatment facility. This shipment must be accompanied by a new identification document. The operator of this new shipment shall be the operator of the initial shipment.' | N | Not acceptable. In accordance with the system for the control and supervision of shipments within the territory of the State and consistent with Community legislation, it is not possible to establish partial rejections of a shipment of waste. In this sense, creating a particular rejection would imply new steps of the identification document, as one part would be returned to the origin (the part partially rejected) while another part of the waste would be accepted in the treatment facility. In this regard, in order to be able to report cases in which the quantity accepted by the destination manager is not the same as that indicated by the origin and there is a partial acceptance, we are considering including in the electronic procedure a field free of comments where the manager can consider these cases. |
| 27 | AGERSAN (Association of Health Waste Managers) | Association | first final provision | Royal Decree 553/2020 lays down a series of reporting obligations relating to the activity of AGERSAN's companies and affecting all operators and actors in the waste management chain, health and non-health, and the regional administrations. | N | Not acceptable. Since the introduction of the electronic procedure in September 2021, the transmission of transfer documents (prior notifications and identification documents) has worked well. |

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| | | | | These obligations take the form of the eSIR platform, the Waste Information System, which includes, inter alia, the waste production and management register, the managers' annual reports and the repository for shipments, and which allows for the recording, validation and electronic exchange of information, including documents relating to the shipment procedure.<br>The great complexities of the functioning of the IT system by the regional administrations and the operational limitations of e-SIR itself cause many errors.<br>It is necessary to provide for some exceptional means to ensure that all public and private operators affected by this Royal Decree can actually comply with the information declarations by an alternative means and, where this is not possible for reasons beyond our control, no action is taken that prevents or penalises the performance of our work of collecting health waste, which is essential for the functioning of health systems. | | At certain times, due to maintenance or migration issues of the IT infrastructure, there has been a slowdown in connection or temporary closure of the application. These incidents have been limited in time and the incident has been reported (whenever foreseeable) as early as possible. In addition, the system makes it possible to adapt to possible problems by enabling DIs to be sent in advance to the NTS in emergency, accident or force majeure situations. In cases where the system has been temporarily unable to operate for a significant period of time, the submission of identification documents through the General Electronic Register has been allowed upon communication of this fact to the users of the electronic procedure. In the light of the above, it is not considered necessary to include provisions for the alternative collection of documentation in the draft Royal Decree. |
| 28 | SIGAUS (Sistema Integrado | Association | 2 (a) and Annex I | Include a broader definition of industrial oils and exclude base oils from the definition of industrial oils, whereas base oils are not final products intended for direct consumption or | S | The text is accepted and amended |

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| | de Gestión de Aceites Usados, S.L.) | | | industrial use, but always require prior processing, being used as raw materials in the formulation of finished lubricants. It is proposed that Annex I be worded as follows:<br>'Industrial oils<br>Mineral, vegetable, synthetic or similar lubricating oils of animal origin which, irrespective of their nature, are used, inter alia, in the following uses and sectors:<br>1. Engine oils and gear boxes: including engine oils and gear oils (automotive, aviation, marine, industrial and other sectors); excluding greases and bilge oils.<br>2. Industrial oils: including machine oils, hydraulic oils, turbine oils, transformer oils, heat transmission oils, compressor oils; excluding greases and oils used for emulsions.<br>3. Industrial oils (emulsions only): including oils for metallurgy.<br>4. Oils and concentrates from the separation process: only oils from the waste oil separation process falling within code 19 02 07 * of Decision 2000/532/EC.<br>In any event, products and preparations included in the most current version of ISO 6743 Lubricants, industrial oils and related products (Class L) are included in this definition, unless they are excluded according to the general rules laid down in this Royal Decree.<br>This definition also includes any other products intended for | | |

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| | | | | consumption, offered for sale or used in the uses appropriate to the products and preparations identified in the preceding paragraphs.’ | | |
| 29 | SIGAUS (Sistema Integrado de Gestión de Aceites Usados, S.L.) | Association | 2 (f) | Correct the error in the reference to Article 11 in relation to the definition of the producer’s authorised representative, when it is correct to refer to Article 13 (2) (which governs the concept of authorised representative). | S | The text is accepted and amended |
| 30 | SIGAUS (Sistema Integrado de Gestión de Aceites Usados, S.L.) | Association | 7.1 (b) | Setting a 90 % regeneration target makes it impossible to recover industrial waste oils as fuel: the viability of the industries currently engaged in this activity would be seriously compromised if only 10 % of the industrial waste oils generated were allowed to be recovered.<br>Two alternatives are proposed: (I) a strong commitment to the circular economy, setting the 2035 regeneration target at 100 % (which would de facto entail a ban on the recovery of industrial waste oils as fuel), or (ii) a reduction of the 2035 target to 80 % (and a proportional reduction of the 2030 and 2028 targets), allowing a quantity of industrial waste oils to be used for recovery that would reasonably allow the industries engaged in this activity to continue. | P | Partially accepted. In accordance with the waste hierarchy established in Article 8 of Law 7/2022 of 8 April 2007, the regeneration of industrial waste oils should be prioritised over their energy recovery. However, given that some of the waste industrial oils generated may be non-regenerable, it is not considered appropriate to set a regeneration target of 100 % of the collected waste industrial oil, and it is necessary to maintain the path of energy recovery for these non-regenerable oils. It has been clarified in Article 6 (1) that the use as fuel is limited to non-regenerable oils and, in coherence, the management |

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| | | | | | | objectives set out in Article 7 are revised. |
| 31 | SIGAUS (Sistema Integrado de Gestión de Aceites Usados, S.L.) | Association | 8 | Article 7 (2) provides that, in order to ensure compliance with the targets for the regeneration of industrial waste oils laid down in Article 7 (1), 'the Autonomous Communities shall meet at least these targets with the industrial waste oils generated in their territory'.<br>Furthermore, Article 8 (4) provides that, in order to encourage the treatment of industrial waste oils 'in facilities as close as possible to the point of generation' (Article 8 (1)), 'the competent body of the Autonomous Community may restrict the movement of industrial waste oils out of the territory of the State where the oils are destined for incineration or co-incineration facilities'. The same power is conferred 'similarly' on the Ministry for the Ecological Transition and the Demographic Challenge.<br>It is proposed that the Autonomous Communities also be granted the power to object to shipments to other Autonomous Communities of industrial waste oils intended for energy recovery, in order to promote compliance with the regeneration objectives laid down in Article 7 (1) at Autonomous Community level, by introducing a new paragraph 8.5, worded as follows:<br>'In order to ensure compliance with the provisions of Article 7 (2) and, in general, to promote the regeneration of industrial waste oils, the competent body of the Autonomous | N | Not acceptable. In accordance with Article 31 (5) of Law 7/2022 of 8 April, the Autonomous Communities are already empowered to restrict such shipments on a case-by-case basis in application of Article 12 (1) (a) of Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste. |

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| | | | | Community may object to shipments to other Autonomous Communities of industrial waste oils intended for energy recovery, in accordance with the provisions of Article 9 of Royal Decree 553/2020 of 2 June regulating shipments of waste within the territory of the State (or the legislation replacing it)'. | | |
| 32 | SIGAUS (Sistema Integrado de Gestión de Aceites Usados, S.L.) | Association | 11.2 | As the second paragraph is worded, since the certificate must be a certificate of membership of a SCRAP, it cannot be issued until the current SGIs have obtained the adaptation of their authorisation to operate as a SCRAP (which, taking into account the time limits laid down in the Royal Decree, would not be earlier than one year after its entry into force). As the obligation to fulfil EPR obligations for industrial oils (either through an individual system or through membership of a GIS) has already been required in Spain since 1 January 2007 (in accordance with Royal Decree 679/2006), it is considered necessary that at the time of registration in the RPP producers provide a certificate of membership of a GIS (or apply an individual system) in accordance with Royal Decree 679/2006.<br>It is proposed that the second paragraph of Article 11 (2) establish that, at the time of registration in the RPP, producers of industrial oils must already provide a certificate of membership of a GIS (or apply an individual system), in accordance with Royal Decree 679/2006. | S | The text is accepted and amended by deleting the reference to the deadline. Thus, when they are entered in the Register of Producers of Products, producers of industrial oils must provide a certificate of membership of one of the existing SGIs. |

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| 33 | SIGAUS (Sistema Integrado de Gestión de Aceites Usados, S.L.) | Association | 11.4 | The requirement that the entry number in the RPP must appear on the invoices issued to end users raises serious logistical problems in the case of sales made by distributors. First, because it is sometimes not easy for distributors to identify the specific producers of the products they sell to their customers (for example, when the same product has been purchased from several producers). Secondly, because the information relating to the producer of industrial oils has in many cases a high commercial value for distributors and the inclusion in the invoice of the registration number in the RPP of the producers of the industrial oils they market obliges them to provide their customers with confidential information because of their high commercial value. In this regard, it is understood that monitoring compliance with EPR obligations up to the end user (through invoices) already complies with the requirement to identify on the invoice, up to the end user, the contribution to EPR systems, in accordance with Article 20 (6).<br>It is proposed that invoice identification of the RPP registration number should be required only on invoices <u>issued by producers to their customers</u> (only in the first economic transaction, not to the end user). | N | Not acceptable. It is considered necessary for the entry number in the Register of Product Producers (RPP) to appear on all invoices issued to the end user in order to ensure the traceability of industrial oils placed on the market. On the other hand, it should be borne in mind that the information contained in the RPP has to be of a public nature, so it is not considered to be confidential information. |
| 34 | SIGAUS (Sistema Integrado | Association | 11 and 12 | In the interests of legal certainty and in order to reduce the bureaucratic burden on producers, the articles should expressly provide for the possibility for producers who so | N | Not acceptable. The producer may authorise any person deemed appropriate without the need to specify in the Royal |

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| | de Gestión de Aceites Usados, S.L.) | | | wish to authorise EPR systems to comply with the aforementioned obligations on their behalf, by means of the appropriate authorisation entered in the Special Register of Support Schemes (REA). | | Decree only one of the possible authorised persons. |
| 35 | SIGAUS (Sistema Integrado de Gestión de Aceites Usados, S.L.) | Association | 15.1 (b) | The wording leads to confusion, because the EPR systems do not 'establish' the authorised managers who will carry out the treatment of waste oils, but, in accordance with Article 16 (1) (d), ' **may conclude** agreements with authorised waste managers to coordinate the organisation of the collection, transport and treatment of waste generated by their products, avoiding anti-competitive practices'.<br>Our suggestion is to make a reference to Article 20 (1) (b) of Law 7/2022 of 8 April on waste and contaminated soil for a circular economy and to amend the final paragraph of Article 15 (1) (b), which regulates the obligations of the final holders of used industrial oils, to read as follows: 'To this end, they shall hand them over to an authorised manager, in accordance with Article 20 (1) of Law 7/2022 of 8 April on waste and contaminated soil for a circular economy'. | S | The text is accepted and amended, but with a different wording. |
| 36 | SIGAUS (Sistema Integrado de Gestión de Aceites Usados, | Association | 20.4 | It is proposed to also exempt SCRAPs from the obligation to finance operations for the management of industrial waste oils exported to other countries, in order to ensure the principle of proximity: since it is possible to treat industrial waste oils in Spain, it makes no sense to finance their treatment in other countries. | N | Not acceptable. Extended Producer Responsibility (EPR) should finance the costs of managing industrial waste oils from industrial oils that have been placed on the market on Spanish territory, regardless of whether such management takes place |

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| | S.L.) | | | It is proposed that Article 20 (4) be reworded as follows: 'Producer responsibility organisations shall not be obliged to finance operations for the management of industrial waste oils imported or purchased from other States, or operations for the management of industrial waste oils carried out in other States.' | | within the territory of the State or outside it. |
| 37 | SIGAUS (Sistema Integrado de Gestión de Aceites Usados, S.L.) | Association | 20.5 | In the last paragraph of this Article, the statement *"However, if the deviation is less than 10 %, the surplus may be accumulated by the CECAF for a maximum of four consecutive years after which, if it has not been used to meet its obligations, it shall be returned to the SCRAP. Furthermore, if in any of these cumulative years the deviation exceeds 10 %, the corresponding excess will be returned*'. This contradicts what was stated first, because if, in a calendar year, 'the deviation is less than 10 %', there would no longer be any obligation to repay the excess, so it makes no sense to establish that the SCRAP may accumulate surpluses for four years. Secondly, whatever the year in which the 10 % is exceeded, SCRAPs can always be exempted from the repayment obligation if they justify 'the need to use these resources in subsequent years' (which is the criterion commonly used as recognised by the Directorate-General for Taxation in binding consultations).<br>It is proposed to draft the last paragraph of Article 20 (5) as follows: 'In the case of collective schemes, at the end of each | P | Partially accepted. The wording is amended to clarify the management of the excess, but the obligation to accumulate surplus stocks for a maximum of four years when they are less than 10 % is maintained. |

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| | | | | calendar year, they shall set up the necessary compensation mechanisms to return to producers the excess revenue received, where that excess has been greater than 10 % of the amounts actually borne for the fulfilment of their obligations, or they shall duly justify to the producers participating in the scheme the need to use such resources in years subsequent to the compliance period, on the basis of forecasts of revenue and expenditure for the coming financial years.’ | | |
| 38 | SIGAUS (Sistema Integrado de Gestión de Aceites Usados, S.L.) | Association | 21.3 and Annex VII | According to the formula in Annex VII, the amount of the financial security to be lodged by EPR systems is set at 25 % of the average costs of managing the industrial waste oils falling within its scope. This percentage is considered excessive considering that in other waste streams with recent EPR regulations a much lower percentage has been set (e.g.: 10 % in packaging and 5 % in tyres).<br>It is proposed that the percentage for the calculation of the amount of financial security to be lodged by EPR systems should be set at less than 25 %. Specifically, it is proposed that this percentage should be 10 %, in the same way as for the RAP for packaging. | S | The amount is accepted and set at 10 % in accordance with Royal Decree 208/2022 of 22 March. |
| 39 | SIGAUS (Sistema Integrado de Gestión | Association | New final provision 2a | Article 7 (1) provides that the targets for the management of industrial waste oils ‘shall apply to all industrial waste oils, including those financed under extended producer responsibility schemes other than the scheme established in | N | Not acceptable. In accordance with the second additional provision of Royal Decree 110/2015 of 20 February 2007, it applies without prejudice to the specific regulations |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | de Aceites Usados, S.L.) | | | this Royal Decree'.<br>For greater legal certainty, it is suggested to introduce a new second final provision amending Royal Decree 110/2015 of 20 February 2011 on waste electrical and electronic equipment in order to include in it the provision that the targets for the management of industrial waste oils laid down in the Royal Decree regulating industrial oils and their waste will also apply to industrial waste oils financed under the EPR for electrical and electronic equipment. | | on waste management, fluorinated gases, industrial oils, batteries and accumulators or product design. We therefore consider that it is not necessary to amend this Royal Decree to include this provision, which is already clearly laid down in Article 7.2 of the Royal Decree regulating industrial oils and their waste. |
| 40 | SIGAUS (Sistema Integrado de Gestión de Aceites Usados, S.L.) | Association | New final provision 3a | In line with the above, it is suggested to amend, by means of a new third final provision, Royal Decree 265/2021, of 13 April, on end-of-life vehicles and amending the General Vehicle Regulation, approved by Royal Decree 2822/1998, of 23 December, in order to include in it the provision that the targets for the management of industrial waste oils laid down in the Royal Decree regulating industrial oils and their waste shall also apply to industrial waste oils financed under the RAP for cars. | N | Not acceptable. In accordance with Additional Provision 1 of Royal Decree 265/2021 of 13 April, the latter applies without prejudice to the national legislation in force. We therefore consider that it is not necessary to amend this Royal Decree to include this provision, which is already clearly laid down in Article 7.2 of the Royal Decree regulating industrial oils and their waste. |
| 41 | WORP ISLAS BALEARES, S.L. | Company | General | WORP Islas Baleares, S,.L operates a plant authorised to process industrial waste oils, resulting in diesel products and regenerated fuel oil intended for industrial and energy uses in the Balearic Islands. The draft Royal Decree must recognise the product obtained by WORP as a substance that has ceased to be waste ('End of Waste'). | P | Partially accepted. The Royal Decree recognises the use of fuel obtained from the treatment of industrial waste oils as a product when it complies with the provisions of Order APM/205/2028 of 22 February 2007. However, recognising the |

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| | | | | | | products obtained by the various waste treatment facilities on a case-by-case basis goes beyond the scope of the Royal Decree. |
| 42 | WORP ISLAS BALEARES, S.L. | Company | General | It is necessary to make clear the difference between ENERGY VALORISATION Direct combustion of used mineral oil, without prior processing of the product, classified as operation R1, and RECYCLED WITH PRODUCT PROCESSING that: 1.- no longer a resident; 2.- meets technical and safety requirements; 3.- it is traceable and recoverable on the market; 4.- it represents real recycling, aligned with the circular economy.<br>We therefore call for the concepts of ENERGY VALORISATION operation R1 and RECALLING WITH PRODUCT PROCESSING, a process carried out by WORP, where used oil is treated using physico-chemical techniques to obtain a new product, to be clearly introduced. | S | Finding accepted. The Royal Decree distinguishes processing operations by which industrial waste oils are converted into fuels that lose their waste status by complying with Order APM/205/2018 of 22 February 2006 from operations in which industrial waste oils are recovered for energy purposes as waste. In accordance with the management priorities laid down in Article 6 of the Royal Decree, priority is given to the former over the latter. |
| 43 | WORP ISLAS BALEARES, S.L. | Company | General | We request that the new Royal Decree include carbon footprint criteria to assess the different ways of managing used mineral oil, especially in island territories, always opting for the option of processing with a lower carbon footprint as a priority. | N | Not acceptable. The Royal Decree applies the waste hierarchy established in Law 7/2022 of 8 April 2007 to establish the priorities for the management of industrial waste oils, so as to achieve the best overall environmental outcome. On the other hand, as regards the carbon footprint, the report from the Commission to the European Parliament and the Council on |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | | | the “Circularity of mineral and synthetic oils and the management of industrial waste oils in the EU” concludes that setting regeneration targets at European level means avoiding 1.7 Mt of CO2 equivalent emissions for a 85 % target (cumulative until 2045). In any event, in accordance with Article 8 of Law 7/2022 of 8 April 2007, it would be possible to depart from this hierarchy provided that it is justified by a life-cycle approach that the overall impact of the option adopted is lower throughout the life cycle. |
| 44 | WORP ISLAS BALEARES, S.L. | Company | General | In accordance with the principle of proximity and self-sufficiency laid down in Article 8 of Law 7/2022, it is proposed as a regional priority for treatment:<br>1.- priority should be given to the treatment of waste in the Autonomous Community where it was generated, provided that there are authorised facilities.<br>2.- transfer between communities should be justified only if the treatment of the local waste is not feasible or if there is a lower carbon footprint option.<br>3.- the local use of the final product must be assessed from an environmental and energy perspective.<br>4.- with the aim of reducing the carbon footprint of waste | N | Not acceptable. In accordance with Article 8 of Law 7/2022, of 8 April, the waste hierarchy established in that Article must be applied in the development of waste management legislation in order to achieve the best overall environmental outcome. This hierarchy prioritises recycling over other recovery. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | transport, each autonomous community, and particularly island ones, will plan their investments and promote and help circular economy companies to achieve 100 % of the recovery of their waste in their territory. | | |
| 45 | WORP ISLAS BALEARES, S.L. | Company | General | ACCESS TO PUBLIC SUPPORT AND INCENTIVES:<br>We request that the Royal Decree expressly include the following: Any facility that provides documentary evidence of its capacity to recycle used mineral oil and transform the waste into a safe and legal final product shall be fully entitled to receive aid, subsidies and public support mechanisms, on an equal footing with any other regenerated oil operator, making no difference between the reclamation and recycling processes for the purposes of government aid and subsidies. | N | Not acceptable. The regulation of possible public aid and incentives for the treatment of industrial waste oils goes beyond the scope of this Royal Decree. |
| 46 | WORP ISLAS BALEARES, S.L. | Company | General | We request that in the new Royal Decree on industrial oils and their waste: 1.- the activity of companies such as WORP is formally recognised as effective recycling; 2.- its model is prioritised over other more polluting or centralised models by assessing the carbon footprint; 3.- it is guaranteed fair access to public funds and circular economy plans. | N | Not acceptable. According to the definition of recycling in Law 7/2022 of 8 April, the reprocessing of waste into materials to be used as fuels is not considered as a recycling operation. Moreover, the regulation of specific cases goes beyond the scope of the Royal Decree. |
| 47 | ASEGRE (Associatio n of Waste Manageme | Association | 7.1 (a) and 15.1 (a) | The term ‘separate’ has created problems of interpretation in its application by the Autonomous Communities. We understand that separate reference is made to not mixing it with waste of different characteristics, but that oils from | S | Finding accepted. Clarification of what is meant by separate collection in the preamble. In any case, Article 15 (1) (a) already provides for restrictions on |

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| | nt Companies and Special Resources) | | | different producers can be mixed even from different LER.<br>It is proposed to specify that "separate collection" refers to waste with different characteristics, and therefore that oils from different producers, even with different LER, can be mixed in the collection. | | blending oils with other waste. |
| 48 | ASEGRE (Association of Waste Management Companies and Special Resources) | Association | 8 | Although Article 9 of Law 7/2022 provides for treatment to be favoured in facilities close to the point of generation, we consider that this possibility should not be affected by:<br>— It is not among the reasons for objecting to shipments for recovery, as defined in Article 31 (5), so the term 'shall be favoured' is confusing.<br>— The treatment of industrial waste oils in accordance with their regulation requires highly specialised facilities which cannot be provided in each Autonomous Community and therefore this waste must be shipped within the State.<br>— The processing of industrial waste oils is a mature activity, especially considering the expected reduction in the production of this waste due to the minimisation and electrification of the car fleet.<br>It is proposed to delete Article 8(1). | P | Partially accepted. The wording of Article 1 has been amended but has not been deleted. |
| 49 | ASEGRE (Association of Waste Management | Association | 9.2 (b) | In order to provide greater clarity and precision, the following wording is proposed:<br>'Be treated in such **a way that at least 60 % of the resulting product on a dry basis** is ~~used as~~ **a** ~~lubricating~~ **oil** base for the formulation of lubricating ~~oils~~, **and at least 60 % of these** | P | Partially accepted. The reference to the placing on the market of regenerated lubricant bases is not included as it is considered that the technical requirements established for the regeneration operation |

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| | Companies and Special Resources) | | | **bases are actually marketed to lubricant manufacturers**.' | | are sufficient to ensure the quality of the bases obtained. On the other hand, the requirement to prove that lubricants have actually been placed on the market would require a mechanism to be put in place to verify that they have been placed on the market. |
| 50 | ASEGRE (Association of Waste Management Companies and Special Resources) | Association | 20.4 | It is proposed to supplement the exclusion from financing management operations also to exported oils by adding: '4. Producer responsibility organisations shall not be obliged to finance operations for the management of industrial waste oils imported, exported or purchased from other States.' | N | Not acceptable. Extended Producer Responsibility (EPR) should finance the costs of managing industrial waste oils from industrial oils that have been placed on the market on Spanish territory, regardless of whether such management takes place within the territory of the State or outside it. |
| 51 | ASEGRE (Association of Waste Management Companies and Special Resources) | Association | 20.5 | "However, if the deviation is less than 10 %, collective schemes may accumulate the surplus for a maximum of four consecutive years after which, if they have not used the surplus to meet their obligations, they shall repay it."; The existence of surpluses has been fundamental in crisis situations during COVID 19, the war in Ukraine, and abnormally high or low oil prices.<br>It is requested that this repayment of funds be reconsidered in order to have the necessary amounts available to deal with | N | Not acceptable. The possibility of keeping surpluses below 10 % for a period of four years is considered sufficient to ensure that funds are available to deal with extraordinary situations. |

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| | | | | market crisis situations. | | |
| 52 | ASEGRE (Association of Waste Management Companies and Special Resources) | Association | 20.6 | ASEGRE supports the fact that the contribution to scraps should be shown separately on the invoice. | S | Accepted |
| 53 | ASEGRE (Association of Waste Management Companies and Special Resources) | Association | 6 | It is requested that account be taken of the case of oils extracted from transformers which, in compliance with the requirements on the content of PCBs and halogens, during their use did not undergo heating or other impurities, and therefore do not require the treatments referred to in Article 6, and can be used directly in the formulation of oils. These transformer oils have a clearly defined origin in specific facilities with LER 130307 Non-chlorinated mineral insulating and heat transmission oils and undergo operations R0902 Recycling of used oil for other uses and R0901 Regeneration of waste oils for the production of lubricating base oils. Those operations are set out in the note on the interpretation by the Subdirectorate-General for Waste of the classification of materials resulting from a recovery operation as waste/non-waste. | S | Finding accepted. Treatment operations R0901 *Regeneration of waste oils to obtain lubricating base oils* and R0902 *Recycling of waste oil for other uses* are included in Article 6 (1) (a) where regeneration or, alternatively, other recycling operations with an equivalent or better overall environmental outcome than regeneration are prioritised. |

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| 54 | ASEGRE (Association of Waste Management Companies and Special Resources) | Association | Annex I | Oils and concentrates from the separation process, code 19 02 07 *, are residues from the treatment of waste oils and therefore it is considered that they should not be included in the definition of “Industrial oil” as the definition refers to “products and preparations”.<br>It is proposed to delete paragraph 4 of Annex I. | S | The text is accepted and amended |
| 55 | ASEGRE (Association of Waste Management Companies and Special Resources) | Association | Annex III | Some of these parameters have been maintained in the regulation of waste oils since the Order of 28 February 1989, however, the composition of the oils has changed significantly in the last 35 years.<br>We detail the reasons why this designation of PCB/PCT has been retained in the successive regulations, and therefore consider that it should be corrected: 1. Knowledge of the origins of the waste oils received, which rule out their origin from possible sources that generate PCTs; 2. As evidence of the above, no waste oil operator analyses this parameter; 3. The recognised analytical methods for the determination of PCBs in petroleum products and waste oils do not include any reference to PCTs; 4. Even if we were to maintain a very conservative position, whereby PCTs would be analysed, we would need to know the analytical standard to be used.<br>It is proposed to amend Annex III.A: ‘These oils must have: A ~~maximum~~ content of polybiphenyl chloride (PCB) ~~and~~ | S | The text is accepted and amended |

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| | | | | ~~polyloterphenyl (PCT) of~~ less **than** 50 ppm.' | | |
| 56 | ASEGRE (Association of Waste Management Companies and Special Resources) | Association | Annex III | The halogen content of 500 ppm is not in line with industrial reality. The process of regeneration of the used oil is conducive to the removal of chlorine from the lubricant bases obtained, as the separation of the hydrocarbon constituents according to their different boiling points is achieved. After dehydration processes, the oil is heated in an oven and then distilled under vacuum conditions. The chlorine is removed in the steam rising to the top of the tower. That steam is subsequently recovered by condensation. Establishing an acceptance value for halogens, which will be eliminated in the regeneration process, is therefore of no value.<br>It is proposed to amend Annex III.A: 'These oils must have: (..). A halogen (such as chlorine) content of less than ~~500~~ **2.000** ppm. | S | The text is accepted and amended |
| 57 | ASEGRE (Association of Waste Management Companies and Special Resources) | Association | first final provision | Experience with the application of Royal Decree 553/2020 makes it advisable to incorporate provisions adapting the regulation to the usual situations in waste shipments. This is the case for partial waste rejections. For various reasons, both in packaged and bulk waste, part of the waste should sometimes be rejected, for example because it does not comply with part of the load as agreed in the treatment contract, or presented in a form that makes it impossible to discharge the waste completely, for example by solidification. Full return of cargo would unnecessarily increase waste | N | Not acceptable. In accordance with the system for the control and supervision of shipments within the territory of the State and consistent with Community legislation, it is not possible to establish partial rejections of a shipment of waste. In this sense, creating a particular rejection would imply new steps of the identification document, as one part would be returned to the origin (the part partially rejected) |

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| | | | | shipments and the circulation of heavy-duty vehicles.<br>It is proposed to revise Article 7. Rejection of the waste referred to in the Royal Decree, so as to regulate partial rejection, identifying precisely the load accepted and the load rejected, and the procedure to be followed for notifications of shipments and identification documents. | | while another part of the waste would be accepted at the treatment facility. In this regard, in order to be able to report cases in which the quantity accepted by the destination manager is not the same as that indicated by the origin and there is a partial acceptance, we are considering including in the electronic procedure a field free of comments where the manager can consider these cases. |
| 58 | ASEGRE (Association of Waste Management Companies and Special Resources) | Association | first final provision | Experience in the application of Royal Decree 553/2020 and in the use of telematic platforms has shown the need to consider mechanisms that allow documentation to be sent by means of an alternative procedure, when these telematic tools are not available, and thus provide legal certainty for waste managers in these situations. This will also prevent managers from stopping their activities, with the corresponding impact on other economic and service activities. This lack of functioning of the telematic platforms has been more common than desired and the expectation is that these situations will continue to exist, which is why it is also necessary for the Royal Decree to provide that the competent administrations developing these platforms will dedicate the means and infrastructure necessary for their proper functioning. | N | Not acceptable. Since the introduction of the electronic procedure in September 2021, the transmission of transfer documents (prior notifications and identification documents) has worked well. At certain times, due to maintenance or migration issues of the IT infrastructure, there has been a slowdown in connection or temporary closure of the application. These incidents have been limited in time and the incident has been reported (whenever foreseeable) as early as possible. In addition, the system makes it possible to adapt to possible problems by enabling DIs to be sent in advance to the NTS in |

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| | | | | It is proposed to include in the Royal Decree:<br>• Alternative method of forwarding information when electronic platforms are not operational.<br>• The commitment of the relevant administrations to devote the necessary resources to the efficient functioning of electronic platforms. | | emergency, accident or force majeure situations. In cases where the system has been temporarily unable to operate for a significant period of time, the submission of identification documents through the General Electronic Register has been allowed upon communication of this fact to the users of the electronic procedure. In the light of the above, it is not considered necessary to include provisions for the alternative collection of documentation in the draft Royal Decree. |
| 59 | ASEGRE (Association of Waste Management Companies and Special Resources) | Association | first final provision | Article 20 (2) of Law 7/2022 regulates the legal regime for liability for waste until it is fully treated, and documenting it through the VIs and, where necessary, by means of a certificate or declaration of responsibility from the final treatment facility. This wording exposes managers to issue producers with a certificate for which they do not have sufficient information. Managers can only accurately and safely certify to whom they send or from whom they receive waste, and it is common for management chains to have between 3 and 6 shipments. The text also does not detail the cases in which it is necessary to issue such certificates, which is why they are requested despite the documentation having been processed via electronic platforms. | N | Not acceptable. The derogation laid down in Article 20 (2) concerning the obligations of the original producer or other holder of the waste and the determination of when their responsibility comes to an end requires a detailed study of the different waste streams and intermediate treatments which goes beyond the control and supervision system laid down in the legislation on shipments of waste within the State and the specific amendments to Royal Decree 553/2020 of 2 June incorporated in this Royal Decree. |

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| | | | | It is proposed to include a provision in this amendment to RD 553/2020 that includes: A **definition of the cases in which it will be necessary to document the complete treatment** of the waste, bearing in mind that managers can only prove the destination and provenance of the waste they send or receive themselves and that the best guarantee of traceability is the identification documents processed through the corresponding platforms, exempting this waste from these declarations. | | |
| 60 | ASEGRE (Association of Waste Management Companies and Special Resources) | Association | first final provision | Article 20 (2) of Law 7/2022 also provides for the possibility of waiving responsibility for carrying out a complete treatment operation, provided that traceability and proper waste management are ensured. This is the case for operation R1202 on waste electrical and electronic equipment, where it involves the total transformation of the waste into its different fractions and materials.<br>Annex XIII to Royal Decree 110/2015 sets out the treatment requirements. It is therefore proposed that facilities authorised for operation R2 with waste electrical and electronic equipment that demonstrate treatment at all stages for each of the treatment groups, resulting in the different materials and fractions that make up WEEE and are sent for recovery or disposal, be considered to be complete treatment for the purposes of the documentation referred to in Article 20 (1202) of Law 7/2022. | N | Not acceptable. Operation R1202 *Disassembly and separation of the different components of the waste, including the removal of hazardous substances*, results in different fractions of waste which must undergo subsequent treatment. Therefore, it cannot be considered as a complete treatment operation. Moreover, according to Article 2 (ba) R12 operations are intermediate processing operations. |

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| 61 | ASEGRE (Association of Waste Management Companies and Special Resources) | Association | first final provision | It is common for waste without treatment to be shipped to an intermediate treatment facility from which it is exported for final treatment, usually to another EU State. The reasons for this specialisation of the exporting facility are knowledge of the type of waste, logistical efficiency in exporting and processing cross-border waste from that facility, since they are considered to be the start of the shipment. However, some Autonomous Communities interpret the cross-border file to be carried out by the original waste producer. This leads to spiralling management costs, which are sometimes small quantities of waste, and leaves this waste untreated. It is proposed that the appropriate legal amendments be made to Article 8. Prior notification of shipment that, in the case of shipments of waste within Spain to a facility from which it is exported, the start of the shipment shall be deemed to take place from the intermediate treatment facility exporting the shipment. | P | Partially accepted. The specific aspects relating to the delimitation of the regulatory regime between transfers within the State and cross-border transfers can be interpreted through other, not strictly regulatory, concepts such as: Frequently Asked Questions documents or an agreement of the Waste Coordination Committee. In this regard, the Subdirectorate-General for Waste will clarify this aspect in the Frequently Asked Questions document on shipments within the State for proper interpretation by operators and all competent authorities. |
| 62 | ASEGRE (Association of Waste Management Companies and Special Resources) | Association | first final provision | It is clear from the basic national legislation in force that it is impossible for the Autonomous Communities to lay down general prohibitions in respect of certain shipments of waste (for example, shipments of waste from other Autonomous Communities destined for disposal). However, taking into account that several Autonomous Communities have adopted rules laying down such prohibitions, it is proposed to amend Article 9 of Royal Decree 553/2020 in order to | N | Not acceptable. Article 31 of Law 7/2022, of 8 April, already sets out the grounds for opposition by the Autonomous Communities. This does not include the possibility of introducing measures of general or partial prohibition. In any case, if a paragraph excluding the general ban on shipments of certain waste to an |

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| | | | | expressly exclude the possibility for the Autonomous Communities to prohibit certain shipments in a general manner. The proposed amendment will increase legal certainty and ensure market unity, avoiding disproportionate restrictions on the free movement of goods (waste) on national territory.<br>It is proposed to introduce a new paragraph in the final provision:<br>'Six. A new Article 9 (5a) is inserted to read as follows:<br>'The decisions taken by the Autonomous Communities pursuant to paragraphs 2 and 3 may not under any circumstances consist of general prohibitions of certain types of shipments. The objection to the shipment shall always be individual and shall relate to a specific prior notification, which may serve for one or more shipments, as provided for in Article 8 (1).” | | Autonomous Community is incorporated, it is considered more appropriate to do so in a law with the status of law, such as Law 7/2022 of 8 April. |
| 63 | Quaker Houghton Sales BV. Branch in Spain | Company | 2 (a) and Annex I | Include a broader definition of industrial oils and exclude base oils from the definition of industrial oils, whereas base oils are not final products intended for direct consumption or industrial use, but always require prior processing, being used as raw materials in the formulation of finished lubricants. It is proposed that Annex I be worded as follows:<br>'Industrial oils<br>Mineral, vegetable, synthetic or similar lubricating oils of animal origin which, irrespective of their nature, are used, | S | The text is accepted and amended |

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| | | | | inter alia, in the following uses and sectors:<br>1. Engine oils and gear boxes: including engine oils and gear oils (automotive, aviation, marine, industrial and other sectors); excluding greases and bilge oils.<br>2. Industrial oils: including machine oils, hydraulic oils, turbine oils, transformer oils, heat transmission oils, compressor oils; excluding greases and oils used for emulsions.<br>3. Industrial oils (emulsions only): including oils for metallurgy.<br>4. Oils and concentrates from the separation process: only oils from the waste oil separation process falling within code 19 02 07 * of Decision 2000/532/EC.<br>In any event, products and preparations included in the most current version of ISO 6743 Lubricants, industrial oils and related products (Class L) are included in this definition, unless they are excluded according to the general rules laid down in this Royal Decree.<br>This definition also includes any other products intended for consumption, offered for sale or used in the uses appropriate to the products and preparations identified in the preceding paragraphs.' | | |
| 64 | Quaker Houghton Sales BV. | Company | 2 (f) | Correct the error in the reference to Article 11 in relation to the definition of the producer's authorised representative, when it is correct to refer to Article 13 (2) (which governs the | S | The text is accepted and amended |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | Branch in Spain | | | concept of authorised representative). | | |
| 65 | Quaker Houghton Sales BV. Branch in Spain | Company | 7.1 (b) | Setting a 90 % regeneration target makes it impossible to recover industrial waste oils as fuel: the viability of the industries currently engaged in this activity would be seriously compromised if only 10 % of the industrial waste oils generated were allowed to be recovered.<br>Two alternatives are proposed: (I) a strong commitment to the circular economy, setting the 2035 regeneration target at 100 % (which would de facto entail a ban on the recovery of industrial waste oils as fuel), or (ii) a reduction of the 2035 target to 80 % (and a proportional reduction of the 2030 and 2028 targets), allowing a quantity of industrial waste oils to be used for recovery that would reasonably allow the industries engaged in this activity to continue. | P | Partially accepted. In accordance with the waste hierarchy established in Article 8 of Law 7/2022 of 8 April 2007, the regeneration of industrial waste oils should be prioritised over their energy recovery. However, given that some of the waste industrial oils generated may be non-regenerable, it is not considered appropriate to set a regeneration target of 100 % of the collected waste industrial oil, and it is necessary to maintain the path of energy recovery for these non-regenerable oils. It has been clarified in Article 6 (1) that the use as fuel is limited to non-regenerable oils and, in coherence, the management objectives set out in Article 7 are revised. |
| 66 | Quaker Houghton Sales BV. Branch in Spain | Company | 11.2 | As the second paragraph is worded, since the certificate must be a certificate of membership of a SCRAP, it cannot be issued until the current SGIs have obtained the adaptation of their authorisation to operate as a SCRAP (which, taking into account the time limits laid down in the Royal Decree, would not be earlier than one year after its entry into force). As the obligation to fulfil EPR obligations for industrial oils (either | S | The text is accepted and amended by deleting the reference to the deadline. Thus, when they are entered in the Register of Producers of Products, producers of industrial oils must provide a certificate of membership of one of the existing SGIs. |

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| | | | | through an individual system or through membership of a GIS) has already been required in Spain since 1 January 2007 (in accordance with Royal Decree 679/2006), it is considered necessary that at the time of registration in the RPP producers provide a certificate of membership of a GIS (or apply an individual system) in accordance with Royal Decree 679/2006.<br>It is proposed that the second paragraph of Article 11 (2) establish that, at the time of registration in the RPP, producers of industrial oils must already provide a certificate of membership of a GIS (or apply an individual system), in accordance with Royal Decree 679/2006. | | |
| 67 | Quaker Houghton Sales BV. Branch in Spain | Company | 11.4 | The requirement that the entry number in the RPP must appear on the invoices issued to end users raises serious logistical problems in the case of sales made by distributors. First, because it is sometimes not easy for distributors to identify the specific producers of the products they sell to their customers (for example, when the same product has been purchased from several producers). Secondly, because the information relating to the producer of industrial oils has in many cases a high commercial value for distributors and the inclusion in the invoice of the registration number in the RPP of the producers of the industrial oils they market obliges them to provide their customers with confidential information because of their high commercial value. In this | N | Not acceptable. It is considered necessary for the entry number in the Register of Product Producers (RPP) to appear on all invoices issued to the end user in order to ensure the traceability of industrial oils placed on the market. On the other hand, it should be borne in mind that the information contained in the RPP has to be of a public nature, so it is not considered to be confidential information. |

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| | | | | regard, it is understood that monitoring compliance with EPR obligations up to the end user (through invoices) already complies with the requirement to identify on the invoice, up to the end user, the contribution to EPR systems, in accordance with Article 20 (6).<br>It is proposed that invoice identification of the RPP registration number should be required only on invoices issued by producers to their customers (only in the first economic transaction, not to the end user). | | |
| 68 | Quaker Houghton Sales BV. Branch in Spain | Company | 11 and 12 | In the interests of legal certainty and in order to reduce the bureaucratic burden on producers, the articles should expressly provide for the possibility for producers who so wish to authorise EPR systems to comply with the aforementioned obligations on their behalf, by means of the appropriate authorisation entered in the Special Register of Support Schemes (REA). | N | Not acceptable. The producer may authorise any person deemed appropriate without the need to specify in the Royal Decree only one of the possible authorised persons. |
| 69 | Quaker Houghton Sales BV. Branch in Spain | Company | 15.1 (b) | The wording leads to confusion, because the EPR systems do not 'establish' the authorised managers who will carry out the treatment of waste oils, but, in accordance with Article 16 (1) (d), ' **may conclude** agreements with authorised waste managers to coordinate the organisation of the collection, transport and treatment of waste generated by their products, avoiding anti-competitive practices'.<br>Our suggestion is to make a reference to Article 20 (1) (b) of Law 7/2022 of 8 April on waste and contaminated soil for a | S | The text is accepted and amended, but with a different wording. |

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| | | | | circular economy and to amend the final paragraph of Article 15 (1) (b), which regulates the obligations of the final holders of used industrial oils, to read as follows: 'To this end, they shall hand them over to an authorised manager, in accordance with Article 20 (1) of Law 7/2022 of 8 April on waste and contaminated soil for a circular economy'. | | |
| 70 | Quaker Houghton Sales BV. Branch in Spain | Company | 20.5 | In the last paragraph of this Article, the statement *"However, if the deviation is less than 10 %, the surplus may be accumulated by the CECAF for a maximum of four consecutive years after which, if it has not been used to meet its obligations, it shall be returned to the SCRAP. Furthermore, if in any of these cumulative years the deviation exceeds 10 %, the corresponding excess will be returned*'. This contradicts what was stated first, because if, in a calendar year, 'the deviation is less than 10 %', there would no longer be any obligation to repay the excess, so it makes no sense to establish that the SCRAP may accumulate surpluses for four years. Secondly, whatever the year in which the 10 % is exceeded, SCRAPs can always be exempted from the repayment obligation if they justify 'the need to use these resources in subsequent years' (which is the criterion commonly used as recognised by the Directorate-General for Taxation in binding consultations).<br>It is proposed to draft the last paragraph of Article 20 (5) as follows: 'In the case of collective schemes, at the end of each | P | Partially accepted. The wording is amended to clarify the management of the excess, but the obligation to accumulate surplus stocks for a maximum of four years when they are less than 10 % is maintained. |

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| | | | | calendar year, they shall set up the necessary compensation mechanisms to return to producers the excess revenue received, where that excess has been greater than 10 % of the amounts actually borne for the fulfilment of their obligations, or they shall duly justify to the producers participating in the scheme the need to use such resources in years subsequent to the compliance period, on the basis of forecasts of revenue and expenditure for the coming financial years.’ | | |
| 71 | Quaker Houghton Sales BV. Branch in Spain | Company | New final provision 2a | Article 7 (1) provides that the targets for the management of industrial waste oils ‘shall apply to all industrial waste oils, including those financed under extended producer responsibility schemes other than the scheme established in this Royal Decree’.<br>For greater legal certainty, it is suggested to introduce a new second final provision amending Royal Decree 110/2015 of 20 February 2011 on waste electrical and electronic equipment in order to include in it the provision that the targets for the management of industrial waste oils laid down in the Royal Decree regulating industrial oils and their waste will also apply to industrial waste oils financed under the EPR for electrical and electronic equipment. | N | Not acceptable. In accordance with the second additional provision of Royal Decree 110/2015 of 20 February 2007, it applies without prejudice to the specific regulations on waste management, fluorinated gases, industrial oils, batteries and accumulators or product design. We therefore consider that it is not necessary to amend this Royal Decree to include this provision, which is already clearly laid down in Article 7.2 of the Royal Decree regulating industrial oils and their waste. |
| 72 | Quaker Houghton Sales BV. | Company | New final provision | In line with the above, it is suggested to amend, by means of a new third final provision, Royal Decree 265/2021, of 13 April, on end-of-life vehicles and amending the General | N | Not acceptable. In accordance with Additional Provision 1 of Royal Decree 265/2021 of 13 April, the latter applies |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | Branch in Spain | | 3a | Vehicle Regulation, approved by Royal Decree 2822/1998, of 23 December, in order to include in it the provision that the targets for the management of industrial waste oils laid down in the Royal Decree regulating industrial oils and their waste shall also apply to industrial waste oils financed under the RAP for cars. | | without prejudice to the national legislation in force. We therefore consider that it is not necessary to amend this Royal Decree to include this provision, which is already clearly laid down in Article 7.2 of the Royal Decree regulating industrial oils and their waste. |
| 73 | CONEPA (Spanish Federation of Automotive Workshop Employers) | Association | 3 | The brake fluid used in automotive vehicles has an oil base. The argument put forward by the manufacturers in order to pass on the levy for the disposal of waste oils to the workshops.<br>Please clarify whether oilseed products, such as brake fluid, fall within the scope of this Royal Decree. | S | In accordance with ISO Standard 6743 Lubricants, industrial oils and related products (Class L), oilseed based brake fluids would be covered by sub-class L-F ‘Brake fluids and hydraulic clutch fluids’, and would therefore fall within the scope of the Royal Decree. |
| 74 | CONEPA (Spanish Federation of Automotive Workshop Employers) | Association | 20 | Some managers charge workshops for the collection of waste oil. This recovery is justified as costs arising from the corresponding administrative management. We understand that the financial contribution of producers to the Extended Producer Responsibility schemes for industrial oils should cover all the management costs surrounding the waste and that the producer of industrial waste oils (workshop) cannot be charged any costs arising from this management, regardless of the concept carried forward.<br>It is proposed to include in Article 20 (2) (c) a text similar to the following: | N | Not acceptable. The Royal Decree already specifies the extent of the waste management costs to be borne by the extended producer responsibility scheme. The costs linked to administrative procedures related to waste management (shipment documents, etc.) must be borne by the person bound by these procedures. |

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| | | | | "(c) the costs of collecting, communicating data and any other administrative work. | | |
| 75 | ASEDAS (Spanish Association of Distributors, Self-Services and Supermarkets) | Association | 15 | That provision is directly binding on producers or holders of industrial waste oils as an agent required to ensure that they are properly managed, by means of delivery to duly authorised operators. For the sake of consistency, management through those operators must, in the first place, be freely chosen by the producers or holders of industrial waste oils. Regardless of whether collection is agreed by the authorised managers established by the extended responsibility schemes.<br>It is proposed to amend the wording of Article 15 as follows:<br>"(b) ensure the treatment of all the industrial waste oil they generate in accordance with the provisions of this Royal Decree and have the corresponding documentary evidence. To that end, they shall either hand it over directly to an authorised manager, ~~where provided for in the agreements of the producer responsibility organisations,~~ or hand it over to the authorised managers established by the producer responsibility organisations under the conditions defined by them.' | S | The text is accepted and amended, but with a different wording. |
| 76 | ASEDAS (Spanish Association of Distributors, | Association | first final provision | Since many distributors jointly own both the shops (points of sale) and the distribution platforms which deliver goods to those shops, that situation should be expressly included in the scope of reverse logistics. Furthermore, since shops or | N | Not acceptable. The amendment to Article 1 (3) (b) to include shops and logistic platforms, even when they are the same owner, does not bring any substantial |

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| | Self-Services and Supermarkets ) | | | service sectors may generate waste similar in composition and quantity to that generated by private individuals, the possibility of transport to collection points should be extended also to those shops or service sectors.<br>The following amendment is proposed to Article 1 of Royal Decree 553/2020:<br>'One. Article 1 is amended to read as follows:<br>'1. The purpose of this Royal Decree is to develop the legal regime for shipments of waste within the territory of the State, regulated in **Article 31 of Law 7/2022 of 8 April 2011 on waste and contaminated soil for a circular** economy.<br>2. This rule applies to shipments of waste **within the territory of the State** for recovery or disposal, including shipments to facilities carrying out intermediate treatment and storage operations.<br>3. The following transport activities intended for the initial collection of waste are not considered to be shipments of waste:<br>(a) the transport of waste by installation or maintenance undertakings, from the place where that waste was produced to their own installations, provided that it is waste generated as a result of their activity.<br>(b) in the field of reverse logistics, transportation from private households to shops or distribution platforms; and transport from shops to distribution platforms, **even when both belong** | | change to the current derogation. On the other hand, it is not considered appropriate to include trade or the services sector in the exception laid down in Article 1 (3) (c), given that, in most municipalities, civic amenity sites do not allow this type of activity to deposit their waste. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | **to the same owner**.<br>(c) the transport of waste by private individuals, **businesses or service sectors** to collection points set up by local authorities, authorised waste managers or any of the collection points indicated in the applicable legislation'. | | |
| 77 | AEDRA (Association Spanish of Dismantling and Recycling automotive) | Association | 3 and 7.1 | Article 8 of 'Royal Decree 265/2021, of 13 April, on end-of-life vehicles and amending the General Vehicle Regulation, approved by Royal Decree 2822/1998, of 23 December', states that economic operators shall meet, within the scope of their activity, the objectives of preparing for re-use, recycling and recovery of cars laid down in Annex VII. The following targets for preparing for re-use, recycling and recovery are set out in Annex VII: (a) the total preparing for re-use and recovery rate shall be at least 95 per 100 of the average weight per car per year, and (b) the total preparing for re-use and recycling rate shall be at least 85 per 100 of the average weight per car per year. Although Article 7 of the PRD on Used Industrial Oils now adds management objectives for industrial oils, the objectives of the VFVU Royal Decree (End-of-Life Vehicles), which are already very high at 95 %, are de facto being extended, far exceeding the objectives of any waste stream.<br>It is proposed to delete in Article 3 (1): "Industrial oils incorporated in equipment and components are also included." and add in Article 3.2: "(e) Industrial oils | N | Not acceptable. The management objectives laid down in Article 7 (1) do not constitute an extension of the objectives laid down in Royal Decree 265/2021 of 13 April. Given that, according to the definition in Article 2 (ai) of Law 7/2022 of 8 April 2007, the regeneration of waste oils is a recycling operation, for the purpose of calculating the targets laid down in Annex VII to Royal Decree 265/2021 of 13 April 2007, industrial oils contained in motor vehicles intended for regeneration shall be included. Industrial waste oils contained in cars that are destined for regeneration will thus simultaneously contribute to meeting the targets set in both standards (it is recalled that the 85 % recycling of the vehicle is a minimum, not a maximum percentage). Similarly, it does not seem appropriate to exclude waste generated in |

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| | | | | incorporated in equipment and components.” In addition, delete in Article 7 (1): ‘These targets shall apply to all industrial waste oils, including those financed under extended producer responsibility schemes other than the scheme established in this Royal Decree.’ | | certain activities (CAT) from the management objectives set for industrial waste oils, since in that case it might not be clear that the principle of hierarchy must be applied in the management of such oils. |
| 78 | AEDRA (Association Spanish of Dismantling and Recycling automotive) | Association | 3.2 | In order to preserve the principle of traceability in the management of industrial waste oils, while avoiding the duplication of obligations already provided for in the regime applicable to end-of-life vehicles, which would impose an additional administrative and operational burden on authorised treatment centres, with a direct impact on the efficiency of the system, the allocation of resources and the competitiveness of the sector, it is proposed to add to Article 3 (2) (exclusions): industrial oils incorporated in vehicle components that are managed in full in accordance with Royal Decree 265/2021, except as regards traceability or delivery to an authorised manager.’ | N | Not acceptable. Royal Decree 265/2021 of 13 April 2007 does not regulate the management of industrial waste oils generated at the end of life of the vehicle components in which they are incorporated. It is therefore considered necessary for these oils to be included in the scope of this Royal Decree. |
| 79 | AEDRA (Association Spanish of Dismantling and Recycling automotive | Association | New final provision 2a | The management of industrial oils used by the regeneration process leads to the reclaimed oil being considered as a product. It would therefore be appropriate to amend Royal Decree 265/2021 of 13 April on end-of-life vehicles and amending the General Vehicle Regulation, approved by Royal Decree 2822/1998 of 23 December, so as to consider the management of oils from VFVUs as included in section 2b of Annex VII. | N | Not acceptable. In accordance with the definition in Article 2 (ai) of Law 7/2022 of 8 April 2007, regeneration of waste oils is a recycling operation, not a preparation for re-use operation. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | ) | | | It is proposed to include a new final provision:<br>'Second final provision. Amendment of Royal Decree 265/2021, of 13 April, on end-of-life vehicles and amending the General Vehicle Regulation, approved by Royal Decree 2822/1998, of 23 December.<br>Royal Decree 265/2021, of 13 April, on end-of-life vehicles and amending the General Vehicle Regulation, approved by Royal Decree 2822/1998, of 23 December, is hereby amended as follows:<br>One. Annex VII (2) (b) is amended to read as follows:<br>"(b) From 1 January 2026, recover for preparing for re-use, and make available on the market car components, parts or parts that account for at least 15 % of the total weight of the cars they treat annually. **Regeneration of industrial waste oils shall be considered as preparation for re-use**.'» | | |
| 80 | AEDRA (Association Spanish of Dismantling and Recycling automotive) | Association | 8.1 | Article 8 (1) masks the possibility for certain Autonomous Communities to require industrial waste oils to be treated in the facilities of their Autonomous Communities regardless of price, which would make it possible to inflate prices if there is only one facility in one Autonomous Community, which is contrary to free competition. We consider that this would be appropriate only if the treatment in another Autonomous Community is subject to lower hierarchical treatment in accordance with the criteria laid down in Article 6. This reflection should therefore be framed in Article 6 on oil | P | Partially accepted. The text of Article 8 (1) has been amended but has not been deleted. |

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| | | | | management priorities and not in Article 8 on shipments. If it comes under Article 6, the interpretation leads us to the fact that the Autonomous Communities have to provide nearby options, whereas in Article 8 the interpretation could be to prohibit its transfer to other Autonomous Communities where management is cheaper, or even more efficient. Finally, the minimisation of shipments is already listed in recital 1.<br>It is proposed to change paragraph 8.1 from Article 8 to point 1 of Article 6; i.e. delete point 8.1 and fix Article 8 (4) accordingly. Furthermore, as the article already exists in the Law on Waste, which is superior to the Royal Decree on oils, it would be sufficient to name the number of the article, as is done with Article 8 and 29:<br>'1. In accordance with Articles **8, 9 and 29** of Law 7/2022 of 8 April, and in order to ensure compliance with the waste hierarchy, the following order of priority is established in the management of industrial waste oils:' | | |
| 81 | AEDRA (Association Spanish of Dismantling and Recycling automotive) | Association | 8 | It is proposed with the aim of enhancing legal certainty and ensuring a balanced regulatory framework, combining the principle of proximity with the freedom of efficient management throughout the national territory. This is to avoid possible territorial distortions, promoting fair competition between operators and aligning the rule with the principles of efficiency, sustainability and free movement laid | S | The text is accepted and amended, but with a different wording. |

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| | | | | down in national and EU legislation.<br>It is proposed to add in Article 8 (or 6): 'The application of the principle of proximity may not be interpreted as restricting the freedom to ship waste within the national territory where more efficient or economically viable treatment options are available, in accordance with the principles of Law 7/2022 and Regulation (EC) No 1013/2006.' | | |
| 82 | AEDRA (Association Spanish of Dismantling and Recycling automotive) | Association | 15.1 (b) | Subparagraph b of Article 15 (1) is not understood. Moreover, the word 'directly' is not appropriate. The Authorised VFVU Treatment Centres (CATs) are not obliged to deliver waste oil to anyone agreed by the extended producer responsibility schemes.<br>A new wording is proposed for Article 15 (1) (b):<br>"(b) ensure the treatment of all the industrial waste oil they generate in accordance with the provisions of this Royal Decree and have the corresponding documentary evidence. To that end, they shall hand it over to an authorised manager.' | S | The text is accepted and amended, but with a different wording. |
| 83 | AEDRA (Association Spanish of Dismantling and Recycling automotive) | Association | first transitional provision | The Autonomous Communities should amend the authorisations of the CATs with regard to the provisions of this Royal Decree.<br>It is proposed to change point 2 of the first transitional provision as follows: '2. Within a maximum of one year from the submission of the request for review referred to in the previous paragraph, the Autonomous Communities shall | N | Not acceptable. The Royal Decree does not introduce specific requirements for CATs requiring the authorisation of these facilities to be adapted. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | update the content of the existing authorisations, both of used oil managers and of other managers concerned, to the provisions of this Royal Decree, incorporating the additional conditions that, where applicable, must be met by the operators of the installations.' | | |
| 84 | AEDRA (Association Spanish of Dismantling and Recycling automotive) | Association | New additional provision | In order to bring consistency to the applicable regulatory framework, avoiding possible situations of legal uncertainty resulting from conflicting interpretations between sectoral regulations. At the same time, it is intended to promote harmonisation between the specific regime for end-of-life vehicles and the general rules on industrial oils, ensuring their complementary application in a clear and operational manner.<br>It is proposed to add an additional provision indicating:<br>'Additional Provision X. Application of this Royal Decree to Authorised Treatment Centres (ATCs) for end-of-life vehicles. The provisions of this Royal Decree shall apply to CATs with regard to the management of industrial waste oils, without prejudice to the provisions of Royal Decree 265/2021 of 13 April 2007. In the event of a conflict between the recovery and reuse targets laid down in both Royal Decrees, the targets laid down in Royal Decree 265/2021 shall prevail, with the regeneration of industrial oils being considered as a preparation for reuse operation for the purposes of calculating them. | N | Not acceptable. The provisions of this Royal Decree apply to industrial waste oils contained in vehicles that are treated in Authorised Treatment Centres (ATCs). It is considered that the inclusion of these oils in the scope of the Royal Decree is already clearly specified in Article 3. As regards the management objectives laid down in both Royal Decrees, in the event that the industrial waste oils contained in the vehicles are intended for regeneration, which is a recycling operation as defined in Article 2 of Law 7/2022 of 8 April, they shall simultaneously contribute to the fulfilment of the objectives laid down in both regulations. |

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| 85 | Shell España, S.A. | Company | 2 (a) and Annex I | Include a broader definition of industrial oils and exclude base oils from the definition of industrial oils, whereas base oils are not final products intended for direct consumption or industrial use, but always require prior processing, being used as raw materials in the formulation of finished lubricants. It is proposed that Annex I be worded as follows:<br>'Industrial oils<br>Mineral, vegetable, synthetic or similar lubricating oils of animal origin which, irrespective of their nature, are used, inter alia, in the following uses and sectors:<br>1. Engine oils and gear boxes: including engine oils and gear oils (automotive, aviation, marine, industrial and other sectors); excluding greases and bilge oils.<br>2. Industrial oils: including machine oils, hydraulic oils, turbine oils, transformer oils, heat transmission oils, compressor oils; excluding greases and oils used for emulsions.<br>3. Industrial oils (emulsions only): including oils for metallurgy.<br>4. Oils and concentrates from the separation process: only oils from the waste oil separation process falling within code 19 02 07 * of Decision 2000/532/EC.<br>In any event, products and preparations included in the most current version of ISO 6743 Lubricants, industrial oils and related products (Class L) are included in this definition, | S | The text is accepted and amended |

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| | | | | unless they are excluded according to the general rules laid down in this Royal Decree.<br>This definition also includes any other products intended for consumption, offered for sale or used in the uses appropriate to the products and preparations identified in the preceding paragraphs.’ | | |
| 86 | Shell España, S.A. | Company | 2 (f) | Correct the error in the reference to Article 11 in relation to the definition of the producer’s authorised representative, when it is correct to refer to Article 13 (2) (which governs the concept of authorised representative). | S | The text is accepted and amended |
| 87 | Shell España, S.A. | Company | 7.1 (b) | Setting a 90 % regeneration target makes it impossible to recover industrial waste oils as fuel: the viability of the industries currently engaged in this activity would be seriously compromised if only 10 % of the industrial waste oils generated were allowed to be recovered.<br>Two alternatives are proposed: (I) a strong commitment to the circular economy, setting the 2035 regeneration target at 100 % (which would de facto entail a ban on the recovery of industrial waste oils as fuel), or (ii) a reduction of the 2035 target to 80 % (and a proportional reduction of the 2030 and 2028 targets), allowing a quantity of industrial waste oils to be used for recovery that would reasonably allow the industries engaged in this activity to continue. | P | Partially accepted. In accordance with the waste hierarchy established in Article 8 of Law 7/2022 of 8 April 2007, the regeneration of industrial waste oils should be prioritised over their energy recovery. However, given that some of the waste industrial oils generated may be non-regenerable, it is not considered appropriate to set a regeneration target of 100 % of the collected waste industrial oil, and it is necessary to maintain the path of energy recovery for these non-regenerable oils. It has been clarified in Article 6 (1) that the use as fuel is limited to non-regenerable oils and, in coherence, the management |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | | | objectives set out in Article 7 are revised. |
| 88 | Shell España, S.A. | Company | 11.2 | As the second paragraph is worded, since the certificate must be a certificate of membership of a SCRAP, it cannot be issued until the current SGIs have obtained the adaptation of their authorisation to operate as a SCRAP (which, taking into account the time limits laid down in the Royal Decree, would not be earlier than one year after its entry into force). As the obligation to fulfil EPR obligations for industrial oils (either through an individual system or through membership of a GIS) has already been required in Spain since 1 January 2007 (in accordance with Royal Decree 679/2006), it is considered necessary that at the time of registration in the RPP producers provide a certificate of membership of a GIS (or apply an individual system) in accordance with Royal Decree 679/2006.<br>It is proposed that the second paragraph of Article 11 (2) establish that, at the time of registration in the RPP, producers of industrial oils must already provide a certificate of membership of a GIS (or apply an individual system), in accordance with Royal Decree 679/2006. | S | The text is accepted and amended by deleting the reference to the deadline. Thus, when they are entered in the Register of Producers of Products, producers of industrial oils must provide a certificate of membership of one of the existing SGIs. |
| 89 | Shell España, S.A. | Company | 11.4 | The requirement that the entry number in the RPP must appear on the invoices issued to end users raises serious logistical problems in the case of sales made by distributors. First, because it is sometimes not easy for distributors to identify the specific producers of the products they sell to | N | Not acceptable. It is considered necessary for the entry number in the Register of Product Producers (RPP) to appear on all invoices issued to the end user in order to ensure the traceability of industrial oils |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | their customers (for example, when the same product has been purchased from several producers). Secondly, because the information relating to the producer of industrial oils has in many cases a high commercial value for distributors and the inclusion in the invoice of the registration number in the RPP of the producers of the industrial oils they market obliges them to provide their customers with confidential information because of their high commercial value. In this regard, it is understood that monitoring compliance with EPR obligations up to the end user (through invoices) already complies with the requirement to identify on the invoice, up to the end user, the contribution to EPR systems, in accordance with Article 20 (6).<br>It is proposed that invoice identification of the RPP registration number should be required only on invoices <u>issued by producers to their customers</u> (only in the first economic transaction, not to the end user). | | placed on the market. On the other hand, it should be borne in mind that the information contained in the RPP has to be of a public nature, so it is not considered to be confidential information. |
| 90 | Shell España, S.A. | Company | 11 and 12 | In the interests of legal certainty and in order to reduce the bureaucratic burden on producers, the articles should expressly provide for the possibility for producers who so wish to authorise EPR systems to comply with the aforementioned obligations on their behalf, by means of the appropriate authorisation entered in the Special Register of Support Schemes (REA). | N | Not acceptable. The producer may authorise any person deemed appropriate without the need to specify in the Royal Decree only one of the possible authorised persons. |
| 91 | Shell | Company | 15.1 (b) | The wording leads to confusion, because the EPR systems do | S | The text is accepted and amended, but with |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | España, S.A. | | | not 'establish' the authorised managers who will carry out the treatment of waste oils, but, in accordance with Article 16 (1) (d), ' **may conclude** agreements with authorised waste managers to coordinate the organisation of the collection, transport and treatment of waste generated by their products, avoiding anti-competitive practices'.<br>Our suggestion is to make a reference to Article 20 (1) (b) of Law 7/2022 of 8 April on waste and contaminated soil for a circular economy and to amend the final paragraph of Article 15 (1) (b), which regulates the obligations of the final holders of used industrial oils, to read as follows: 'To this end, they shall hand them over to an authorised manager, in accordance with Article 20 (1) of Law 7/2022 of 8 April on waste and contaminated soil for a circular economy'. | | a different wording. |
| 92 | Shell España, S.A. | Company | 20.5 | In the last paragraph of this Article, the statement *"However, if the deviation is less than 10 %, the surplus may be accumulated by the CECAF for a maximum of four consecutive years after which, if it has not been used to meet its obligations, it shall be returned to the SCRAP. Furthermore, if in any of these cumulative years the deviation exceeds 10 %, the corresponding excess will be returned*'. This contradicts what was stated first, because if, in a calendar year, 'the deviation is less than 10 %', there would no longer be any obligation to repay the excess, so it makes no sense to establish that the SCRAP may accumulate surpluses for four | P | Partially accepted. The wording is amended to clarify the management of the excess, but the obligation to accumulate surplus stocks for a maximum of four years when they are less than 10 % is maintained. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | years. Secondly, whatever the year in which the 10 % is exceeded, SCRAPs can always be exempted from the repayment obligation if they justify 'the need to use these resources in subsequent years' (which is the criterion commonly used as recognised by the Directorate-General for Taxation in binding consultations).<br>It is proposed to draft the last paragraph of Article 20 (5) as follows: 'In the case of collective schemes, at the end of each calendar year, they shall set up the necessary compensation mechanisms to return to producers the excess revenue received, where that excess has been greater than 10 % of the amounts actually borne for the fulfilment of their obligations, or they shall duly justify to the producers participating in the scheme the need to use such resources in years subsequent to the compliance period, on the basis of forecasts of revenue and expenditure for the coming financial years.' | | |
| 93 | Shell España, S.A. | Company | New final provision 2a | Article 7 (1) provides that the targets for the management of industrial waste oils 'shall apply to all industrial waste oils, including those financed under extended producer responsibility schemes other than the scheme established in this Royal Decree'.<br>For greater legal certainty, it is suggested to introduce a new second final provision amending Royal Decree 110/2015 of 20 February 2011 on waste electrical and electronic equipment | N | Not acceptable. In accordance with the second additional provision of Royal Decree 110/2015 of 20 February 2007, it applies without prejudice to the specific regulations on waste management, fluorinated gases, industrial oils, batteries and accumulators or product design. We therefore consider that it is not necessary to amend this Royal |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | in order to include in it the provision that the targets for the management of industrial waste oils laid down in the Royal Decree regulating industrial oils and their waste will also apply to industrial waste oils financed under the EPR for electrical and electronic equipment. | | Decree to include this provision, which is already clearly laid down in Article 7.2 of the Royal Decree regulating industrial oils and their waste. |
| 94 | Shell España, S.A. | Company | New final provision 3a | In line with the above, it is suggested to amend, by means of a new third final provision, Royal Decree 265/2021, of 13 April, on end-of-life vehicles and amending the General Vehicle Regulation, approved by Royal Decree 2822/1998, of 23 December, in order to include in it the provision that the targets for the management of industrial waste oils laid down in the Royal Decree regulating industrial oils and their waste shall also apply to industrial waste oils financed under the RAP for cars. | N | Not acceptable. In accordance with Additional Provision 1 of Royal Decree 265/2021 of 13 April, the latter applies without prejudice to the national legislation in force. We therefore consider that it is not necessary to amend this Royal Decree to include this provision, which is already clearly laid down in Article 7.2 of the Royal Decree regulating industrial oils and their waste. |
| 95 | ACITRE (Associació Catalana d'INSTAL·lacions de Tractament de Residus Especials) | Association | 7.1 (b) | Setting a 90 % regeneration target is considered excessive. We believe that the target of 100 % regeneration can be set for 2035, as has already been the case in Catalonia since 1993. | P | Partially accepted. Since some industrial waste oils may be non-regenerable, it is not considered appropriate to set a target of 100 % regeneration of the industrial waste oils generated. However, bearing in mind that the current rate of regeneration is around 75 % of the waste oil collected, the targets set in the draft royal decree have been increased and a new target has been set for 2038. Article 6 (1) has also been |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | | | amended to limit fuel use to non-regenerable oils. |
| 96 | ACITRE (Associació Catalana d'INSTAL·lacions de Tractament de Residus Especials) | Association | 20.4 | It is considered that exported oils, processed in other countries, should also not be financed.<br>It is proposed to complete the exclusion from financing management operations **also for exported oils**. | N | Not acceptable. Extended Producer Responsibility (EPR) should finance the costs of managing industrial waste oils from industrial oils that have been placed on the market on Spanish territory, regardless of whether such management takes place within the territory of the State or outside it. |
| 97 | ACITRE (Associació Catalana d'INSTAL·lacions de Tractament de Residus Especials) | Association | 20.5 | 'However, if the deviation is less than 10 %, collective schemes may accumulate the surplus for a maximum of four consecutive years, after which, if they have not used it to meet their obligations, they shall repay it.' The existence of surplus stocks has been fundamental in the crisis situations that have occurred during COVID 19, the war in Ukraine, and abnormally high or low oil prices.<br>We request that this repayment of funds be reconsidered. We believe that it must be ensured that the collective system has sufficient funds to finance the system in the face of exceptional situations that may require it. | N | Not acceptable. The possibility of keeping surpluses below 10 % for a period of four years is considered sufficient to ensure that funds are available to deal with extraordinary situations. |
| 98 | ACITRE (Associació Catalana | Association | Annex III | The 500 ppm halogen content is not in line with industrial reality. The regulations of other EU Member States (e.g. Portugal and Germany) set a maximum limit of 2.000 ppm of | S | The text is accepted and amended |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | d'INSTAL·lacions de Tractament de Residus Especials) | | | halogens (mainly chlorine and fluorine) for the processing of oils, as they are perfectly regenerable with these levels. In the process of regeneration of waste oil, it favours the removal of chlorine from the lubricant bases obtained, as the separation of the hydrocarbon constituents according to their different boiling points is achieved.<br>It is proposed to amend Annex III.A: 'These oils must have: A halogen (such as chlorine) content of less than ~~500~~ **2.000** ppm.' | | |
| 99 | Repsol, S.A. | Company | 2 (a) and Annex I | Include a broader definition of industrial oils and exclude base oils from the definition of industrial oils, whereas base oils are not final products intended for direct consumption or industrial use, but <u>always require prior processing, being</u> used as raw materials in the formulation of finished lubricants. It is proposed that Annex I be worded as follows:<br>'Industrial oils<br>Mineral, vegetable, synthetic or similar lubricating oils of animal origin which, irrespective of their nature, are used, inter alia, in the following uses and sectors:<br>1. Engine oils and gear boxes: including engine oils and gear oils (automotive, aviation, marine, industrial and other sectors); excluding greases and bilge oils.<br>2. Industrial oils: including machine oils, hydraulic oils, turbine oils, transformer oils, heat transmission oils, compressor oils; excluding greases and oils used for | S | The text is accepted and amended |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | emulsions.<br>3. Industrial oils (emulsions only): including oils for metallurgy.<br>4. Oils and concentrates from the separation process: only oils from the waste oil separation process falling within code 19 02 07 * of Decision 2000/532/EC.<br>In any event, products and preparations included in the most current version of ISO 6743 Lubricants, industrial oils and related products (Class L) are included in this definition, unless they are excluded according to the general rules laid down in this Royal Decree.<br>This definition also includes any other products intended for consumption, offered for sale or used in the uses appropriate to the products and preparations identified in the preceding paragraphs.’ | | |
| 100 | Repsol, S.A. | Company | 2 (f) | Correct the error in the reference to Article 11 in relation to the definition of the producer’s authorised representative, when it is correct to refer to Article 13 (2) (which governs the concept of authorised representative). | S | The text is accepted and amended |
| 101 | Repsol, S.A. | Company | 7.1 (b) | Setting a 90 % regeneration target makes it impossible to recover industrial waste oils as fuel: the viability of the industries currently engaged in this activity would be seriously compromised if only 10 % of the industrial waste oils generated were allowed to be recovered.<br>Two alternatives are proposed: (I) a strong commitment to | P | Partially accepted. In accordance with the waste hierarchy established in Article 8 of Law 7/2022 of 8 April 2007, the regeneration of industrial waste oils should be prioritised over their energy recovery. However, given that some of the waste |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | the circular economy, setting the 2035 regeneration target at 100 % (which would de facto entail a ban on the recovery of industrial waste oils as fuel), or (ii) a reduction of the 2035 target to 80 % (and a proportional reduction of the 2030 and 2028 targets), allowing a quantity of industrial waste oils to be used for recovery that would reasonably allow the industries engaged in this activity to continue. | | industrial oils generated may be non-regenerable, it is not considered appropriate to set a regeneration target of 100 % of the collected waste industrial oil, and it is necessary to maintain the path of energy recovery for these non-regenerable oils. It has been clarified in Article 6 (1) that the use as fuel is limited to non-regenerable oils and, in coherence, the management objectives set out in Article 7 are revised. |
| 102 | Repsol, S.A. | Company | 11.2 | As the second paragraph is worded, since the certificate must be a certificate of membership of a SCRAP, it cannot be issued until the current SGIs have obtained the adaptation of their authorisation to operate as a SCRAP (which, taking into account the time limits laid down in the Royal Decree, would not be earlier than one year after its entry into force). As the obligation to fulfil EPR obligations for industrial oils (either through an individual system or through membership of a GIS) has already been required in Spain since 1 January 2007 (in accordance with Royal Decree 679/2006), it is considered necessary that at the time of registration in the RPP producers provide a certificate of membership of a GIS (or apply an individual system) in accordance with Royal Decree 679/2006.<br>It is proposed that the second paragraph of Article 11 (2) | S | The text is accepted and amended by deleting the reference to the deadline. Thus, when they are entered in the Register of Producers of Products, producers of industrial oils must provide a certificate of membership of one of the existing SGIs. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | establish that, at the time of registration in the RPP, producers of industrial oils must already provide a certificate of membership of a GIS (or apply an individual system), in accordance with Royal Decree 679/2006. | | |
| 103 | Repsol, S.A. | Company | 11.4 | The requirement that the entry number in the RPP must appear on the invoices issued to end users raises serious logistical problems in the case of sales made by distributors. First, because it is sometimes not easy for distributors to identify the specific producers of the products they sell to their customers (for example, when the same product has been purchased from several producers). Secondly, because the information relating to the producer of industrial oils has in many cases a high commercial value for distributors and the inclusion in the invoice of the registration number in the RPP of the producers of the industrial oils they market obliges them to provide their customers with confidential information because of their high commercial value. In this regard, it is understood that monitoring compliance with EPR obligations up to the end user (through invoices) already complies with the requirement to identify on the invoice, up to the end user, the contribution to EPR systems, in accordance with Article 20 (6).<br>It is proposed that invoice identification of the RPP registration number should be required only on invoices <u>issued by producers to their customers</u> (only in the first | N | Not acceptable. It is considered necessary for the entry number in the Register of Product Producers (RPP) to appear on all invoices issued to the end user in order to ensure the traceability of industrial oils placed on the market. On the other hand, it should be borne in mind that the information contained in the RPP has to be of a public nature, so it is not considered to be confidential information. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | economic transaction, not to the end user). | | |
| 104 | Repsol, S.A. | Company | 11 and 12 | In the interests of legal certainty and in order to reduce the bureaucratic burden on producers, the articles should expressly provide for the possibility for producers who so wish to authorise EPR systems to comply with the aforementioned obligations on their behalf, by means of the appropriate authorisation entered in the Special Register of Support Schemes (REA). | N | Not acceptable. The producer may authorise any person deemed appropriate without the need to specify in the Royal Decree only one of the possible authorised persons. |
| 105 | Repsol, S.A. | Company | 15.1 (b) | The wording leads to confusion, because the EPR systems do not 'establish' the authorised managers who will carry out the treatment of waste oils, but, in accordance with Article 16 (1) (d), ' **may conclude** agreements with authorised waste managers to coordinate the organisation of the collection, transport and treatment of waste generated by their products, avoiding anti-competitive practices'.<br>Our suggestion is to make a reference to Article 20 (1) (b) of Law 7/2022 of 8 April on waste and contaminated soil for a circular economy and to amend the final paragraph of Article 15 (1) (b), which regulates the obligations of the final holders of used industrial oils, to read as follows: 'To this end, they shall hand them over to an authorised manager, in accordance with Article 20 (1) of Law 7/2022 of 8 April on waste and contaminated soil for a circular economy'. | S | The text is accepted and amended, but with a different wording. |
| 106 | Repsol, S.A. | Company | 20.5 | In the last paragraph of this Article, the statement *"However,* | P | Partially accepted. The wording is amended |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | *if the deviation is less than 10 %, the surplus may be accumulated by the CECAF for a maximum of four consecutive years after which, if it has not been used to meet its obligations, it shall be returned to the SCRAP. Furthermore, if in any of these cumulative years the deviation exceeds 10 %, the corresponding excess will be returned*'. This contradicts what was stated first, because if, in a calendar year, 'the deviation is less than 10 %', there would no longer be any obligation to repay the excess, so it makes no sense to establish that the SCRAP may accumulate surpluses for four years. Secondly, whatever the year in which the 10 % is exceeded, SCRAPs can always be exempted from the repayment obligation if they justify 'the need to use these resources in subsequent years' (which is the criterion commonly used as recognised by the Directorate-General for Taxation in binding consultations).<br>It is proposed to draft the last paragraph of Article 20 (5) as follows: 'In the case of collective schemes, at the end of each calendar year, they shall set up the necessary compensation mechanisms to return to producers the excess revenue received, where that excess has been greater than 10 % of the amounts actually borne for the fulfilment of their obligations, or they shall duly justify to the producers participating in the scheme the need to use such resources in years subsequent to the compliance period, on the basis of | | to clarify the management of the excess, but the obligation to accumulate surplus stocks for a maximum of four years when they are less than 10 % is maintained. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | forecasts of revenue and expenditure for the coming financial years.' | | |
| 107 | Repsol, S.A. | Company | New final provision 2a | Article 7 (1) provides that the targets for the management of industrial waste oils 'shall apply to all industrial waste oils, including those financed under extended producer responsibility schemes other than the scheme established in this Royal Decree'.<br>For greater legal certainty, it is suggested to introduce a new second final provision amending Royal Decree 110/2015 of 20 February 2011 on waste electrical and electronic equipment in order to include in it the provision that the targets for the management of industrial waste oils laid down in the Royal Decree regulating industrial oils and their waste will also apply to industrial waste oils financed under the EPR for electrical and electronic equipment. | N | Not acceptable. In accordance with the second additional provision of Royal Decree 110/2015 of 20 February 2007, it applies without prejudice to the specific regulations on waste management, fluorinated gases, industrial oils, batteries and accumulators or product design. We therefore consider that it is not necessary to amend this Royal Decree to include this provision, which is already clearly laid down in Article 7.2 of the Royal Decree regulating industrial oils and their waste. |
| 108 | Repsol, S.A. | Company | New final provision 3a | In line with the above, it is suggested to amend, by means of a new third final provision, Royal Decree 265/2021, of 13 April, on end-of-life vehicles and amending the General Vehicle Regulation, approved by Royal Decree 2822/1998, of 23 December, in order to include in it the provision that the targets for the management of industrial waste oils laid down in the Royal Decree regulating industrial oils and their waste shall also apply to industrial waste oils financed under the RAP for cars. | N | Not acceptable. In accordance with Additional Provision 1 of Royal Decree 265/2021 of 13 April, the latter applies without prejudice to the national legislation in force. We therefore consider that it is not necessary to amend this Royal Decree to include this provision, which is already clearly laid down in Article 7.2 of the Royal Decree regulating industrial oils and their |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | | | waste. |
| 109 | MOEVE Commercial S.A.U. | Company | 2 (a) and Annex I | Include a broader definition of industrial oils and exclude base oils from the definition of industrial oils, whereas base oils are not final products intended for direct consumption or industrial use, but <u>always require prior processing, being</u> used as raw materials in the formulation of finished lubricants. It is proposed that Annex I be worded as follows:<br>'Industrial oils<br>Mineral, vegetable, synthetic or similar lubricating oils of animal origin which, irrespective of their nature, are used, inter alia, in the following uses and sectors:<br>1. Engine oils and gear boxes: including engine oils and gear oils (automotive, aviation, marine, industrial and other sectors); excluding greases and bilge oils.<br>2. Industrial oils: including machine oils, hydraulic oils, turbine oils, transformer oils, heat transmission oils, compressor oils; excluding greases and oils used for emulsions.<br>3. Industrial oils (emulsions only): including oils for metallurgy.<br>4. Oils and concentrates from the separation process: only oils from the waste oil separation process falling within code 19 02 07 * of Decision 2000/532/EC.<br>In any event, products and preparations included in the most current version of ISO 6743 Lubricants, industrial oils and | S | The text is accepted and amended |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | related products (Class L) are included in this definition, unless they are excluded according to the general rules laid down in this Royal Decree.<br>This definition also includes any other products intended for consumption, offered for sale or used in the uses appropriate to the products and preparations identified in the preceding paragraphs.' | | |
| 110 | MOEVE Commercial S.A.U. | Company | 2 (f) | Correct the error in the reference to Article 11 in relation to the definition of the producer's authorised representative, when it is correct to refer to Article 13 (2) (which governs the concept of authorised representative). | S | The text is accepted and amended |
| 111 | MOEVE Commercial S.A.U. | Company | 7.1 (b) | Setting a 90 % regeneration target makes it impossible to recover industrial waste oils as fuel: the viability of the industries currently engaged in this activity would be seriously compromised if only 10 % of the industrial waste oils generated were allowed to be recovered.<br>Two alternatives are proposed: (I) a strong commitment to the circular economy, setting the 2035 regeneration target at 100 % (which would de facto entail a ban on the recovery of industrial waste oils as fuel), or (ii) a reduction of the 2035 target to 80 % (and a proportional reduction of the 2030 and 2028 targets), allowing a quantity of industrial waste oils to be used for recovery that would reasonably allow the industries engaged in this activity to continue. | P | Partially accepted. In accordance with the waste hierarchy established in Article 8 of Law 7/2022 of 8 April 2007, the regeneration of industrial waste oils should be prioritised over their energy recovery. However, given that some of the waste industrial oils generated may be non-regenerable, it is not considered appropriate to set a regeneration target of 100 % of the collected waste industrial oil, and it is necessary to maintain the path of energy recovery for these non-regenerable oils. It has been clarified in Article 6 (1) that the use as fuel is limited to non-regenerable |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | | | oils and, in coherence, the management objectives set out in Article 7 are revised. |
| 112 | MOEVE Commercial S.A.U. | Company | 11.2 | As the second paragraph is worded, since the certificate must be a certificate of membership of a SCRAP, it cannot be issued until the current SGIs have obtained the adaptation of their authorisation to operate as a SCRAP (which, taking into account the time limits laid down in the Royal Decree, would not be earlier than one year after its entry into force). As the obligation to fulfil EPR obligations for industrial oils (either through an individual system or through membership of a GIS) has already been required in Spain since 1 January 2007 (in accordance with Royal Decree 679/2006), it is considered necessary that at the time of registration in the RPP producers provide a certificate of membership of a GIS (or apply an individual system) in accordance with Royal Decree 679/2006.<br>It is proposed that the second paragraph of Article 11 (2) establish that, at the time of registration in the RPP, producers of industrial oils must already provide a certificate of membership of a GIS (or apply an individual system), in accordance with Royal Decree 679/2006. | S | The text is accepted and amended by deleting the reference to the deadline. Thus, when they are entered in the Register of Producers of Products, producers of industrial oils must provide a certificate of membership of one of the existing SGIs. |
| 113 | MOEVE Commercial S.A.U. | Company | 11.4 | The requirement that the entry number in the RPP must appear on the invoices issued to end users raises serious logistical problems in the case of sales made by distributors. First, because it is sometimes not easy for distributors to | N | Not acceptable. It is considered necessary for the entry number in the Register of Product Producers (RPP) to appear on all invoices issued to the end user in order to |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | identify the specific producers of the products they sell to their customers (for example, when the same product has been purchased from several producers). Secondly, because the information relating to the producer of industrial oils has in many cases a high commercial value for distributors and the inclusion in the invoice of the registration number in the RPP of the producers of the industrial oils they market obliges them to provide their customers with confidential information because of their high commercial value. In this regard, it is understood that monitoring compliance with EPR obligations up to the end user (through invoices) already complies with the requirement to identify on the invoice, up to the end user, the contribution to EPR systems, in accordance with Article 20 (6).<br>It is proposed that invoice identification of the RPP registration number should be required only on invoices <u>issued by producers to their customers</u> (only in the first economic transaction, not to the end user). | | ensure the traceability of industrial oils placed on the market. On the other hand, it should be borne in mind that the information contained in the RPP has to be of a public nature, so it is not considered to be confidential information. |
| 114 | MOEVE Commercial S.A.U. | Company | 11 and 12 | In the interests of legal certainty and in order to reduce the bureaucratic burden on producers, the articles should expressly provide for the possibility for producers who so wish to authorise EPR systems to comply with the aforementioned obligations on their behalf, by means of the appropriate authorisation entered in the Special Register of Support Schemes (REA). | N | Not acceptable. The producer may authorise any person deemed appropriate without the need to specify in the Royal Decree only one of the possible authorised persons. |

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| 115 | MOEVE Commercial S.A.U. | Company | 15.1 (b) | The wording leads to confusion, because the EPR systems do not 'establish' the authorised managers who will carry out the treatment of waste oils, but, in accordance with Article 16 (1) (d), ' **may conclude** agreements with authorised waste managers to coordinate the organisation of the collection, transport and treatment of waste generated by their products, avoiding anti-competitive practices'.<br>Our suggestion is to make a reference to Article 20 (1) (b) of Law 7/2022 of 8 April on waste and contaminated soil for a circular economy and to amend the final paragraph of Article 15 (1) (b), which regulates the obligations of the final holders of used industrial oils, to read as follows: 'To this end, they shall hand them over to an authorised manager, in accordance with Article 20 (1) of Law 7/2022 of 8 April on waste and contaminated soil for a circular economy'. | S | The text is accepted and amended, but with a different wording. |
| 116 | MOEVE Commercial S.A.U. | Company | 20.5 | In the last paragraph of this Article, the statement *"However, if the deviation is less than 10 %, the surplus may be accumulated by the CECAF for a maximum of four consecutive years after which, if it has not been used to meet its obligations, it shall be returned to the SCRAP. Furthermore, if in any of these cumulative years the deviation exceeds 10 %, the corresponding excess will be returned*'. This contradicts what was stated first, because if, in a calendar year, 'the deviation is less than 10 %', there would no longer be any obligation to repay the excess, so it makes no sense to | P | Partially accepted. The wording is amended to clarify the management of the excess, but the obligation to accumulate surplus stocks for a maximum of four years when they are less than 10 % is maintained. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | establish that the SCRAP may accumulate surpluses for four years. Secondly, whatever the year in which the 10 % is exceeded, SCRAPs can always be exempted from the repayment obligation if they justify 'the need to use these resources in subsequent years' (which is the criterion commonly used as recognised by the Directorate-General for Taxation in binding consultations).<br>It is proposed to draft the last paragraph of Article 20 (5) as follows: 'In the case of collective schemes, at the end of each calendar year, they shall set up the necessary compensation mechanisms to return to producers the excess revenue received, where that excess has been greater than 10 % of the amounts actually borne for the fulfilment of their obligations, or they shall duly justify to the producers participating in the scheme the need to use such resources in years subsequent to the compliance period, on the basis of forecasts of revenue and expenditure for the coming financial years.' | | |
| 117 | MOEVE Commercial S.A.U. | Company | New final provision 2a | Article 7 (1) provides that the targets for the management of industrial waste oils 'shall apply to all industrial waste oils, including those financed under extended producer responsibility schemes other than the scheme established in this Royal Decree'.<br>For greater legal certainty, it is suggested to introduce a new second final provision amending Royal Decree 110/2015 of 20 | N | Not acceptable. In accordance with the second additional provision of Royal Decree 110/2015 of 20 February 2007, it applies without prejudice to the specific regulations on waste management, fluorinated gases, industrial oils, batteries and accumulators or product design. We therefore consider |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | February 2011 on waste electrical and electronic equipment in order to include in it the provision that the targets for the management of industrial waste oils laid down in the Royal Decree regulating industrial oils and their waste will also apply to industrial waste oils financed under the EPR for electrical and electronic equipment. | | that it is not necessary to amend this Royal Decree to include this provision, which is already clearly laid down in Article 7.2 of the Royal Decree regulating industrial oils and their waste. |
| 118 | MOEVE Commercial S.A.U. | Company | New final provision 3a | In line with the above, it is suggested to amend, by means of a new third final provision, Royal Decree 265/2021, of 13 April, on end-of-life vehicles and amending the General Vehicle Regulation, approved by Royal Decree 2822/1998, of 23 December, in order to include in it the provision that the targets for the management of industrial waste oils laid down in the Royal Decree regulating industrial oils and their waste shall also apply to industrial waste oils financed under the RAP for cars. | N | Not acceptable. In accordance with Additional Provision 1 of Royal Decree 265/2021 of 13 April, the latter applies without prejudice to the national legislation in force. We therefore consider that it is not necessary to amend this Royal Decree to include this provision, which is already clearly laid down in Article 7.2 of the Royal Decree regulating industrial oils and their waste. |
| 119 | Ecologico Ibérica y Mediterránea, S.A. and Limpiezas Nervión, S.A.U. | Company | 7.1 | The 90 % regeneration target in 2035 is neither technically nor legally feasible. In 2 023.74 % regeneration was achieved in Spain, reflecting an efficient system. And although there is technical capacity to exceed 75 %, this has not happened because part of the waste is not recoverable due to its composition, contamination or degradation. Forcing their treatment would have a negative environmental impact, increase energy consumption and generate secondary hazardous waste. The applicable legislation does not set | N | Not acceptable. In accordance with Article 29 (1) of Law 7/2022 of 8 April, waste oils must be treated with priority given to regeneration. Moreover, according to the available information, although the current regeneration rate in Spain is around 75 %, there are several Autonomous Communities where waste oil regeneration exceeds 80 % and in 2023 the regeneration |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | quantitative regeneration targets. It only gives priority to this operation, but allows the use of others when these generate an equivalent or better overall environmental outcome. This interpretation has been confirmed by the European Commission's Guidance on the implementation of the Waste Framework Directive, which allows for a deviation from the hierarchy if justified by a life-cycle analysis. Recent studies show that increasing regeneration rates beyond certain levels lead to decreasing environmental returns, while economic, regulatory costs and operational inefficiencies increase. It is proposed to set 75 % as a reasonable threshold – in line with current system performance and efficiency criteria – and to maintain viable routes such as energy recovery if it is more effective, realistic and consistent with the principles of proportionality and efficiency.<br>The following amendment is therefore proposed to Article 7 (1):<br>"(b) **a regeneration target for generated industrial waste oil of 75 % shall be reached by 1 January 2028**.<br>~~(b) At least the following regeneration targets shall be achieved for the industrial waste oil generated:~~<br>~~1°. By 1 January 2028 at the latest by 75 %.~~<br>~~2°. Before 1 January 2030 by 80 %.~~<br>~~3°. By 1 January 2035 at the latest by 90 %.~~<br>-(c) **The provisions of subparagraph (b) above shall not** | | rate was around 80 %. For these reasons, it is considered necessary to set more ambitious regeneration targets. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | **prevent industrial waste oils from being used for other treatment operations, including energy recovery, where those operations are technically or environmentally sound.**' | | |
| 120 | Ecologico Ibérica y Mediterránea, S.A. and Limpiezas Nervión, S.A.U. | Company | 20.2 | The new wording excludes the energy valorisation of activities eligible for financing by EPR schemes despite being a legal, technically necessary and environmentally suitable solution for non-regenerable fractions. This exclusion breaks with the system's comprehensive approach, which does finance other stages such as collection, pre-treatment or regeneration, and compromises the sustainability of the chain. Energy recovery has historically been financed by SIGAUS and remains indispensable for treating degraded, contaminated or mixed waste oils that cannot be regenerated. Excluding this route may discourage their collection, increase the risk of unwanted exports or lead to inappropriate treatments. Moreover, it contradicts the principle of technological neutrality and may unbalance cost sharing within the system. In line with the above, it is proposed to allow the financing of energy recovery under controlled conditions, ensuring an environmentally efficient use of the resource without distorting the system.<br>It is therefore proposed that Article 20 (2) (a) be worded as follows:<br>"(a) the costs of separate collection of industrial waste oils, the costs of transport, analysis and treatment, including a | N | Not acceptable. According to Article 43 (1) of Law 7/2022 of 8 April, the financial contribution paid by the producer of the product must cover the costs of waste treatment, including the treatment necessary to meet the waste management objectives. It is therefore considered necessary to finance only processing, including pre-processing, intended for the regeneration of industrial waste oils in such a way as to facilitate compliance with the regeneration objectives laid down in the Royal Decree. However, EPR does finance the collection, transport and storage of all industrial waste oils, including those destined for energy recovery and conversion into fuel. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | reasonable profit for the operator, and ~~the~~ costs **of energy storage and recovery**, in order to achieve at least the objectives set out in Article 7, and taking into account the revenues obtained from the sale of reclaimed industrial waste oil. No ~~additional financing shall be granted for energy recovery or for the treatment of industrial waste oils for conversion into fuel~~. | | |
| 121 | Sertego Servicios Medio Ambientales, S.L.U. | Company | 2 (e) | The definition of 'producer of industrial waste oils' (Article 2 (e) of the draft royal decree) includes in that concept the importer of industrial waste oils and the purchaser of industrial waste oils in another EU State, but it goes beyond the scope of Article 2 (ab) of Law 7/2022, which considers only 'any natural or legal person whose activity produces waste (original waste producer) or any person who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of that waste' to be a 'producer of waste'.<br>It is proposed to amend Article 2 (e) of the draft to remove the status of waste producer for those companies that import industrial waste oils from outside the European Union and for those that purchase them in another country of the European Union. That amendment does not deprive those undertakings of the status of 'waste holder' or, as the case may be, of the status of 'waste manager', and of the obligations associated with those situations. In addition, it resolves the problem of | S | The text is accepted and amended |

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| | | | | attributing to which Autonomous Community this waste is attributed, for the purposes of Article 7 (2), since it has not been generated in any Autonomous Community. | | |
| 122 | Sertego Servicios Medio Ambientales, S.L.U. | Company | 6 | The draft Royal Decree recognises the priority of recovery of industrial waste oils through regeneration over conversion into fuels, but does not introduce economic instruments or other incentive measures for regeneration, as required by Article 8 (2) of Law 7/2022. The mere indication of regeneration objectives, without additional measures, does not incentivise regeneration, and therefore does not comply with the aforementioned Article 8 (2). Administrative measures should be taken to ensure the effective implementation of the waste hierarchy provided for waste oils.<br>It is proposed to strictly prohibit the conversion of waste oil into fuel or its incineration, except for waste that cannot be reclaimed, by adding a new paragraph 2 to Article 6 (the current paragraph 2 would become paragraph 3). Law 7/2022 is clear on the priority of regeneration over conversion into fuel, but there are no administrative rules imposing it, beyond targets that have long been missed. | S | Article 6 (1) is accepted and amended in line with what is proposed and, in coherence, the management objectives set out in Article 7 are revised. As regards the introduction of measures to encourage regeneration, it is considered that the exclusion of energy recovery and the conversion of waste industrial oils into fuel from the extended producer responsibility financing obligations, in accordance with Article 20 (2), constitutes an economic incentive to regeneration. |
| 123 | Sertego Servicios Medio Ambientales, | Company | 7.1 | The regeneration target of 75 % by 2028 is insufficient, as 74.5 % was already regenerated in 2024, according to SIGAUS data. The 80 % to 2030 target is even lower than the reasonable ambitious targets assessed by the European | P | Partially accepted. The targets set for 2028 and 2030 are increased and a new target for 2038 is added. However, these targets are set for industrial waste oil collected |

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| | S.L.U. | | | Commission for 2030 for the entire European Union (85 %) and the 90 % to 2035 target allows industrial waste oils that could be reclaimed to be converted into fuels, in clear breach of Article 29 (1) (b) of Law 7/2022. In this regard, it should be borne in mind that Spain already has sufficient regeneration capacity installed for 100 % of industrial waste oils.<br>It is proposed to set a regeneration target of 85 % by 2 028.90 % by 2030 and 100 % by 2035 only for waste oils that can be regenerated. The 100 % regeneration target for regenerable waste oils already exists in some Autonomous Communities (Catalonia) and in some EU countries (Portugal, Italy and Greece). | | since to do so for industrial regenerable waste oil would require establishing a common criterion for determining the characteristics of oils that allow them to be classified as regenerable oils and quantifying them. Article 6 (1) is also amended to limit the use of non-regenerable oils as fuel. |
| 124 | Sertego Servicios Medio Ambientales, S.L.U. | Company | 8.1 | Given the small number of waste oil regeneration plants in Spain, it should be clarified that the application of the principles of proximity and self-sufficiency in the recovery of industrial waste oils (Article 8 (1)) cannot allow preference to be given to conversion into fuels in nearby plants over possible regeneration, as this violates the waste hierarchy in Article 29. This clarification is important because it is reproduced in Articles 16 (d) and 17.1 (h) (3) (a) of the draft Royal Decree.<br>It is proposed to clarify that compliance with the principles of proximity and self-sufficiency in the management of industrial waste oils does not make it possible to alter the order of priority established by Article 29 (1) (b) of Law 7/2022. | S | The text has been accepted and amended. |

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| 125 | Sertego Servicios Medio Ambientales, S.L.U. | Company | 9.2 (b) | Article 9 (2) (b) of the draft Royal Decree, when defining the requirements for industrial waste oils intended for regeneration operations, requires that waste oil must be 'treated in such a way that at least 70 % of the resulting product is used as a lubricant base for the formulation of oils'. However, this requirement is too vague and does not guarantee the effectiveness of regeneration.<br>We propose to replace Article 9(b) (2) with the following wording:<br>'Be treated in such **a way that at least 60 % of the resulting product on a dry basis** is ~~used as~~ **a** ~~lubricating~~ oil base for the formulation of lubricating ~~oils~~, **and at least 60 % of these bases are actually marketed to lubricant manufacturers**.' | P | Partially accepted. The reference to the placing on the market of regenerated lubricant bases is not included as it is considered that the technical requirements established for the regeneration operation are sufficient to ensure the quality of the bases obtained. On the other hand, the requirement to prove that lubricants have actually been placed on the market would require a mechanism to be put in place to verify that they have been placed on the market. |
| 126 | Sertego Servicios Medio Ambientales, S.L.U. | Company | 20.2 (a) | Article 20 (2) (a) of the draft is drafted in such a way as to allow the extended responsibility scheme to finance the costs of energy recovery. Indeed, Article 13 of RD 79/2006 expressly stated that the system only covered the costs of managing waste oils by regeneration or other forms of recycling (paragraph 2a) – conversion into fuel is not legally considered as recycling, in accordance with Article 2 (af) of Law 7/2022-, but this statement disappears in the new Article 20.<br>It is proposed to reinstate in Article 20 (2) (a) of the draft Royal Decree a ban on the extended responsibility system financing treatment costs for forms of recovery other than | S | The text is accepted and amended, but with a different wording. |

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| | | | | reclamation or other forms of recycling (which excludes conversion into fuel). The mere expectation that no additional funding will be granted for energy recovery and fuel conversion treatments only leads to the conclusion that they will not receive more funding than the regeneration treatments, but does not exclude them from funding. | | |
| 127 | Sertego Servicios Medio Ambientales, S.L.U. | Company | 20.4 | Under the proposed wording of Article 20 (4), extended responsibility schemes are authorised not to finance the disposal of waste oils imported from or dispatched to another country of the European Union, but nothing is said about the financing of waste oils exported or dispatched to another country of the European Union. We believe that the model should not be seen as a mere exemption from the obligation to finance, but as a ban, and should also be closed with the addition of the obligation to prevent the financing of waste oils leaving Spain as well.<br>It is proposed that Article 20 (4) be amended to read as follows:<br>'4. Producer Responsibility Organisations ~~shall not be obliged to~~ finance operations for **the** management of industrial waste oils imported, **exported**, purchased from other States **of the European Union or shipped to other States of the European Union**.' | N | Not acceptable. It is considered that extended producer responsibility should finance only the costs of managing industrial waste oils from industrial oils that have been placed on the Spanish market by producers of products belonging to these systems, regardless of whether this is done within or outside the territory of the State. |
| 128 | Sertego | Company | Annex III | Some of these parameters have been maintained in the | S | |

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| | Servicios Medio Ambientales, S.L.U. | | | regulation of waste oils since the Order of 28 February 1989, however, the composition of the oils has changed significantly in the last 35 years.<br>We detail the reasons why this designation of PCB/PCT has been retained in the successive regulations, and therefore consider that it should be corrected: 1. Knowledge of the origins of the waste oils received, which rule out their origin from possible sources that generate PCTs; 2. As evidence of the above, no waste oil operator analyses this parameter; 3. The recognised analytical methods for the determination of PCBs in petroleum products and waste oils do not include any reference to PCTs; 4. Even if we were to maintain a very conservative position, whereby PCTs would be analysed, we would need to know the analytical standard to be used.<br>It is proposed to amend Annex III.A: 'These oils must have: A ~~maximum~~ content of polybiphenyl chloride (PCB) ~~and polyloterphenyl (PCT) of~~ less **than** 50 ppm.' | | The text is accepted and amended |
| 129 | Sertego Servicios Medio Ambientales, S.L.U. | Company | Annex III | The halogen content of 500 ppm is not in line with industrial reality. The regulations of other EU Member States (e.g. Portugal and Germany) set a maximum limit of 2.000 ppm of halogens (mainly chlorine and fluorine) for the processing of oils, as they are perfectly regenerable with these levels. In the process of regeneration of waste oil, it favours the removal of chlorine from the lubricant bases obtained, as the separation of the hydrocarbon constituents according to their different | S | The text is accepted and amended |

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| | | | | boiling points is achieved.<br>After dehydration processes, the oil is heated in an oven and then distilled under vacuum conditions. The chlorine is removed in the steam which<br>it climbs to the top of the tower. That steam is subsequently recovered by condensation.<br>It is proposed to amend Annex III.A: 'These oils must have: A maximum content of polybiphenyl chloride (PCB) ~~and polyloterphenyl (PCT)~~ of 50 ppm. A halogen (such as chlorine) content of less than ~~500~~ **2.000** ppm.' | | |
| 130 | Sertego Servicios Medio Ambientales, S.L.U. | Company | New final provision | Following the entry into force of Order APM/206/2018 establishing the criteria for determining when fuel recovered from the treatment of MARPOL type c waste for use as fuel on ships ceases to be waste under Law 22/2011, marine fuels have been adapted to successive regulatory changes and strategies of the International Maritime Organisation (IMO). As a result of these changes in the composition of marine fuels, especially fuel oils, the composition of the waste generated, and hence that of the recovered fuel obtained from Marpol type c waste, has been changing. This situation has led to a shift from 100 % fossil fuel recovery to more than 1 % biogenic fuel recovery. These new characteristics of the waste are causing the physical and chemical processes used to date not to be as 'effective' as before for the disposal of a particular metal, Zn, and much more natural resources must | N | Not acceptable. This is a substantial change that has not been submitted to IP. However, the Subdirectorate-General for Waste will assess the proposal with a view to possible subsequent amendments. |

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| | | | | be consumed for its treatment (energy, water, additives, etc.).<br>It is proposed to amend Annex I section 3 of APM/206/2018, stating that the maximum permissible zinc content in fuel recovered should be increased from the current 5 ppm to the current 45 ppm for nickel. | | |
| 131 | Castrol España S.A.U. | Company | 2 (a) and Annex I | Include a broader definition of industrial oils and exclude base oils from the definition of industrial oils, whereas base oils are not final products intended for direct consumption or industrial use, but always require prior processing, being used as raw materials in the formulation of finished lubricants. It is proposed that Annex I be worded as follows:<br>'Industrial oils<br>Mineral, vegetable, synthetic or similar lubricating oils of animal origin which, irrespective of their nature, are used, inter alia, in the following uses and sectors:<br>1. Engine oils and gear boxes: including engine oils and gear oils (automotive, aviation, marine, industrial and other sectors); excluding greases and bilge oils.<br>2. Industrial oils: including machine oils, hydraulic oils, turbine oils, transformer oils, heat transmission oils, compressor oils; excluding greases and oils used for emulsions.<br>3. Industrial oils (emulsions only): including oils for metallurgy. | S | The text is accepted and amended |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | 4. Oils and concentrates from the separation process: only oils from the waste oil separation process falling within code 19 02 07 * of Decision 2000/532/EC.<br>In any event, products and preparations included in the most current version of ISO 6743 Lubricants, industrial oils and related products (Class L) are included in this definition, unless they are excluded according to the general rules laid down in this Royal Decree.<br>This definition also includes any other products intended for consumption, offered for sale or used in the uses appropriate to the products and preparations identified in the preceding paragraphs.' | | |
| 132 | Castrol España S.A.U. | Company | 2 (f) | Correct the error in the reference to Article 11 in relation to the definition of the producer's authorised representative, when it is correct to refer to Article 13 (2) (which governs the concept of authorised representative). | S | The text is accepted and amended |
| 133 | Castrol España S.A.U. | Company | 7.1 (b) | Setting a 90 % regeneration target makes it impossible to recover industrial waste oils as fuel: the viability of the industries currently engaged in this activity would be seriously compromised if only 10 % of the industrial waste oils generated were allowed to be recovered.<br>Two alternatives are proposed: (I) a strong commitment to the circular economy, setting the 2035 regeneration target at 100 % (which would de facto entail a ban on the recovery of industrial waste oils as fuel), or (ii) a reduction of the 2035 | P | Partially accepted. In accordance with the waste hierarchy established in Article 8 of Law 7/2022 of 8 April 2007, the regeneration of industrial waste oils should be prioritised over their energy recovery. However, given that some of the waste industrial oils generated may be non-regenerable, it is not considered appropriate to set a regeneration target of |

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| | | | | target to 80 % (and a proportional reduction of the 2030 and 2028 targets), allowing a quantity of industrial waste oils to be used for recovery that would reasonably allow the industries engaged in this activity to continue. | | 100 % of the collected waste industrial oil, and it is necessary to maintain the path of energy recovery for these non-regenerable oils. It has been clarified in Article 6 (1) that the use as fuel is limited to non-regenerable oils and, in coherence, the management objectives set out in Article 7 are revised. |
| 134 | Castrol España S.A.U. | Company | 11.2 | As the second paragraph is worded, since the certificate must be a certificate of membership of a SCRAP, it cannot be issued until the current SGIs have obtained the adaptation of their authorisation to operate as a SCRAP (which, taking into account the time limits laid down in the Royal Decree, would not be earlier than one year after its entry into force). As the obligation to fulfil EPR obligations for industrial oils (either through an individual system or through membership of a GIS) has already been required in Spain since 1 January 2007 (in accordance with Royal Decree 679/2006), it is considered necessary that at the time of registration in the RPP producers provide a certificate of membership of a GIS (or apply an individual system) in accordance with Royal Decree 679/2006.<br>It is proposed that the second paragraph of Article 11 (2) establish that, at the time of registration in the RPP, producers of industrial oils must already provide a certificate of membership of a GIS (or apply an individual system), in | S | The text is accepted and amended by deleting the reference to the deadline. Thus, when they are entered in the Register of Producers of Products, producers of industrial oils must provide a certificate of membership of one of the existing SGIs. |

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| | | | | accordance with Royal Decree 679/2006. | | |
| 135 | Castrol España S.A.U. | Company | 11.4 | The requirement that the entry number in the RPP must appear on the invoices issued to end users raises serious logistical problems in the case of sales made by distributors. First, because it is sometimes not easy for distributors to identify the specific producers of the products they sell to their customers (for example, when the same product has been purchased from several producers). Secondly, because the information relating to the producer of industrial oils has in many cases a high commercial value for distributors and the inclusion in the invoice of the registration number in the RPP of the producers of the industrial oils they market obliges them to provide their customers with confidential information because of their high commercial value. In this regard, it is understood that monitoring compliance with EPR obligations up to the end user (through invoices) already complies with the requirement to identify on the invoice, up to the end user, the contribution to EPR systems, in accordance with Article 20 (6).<br>It is proposed that invoice identification of the RPP registration number should be required only on invoices issued by producers to their customers (only in the first economic transaction, not to the end user). | N | Not acceptable. It is considered necessary for the entry number in the Register of Product Producers (RPP) to appear on all invoices issued to the end user in order to ensure the traceability of industrial oils placed on the market. On the other hand, it should be borne in mind that the information contained in the RPP has to be of a public nature, so it is not considered to be confidential information. |
| 136 | Castrol España | Company | 11 and 12 | In the interests of legal certainty and in order to reduce the bureaucratic burden on producers, the articles should | N | Not acceptable. The producer may authorise any person deemed appropriate |

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| | S.A.U. | | | expressly provide for the possibility for producers who so wish to authorise EPR systems to comply with the aforementioned obligations on their behalf, by means of the appropriate authorisation entered in the Special Register of Support Schemes (REA). | | without the need to specify in the Royal Decree only one of the possible authorised persons. |
| 137 | Castrol España S.A.U. | Company | 15.1 (b) | The wording leads to confusion, because the EPR systems do not 'establish' the authorised managers who will carry out the treatment of waste oils, but, in accordance with Article 16 (1) (d), ' **may conclude** agreements with authorised waste managers to coordinate the organisation of the collection, transport and treatment of waste generated by their products, avoiding anti-competitive practices'.<br>Our suggestion is to make a reference to Article 20 (1) (b) of Law 7/2022 of 8 April on waste and contaminated soil for a circular economy and to amend the final paragraph of Article 15 (1) (b), which regulates the obligations of the final holders of used industrial oils, to read as follows: 'To this end, they shall hand them over to an authorised manager, in accordance with Article 20 (1) of Law 7/2022 of 8 April on waste and contaminated soil for a circular economy'. | S | The text is accepted and amended, but with a different wording. |
| 138 | Castrol España S.A.U. | Company | 20.5 | In the last paragraph of this Article, the statement *"However, if the deviation is less than 10 %, the surplus may be accumulated by the CECAF for a maximum of four consecutive years after which, if it has not been used to meet its obligations, it shall be returned to the SCRAP. Furthermore, if* | P | Partially accepted. The wording is amended to clarify the management of the excess, but the obligation to accumulate surplus stocks for a maximum of four years when |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | *in any of these cumulative years the deviation exceeds 10 %, the corresponding excess will be returned*'. This contradicts what was stated first, because if, in a calendar year, 'the deviation is less than 10 %', there would no longer be any obligation to repay the excess, so it makes no sense to establish that the SCRAP may accumulate surpluses for four years. Secondly, whatever the year in which the 10 % is exceeded, SCRAPs can always be exempted from the repayment obligation if they justify 'the need to use these resources in subsequent years' (which is the criterion commonly used as recognised by the Directorate-General for Taxation in binding consultations).<br>It is proposed to draft the last paragraph of Article 20 (5) as follows: 'In the case of collective schemes, at the end of each calendar year, they shall set up the necessary compensation mechanisms to return to producers the excess revenue received, where that excess has been greater than 10 % of the amounts actually borne for the fulfilment of their obligations, or they shall duly justify to the producers participating in the scheme the need to use such resources in years subsequent to the compliance period, on the basis of forecasts of revenue and expenditure for the coming financial years.' | | they are less than 10 % is maintained. |
| 139 | Castrol España | Company | New final provision | Article 7 (1) provides that the targets for the management of industrial waste oils 'shall apply to all industrial waste oils, | N | Not acceptable. In accordance with the second additional provision of Royal Decree |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | S.A.U. | | 2a | including those financed under extended producer responsibility schemes other than the scheme established in this Royal Decree'.<br>For greater legal certainty, it is suggested to introduce a new second final provision amending Royal Decree 110/2015 of 20 February 2011 on waste electrical and electronic equipment in order to include in it the provision that the targets for the management of industrial waste oils laid down in the Royal Decree regulating industrial oils and their waste will also apply to industrial waste oils financed under the EPR for electrical and electronic equipment. | | 110/2015 of 20 February 2007, it applies without prejudice to the specific regulations on waste management, fluorinated gases, industrial oils, batteries and accumulators or product design. We therefore consider that it is not necessary to amend this Royal Decree to include this provision, which is already clearly laid down in Article 7.2 of the Royal Decree regulating industrial oils and their waste. |
| 140 | Castrol España S.A.U. | Company | New final provision 3a | In line with the above, it is suggested to amend, by means of a new third final provision, Royal Decree 265/2021, of 13 April, on end-of-life vehicles and amending the General Vehicle Regulation, approved by Royal Decree 2822/1998, of 23 December, in order to include in it the provision that the targets for the management of industrial waste oils laid down in the Royal Decree regulating industrial oils and their waste shall also apply to industrial waste oils financed under the RAP for cars. | N | Not acceptable. In accordance with Additional Provision 1 of Royal Decree 265/2021 of 13 April, the latter applies without prejudice to the national legislation in force. We therefore consider that it is not necessary to amend this Royal Decree to include this provision, which is already clearly laid down in Article 7.2 of the Royal Decree regulating industrial oils and their waste. |
| 141 | Industry Association of the Canary | Association | 8 | Insularity, remoteness and geographical isolation resulting from our extreme remoteness represent a permanent structural additional cost for industries established in the territory of the Canary Islands. The transport of waste (in this | N | Not acceptable. The establishment of these specific financial mechanisms is considered to go beyond the scope of the Royal Decree. In any event, the financing of the |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | Islands (ASINCA) | | | case used industrial oils) and technologies to and from the archipelago of the Canary Islands means that production processes are more expensive and limits the competitiveness of circular economy initiatives in relation to other continental territories. In addition, there is internal territorial fragmentation, as the Canary Islands archipelago is made up of eight islands, which hinders logistical integration, unified resource management and the development of economies of scale. It is therefore necessary to establish specific mechanisms to compensate for the additional logistical costs resulting from outermost status, ORs, in order to comply with this draft Royal Decree.<br>It is proposed to establish specific financial mechanisms to compensate for the additional costs of logistics, the relocation of industrial oils, and access to technologies and markets, resulting from the OR status provided for in Article 349 of the Treaty on the Functioning of the European Union. These mechanisms should be permanent, such as the additional structural costs borne by the productive activities of the ORs, and should be integrated into programmes to support and promote the circular economy. | | collection and management of waste oils in island territories must be covered by extended producer responsibility, which must take account of these criteria, as stated in Article 20 (4), which states that the costs of waste management must be determined taking into account the specific characteristics of each Autonomous Community. |
| 142 | AFILUB (Association of Independe | Association | 7 | We consider that 100 % regeneration must be achieved immediately on the recovered regenerable oils, given the absolute unanimity on their environmental benefits and that there is capacity for regeneration plants and demand on the | P | Partially accepted. Defining the regeneration objective in relation to regenerable oil would require establishing a common criterion for determining the |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | nt Lubricants Manufacturers) | | | market for this type of base in Spain.<br>It is proposed to set a regeneration target of 100 % of regenerable oils from 1 January 2027. | | characteristics of oils that allow them to be qualified as regenerable oils and to quantify them. It is therefore considered more appropriate to set the target for collected industrial waste oil. This target should be lower than 100 % to take account of industrial waste oils that are not regenerable. However, Article 6 (1) is amended to limit the use of non-regenerable oils as fuel and, accordingly, the management objectives laid down in Article 7 are revised. |
| 143 | AFILUB (Association of Independent Lubricants Manufacturers) | Association | 7.1 (b) | Notwithstanding the previous proposal, this paragraph should be amended as follows, as the percentage to be regenerated since the entry into force of this Royal Decree and 1 January 2028 is not clear.<br>We propose that the wording be changed to:<br>'75 % from the entry into force of this Royal Decree until 1 January 2028' | N | Not acceptable. The proposed wording suggests that from the entry into force of the RD until 1 January 2 028.75 % of the industrial waste oil generated must be regenerated. However, the regeneration targets set are intended to be achieved by gradually increasing regeneration so that the required regeneration target is achieved by the set deadline. |
| 144 | AFILUB (Association of Independe | Association | 20.5 | "These costs shall be based on <u>independent, regular and differentiated studies</u> by each of the ACs.....". Law 7/2022 provides that '<u>if there is no agreement</u> between the operators concerned, independent studies shall be used to | S | The text is accepted and amended |

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| | nt Lubricants Manufacturers) | | | determine these costs' (Article 43). Establishing a priori the need for 'independent studies' entails an unnecessary and disproportionate cost, which is not included in the Law or in the Impact Assessment Report.<br>It is proposed to amend Article 20 (5) to read "where there is no agreement". | | |
| 145 | AFILUB (Association of Independent Lubricants Manufacturers) | Association | Annex VI: | In point 6. Economic data.... EPR systems shall provide an annual audit containing.... At least the following must be included:<br>The information requested here, for example: point 5 of the communication campaigns at national level does not comply with Article 46 of Law 7/2022. Unnecessary expenditure (not provided for in the Law) is exceeded and again created, forcing these costs to be audited, making the process unnecessarily more expensive and discriminating against the establishment of SCRAP for medium-sized and small companies. These costs are not included in the regulatory impact analysis report under Administrative Burdens Analysis.<br>It is proposed to amend this Article and bring it in line with what is required by the Law. | S | The text is accepted and amended to bring it into line with the law. |
| 146 | AFILUB (Association of Independent Lubricants | Association | Annex VII | Annex IV to Royal Decree 208/2022 of 22 March on financial guarantees in the field of waste does not specify the calculation rules applicable to the specific case of industrial oil waste, but point 2.3 of Annex IV on the amount of the security to be provided by extended producer responsibility | P | Partially accepted. The amount is set to bring it into line with Royal Decree 208/2022 of 22 March, but the value established for hazardous waste is taken. |

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| | Manufacturers) | | | organisations states: ‘where the rule governing extended producer responsibility for each waste specifically provides for the lodging of a security but the formula for calculating that security is not laid down, the amount of that security shall be determined in accordance with the following formula:<br>— Hazardous waste: amount of the security = 10 % of the total annual cost to the liability system of waste management”<br>In the current wording of the formula in the draft Royal Decree, by multiplying tonnes put up by the average cost in euros per tonne of used oil, we mix two different concepts for this calculation and believe that this average cost should be compared per tonne collected (not put up). On the other hand, 25 % is totally disproportionate and not provided for in the legislation, which may lead us to believe that the amount of this guarantee, if applied as stated in the draft, may be 50 % of the total annual cost of waste management for the extended responsibility system. It is difficult to comply with and will lead to an excessive increase in the cost of the system, once again not provided for in the Regulatory Impact Analysis Report.<br>We propose to amend Annex VII in line with the provisions of Royal Decree 208/2022, in our opinion to the minimum degree and no more than 5 % of the total management cost. | | |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| 147 | Natural person | Particular | Statement of reasons | The first paragraph of the recitals on page 7 (Article 21 of Directive 2018) already required: 'Member States shall take the necessary measures to ensure that: waste oils are collected separately, where technically possible taking into account good practice; waste oils are treated by giving priority to regeneration or, alternatively, to other recycling operations with an overall environmental outcome equivalent to or better than regeneration in accordance with the principles of the waste hierarchy and of the protection of human health and the environment.'; In Spain there is sufficient treatment capacity for all industrial waste oil generated in Spain. If the Waste Framework Directive requires other forms of recycling with equivalent or better environmental outcomes to be regenerated or used, it makes no sense to 'burn' used oil (which is recovery, not recycled, and its only benefit is economic, not environmental). In addition, when the oil is burnt, the contaminants in the oil evaporate and enter the atmosphere. It is necessary to add to Article 6 (2) the prohibition on converting industrial waste oil into fuel. If it is not prohibited, for political or other reasons, or allowed for economic reasons, add an obligation for those who burn used industrial oil to have a continuous measurement obligation in their authorisation.<br>It is proposed to delete the last paragraph on page 7 and all sites where Order APM/205/2018 of 22 February is | N | Not acceptable. The Royal Decree includes provisions relating to the conversion of industrial waste oil into fuel and, in particular, refers to Order APM/205/2018 of 22 February 2012 in order to clarify when industrial waste oils that are treated for use as fuel may be used as a product. It is therefore necessary to mention this order in the explanatory memorandum. |

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| | | | | mentioned: 'Order APM/205/2018 of 22 February 2006 establishing the criteria for determining when processed waste oil from the treatment of waste oils for use as fuel ceases to be waste'. It is also proposed to delete the last line of the third recital on page 8: 'and specifies when the fuel obtained from these oils may be used as a product.' | | |
| 148 | Natural person | Particular | 3.2 | For industrial oils incorporated into equipment and components, specific legislation already exists, so it does not seem appropriate to include them in Article 3 (1) (a), but in (3.2) (e).<br>It is proposed to change Article 3 (1) (a) to Article 3 (2) (e): industrial oils placed on the domestic market, whether manufactured in Spain or imported from third countries, or purchased in another Member State of the European Union.- ~~Industrial oils incorporated in equipment and components are also included.~~"<br>"(e) Industrial oils incorporated in equipment and components are also included." | N | Not acceptable. Although industrial oils incorporated into equipment and components are subject to specific legislation, it does not regulate the management of industrial waste oils generated at the end of life of such equipment and components. It is therefore considered necessary for these oils to be included in the scope of this Royal Decree. |
| 149 | Natural person | Particular | 5.b | Article 5 (b) could be misinterpreted, producing oils that are consumed or burned during their useful life.<br>It is proposed that Article 5 (b) be amended as follows: "(b) be formulated and manufactured in such ~~a way as to generate as little industrial waste oil as possible~~ **with the intention of extending the useful life of industrial oils, improving their characteristics and facilitating their** | S | The text is accepted and amended, but with a different wording. |

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| | | | | **regeneration or recycling**.” | | |
| 150 | Natural person | Particular | 6 | The first paragraph of the recitals on page 7 (Article 21 of Directive 2018) already required: ‘*Member States shall take the necessary measures to ensure that: waste oils are collected separately, where technically possible taking into account good practice; waste oils* ***are treated by giving priority to regeneration or, alternatively, to other recycling operations with an overall environmental outcome equivalent to or better than regeneration in accordance with the principles of the waste hierarchy and of the protection of human health and the environment*****.**’; In Spain there is sufficient treatment capacity for all industrial waste oil generated in Spain. If the Waste Framework Directive requires other forms of recycling with equivalent or better environmental outcomes to be regenerated or used, it makes no sense to ‘burn’ used oil (which is recovery, not recycled, and its only benefit is economic, not environmental). In addition, when the oil is burnt, the contaminants in the oil evaporate and enter the atmosphere. It is necessary to add to Article 6 (2) the prohibition on converting industrial waste oil into fuel. If it is not prohibited, for political or other reasons, or allowed for economic reasons, add an obligation for those who burn used industrial oil to have a continuous measurement obligation in their authorisation.<br>It is proposed to delete Article 6 (1) (b): ‘Conversion into fuel, | P | Partially accepted. Article 6 (1) is amended to limit the use of non-regenerable oils as fuel and, accordingly, the management objectives laid down in Article 7 are revised. However, it is considered necessary to regulate the conversion of industrial waste oil into fuel for oils that are not susceptible to regeneration, specifying the criteria that industrial waste oils processed for use as fuel must meet in order to be placed on the market as a product and used safely for the environment. |

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| | | | | in accordance with Order APM/205/2018 of 22 February 2011 establishing the criteria for determining when processed waste oil 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 soil.' It is also proposed to add in Article 6 (2): "(c) the processing of used industrial oil into fuel." | | |
| 151 | Natural person | Particular | 7 | Taking into account the above proposal, and once we know that there is treatment capacity to regenerate all of the waste oil generated in Spain and that 'burning' waste oil converted to fuel pollutes, in addition to being recovery rather than recycling, it is clear that all of the regenerable oil must be regenerated, and the rest recovered for energy purposes as waste in facilities authorised for the incineration or co-incineration of waste with continuous measurement.<br>It is proposed to amend Article 7 (b): "At least the following management objectives shall be achieved for the industrial waste oil generated:<br>1°. By 1 January 2 027,100 % of the recoverable part of the collected industrial waste oil. "and add" (c) The collected non-regenerable industrial waste oil shall be energetically recovered as waste in installations authorised for the incineration or co-incineration of waste.' | P | Partially accepted. Defining targets based on the recoverable part of the collected industrial waste oil would require establishing a common methodology to identify and quantify which part of the collected waste oil is susceptible to regeneration. It is therefore considered more appropriate to set the target for industrial waste oil collected. However, Article 6 (1) is amended to limit the use as fuel to non-regenerable oils and, in coherence, the management objectives set out in Article 7 are revised. |
| 152 | Natural person | Particular | 9 | The first paragraph of the recitals on page 7 (Article 21 of Directive 2018) already required: '*Member States shall take* | N | Not acceptable. Considering that non-regenerable industrial waste oils may be |

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| | | | | *the necessary measures to ensure that: waste oils are collected separately, where technically possible taking into account good practice; waste oils* ***are treated by giving priority to regeneration or, alternatively, to other recycling operations with an overall environmental outcome equivalent to or better than regeneration in accordance with the principles of the waste hierarchy and of the protection of human health and the environment.***’; In Spain there is sufficient treatment capacity for all industrial waste oil generated in Spain. If the Waste Framework Directive requires other forms of recycling with equivalent or better environmental outcomes to be regenerated or used, it makes no sense to ‘burn’ used oil (which is recovery, not recycled, and its only benefit is economic, not environmental). In addition, when the oil is burnt, the contaminants in the oil evaporate and enter the atmosphere. It is necessary to add to Article 6 (2) the prohibition on converting industrial waste oil into fuel. If it is not prohibited, for political or other reasons, or allowed for economic reasons, add an obligation for those who burn used industrial oil to have a continuous measurement obligation in their authorisation.<br>It is proposed that Article 9 (3) be deleted: ‘3. Industrial waste oil processed for use as fuel may only be used as a product when it reaches end-of-waste status by complying in full with the provisions of Order APM/205/2018 of 22 February 2013. | | destined for treatment for conversion into fuel, it is considered necessary to clarify when industrial waste oils that are treated for use as fuel may be used as a product. |

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| | | | | To this end, the waste manager must have a management system that 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 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93.' | | |
| 153 | Natural person | Particular | 9 | It is proposed to add Article 9 (4) to prevent Spanish industrial used oil from being exported for conversion into fuel or burning. ""4. In order to ensure compliance with paragraph 1, the competent body of the Autonomous Community may restrict the disposal of industrial waste oils outside the territory of the State where the oils are destined **for installations for conversion into fuel**, incineration or co-incineration, where it applies the provisions of Articles 11 and 12 of Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024. Similarly, the Ministry for the Ecological Transition and the Demographic Challenge may restrict shipments of industrial waste oils to third countries where they are destined for installations for **conversion into fuel**, incineration or co-incineration.' | S | The text is accepted and amended in Article 9 (3). |
| 154 | Natural person | Particular | 15 | In order to allow reverse logistics and to legislate on the oil extracted from tractors by farmers, it is proposed to add | N | Not acceptable. The proposed wording reproduces the provisions of Article 1 (3) of |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | Article 15 (2):<br>‘2. The following transport activities intended for the initial collection of waste are not considered to be shipments of waste:<br>(a) the transport of waste by installation or maintenance undertakings, from the place where that waste was produced to their own installations, provided that it is waste generated as a result of their activity.<br>(b) in the field of reverse logistics, transportation from private households to shops or distribution platforms; and transport from shops to distribution platforms.<br>(c) the transport of waste by private individuals to collection points set up by local authorities, authorised waste managers or any of the collection points indicated in the applicable legislation’. | | Royal Decree 553/2020 of 2 June, which applies, if the established cases are met, to oil extracted from tractors by farmers. It is therefore considered unnecessary to repeat it in this Royal Decree. |
| 155 | Natural person | Particular | 20.6 | On the basis of Article 20 (principle of extended producer responsibility for the product), the costs relating to the management of industrial waste oils generated on national territory shall be borne by the producers of the product. However, when an end user goes to the workshop to change the oil in the car, they upload to the invoice, on a separate line, the management of the oil. It is the waste producer, not the producer of the product, who actually pays for the management of the used industrial oil. To avoid this, the cost of managing the separate online oil should be removed from | N | Not acceptable. It is considered necessary to make the cost of managing industrial oil used as a consumer information measure visible on the invoice. In any event, the fact that it is not shown on the invoice does not mean that the producer does not pass on the cost of administration to the consumer. |

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| | | | | the invoice. Or the principle of extended producer responsibility for the product is removed from the Waste Act.<br><br>It is proposed to delete Article 20(6). Alternatively, amend Article 20.6 as follows: '6. In order to facilitate the control and monitoring of the financing obligations provided for in the Royal Decree, the invoices issued by producers for the commercial transactions of industrial oils placed on the market through collective extended producer responsibility schemes must clearly state that the contribution has already been paid to those schemes in a manner clearly distinct from the other items making up that invoice. This contribution must be identified jointly for all products covered by each invoice and must be identified throughout the supply chain up to the final consumer; the invoice to be issued to the final consumer shall indicate that this contribution has already been paid by the producer of the product and shall NOT be paid by the final consumer.' | | |
| 156 | Natural person | Particular | 20.3 | The first paragraph of the recitals on page 7 (Article 21 of Directive 2018) already required: '*Member States shall take the necessary measures to ensure that: waste oils are collected separately, where technically possible taking into account good practice; waste oils* ***are treated by giving priority to regeneration or, alternatively, to other recycling operations with an overall environmental outcome*** | N | Not acceptable. In view of the fact that non-regenerable industrial waste oils may be used for energy recovery or for conversion into fuel, it is considered necessary to clarify the financing of these management operations. |

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| | | | | ***equivalent to or better than regeneration in accordance with the principles of the waste hierarchy and of the protection of human health and the environment.***'; In Spain there is sufficient treatment capacity for all industrial waste oil generated in Spain. If the Waste Framework Directive requires other forms of recycling with equivalent or better environmental outcomes to be regenerated or used, it makes no sense to 'burn' used oil (which is recovery, not recycled, and its only benefit is economic, not environmental). In addition, when the oil is burnt, the contaminants in the oil evaporate and enter the atmosphere. It is necessary to add to Article 6 (2) the prohibition on converting industrial waste oil into fuel. If it is not prohibited, for political or other reasons, or allowed for economic reasons, add an obligation for those who burn used industrial oil to have a continuous measurement obligation in their authorisation.<br>It is proposed to delete the last sentence of Article 20 (3) (a) "and the treatment of industrial waste oils for conversion into fuel." and also to delete any reference to the conversion of oil into fuel. | | |
| 157 | Natural person | Particular | first transitional provision | Taking into account the above proposal, and once we know that there is treatment capacity to regenerate all of the waste oil generated in Spain and that 'burning' waste oil converted to fuel pollutes, in addition to being recovery rather than recycling, it is clear that all of the regenerable oil must be | P | Partially accepted. The first transitional provision remains unchanged, as it is considered necessary to have installations for the treatment of industrial waste oils that are not capable of being reclaimed, in |

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| | | | | regenerated, and the rest recovered for energy purposes as waste in facilities authorised for the incineration or co-incineration of waste with continuous measurement.<br>It is proposed to add, at the end of the first transitional provision, point 1.: 'In particular, authorisations for the conversion of industrial waste oil into fuel shall be repealed.' | | particular through their conversion into fuels. However, Article 6 (1) is amended to limit the use of non-regenerable oils as fuel and, accordingly, the management objectives laid down in Article 7 are revised. |
| 158 | Natural person | Particular | New transition al provision 5a | Taking into account the above proposal, and once we know that there is treatment capacity to regenerate all of the waste oil generated in Spain and that 'burning' waste oil converted to fuel pollutes, in addition to being recovery rather than recycling, it is clear that all of the regenerable oil must be regenerated, and the rest recovered for energy purposes as waste in facilities authorised for the incineration or co-incineration of waste with continuous measurement.<br>It is proposed to add a fifth transitional provision: 'Operators authorised to convert used industrial oil may only sell fuel already obtained outside the borders of Spain until the end of their stocks.' | N | Not acceptable. Since treatment plants processing industrial waste oils for conversion into fuel are not prohibited, a transitional regime for these plants is not appropriate. |
| 159 | Natural person | Particular | sole Repealing Provision | Taking into account the above proposal, and once we know that there is treatment capacity to regenerate all of the waste oil generated in Spain and that 'burning' waste oil converted to fuel pollutes, in addition to being recovery rather than recycling, it is clear that all of the regenerable oil must be regenerated, and the rest recovered for energy purposes as waste in facilities authorised for the incineration or co- | N | Not acceptable. There are industrial waste oils which cannot be reclaimed and which can be used for conversion into fuels. It is therefore considered necessary to maintain Order APM/205/2018 of 22 February 2013 in force to regulate the criteria determining when industrial waste oil treated for use as |

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| | | | | incineration of waste with continuous measurement.<br>It is proposed to add at the end of the single repealing provision: 'as well as the ministerial order for conversion of used oil into fuel'. | | fuel ceases to be waste. |
| 160 | Natural person | Particular | Annex I | New lubricants may be vegetable-based but also water-based, so they would not be industrial oils in the strict sense. I therefore propose that paragraph 5 be added to Annex I: '5. New lubricants developed for the automotive, aviation, marine, industrial and other sectors shall comply with the spirit of this standard, according to their specificities." | P | Partially accepted. Annex I clarifies which oils are regulated by the Royal Decree, so that water-based oils would not be included in the definition of industrial oils for the purposes of the application of the Royal Decree. |
| 161 | AGALEUS MEDIO AMBIENTE Y ENERGIA, S.L. | Company | 7 | Setting a 90 % regeneration target is considered excessive.<br>It is proposed that the maximum regeneration target be 75 % linear until 2025 as there is currently no processing capacity that makes it possible to require such a percentage of oil regeneration capacity. We therefore consider this to be an objective aligned with existing and future processing capacity. | N | Not acceptable. In accordance with Article 29 (1) of Law 7/2022 of 8 April, waste oils must be treated with priority given to regeneration. On the other hand, according to the available information, the current regeneration rate is already around 75 %, therefore it is considered necessary to set more ambitious regeneration targets. |
| 162 | AGALEUS MEDIO AMBIENTE Y ENERGIA, S.L. | Company | 8.1 | Where reference is made to the principle of proximity and self-sufficiency, it should be borne in mind that in many Autonomous Communities there are no oil regeneration plants, so providing for this possibility may undermine the objectives laid down in this legislation. These facilities are highly specialised plants which cannot be found in each | P | Partially accepted. The text of Article 8 (1) has been amended but has not been deleted. |

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| | | | | Autonomous Community and therefore this waste must be shipped within the State.<br>It is proposed to delete the provisions of Article 8 (1). | | |
| 163 | AGALEUS MEDIO AMBIENTE Y ENERGIA, S.L. | Company | 9.2 (b) | In our view, it is certainly inconsistent to set a 10-year target for 90 % of oil to be used for regeneration, but only to require 70 % of the product resulting from regeneration processes to be used for the subsequent production of lubricant bases.<br>It is proposed that the generation objectives be aligned with the requirement to use the bases produced by regenerators.<br>And continuing with our previous argument, in relation to the targets, we propose that this 70 % target be maintained but aligned with the 70 % regeneration target. | N | Not acceptable. The 70 % mentioned in this Article refers to the product resulting from regeneration that can be used for the formulation of lubricants, while the 90 % in Article 7.1 refers to industrial waste oil that must be used for regeneration. It is not possible to match these two figures as regeneration operations do not have a 100 % efficiency and, in addition to regenerated bases, other materials and products are obtained from these operations. |
| 164 | AGALEUS MEDIO AMBIENTE Y ENERGIA, S.L. | Company | 20.2 (a) | 'The costs of separate collection of industrial waste oils, the costs of transport, analysis and treatment, including a reasonable profit for the operator, and the cost of storage, in order to achieve at least the objectives set out in Article 7, and taking into account the revenues obtained from the sale of reclaimed industrial waste oil. No **additional financing shall be granted for energy recovery or for the treatment of industrial waste oils for conversion into fuel.**'<br>It does not seem very reasonable that, if there is a possibility within the various oil management processes, the production | N | Not acceptable. According to Article 43 (1) of Law 7/2022 of 8 April, the financial contribution paid by the producer of the product must cover the costs of waste treatment, including the treatment necessary to meet the waste management objectives. It is therefore considered necessary to finance only processing, including pre-processing, intended for the regeneration of industrial waste oils in such |

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| | | | | of fuel, a process which is highly regulated since there is a Ministerial Order regulating the conditions for end-of-waste status and the possibility of selling it as fuel, that this process, where a marketable product is obtained, should no longer be financed by producers. It should also be understood that as long as there is no regeneration target of less than 100 %, all permitted treatment processes should be financed.<br>It is proposed that this paragraph be deleted from Article 20 (2) (a) on the financing of energy recovery or conversion into fuel. | | a way as to facilitate compliance with the regeneration objectives laid down in the Royal Decree. However, EPR does finance the collection, transport and storage of all industrial waste oils, including those destined for energy recovery and conversion into fuel. |
| 165 | KLÜBER LUBRICATIO N GMBH IBERICA | Company | 2 (a) and Annex I | Include a broader definition of industrial oils and exclude base oils from the definition of industrial oils, whereas base oils are not final products intended for direct consumption or industrial use, but always require prior processing, being used as raw materials in the formulation of finished lubricants. It is proposed that Annex I be worded as follows:<br>'Industrial oils<br>Mineral, vegetable, synthetic or similar lubricating oils of animal origin which, irrespective of their nature, are used, inter alia, in the following uses and sectors:<br>1. Engine oils and gear boxes: including engine oils and gear oils (automotive, aviation, marine, industrial and other sectors); excluding greases and bilge oils.<br>2. Industrial oils: including machine oils, hydraulic oils, turbine oils, transformer oils, heat transmission oils, | S | (LATE). The text is accepted and amended |

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| | | | | compressor oils; excluding greases and oils used for emulsions.<br>3. Industrial oils (emulsions only): including oils for metallurgy.<br>4. Oils and concentrates from the separation process: only oils from the waste oil separation process falling within code 19 02 07 * of Decision 2000/532/EC.<br>In any event, products and preparations included in the most current version of ISO 6743 Lubricants, industrial oils and related products (Class L) are included in this definition, unless they are excluded according to the general rules laid down in this Royal Decree.<br>This definition also includes any other products intended for consumption, offered for sale or used in the uses appropriate to the products and preparations identified in the preceding paragraphs.' | | |
| 166 | KLÜBER LUBRICATIO N GMBH IBERICA | Company | 2 (f) | Correct the error in the reference to Article 11 in relation to the definition of the producer's authorised representative, when it is correct to refer to Article 13 (2) (which governs the concept of authorised representative). | S | (LATE). The text is accepted and amended |
| 167 | KLÜBER LUBRICATIO N GMBH IBERICA | Company | 7.1 (b) | Setting a 90 % regeneration target makes it impossible to recover industrial waste oils as fuel: the viability of the industries currently engaged in this activity would be seriously compromised if only 10 % of the industrial waste oils generated were allowed to be recovered. | P | (LATE). Partially accepted. In accordance with the waste hierarchy established in Article 8 of Law 7/2022 of 8 April 2007, the regeneration of industrial waste oils should be prioritised over their energy recovery. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | Two alternatives are proposed: (I) a strong commitment to the circular economy, setting the 2035 regeneration target at 100 % (which would de facto entail a ban on the recovery of industrial waste oils as fuel), or (ii) a reduction of the 2035 target to 80 % (and a proportional reduction of the 2030 and 2028 targets), allowing a quantity of industrial waste oils to be used for recovery that would reasonably allow the industries engaged in this activity to continue. | | However, given that some of the waste industrial oils generated may be non-regenerable, it is not considered appropriate to set a regeneration target of 100 % of the collected waste industrial oil, and it is necessary to maintain the path of energy recovery for these non-regenerable oils. It has been clarified in Article 6 (1) that the use as fuel is limited to non-regenerable oils and, in coherence, the management objectives set out in Article 7 are revised. |
| 168 | KLÜBER LUBRICATIO N GMBH IBERICA | Company | 11.2 | As the second paragraph is worded, since the certificate must be a certificate of membership of a SCRAP, it cannot be issued until the current SGIs have obtained the adaptation of their authorisation to operate as a SCRAP (which, taking into account the time limits laid down in the Royal Decree, would not be earlier than one year after its entry into force). As the obligation to fulfil EPR obligations for industrial oils (either through an individual system or through membership of a GIS) has already been required in Spain since 1 January 2007 (in accordance with Royal Decree 679/2006), it is considered necessary that at the time of registration in the RPP producers provide a certificate of membership of a GIS (or apply an individual system) in accordance with Royal Decree 679/2006. | S | (LATE). The text is accepted and amended by deleting the reference to the deadline. Thus, when they are entered in the Register of Producers of Products, producers of industrial oils must provide a certificate of membership of one of the existing SGIs. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | It is proposed that the second paragraph of Article 11 (2) establish that, at the time of registration in the RPP, producers of industrial oils must already provide a certificate of membership of a GIS (or apply an individual system), in accordance with Royal Decree 679/2006. | | |
| 169 | KLÜBER LUBRICATION GMBH IBERICA | Company | 11.4 | The requirement that the entry number in the RPP must appear on the invoices issued to end users raises serious logistical problems in the case of sales made by distributors. First, because it is sometimes not easy for distributors to identify the specific producers of the products they sell to their customers (for example, when the same product has been purchased from several producers). Secondly, because the information relating to the producer of industrial oils has in many cases a high commercial value for distributors and the inclusion in the invoice of the registration number in the RPP of the producers of the industrial oils they market obliges them to provide their customers with confidential information because of their high commercial value. In this regard, it is understood that monitoring compliance with EPR obligations up to the end user (through invoices) already complies with the requirement to identify on the invoice, up to the end user, the contribution to EPR systems, in accordance with Article 20 (6).<br>It is proposed that invoice identification of the RPP registration number should be required only on invoices | N | (LATE). Not acceptable. It is considered necessary for the entry number in the Register of Product Producers (RPP) to appear on all invoices issued to the end user in order to ensure the traceability of industrial oils placed on the market. On the other hand, it should be borne in mind that the information contained in the RPP has to be of a public nature, so it is not considered to be confidential information. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | issued by producers to their customers (only in the first economic transaction, not to the end user). | | |
| 170 | KLÜBER LUBRICATION GMBH IBERICA | Company | 11 and 12 | In the interests of legal certainty and in order to reduce the bureaucratic burden on producers, the articles should expressly provide for the possibility for producers who so wish to authorise EPR systems to comply with the aforementioned obligations on their behalf, by means of the appropriate authorisation entered in the Special Register of Support Schemes (REA). | N | (LATE). Not acceptable. The producer may authorise any person deemed appropriate without the need to specify in the Royal Decree only one of the possible authorised persons. |
| 171 | KLÜBER LUBRICATION GMBH IBERICA | Company | 15.1 (b) | The wording leads to confusion, because the EPR systems do not 'establish' the authorised managers who will carry out the treatment of waste oils, but, in accordance with Article 16 (1) (d), ' **may conclude** agreements with authorised waste managers to coordinate the organisation of the collection, transport and treatment of waste generated by their products, avoiding anti-competitive practices'.<br>Our suggestion is to make a reference to Article 20 (1) (b) of Law 7/2022 of 8 April on waste and contaminated soil for a circular economy and to amend the final paragraph of Article 15 (1) (b), which regulates the obligations of the final holders of used industrial oils, to read as follows: 'To this end, they shall hand them over to an authorised manager, in accordance with Article 20 (1) of Law 7/2022 of 8 April on waste and contaminated soil for a circular economy'. | S | (LATE). The text is accepted and amended, but with a different wording. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| 172 | KLÜBER LUBRICATION GMBH IBERICA | Company | 20.5 | In the last paragraph of this Article, the statement *“However, if the deviation is less than 10 %, the surplus may be accumulated by the CECAF for a maximum of four consecutive years after which, if it has not been used to meet its obligations, it shall be returned to the SCRAP. Furthermore, if in any of these cumulative years the deviation exceeds 10 %, the corresponding excess will be returned*’. This contradicts what was stated first, because if, in a calendar year, ‘the deviation is less than 10 %’, there would no longer be any obligation to repay the excess, so it makes no sense to establish that the SCRAP may accumulate surpluses for four years. Secondly, whatever the year in which the 10 % is exceeded, SCRAPs can always be exempted from the repayment obligation if they justify ‘the need to use these resources in subsequent years’ (which is the criterion commonly used as recognised by the Directorate-General for Taxation in binding consultations).<br>It is proposed to draft the last paragraph of Article 20 (5) as follows: ‘In the case of collective schemes, at the end of each calendar year, they shall set up the necessary compensation mechanisms to return to producers the excess revenue received, where that excess has been greater than 10 % of the amounts actually borne for the fulfilment of their obligations, or they shall duly justify to the producers participating in the scheme the need to use such resources in | P | (LATE). Partially accepted. The wording is amended to clarify the management of the excess, but the obligation to accumulate surplus stocks for a maximum of four years when they are less than 10 % is maintained. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | years subsequent to the compliance period, on the basis of forecasts of revenue and expenditure for the coming financial years.' | | |
| 173 | KLÜBER LUBRICATION GMBH IBERICA | Company | New final provision 2a | Article 7 (1) provides that the targets for the management of industrial waste oils 'shall apply to all industrial waste oils, including those financed under extended producer responsibility schemes other than the scheme established in this Royal Decree'.<br>For greater legal certainty, it is suggested to introduce a new second final provision amending Royal Decree 110/2015 of 20 February 2011 on waste electrical and electronic equipment in order to include in it the provision that the targets for the management of industrial waste oils laid down in the Royal Decree regulating industrial oils and their waste will also apply to industrial waste oils financed under the EPR for electrical and electronic equipment. | N | (LATE). Not acceptable. In accordance with the second additional provision of Royal Decree 110/2015 of 20 February 2007, it applies without prejudice to the specific regulations on waste management, fluorinated gases, industrial oils, batteries and accumulators or product design. We therefore consider that it is not necessary to amend this Royal Decree to include this provision, which is already clearly laid down in Article 7.2 of the Royal Decree regulating industrial oils and their waste. |
| 174 | KLÜBER LUBRICATION GMBH IBERICA | Company | New final provision 3a | In line with the above, it is suggested to amend, by means of a new third final provision, Royal Decree 265/2021, of 13 April, on end-of-life vehicles and amending the General Vehicle Regulation, approved by Royal Decree 2822/1998, of 23 December, in order to include in it the provision that the targets for the management of industrial waste oils laid down in the Royal Decree regulating industrial oils and their waste shall also apply to industrial waste oils financed under the RAP for cars. | N | (LATE). Not acceptable. In accordance with Additional Provision 1 of Royal Decree 265/2021 of 13 April, the latter applies without prejudice to the national legislation in force. We therefore consider that it is not necessary to amend this Royal Decree to include this provision, which is already clearly laid down in Article 7.2 of the Royal Decree regulating industrial oils and their |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | | | waste. |

## Annex III: Summary of the comments received during the hearing of Autonomous Communities and local authorities

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| 1 | Catalonia Waste Agency | Government – Autonomous Community | 1 | According to paragraph 1 of the Article, the purpose of the Royal Decree is to establish the legal regime for the production and management of industrial waste oils. However, the title of the standard refers to the regulation of industrial oils and their waste.<br>It is proposed to amend Article 1 (1) as follows: 'The purpose of this Royal Decree is to establish the legal framework for the production and management of industrial oils and their waste'. | S | The text is accepted and amended |
| 2 | Catalonia Waste Agency | Government – Autonomous Community | 2 | The wording of the article begins with reference to 'in addition to the definitions contained in Law 7/2022 of 8 April'. However, the articles use concepts such as 'recovery', 'base oil', 'combustion' and 'producer of industrial oils' which are not defined in the basic national law and which were included in the Royal Decree. 679/2006 of 2 June 2007.<br>It is proposed to incorporate the following concepts into the definitions:<br>— recovery<br>— base oil<br>— combustion<br>— manufacturer of industrial oils | P | Partially accepted and definition of "regenerated lubricant base" included. The rest of the terms are either not used in the enacting terms or do not need to be defined. |
| 3 | Catalonia | Governmen | 7.1 (a) | According to this article, industrial waste oils "shall be | P | Partially accepted. It includes that all |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | Waste Agency | t – Autonomous Community | | collected separately, unless separate collection is not technically feasible in the light of good practice." With regard to the sentence *unless it is not technically feasible*, this opens the door to interpretation, when we understand that the management objective should be the separate collection of all used oil without more.<br>It is proposed to leave the text without providing for exceptions "They shall be collected separately" or to list the cases in which non-separate collection of oils may be permitted. | | industrial waste oils generated should be collected separately and clarifies what is meant by separate collection in the preamble. However, the above is not deleted because it reproduces Article 21 of the Waste Framework Directive and Article 29 (1) (a) of the Law. |
| 4 | Catalonia Waste Agency | Government – Autonomous Community | 7.1 | In accordance with the second paragraph, the targets for the management of industrial waste oils shall apply to all, including those financed under extended producer responsibility schemes other than the scheme established in this Royal Decree.<br>Clarification is requested as to which other different schemes are referred to in the second subparagraph of Article 7 (1). It is not clear to which schemes it refers, if they are, for example, products that can be included in more than one extended responsibility scheme. | S | It refers to the extended producer responsibility schemes for WEEE and ELVs, so that industrial waste oils incorporated into WEEE and ELV equipment and components, although subject to their own extended producer responsibility schemes, must also be managed in accordance with the management objectives set out in this royal decree. |
| 5 | Catalonia Waste Agency | Government – Autonomous Community | 11.2 | According to the second subparagraph, producers of products must provide a certificate of membership of an individual or collective extended responsibility scheme within one month of the schemes being set up.<br>It is proposed to amend the deadline for proving membership | S | The text is accepted and amended by deleting the reference to the deadline. Thus, when they are entered in the Register of Producers of Products, producers of industrial oils must provide a certificate of |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | of an individual or collective system to 6 months in accordance with Article. It should also be clarified how the certificate of membership of an individual scheme should be, since it is the producer himself who certifies himself. | | membership of one of the existing SGIs. |
| 6 | Catalonia Waste Agency | Government – Autonomous Community | 20.5 | We have not just understood the content and how the financial contribution paid by the producer relates to the costs established for each of the Autonomous Communities (it could be thought that the producer's contribution varies depending on the Autonomous Community where he places the product on the market).<br>We would ask you to clarify this relationship between the producer's financial contribution and the establishment of costs for each Autonomous Community. | S | The text is accepted and amended to clarify that the costs financed by the extended collective responsibility schemes are not established for each autonomous community, only the particularities of each of them should be taken into account. |
| 7 | Catalonia Waste Agency | Government – Autonomous Community | 27 | There is a lack of wording on the specific infringements. In this regard, it would be appropriate to establish a system of penalties as such, since the articles only identify one prohibition (Article 6 (2)) and do not lay down a corresponding system of penalties.<br>Similarly, the applicable legislation is listed, but the scope of competence of each body to be able to exercise the power to impose penalties, industry, waste or consumption has not just been defined. | P | Partially accepted. The scope of competence of each body is defined. However, the system of penalties must be laid down in legislation with the status of a law. |
| 8 | Catalonia Waste | Government – | first transition | Treatment plants are required to comply with the Royal Decree within a maximum of one year. Bearing in mind that | N | Not acceptable. On the one hand, the deadline for adapting authorisations and |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | Agency | Autonomous Community | al provision | the Fourth Transitional Provision of Law 7/2022 of 8 April 2007 provides that the Autonomous Communities shall adapt communications or authorisations submitted before the date of entry into force of the law, within three years of that date, it is considered that this may impose a double burden on operators of industrial oils, due to a double adaptation, i.e. to the basic State Law, and to the Royal Decree on the waste stream in particular.<br>It is proposed to revise the conditions for adapting industrial waste oil treatment plants to the Royal Decree in such a way as not to impose a double burden compared to the adaptation provided for in Law 7/2022 of 8 April 2007. | | communications provided for in Law 7/2022 of 8 April ended on 9 April 2025 and, on the other hand, it is considered possible to adapt the authorisations of installations to the two rules simultaneously. |
| 9 | Waste Service. Subdirectorate-General for Waste and the Circular Economy. Government of Galicia | Government – Autonomous Community | 8 | Article 8 of the PRD AIU provides that the treatment of industrial waste oils in facilities close to the point of generation is to be favoured. However, the capacity of the Autonomous Communities to establish additional restrictions for movements within the national territory is not explicitly mentioned. Article 4 and 13 of Law 6/2021 strengthen the principle of proximity and self-sufficiency as a basic criterion in regional planning, and empower the Xunta de Galicia to establish additional environmental protection measures.<br>It is proposed that the following be added to Article 8 (4) of the PRD AIU:<br>'The Autonomous Communities may, in the exercise of their powers, impose additional restrictions on the shipment of | N | Not acceptable. In accordance with Law 7/2022 of 8 April, the only grounds for objecting to the shipment of waste are those set out in Article 31 (5), which refers to the provisions of Article 12 (1) (a) of Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | industrial waste oils outside their Autonomous Community territory and within the State, in accordance with their Autonomous Community waste plans and in accordance with the provisions of their specific legislation.' | | |
| 10 | Waste Service. Subdirectorate-General for Waste and the Circular Economy. Government of Galicia | Government – Autonomous Community | 24 | Article 24.1 of the draft Royal Decree provides that individual and collective extended producer responsibility schemes must submit their annual report by 1 June of the year following that to which the data relate. However, this date is not aligned with other sectoral Royal Decrees, such as Royal Decree 1055/2022 on packaging and packaging waste, which sets 31 May as the deadline for the submission of annual information. This lack of coordination can lead to administrative duplication, confusion among operators and difficulties in the integration of data by public administrations. Furthermore, Article 65 of Law 6/2021 of Galicia promotes administrative simplification and interoperability of information systems, reinforcing the need to harmonise reporting deadlines.<br>It is proposed to amend Article 24 (1) of the UIA PRD as follows:<br>'By 31 May of the year following that in which the data were collected, the individual and collective systems shall send to the environmental body of the Autonomous Communities in which they operate and to the Waste Coordination Committee an annual report containing the information | S | The text is accepted and amended |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | detailed in Annex VI.' | | |
| 11 | Waste Service. Subdirectorate-General for Waste and the Circular Economy. Government of Galicia | Government – Autonomous Community | first final provision | The proposed amendments to the UIA PRD aim to: unifying transfer procedures across the State; eliminate regional differences, which may conflict with Law 6/2021 of Galicia; strengthen traceability in shipments with multiple warehouses or intermediate treatments. As this final provision removes the possibility for the Autonomous Communities to regulate differentiated procedures for internal shipments (by deleting the second additional provision of RD 553/2020), it is proposed to maintain the competence of the Autonomous Communities to require the registration of all movement documents, in line with the Galician Law. The deletion of the second additional provision of RD 553/2020 seems to limit Galicia from maintaining its reinforced control system on all shipments, including those not subject to prior notification. This measure contradicts Article 65 (3) of Law 6/2021, which allows the Xunta to require the registration of all movement documents, as a tool for traceability and environmental control. The removal of this power would diminish competences and reduce the capacity for environmental monitoring in Galicia.<br>It is proposed to amend the second additional provision for the Royal Decree on transfers in the PRD AIU:<br>'The provisions of this Royal Decree are without prejudice to the power of the Autonomous Communities to lay down, by | N | Not acceptable. The second additional provision has been deleted because it is consistent with Law 7/2022, which establishes as national shipments all movements of waste destined for disposal or recovery within the State, and with European legislation (Regulation (EU) 2024/1157). This deletion implies that all domestic shipments subject to prior notification must be processed as required by the Royal Decree and the shipment documents must be sent to ESIR and stored in its shipment repository. The deletion of this second additional provision does not detract from the powers of the Autonomous Communities with regard to control, supervision and inspection of shipments of waste, given that: the Autonomous Communities can consult the information in the shipment repository at any time for their inspection and control activities; ESIR has validations to cross-check the submitted information before accepting the submission of prior |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | means of their specific legislation, the obligation to register all waste shipment documents, whether or not they are subject to prior notification, on their respective Autonomous Community platforms.' | | notifications or identification document. Similarly, this deletion does not affect the additional regulatory development of protection that may be developed by the Autonomous Communities for shipments not subject to prior notifications and carried out within an Autonomous Community. |

## Annex IV: Summary of comments received from Ministries

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| 1 | MO Social Rights, Consumer Affairs and Agenda 20230 | PAPA – Ministry | 27 | It is proposed to delete the reference to Royal Legislative Decree 1/2007 in the Preamble and in Article 27 of the draft Royal Decree regulating industrial oils and their waste because the scope of Royal Legislative Decree 1/2007 (Article 2) provides that "This rule shall apply to relations between consumers or users and entrepreneurs", thus the production and management of industrial waste oils would not fall within the scope of Royal Legislative Decree 1/2007. | s | The text has been accepted and amended. |
| 2 | Ministry of the Economy, Trade and Enterprise | PAPA – Ministry | MAIN | With regard to Annex VII, it is recommended that the Regulatory Impact Analysis Report (MAIN) include the reasons why a 0,25 is established in the formula determining the amount of the financial guarantee. | S | The coefficient applied in the formula for calculating the financial guarantee is accepted and revised, reducing its amount from 25 % to 10 %, in line with the value established for hazardous waste in Royal Decree 208/2022 of 22 March 2011 on financial guarantees in relation to waste. |
| 3 | Ministry of the Economy, Trade and Enterprise | PAPA – Ministry | MAIN | The department proposing the standard is urged to include in the report how it has been concluded that the financial impact of the security for the systems represents 10 % of the annual cost of management. | S | It is accepted and explained how the result of the economic impact has been achieved. |
| 4 | Ministry of the Economy, | PAPA – Ministry | MAIN | The impact on companies producing the product should be included in the analysis. | S | Accepted and included in MAIN. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | Trade and Enterprise | | | | | |
| 5 | Ministry of Industry and Tourism | PAPA – Ministry | Preamble | A clerical error has been detected in section I of the third paragraph of the preamble, citing in lower case 'Law 7/2022 of 8 April 2011 on waste and contaminated soil for a circular economy'. | S | The text has been accepted and amended. |
| 6 | Ministry of Industry and Tourism | PAPA – Ministry | Title I | It is recommended to consider whether, under DTN 22 on securities, it should perhaps not be numbered as "TITLE PRELIMINARY POINT. General provisions and objectives. | S | The text has been accepted and amended. |
| 7 | Ministry of Industry and Tourism | PAPA – Ministry | 1 | In Article 1.2, the simultaneous use of the adverbs 'also' and 'also' is considered repetitive: 'The purpose of this Royal Decree is also to establish extended responsibility for the producers of oils placed on the national market in accordance with the provisions laid down therein.' | S | The text has been accepted and amended. |
| 8 | Ministry of Industry and Tourism | PAPA – Ministry | 7.2 | An error was detected in Article 7 (2), which refers to 'Waste from used industrial oils being shipped. | S | The text has been accepted and amended. |
| 9 | Ministry of Industry and Tourism | PAPA – Ministry | 13.1 | With regard to the acronym 'RAP', used in Article 13 (1) (f) and Annex VI (6) (c), it is suggested to mention that these refer to 'extended producer responsibility'. | S | The text has been accepted and amended. |
| 10 | Ministry of Industry and Tourism | PAPA – Ministry | 20.7 | An error has been detected in Article 20 (7), according to which 'The costs of drawing up the company prevention plans by the collective systems in accordance with Article 14 and | S | The text has been accepted and amended. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | the associated reports shall be borne solely by the producers of the product who comply with the obligation to implement these plans through those systems'. | | |
| 11 | Ministry of Industry and Tourism | PAPA – Ministry | 26 | There seems to be a typing error in Article 26, Inspection and control, given that paragraphs 2 and 3 have been numbered, but not paragraph 1. | S | The text has been accepted and amended. |
| 12 | Ministry of Industry and Tourism | PAPA – Ministry | General | It is recommended that the text be revised in order to correct errors and mistakes, such as those mentioned above, and to bring it into line with the NLD, such as the reference to sections (NLD 24). | S | The text has been accepted and amended. |
| 13 | Ministry of Industry and Tourism | PAPA – Ministry | MAIN | It is suggested that the date of the update of the MAIN be entered only in the section dedicated to this purpose in the Executive Summary Sheet. | S | The text has been accepted and amended. |
| 14 | Ministry of Industry and Tourism | PAPA – Ministry | MAIN | With regard to the acronym 'RAP', it is suggested to mention that these refer to 'Extended Producer Responsibility. | S | The text has been accepted and amended. |
| 15 | Ministry of Industry and Tourism | PAPA – Ministry | MAIN | It is suggested to revise the wording of Section I.3 of the MAIN on "Analysis of alternatives". | S | The text has been accepted and amended. |
| 16 | Ministry of Industry and Tourism | PAPA – Ministry | MAIN | In the section on processing, we note that there is no mention of this report by the Ministry of Industry and Tourism, the reference to which should be included, or of the assessment of the comments made. | S | The text has been accepted and amended. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| 17 | Ministry of Industry and Tourism | PAPA – Ministry | MAIN | In the section "Analysis of administrative burdens" of the Executive Summary Sheet, it could be reconsidered whether the option "Suggests a reduction of administrative burdens" should be ticked together with the seemingly opposite option "Incorporates new administrative burdens for the private sector", as the fiche itself, with regard to the reduction, includes an estimated quantification of EUR 58/year per EPR organisation. | S | The text has been accepted and amended. |
| 18 | Ministry of Industry and Tourism | PAPA – Ministry | MAIN | On the other hand, it is suggested to review the consistency of this section of the executive summary sheet with section VII.6 of the MAIN, which does not include the aforementioned estimated quantification of EUR 58/year. | S | The text has been accepted and amended. |
| 19 | Spanish National Commission on Markets and Competition | GOVERNMENT | 16.1 | A system of single agreement per administration with allocation of responsibilities and costs based on market shares is recommended. In addition, the agreements should support the competitive balance between scraps, allowing for a balanced dialogue between the administration and the various scraps, and providing mechanisms for resolving any conflicts that may arise, for example through independent arbitration.<br>It is also recommended that multilateral agreements be drawn up and that the maximum period of one year laid down for signing agreements between the scraps and the administrations be removed. | P | Partially accepted. Provision has been made for multilateral agreements to be concluded and the one-year deadline for signing them has been removed. As regards the inclusion of what should be regulated in these conventions, it is considered that these aspects should be assessed, where appropriate, when such conventions are concluded. In this regard, it should be borne in mind that, unlike other waste streams that fall under local competence (such as packaging or tobacco filters), used |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| | | | | | | industrial oils are almost all industrial waste, the management of which does not involve the public authorities. It is therefore unlikely that they would be agreed between the CSRAP and the CSRAP. |
| 20 | Spanish National Commission on Markets and Competition | GOVERNMENT | 9, 16, 17 and 19 | In the process of selecting waste managers, it is recommended to apply the proximity principle with caution, avoiding identifying it with territorial roots, incorporating into the selection process objective systems for measuring the pollution footprint of all the tasks involved, in order to assess as a whole, and the advantages and disadvantages of all potential waste managers, and to weigh them up to minimise the impact on the environment.<br>A detailed regulation of the system for selecting managers is also recommended in order to guarantee the transparency and equality of the procedure itself, with the possibility of an independent third party being responsible for the development and operation of the selection system. | P | Partially accepted. It is clarified in the Royal Decree that the proximity principle should not be interpreted as an obligation to allocate waste to the nearest treatment facility when more efficient or economically viable treatment options are available and the management priorities laid down in Article 6 are respected. However, it is not considered necessary to regulate in detail the system for selecting operators, since the PRD for industrial oils already provides that this procedure must comply with the principles of publicity, competition and equality, with the aim of guaranteeing free competition. This provision is sufficient to ensure transparency and avoid anti-competitive practices. |
| | Spanish National | GOVERNMENT | 19.3 | We recommend comprehensive regulation of the type of information to be exchanged within the SCRAP and also the | N | Not acceptable. In accordance with the provisions of the Royal Decree, the Waste |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
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| 21 | Commission on Markets and Competition | | | establishment of some mechanism for monitoring or supervising the information exchanged. | | Coordination Committee must assess, in the application for authorisation of the collective system, the aspects relating to the exchange of information between the members of the collective system and between the latter and the waste managers with whom it has concluded contracts or agreements. It is considered that this revision makes it possible to ensure that the information exchange mechanisms provided for guarantee transparency and traceability in the exchange of information and avoid the risk of collusion between the members of the system. |
| 22 | Spanish National Commission on Markets and Competition | GOVERNMENT | 19.4 | It is suggested to consider the necessary regulatory changes to allow the alternative of a positive administrative silence in the process of authorising scraps. | N | Not acceptable. Since Article 50 (2) of Law 7/2022 of 8 April expressly provides for negative administrative silence in the authorisation procedures of the SCRAP, this Royal Decree cannot contradict the provisions of that Law. However, this possibility will be assessed with a view to its possible inclusion in the future amendment of Law 7/2022 of 8 April. |
| | Spanish | GOVERN | 20.4 | In the process of switching scraps, there are provisions that | S | The text has been accepted and amended. |

| NO | Pleading | Type of Claimant | Article | Comment | Acceptance Y/P/N | Valuation |
|---|---|---|---|---|---|---|
| 23 | National Commission on Markets and Competition | MENT | | make it difficult to have swift mechanisms in place to compensate producers for the excess income they receive. It is recommended to ensure full liquidation at the time when the scraps member decides to leave the scraps. | | |