

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

Slag from waste-to-energy processes is considered a priority source of waste at European level given its enormous volume of generation and in view of the potential for recovery of the resources it contains.

Within the framework of the European waste strategy, one of the main objectives is to start the path towards 'a resource-efficient Europe', within which the so-called concept of a 'circular economy' is framed, which aims to drive the change from the current linear economy of extraction, manufacture, use and disposal, towards a new circular model of society that uses and optimises stocks and flows of materials, energy and waste and whose final objective will be the efficient use of resources.

In 2015, the European Commission adopted the Communication of 2 December 2015 'Closing the loop: An EU action plan for the Circular Economy', to promote the transition from a linear economy to a more circular, sustainable, low-carbon, resource-efficient and competitive economy, in coordination with the twelfth goal of the United Nations 2030 Agenda, aimed at ensuring sustainable consumption and production patterns.

The current waste policy of the Autonomous Community of the Basque Country is set out in the 2030 Euskadi Waste Prevention and Management Plan, approved by Order of the Regional Minister for Economic Development, Sustainability and the Environment on 8 November 2021. This plan prioritises incentivisation of the reuse, recycling and recovery of waste within the framework of the guiding principles of Directive (EU) 2018/851 of 30 May 2018 amending Directive 2008/98/EC on waste and its enacting legislation, i.e. Law 7/2022 of 8 April 2022 on waste and contaminated soils for a circular economy. The objective is to reduce the total waste generation rate by 30 %, increase the segregated collection of municipal waste to 85 %, reuse 85 % of non-hazardous waste by converting it into secondary materials and reduce landfill disposal to less than 15 %.

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

Accordingly, in line with the strategic objectives of the European Union and the current Euskadi Waste Prevention and Management Plan, the recovery of this slag, the characteristics of which are in some cases very similar to those of certain raw materials, is a practice that must be promoted to address one of the foremost concerns in waste management in the Autonomous Community of the Basque Country.

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

Therefore, in line with the Basque Country's Circular Economy Strategy 2030 and the 2030 Basque Waste Prevention and Management Plan and taking into account technological developments in recent years, different studies have been carried out assessing the use of this slag from plants in the Autonomous Community of the Basque Country in various contexts in the construction and cement sector, as well as environmental risk assessments in these contexts. The results obtained, together with international experience in the field, have demonstrated the benefits of using incineration slag for the above-mentioned uses. In addition, it has been proven that such use reduces the environmental impacts resulting from the extraction and processing of the raw materials it replaces and those resulting from its disposal by landfilling. In this context, it is essential to have a regulatory framework that incorporates the current state of technical knowledge, thereby permitting appropriate recovery of this type of slag for the aforementioned uses.

In accordance with these premises, this Decree regulates the recovery operations for this slag, establishing the list of uses for which it is considered suitable, once transformed into secondary aggregates, and the technical requirements for each of the aforementioned uses. Given that the technical requirements are established from an exclusively environmental perspective, the final use of this recovered slag must also conform to the technical requirements of construction and to any others that may apply based on its intended final purpose. Consequently, it does not exclude, where appropriate, the pronouncement of other competent bodies on the matter, guaranteeing the traceability of the waste through compliance with the obligations of all of the agents involved in the process.

Secondary aggregates from the recovery of slag from waste-to-energy processes in the Autonomous Community of the Basque Country that are destined for the uses provided for in this Decree shall lose the status of waste, without prejudice to the provisions of Article 5 of Law 7/2022, of 8 April 2022, on waste and contaminated soils for a circular economy, when the slag recovery person issues the declaration of conformity established in this Decree.

It is relevant to note that this Decree will contribute to compliance with the provisions of Article 84(3) of Law 10/2021 of 9 December 2021 on the Environmental Administration of the Basque Country and to achieve the objective relating to the minimum percentage of use of secondary materials that must be included in the administrative specifications and specific technical requirements for the execution of works contracts.

The Single Additional Provision implements the provisions of the Agreement of the Bilateral Cooperation Commission between the State Administration and the Administration of the Autonomous Community of the Basque Country of 26 September 2022 in relation to Law 10/2021 of 9 December 2021 on the Environmental Administration of the Basque Country. The second paragraph of that agreement states that 'the Basque Government undertakes to include in a legislative act, at least with regulatory status, a provision making it clear that operation of the built project may under no circumstances be started or continued without having undergone the prior environmental impact assessment procedure in accordance with the requirements established for that purpose under the basic legislation on the matter'.

The First Final Provision, pursuant to the provisions of the Eighth Final Provision of Law 10/2021 of 9 December 2021 on the Environmental Administration of the Basque Country, which empowers the Governing Council to modify the annexes of the aforementioned Law by decree, modifies Annex II of said Law.

The remaining Final Provisions regulate issues such as the amendment of Article 6 of Decree 49/2009 of 24 February 2009 regarding landfilling of wastes and backfilling operations, the adaptation of existing facilities, the penalties regime, the authorisation for its development and the entry into force of the legislation.

According to Article 129 of Law 39/2015 of 1 October 2015 on common administrative procedure in public administrations, in the exercise of legislative duties and regulatory power, public administrations are to act in accordance with the principles of necessity, efficacy, proportionality, legal certainty, transparency and efficiency. This Decree is aligned with each of those principles.

Moreover, this provision has also been subject to the procedure set out in Law 20/2013 of 9 December 2013 on the Guarantee of Market Unity by virtue of its publication on the platform set up by the Secretary's Office of the Council for Market Unity and for revision by the other public administrations. The Decree does not provide for any unnecessary administrative burdens, only those that are appropriate for achievement of the objectives it pursues.

The text of this legislation has been submitted to the communication procedure of the European Commission, in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, and Royal Decree 1337/1999 of 31 July 1999 regulating the transmission of information in the field of technical standards and regulations and rules on information society services, and has complied with the three-month suspension required under this legislation.

By virtue thereof, at the proposal of the Regional Minister for Industry, Energy Transition and Sustainability, in agreement with the Legal Commission of the Basque Country and following

deliberation and approval by the Governing Council at its meeting held on
[date],

THE FOLLOWING IS DECREED:

Article 1. Purpose and scope of application

The purpose of this Decree is to establish the criteria for determining when slag from waste-to-energy processes in the Autonomous Community of the Basque Country ceases to be considered waste, for subsequent use as a secondary aggregate, in accordance with the provisions of Law 7/2022 of 8 April 2022 on waste and contaminated soils for a circular economy.

Article 2. Definitions.

For the purposes of this Decree and without prejudice to the definitions laid down in Law 7/2022 of 8 April 2022 on waste and contaminated soils for a circular economy and in Royal Decree 105/2008 of 1 February 2008 regulating the production and management of construction and demolition waste, the following definitions shall apply:

- (a) Bound applications: use of granular materials mixed with any type of binder that provides general cohesion by encapsulating the aggregates inside an inorganic matrix, where their exposure to the medium and the release of components are considered null or negligible.
- (b) Unbound applications: use of granular materials compacted into layers for performing a variety of construction works, without adding any form of binder.
- (c) Secondary aggregate: material resulting from the recovery of slag from waste-to-energy processes in facilities in the Autonomous Community of the Basque Country that meets the conditions of this Decree.
- (d) Slag from waste-to-energy processes: the granular fraction of the non-combustible material obtained at the bottom of the furnace resulting from the waste-to-energy facilities of the Autonomous Community of the Basque Country.
- (e) Water body: any part or volume of surface water or groundwater, continental, transitional or coastal water, as defined in Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a Community framework for action in the field of water policy.

- f) Person using the secondary aggregate: natural or legal person who uses the secondary aggregate for the uses permitted in this Decree.
- (g) Slag recovery person: an authorised legal person who treats slag from waste-to-energy processes in the Autonomous Community of the Basque Country under the conditions laid down in this Decree, obtaining secondary aggregate, and who transfers it for the first time to a user as a material that has ceased to be waste when the conditions laid down in this Decree have been met.
- (h) Recovery of slag from waste-to-energy processes in the Autonomous Community of the Basque Country: any process which makes it possible to exploit the resources contained in the slag and specifically to obtain secondary aggregates from the slag without endangering human health and without using processes or methods that could harm the environment. In any case, slag recovery operations include the processes of metal separation, maturation, crushing, grinding, milling, classification or granulometric separation, or any other process aimed at obtaining the final material considered recycled aggregate, as well as the checking of compliance with the conditions established in this Decree.
- (i) Waste-to-energy facilities in the Autonomous Community of the Basque Country: those facilities that generate slag in their waste-to-energy process.

Article 3. – Criteria for end-of-waste status

Without prejudice to Article 5(3) of Law 7/2022 of 8 April 2022 on waste and contaminated soil for a circular economy, secondary aggregates from the recovery of slag from waste-to-energy processes in the Autonomous Community of the Basque Country intended for the uses referred to in this Decree may acquire end-of-waste status when the authorisation provided for in Article 4 lays down the following conditions:

- (a) the slag to be recovered is only that which meets the criteria set out in of Annex I(1).
- (b) the slag is processed in accordance with the criteria set out in Annex I(2).
- (c) the secondary aggregates obtained after the recovery process are intended exclusively for the uses and subject to the conditions laid down in Article 6 and Annex II.
- (d) that the secondary aggregates comply with the provisions of other provisions of European Union law, in particular Articles 29, 61(2) and 61(3) of Regulation (EU) 2024/1157 of the Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) 1257/2013 and (EU) 2020/1056.
- (e) that the slag recovery person has a management system in place as provided for in Article 8.

(f) that the slag recovery person issues a declaration of conformity for each consignment, in accordance with the provisions of Article 7.

Article 4. Slag recovery operations

1. The development of slag recovery activities resulting from waste-to-energy processes shall require prior authorisation from the environmental body of the Autonomous Community of the Basque Country.

2. Authorisation may be granted for one or more operations, notwithstanding the authorisations or licences required under any other legislation applicable to the activity.

3. The conditions for granting the authorisation, the requirements of the facility and the basic operations of the operation for the recovery of slag from waste-to-energy processes will be those described in Annex I(1) and (2), in addition to those required by Law 7/2022 of 8 April 2022, on waste and contaminated soils for a circular economy or, where appropriate, in Royal Legislative Decree 1/2016 of 16 December 2016 approving the revised text of the Law on integrated pollution prevention and control.

4. The content of the authorisation applications must describe and demonstrate compliance with the provisions of the previous Article.

Article 5. Obligations of slag recovery persons for the purposes of granting end-of-waste status.

Without prejudice to the obligations set out in Law 7/2022 of 8 April 2022 on waste and contaminated soils for a circular economy and in Royal Legislative Decree 1/2016 of 16 December 2016 approving the revised text of the Law on integrated pollution prevention and control, slag recyclers must:

(a) demonstrate compliance with each of the conditions laid down in Article 3;

(b) have an updated chronological file at the disposal of the environmental body of the Autonomous Community of the Basque Country, in accordance with the provisions of Article 64 of Law 7/2022 of 8 April 2022 on waste and contaminated soils for a circular economy, containing information on:

- the quantity and origin of the slag to be recovered;
- the batch number of said slag;
- the processing undergone by that batch and any possible incidents;
- the batch number of the secondary aggregates;

- the results of the analyses and sampling provided for in Annex II;
 - the batch release date;
 - the identity of the user of the product, the specific use, the quantity intended for it and the reference number of the declaration of conformity associated with each consignment;
 - the quantity of waste resulting from processing that does not meet the conditions laid down for loss of waste status, and its destination;
- (c) inform the final user about the environmental characteristics of the secondary aggregate produced, the uses for which they may be intended in accordance with those characteristics and the restrictions imposed on those uses, as set out in this Decree, through the declaration of conformity.

Article 6. Uses of secondary aggregates

1. Secondary aggregates deriving from the recovery of slag deriving from the waste-to-energy processes of facilities in the Autonomous Community of the Basque Country may be used for the purposes listed in Annex II in accordance with the requisite conditions for each use. Such uses are classified as:

- uses as a raw material in the manufacture of construction products;
- uses as an aggregate in linked applications;
- uses as an aggregate in unlinked applications.

2. The use of secondary aggregates in non-linked applications shall generally be subject to the following conditions:

- (a) they shall not be used in protected natural heritage areas, declared as such in accordance with the provisions of Law 9/2021 of 25 November 2021 on the conservation of the natural heritage of the Basque Country;
- (b) they shall not be used as granular material in drainage applications or in floodable areas with 10-year recurrence intervals;
- (c) they shall not be used for applications without cover, such as forest tracks, unsurfaced rural tracks or railway ballasts;
- (d) they shall not be used within 30 metres of water bodies and in the protection perimeters of water supply wells;
- (e) they shall not be used in karstic upwelling areas;
- (f) they shall not be used in preloading works.

3. Secondary aggregates may not be used for purposes other than those referred to in the first paragraph of this Article, except with the express authorisation of the environmental body of the Autonomous Community of the Basque Country, which shall be granted on an exceptional basis and subject to the appropriate request and justification of the suitability of the proposed

use by the entity concerned. This suitability shall be based on a risk analysis for the envisaged use, carried out in accordance with Annex V to this Decree.

4. In order to facilitate the use of secondary aggregates, the environmental body of the Autonomous Community of the Basque Country may publish instructions or technical guides in which, among other issues, the different scenarios provided for in which they may be used in accordance with this Decree or its regulatory developments are described in detail.

Article 7. Declaration of conformity.

1. The slag recovery person shall issue a declaration of conformity for each consignment of secondary aggregate in accordance with the template set out in Annex VI to this Decree.

2. The declaration of conformity shall be transmitted to the next holder of each consignment of secondary aggregate.

3. The slag recovery person and the successive holders of secondary aggregates shall keep a copy of the declaration of conformity for at least three years after its issue date and shall make it available to the competent authorities on request.

4. The declaration of conformity may be issued by any means, on paper or in electronic format, provided this can guarantee its authenticity, the integrity of its contents and its legibility starting from its issue date and throughout its retention period.

5. The declaration of conformity must accompany the transport of each consignment. If the consignment is divided over multiple transport units, each of these shall have a copy of the declaration of conformity.

Article 8. Management system.

1. The slag recoverer shall establish a management system to demonstrate compliance with the criteria referred to in Article 3.

2. The management system shall include a number of documented procedures relating to each of the following:

- (a) admission control of waste that undergoes processing as specified in Annex I(1);
- (b) supervision of the process and the processing requirements detailed in Annex I(2);
- (c) monitoring of compliance with the conditions set out in Annex II, depending on the destination of each type of secondary aggregate;

- (d) comments from users on compliance with the conditions, depending on the destination of each type of slag processed and secondary aggregate produced;
- (e) register of the results of checks carried out in accordance with points (a) to (c);
- (f) reviewing and updating the management system;
- (g) staff training;
- (h) specific instrumentation and process control requirements.

3. The management system must include the sampling design and sampling methodology for the secondary aggregates resulting from the process, in accordance with standards UNE-EN 932-1:1997 and UNE-EN 932-2:1999, in their most updated and current versions and in accordance with the indications established in Annex IV to this Decree.

4. Where any of the treatments referred to in Annex I(2),(2) is carried out by a waste manager other than the slag manager, the latter shall ensure that said manager implements a management system that guarantees compliance with the requirements established in this Article.

5. The slag recoverer shall grant the competent authorities access to its management system and the corresponding records on request.

SOLE ADDITIONAL PROVISION. An environmental impact assessment shall be compulsory in the cases referred to in Article 63(2) of Law 10/2021 of 9 December 2021 on the Environmental Administration of the Basque Country.

A second paragraph is added to Article 63(2) of Law 10/2021 of 9 December 2021 on the Environmental Administration of the Basque Country, worded as follows:

‘The procedure for determining the environmental effects of the project shall identify the compensatory measures or impact-reversal measures associated with the project; under no circumstances will its purpose be to remedy procedural failure due to the lack of an environmental impact assessment’.

FIRST FINAL PROVISION. Amendment of Annex II of Law 10/2021 of 9 December 2021 on the Environmental Administration of the Basque Country.

Annex II(9)(b) to Law 10/2021 of 9 December 2021 on the Environmental Administration of the Basque Country is amended to read as follows:

‘(9)(b) Fixed facilities for the disposal or recovery of waste, if the activity is carried out outdoors or outside industrial areas’.

SECOND FINAL PROVISION. Amendment of Article 6(h) of Decree 49/2009 of 24 February 2009 regulating the disposal of waste in landfills and refilling.

Amendment is made to the wording of Article 6(h) of Decree 49/2009 of 24 February 2009 regulating the disposal of waste by landfilling and the execution of backfilling, which is reworded as follows:

‘(h) Recoverable waste such as glass, paper/cardboard, containers, construction and demolition waste, wood, electrical and electronic equipment, recoverable black slag deriving from the manufacture of steel in electric arc furnaces, slag deriving from waste-to-energy processes, etc. This list may be expanded regularly as operators authorised for the recovery of new waste emerge.’

THIRD FINAL PROVISION. Deadline for adaptation of the slag recovery facilities covered by this Decree.

Within a maximum period of 18 months, existing facilities dedicated to the recovery of slag from waste-to-energy processes must apply to the environmental body to bring their authorisation into line with the provisions of this Decree.

FOURTH FINAL PROVISION. Penalties regime

Failure to comply with the obligations laid down in this Decree shall result in the application of the penalties regime provided for in Law 7/2022 of 8 April 2022 on waste and contaminated soils for a circular economy and in Law 10/2021 of 9 December 2021 on the environmental administration of the Basque Country.

FIFTH FINAL PROVISION. Legislative authorisation for implementation and amendment of the Decree.

The head of the department responsible for the environment of the General Administration of the Autonomous Community of the Basque Country is hereby empowered to issue any regulations necessary for the development and modification of this Decree in line with scientific and technological advances, including the establishment of new uses for secondary aggregates.

SIXTH FINAL PROVISION. Entry into force.

This Decree shall take effect on the day after its publication in the Official Gazette of the Basque Country. However, Second Final Provision of this Decree shall enter into force 18 months after its publication in the Official Gazette of the Basque Country.

In Vitoria-Gasteiz, on xxxx of xxxx

ANNEX I

Requirements for waste to be recovered and for facilities recovering slag from waste-to-energy processes in the Autonomous Community of the Basque Country

Table 1. Waste subject to recovery

Admissible waste	Control requirements
The only waste admitted as inputs to this processing shall be that generated in waste-to-energy plants associated with European Waste Code (EWC) 19 01 12 Bottom ash and slag other than those mentioned in code 19 01 11*. Slag that has not been generated during the processing of non-hazardous waste in waste-to-energy facilities shall not be admissible.	The acceptance of waste used as inputs in this processing must be checked by qualified staff trained to recognise waste that does not meet this criterion, by means of visual inspection and the attached documentation. Laboratory tests shall be required in accordance with the applicable legislation on determination of the hazardous characteristics of waste, in order to ensure the non-hazardous nature of the waste.

2. Recovery of slag from waste-to-energy facilities in the Autonomous Community of the Basque Country

2.1.- Technical requirements for facilities recovering slag from waste-to-energy installations in the Autonomous Community of the Basque Country

Facilities recovering slag from waste-to-energy processes in the Autonomous Community of the Basque Country must meet the following technical requirements:

- Slag storage, the recovery facilities, secondary aggregate stockpiles and vehicle and machinery transit areas inside the facilities shall all be located on an impermeable layer resistant to the transit of vehicles and machinery. For the purposes of this section, 'impermeable surface' shall mean a geological barrier with a saturated hydraulic permeability $k \leq 1 \times 10^{-7}$ m/s with a thickness of 1 m or a layer of any other material (e.g. vibrated concrete flooring) with an equivalent level of protection.
- Both storage and processing shall be carried out under cover and in an enclosed building in order to minimise the release of particles into the environment. However, the maturation processes (carbonation, hydration and oxidation) of the secondary aggregate produced may be carried out in the open air.
- To have elements that prevent the mixing of processed and unprocessed materials as well as the inter-mixing of the various fractions of processed materials.

- d) To have must dust-reduction measures: shrouding, water sprinklers, hoses and watering of roads in vehicle and machinery transit areas.

2.2.- Basic operations in the process of slag recovery from waste-to-energy facilities in the Autonomous Community of the Basque Country:

2.2.1. The slag recovery process that leads to its transformation into secondary aggregate will consist of various stages, depending on the final use required, to guarantee the volumetric stability, qualities and sizes of the resulting granular material for its use in different applications.

2.2.2. The recovery person shall ensure compliance with the following technical criteria:

- a) storage of the waste: the maturation and ageing periods may vary between 30 and 730 days depending on the type of slag, the cooling process and the ageing procedure adopted, bearing in mind that under no circumstances may the storage of the waste before its final use exceed the maximum storage period for non-hazardous waste (destined for recovery) established in Article 21 of Law 7/2022 of 8 April 2022 on waste and contaminated soils for a circular economy.
- b) Crushing: the slag shall be ground using crushing technology that ensures adequate sizes, fracture faces and optimised elimination of metal elements embedded in the initial slag. The crushed product must meet the grain size requirement for each use.
- c) Ferrous metal removal and demetallisation: there shall be at least one ferrous metal removal system whose purpose is to extract the maximum possible metallic iron content. Accordingly, processes for removing the maximum possible content of other metallic fractions shall also be included.
- d) Sifting: the granular material shall be transported by belts or other methods to sifters, where it is classified by size according to each intended end use.
- e) Segregated storage by grain size: the granular material shall be classified according to the separated granulometric fractions based on the uses regulated in this Decree. Such granulometric fractions shall be stored on an impermeable surface.



ANNEX II

Permitted uses, destinations and conditions for secondary aggregates from VERM slag processing

Table 2. Permitted uses

Permitted uses	Destinations	Technical conditions ¹	Environmental test conditions	Conditions for use
As a raw material in the manufacture of construction products	Manufacture of cement, ceramic products, adsorbents and others.	- Technical requirements of the final material prescribed by regulations. - Compliance with the requirements of the cement plant (MgO content, fluorides, etc.) provided that the technical requirements of the manufacturing process and of the final material or of the plant manufacturing the final material are met.	Not required	
As an aggregate in linked applications	Concrete manufacture Manufacture of cement-bound granular material, cement stabilised soil	—Technical requirements prescribed by technical regulations applicable to the final material.	Not required	
	Other linked applications.	—Technical requirements prescribed by technical regulations applicable to the final material.	Not required	

¹In addition to the technical regulations reflected in this table, each use must comply with any other technical regulations applicable to that use.

Permitted uses	Destinations	Technical conditions	Environmental test conditions	Conditions for use
NOT linked applications under fully impermeable cover, in direct contact with soil	Fine crushed stone for improved esplanades. Embankments Slopes	- The provisions of the standard for the dimensioning of road surfaces in the Basque Country, approved by Order of 12 July 2022 of the Minister for Territorial Planning, Housing and Transport approving the revised and extended text of the standard for the dimensioning of road surfaces in the Basque Country.	- Article 6. Paragraph 2. - The impermeable layer that guarantees infiltration of less than 6mm/year. - Compliance with the leaching limit values in Table 3 of Annex III. - Compliance with the total content limit values (VIE-B industrial use category, except for lead, whose maximum limit shall be 800 mg/k) when located directly on natural soil).	Once it has been demonstrated that the secondary aggregate meets the environmental conditions, it must be mixed with natural aggregates in a 70/30 ratio. ²
	Trench fillings, pipe coverings.	- Standard UNE-EN 805:2000 Water supply – Requirements for systems and components outside buildings. - Standard UNE-EN 1610: 2016 Construction and testing of drains and sewers.		
	Levelling fillers under pavements.	- Technical regulations apply		
As aggregate in landfills	Landfill covering. In the construction of temporary tracks within them. In primary/secondary drainage layers for gas and leachate evacuation.	- Monitoring of the technical requirements as a granular material, so as to ensure compliance with the specifications of the filling material according to the regulations, standards or project technical specifications.	Environmental admission criteria for the landfill in question.	

²For the purposes of compliance with the requirement to use by-products, secondary raw materials, recycled materials or materials derived from processes of preparation for reuse in green public procurement, set out in Article 84(3) of Law 10/2021 of 9 December 2021 on the Environmental Administration of the Basque Country, only the quantity of secondary aggregate in the final mixture shall be taken into account.

Permitted uses	Destinations	Technical conditions	Environmental test conditions	Conditions for use
	In landfill sealing and/or waterproofing solutions. In general, in any application, provided that it is carried out within the watertight zone of the landfill basin.			

ANNEX III

Criteria for environmental assessment and control according to the uses of secondary aggregates for unbound applications

Aggregates deriving from the recovery of slag from waste-to-energy facilities in the Autonomous Community of the Basque Country used in unbound applications shall be subject to the following environmental assessment and control criteria:

Conditions relating to the leaching of secondary aggregate for unbound applications

Table 3. Secondary aggregate leaching limit values for unbound applications (mg/kg)

Leaching in UNE-EN 12457-4		
Parameter		Limit value
Arsenic (As)	(mg/kg)	0,6
Barium (Ba)	(mg/kg)	25
Cadmium (Cd)	(mg/kg)	0,05
Total chromium (Cr)	(mg/kg)	2
Chromium VI (Cr)	(mg/kg)	0,4
Copper (Cu)	(mg/kg)	20
Mercury (Hg)	(mg/kg)	0,01
Molybdenum (Mo)	(mg/kg)	2,8
Nickel (Ni)	(mg/kg)	0,5
Lead (Pb)	(mg/kg)	1,2
Antimony (Sb)	(mg/kg)	0,30
Selenium (Se)	(mg/kg)	0,4
Zinc (Zn)	(mg/kg)	5
Chlorides (Cl ⁻)	(mg/kg)	5.000
Fluorides (F)	(mg/kg)	30
Sulphates (SO ₄ ²⁻)	(mg/kg)	5.000

The leaching inspection of the treated slag shall be carried out by means of a tumbling test in accordance with Standard UNE-EN-12457-4, which shall be carried out for all parameters by an accredited laboratory, checking that the limit values established in the above table are not exceeded; these values may not be adjusted by adding or mixing in other materials.

Compliance with the parameters shall be carried out through periodic analyses of every 2 000 m3 of secondary aggregate produced from incineration slag.

ANNEX IV

Indications regarding the sampling plan and sampling of secondary aggregates

The processed slag must be characterised, both in terms of its technical properties, depending on the final application, and in terms of environmental protection, in accordance with a sampling plan that allows a representative sample to be obtained from the sampled batch.

In the event that different materials (full range of aggregate cuts: sand, gravel, etc.) are manufactured from the same batch (monthly, quarterly or semi-annual) of unprocessed slag, the manufacturer shall carry out the conformity check on the cut whose granulometry corresponds to the finest fraction placed on the market.

The sampling strategy for a batch of processed slag shall aim to constitute a representative composite sample (of mass M), based on statistically sampled incremental samples (of mass m).

The overall composite sample (of mass M), which according to UNE-EN 932-1:1997 shall be determined by the grain size of the tested material, shall consist (as a minimum) of at least 24 individual samples (of mass m). Once the composite sample of mass M has been obtained, the sample size shall be reduced for dispatch to the laboratory in accordance with standard UNE-EN 932-2:1999.

The mass m of the individual sample shall be calculated by dividing the mass M of the composite sample by the total number of individual samples collected, which must be at least 24 samples.

ANNEX V

Reference documents for conducting the quantitative risk analysis

- Análisis cuantitativo de riesgos (ACR). 2020.
https://eu.euskadi.eus/contenidos/informacion/investigacion_suelo/es_def/adjuntos/05_acr.pdf
- Análisis de riesgos para la salud humana los ecosistemas. Guía metodológica. Ihobe. Gobierno Vasco (Basque Government). 1998
https://www.euskadi.eus/web01-a2inguru/es/contenidos/documentacion/investigacion_cont_suelo/es_doc/adjuntos/04.pdf
- JRC. (2014). Study on methodological aspects regarding limit values for pollutants in aggregates in the context of the possible development of end-of-waste criteria under the EU waste Framework Directive.

ANNEX VI**Declaration of compliance with the criteria for determining when secondary aggregates from the processing of slag from waste-to-energy processes in the Autonomous Community of the Basque Country cease to be waste**

1	Producer/importer of the material Name: Address: Contact person: Phone: Fax: Email: Registration number in the Waste Production and Management Register:
2	Processed slag from waste-to-energy processes Use permitted in accordance with Annex II to Decree xx/2024 of xxxx establishing the legal arrangements applicable to activities for recovering slag from waste-to-energy processes, for subsequent use as a secondary aggregate.
3	Batch number and quantity in tonnes:
4	This consignment fulfils the criteria referred to in Article 3 establishing the criteria for granting end-of-waste status to this waste.
5	The consignment complies exclusively with the destinations and conditions referred to in Article 6 and Annex II of Decree xx/2024 of xxx establishing the legal arrangements applicable to activities for recovering slag from waste-to-energy processes, for subsequent use as a secondary aggregate.
6	The producer of secondary aggregates from the processing of slag has implemented a management system in accordance with Article 8. Management system
7	The material in this consignment is intended exclusively for one of the destinations listed in Annex II to Decree xx/2024 of xxxx.
8	I hereby certify that the above information is complete and accurate to the best of my knowledge and understanding. Name: Date: Signature: