

Draft

Ordinance of the Federal Minister for Agriculture, Forestry, Climate and Environmental Protection, Regions and Water Management on the recycling and end-of-waste status of certain excavated materials (Excavation Regulation)

Pursuant to

1. § 23(1) and (3) of the Waste Management Act 2002 (AWG 2002), Federal Law Gazette I No 102/2002, as last amended by the Federal Act published in Federal Law Gazette I No 84/2024 and
 2. § 4 and § 5 of the AWG 2002
- with regard to the 2nd and 3rd section of this Ordinance – in agreement with the Federal Minister for Economic Affairs, Energy and Tourism, hereby orders as follows:

1. Section

General provisions

Objective

§ 1 The aim of this Ordinance is to ensure the environmentally sound, high-quality and environmentally compatible recovery or use of (soil) excavated materials generated in the course of excavation activities in order to avoid harmful or adverse effects on the environment, and in particular on soil and water.

Scope

§ 2 This Ordinance applies to:

1. the recovery or use of excavated materials listed in **Annex 1** as waste or by-product for the recovery operations referred to in **Section 2**;
2. the treatment of certain excavation materials in accordance with **Section 3** and
3. certain uncontaminated excavated end-of-waste materials as defined in § 5(2) of the 2002 Waste Management Act (AWG 2002), Federal Law Gazette I No 102/2002.

Definitions

§ 3 For the purposes of this Ordinance the following is or are

1. Excavated material: Material resulting from the excavation or removal of soil or subsoil; this also includes fractions from the treatment of this material (in particular soil components);
2. Road cleaning residue: Excavated material from an unpaved part of the road structure that is directly adjacent to the carriageway, hard shoulder or side paths and must be periodically cleared or stripped due to constant overgrowth in order to ensure the drainage of surface water;
3. Client: a natural or legal person or other company with legal personality on whose behalf construction or demolition activity is carried out;
4. Contractor: a natural or legal person or other company with legal personality commissioned by the client to carry out excavation work;

5. Excavated soil material: Excavated soil material is material that is generated by the excavation or removal of mainly naturally produced soil or subsoil – including after relocation. The proportion of mineral non-soil components, e.g. mineral construction residue, shall not exceed five per cent by volume. The proportion of organic non-soil constituents, e.g. plastic, wood or paper, may not be more than one percent by volume in total; this does not apply to natural plant components, e.g. plant residue, humus or woody debris in torrent sediment; the non-soil constituents must already be present in the soil or subsoil (except in the case of tunnel excavation material) before the excavation or clearing activity; soil excavation material may also be the following material if the maximum proportions for non-soil constituents are complied with:
 - a) sediment excavated from water (stream and river sediment, sediment from bodies of standing water);
 - b) from natural land movement, e.g. boulder debris, rockfall material, mudflow debris;
 - c) Tunnel excavation material;
6. Soil components: Components of soils or subsoil produced or created either by excavation or removal of non-naturally produced soil or subsoil or by treatment (e.g. wet or dry sieving, crushing, drying) of excavation material; the proportion of other materials, e.g. mineral construction residue or slag must not exceed five per cent in total; the proportion of organic materials, e.g. plastic or timber, must not exceed one per cent in total; this does not apply to natural plant components, e.g. plant residue, humus or woody debris in torrent sediment;
7. Soil recultivation: Measures to restore or improve soil function by intervening in soil up to a maximum of two metres below ground level, including greening and subsequent management;
8. Earthwork measures: Earthworks measures include terrain adjustment by applying a suitable excavation material to the soil or subsoil for technical purposes, in particular to fill excavation pits or trenches, build dams or substructures of roads, track systems or foundations, and for landscaping purposes;
9. External authorised expert or specialist institution: an authorised expert or specialist institution in accordance with § 2(6)(6) of the Waste Management Act 2002 (AWG 2002) who is an external third party with regard to the waste to be assessed, the waste owner and the recycling of specific excavated material;
10. basic characterisation: complete characterisation of the waste by determining all the information necessary for the admissibility of recovery;
11. industrial minerals: solid, mineral raw materials used in industrial production processes due to their chemical or physical properties;
12. Growing media: Mixtures of various organic or organic and inorganic substances used for growing and cultivating plants or fungi;
13. retained sample: an aliquot of the field sample, which is kept for any control testing;
14. Tunnel excavation material: Excavated material consisting of solid or loose rock in its natural state produced during excavation, removal or extraction operations in tunnels (including associated preliminary cuts), shafts and shaft structures, adits and caverns constructed using closed, open or semi-open construction methods or the cut-and-cover method.

§ 4 Excavated materials, insofar as they are regulated in this Ordinance, shall be assigned to the types of waste listed in **Table 1 of Annex 1**.

2. Section

Requirements for the recovery of excavated materials

General recovery requirements

§ 5 (1) Excavation materials referred to in **Annex 1** which are to be sent for recovery in accordance with this Section – with the exception of small quantities and

road cleaning residue referred to in § 14 – shall be fundamentally characterised in accordance with **Annex 3** and assigned to a quality class in accordance with **Annex 4** and, depending on type and chemical quality, to the corresponding type of waste.

(2) Soil components from the treatment of hazardous contaminated excavated materials are not permitted for recycling in accordance with § 6 to § 11, with the exception of aggregates for the production of concrete or asphalt in accordance with § 11.

(3) The recovery of tunnel excavation material and of soil components from the treatment of tunnel excavation material shall not be permitted for recovery pursuant to § 7, § 9 and § 10.

(4) The use of excavated material from the topsoil of the unpaved part of a road structure directly adjacent to the carriageway, hard shoulder or side paths (including roadside material) is not permitted. This includes excavated material or roadside material from an area at least 2 metres away from the traffic area and at least 20 cm below ground level. The ban does not apply to roadside vegetation on roads with low traffic volumes in accordance with § 14(5).

(5) If a screening line is to be established for excavated material in accordance with § 18(6) and the excavated material is within the screening line area in accordance with **Annex 6**, this excavated material may only be used for the production of aggregates in accordance with § 11 or as an industrial mineral in accordance with § 13.

Earthwork Measures

§ 6 (1) If appropriate, earthworks may be carried out with excavated materials in accordance with Table 1 of **Annex 2** in accordance with best practice and in compliance with the respective requirements or restrictions set out in paragraphs 2 to 4.

(2) After completion of earthworks, an appropriate recultivation layer must be applied to the area as soon as possible, unless development is planned (e.g. buildings, traffic areas).

(3) The reuse of excavated material of quality class BA is only permitted if

1. where one or more threshold values are exceeded, an assessment by an external authorised expert or specialist institution confirms that the specific recovery measure does not have any negative environmental impact compared to the use of excavated material of quality classes A2 or A2-G, and
2. the planned implementation of the specific recovery measure has been verifiably brought to the attention of the competent authority in whose federal state the recovery measure is carried out by the client responsible for the installation, following an assessment in accordance with subparagraph 1, at least three months before the start of the measure.

(4) Reuse of excavated material in or directly above groundwater is permitted only with material of quality class A2-G.

Soil recultivation measures

§ 7 (1) If suitable, soil recultivation measures may be carried out using excavation materials as per **Annex 2** Table 2 in accordance with best practice and in compliance with the respective requirements or restrictions of paragraph 2.

(2) The reuse of excavated material of quality class BA is only permitted if

1. where one or more threshold values are exceeded, an assessment by an external authorised expert or specialist institution confirms that the specific recovery measure does not have any negative environmental impact compared to the use of excavated material of quality class A1, and
2. the planned implementation of the specific recovery measure has been verifiably brought to the attention of the competent authority in whose federal state the recovery measure is carried out by the client responsible for the installation, following an assessment in accordance with subparagraph 1, at least three months before the start of the measure.

Preparation of growing media

§ 8 The production of growing media may be carried out with excavated materials in accordance with Table 3 of **Annex 2** and in accordance with best practice.

Manufacture of compost and composting soils

§ 9 The production of compost and compost soils may be carried out with excavated materials in accordance with Table 4 of **Annex 2** in compliance with the requirements of the Compost Ordinance, Federal Law Gazette II No. xxx.

Manufacture of artificially produced earth

§ 10 The production of artificially produced earth may be carried out with excavated materials in accordance with Table 5 of **Annex 2** in compliance with the requirements of Chapter 4.8 of the Federal Waste Management Plan 2023.

Preparation of aggregates

§ 11 (1) The production of aggregates (including aggregates for the production of concrete or asphalt) may be carried out with excavated materials as specified in Table 6 of **Annex 2**, if suitable as a product. The requirements of ÖNORM B 3141 'Manufacture of recycled building materials from excavated materials (mainly natural aggregates) – Requirements' issued on 15 December 2023 must be complied with.

(2) The recovery of excavated material of quality class BA for use loose is only permitted if

1. where one or more threshold values are exceeded, an assessment by an external authorised expert or specialist institution confirms that the specific recovery measure does not have any negative environmental impact compared to the use of excavated material of quality classes A2 or A2-G, and
2. the planned implementation of the specific recovery measure has been verifiably brought to the attention of the competent authority in whose federal state the recovery measure is carried out by the client responsible for the installation, following an assessment in accordance with subparagraph 1, at least three months before the start of the measure.

(3) Reuse of excavated material in or directly above groundwater is permitted only with material of quality class A2-G.

Production of other building materials

§ 12 The production of other building materials, e.g. cement, clay bricks and clay plaster, with the exception of aggregates in accordance with § 11, may – if suitable – be carried out using excavated materials in accordance with **Annex 2** Table 7.

Use as industrial mineral

§ 13 Use as an industrial mineral in industrial production processes (e.g. flux material in the iron and steel industry, stabiliser in the glass industry, filler in the chemical industry) may – if suitable – be carried out with excavated materials in accordance with **Annex 2** Table 8.

Recycling of small quantities of uncontaminated excavated soil and roadside material from roads with low traffic volumes without analytical testing

§ 14 (1) The following shall be regarded as uncontaminated small quantities: excavated soil from an excavation project

1. which does not generate more than 2,000 tonnes in total (corresponds to approximately 1,100 m³) excavation material,
2. at whose location there are no known events or commercial (previous) use that could indicate possible soil contamination, and
3. where no contamination was detected during excavation.

(2) Each small quantity produced during a phase of excavation work as per paragraph 1 must be described in an excavation information sheet and the applicability of the conditions in paragraph 1, points 1 to 3, must be confirmed by the building owner. If the excavation is not carried out by the building owner themselves, in addition to confirmation by the building owner that the conditions of paragraph 1, points 1 and 2

apply, confirmation by the excavating contractor that paragraph 1, point 3 applies must also be provided.

(3) Recovery of one or more small quantities referred to in paragraph 1 for earth-moving operations, land-cultivation operations, the production of compost or the production of other building materials without further analytical examination shall be permitted only under the following conditions:

1. Use is permissible as part of a project in which no more than 2,000 tonnes of excavated material are used for earthworks, soil recultivation or as other building materials. In the case of recovery in a continuous process (e.g. compost production or production of other building materials), no more than 2 000 tonnes per year may be used.
2. All necessary excavation information is available.
3. Recovery shall not take place in or directly above groundwater.

(4) For recovery operations not covered by paragraph 3, small quantities shall be fundamentally characterised in accordance with **Annex 3**, whereby joint examination of several small quantities is permitted in accordance with paragraph 1.

(5) Roadside material from roads with low traffic volumes, i.e. roads with average daily traffic volumes of less than 500, may be used for recultivation of roadside areas without chemical analysis under the following conditions:

1. Residue from road cleaning comes from hard shoulders containing not more than 1% by volume of asphalt, slag or other non-soil materials (excluding proportions of road grit).
2. No contamination (in particular with mineral oil, PAHs, or heavy metals) is known, suspected or noted by the person cleaning or abrading the roadside.
3. The proportion of littering is less than 1 percent by volume.

Compliance with all requirements shall be documented by the waste producer and the documentation shall be passed on to the person carrying out the recovery. Exploitation for agricultural or forestry recultivation is not permitted.

Requirements for joint assessment and treatment of excavation material from different generation sources

§ 15 (1) Excavated material from different sources may be assessed and treated together if the prohibition on mixing pursuant to § 15(2) of the Waste Management Act 2002 is complied with.

(2) Small quantities in accordance with § 14(1) from different sources that cannot be recycled in accordance with § 14(3) may be characterised collectively and, provided that the relevant quality classes are met, recycled. All excavation information of a quantity to be tested shall be handed over to the external authorised expert or specialist institution carrying out the basic characterisation. Excavation information must be checked for completeness and plausibility as part of the basic characterisation and documented in the assessment evidence.

(3) In the joint assessment or treatment of contaminated excavated materials, the origin, type, quantity and extent of contamination for each excavated material from a source site shall be documented in the assessment evidence. Only excavation materials of a comparable nature and level of contamination may be fundamentally characterised or treated together. As part of the basic characterisation (including after treatment), the parameters characterising the contamination must be defined as parameters relevant to the limit value and examined accordingly.

3. Section

General treatment requirements for excavated materials

Storage and treatment of excavated materials contaminated with volatile hydrocarbons

§ 16 (1) Excavation materials that exceed the limit for HFCs (highly volatile halogenated hydrocarbons) or the BTEX limit for quality class BA in accordance with **Annex 4** shall in principle be excavated, transported, stored and treated in such a way as

to prevent the release of these pollutants into the environment as far as possible. Accordingly, these excavated materials must be removed immediately after excavation and subjected to appropriate treatment.

(2) For the temporary storage of non-hazardous excavated materials contaminated with volatile hydrocarbons, the following conditions shall be met:

1. storage in liquid-tight, closed collection containers;
2. protection from the elements (e.g. direct sunlight);
3. no manipulation whatsoever and
4. a maximum storage period of one week, unless the interim storage takes place in a warehouse with enclosure including collection and purification of the exhaust air or in corresponding largely dense containers.

(3) Hazardous excavated material contaminated with volatile hydrocarbons may only be stored in an enclosed space with collection and purification of the exhaust air. By way of derogation, interim storage of a maximum of 100 tonnes is permissible in accordance with the provisions of paragraph 2.

(4) In the case of wet-mechanical treatment procedures for excavation material contaminated with highly volatile hydrocarbons, the washing water and the exhaust air shall be recorded and cleaned; in the case of dry mechanical treatment procedures the exhaust air shall be recorded and cleaned (Intermediate coat cleaning of the washing water via a sand filter with a downstream activated carbon filter, cleaning of the exhaust air via dedusting devices with downstream activated carbon filter).

Waste Chemical Supervision

§ 17 (1) In the following case, the building client shall appoint an external authorised expert or specialist body accredited as a conformity assessment body for inspection procedures pursuant to § 12 of the 2008 Landfill Regulation (DVO 2008), Federal Law Gazette II No 39/2008, last amended by Federal Law Gazette II No. 243/2024, for the scope of application according to Annex 4 Part 2 Chapter 1.2 DVO 2008 in conjunction with ÖNORM S 2126 'Basic characterisation of excavated material prior to start of excavation or clearance work', issued on 15 May 2024, to provide waste chemical supervision accompanying the excavation:

1. In the course of basic characterisation prior to the start of the excavation or clearing activity, one or more contaminated subset(s) that could not be assigned to quality class A1, A2, A2-G, BA or IN in accordance with **Annex 4** were identified and
2. one or more other subsets of this excavation project are to be supplied for recovery, even if this recovery is or is to be preceded by one or more treatment processes.

(2) Waste chemical monitoring may be dispensed with if no assignment to quality class A1, A2, A2-G, BA or IN in accordance with **Annex 4** could be made for partial quantities solely on the basis of non-soil components (in particular construction residue) which can be clearly distinguished visually. The fulfilment of this condition must be checked by the external authorised expert or specialist institution as part of the basic characterisation and documented in the appraisal report.

(3) From the start of excavation operations until completion of the excavation operations, or until either only recoverable or only unusable parts remain for excavation, the waste chemical inspectorate must be present on site when the relevant excavation operations are carried out; deviations from this are permissible in agreement with the local competent waste authority. The sequence of the excavation activities must be determined in advance with the waste chemical supervisory authority. On the basis of the assessment evidence, the waste chemical supervisor must ensure that recyclable sub-quantities are separated, extracted, correctly assigned and removed from the sub-quantities which could not be assigned to quality class A1, A2, A2-G, BA or IN.

(4) The external authorised specialist or specialist institution carrying out the chemical waste supervision must document this activity. This documentation shall include at least:

The 1. date or period and the process and description of the waste chemical supervision;

The 2. name and address of the external authorised professional or technical body that carried out the waste chemical supervision;

3. unique identifiers of the related evidence of assessment;

4. Information on any additional analyses or tests carried out.

Specific requirements for tunnelling projects, special construction procedures and excavation projects of more than 10 000 tonnes

§ 18 (1) If tunnel excavation material is to be recovered from tunnel construction projects where sprayed concrete is used for securing purposes, the rebound of the sprayed concrete must be recorded separately during tunnelling (e.g. by placing tarpaulins or manually or mechanically removing them). Correct implementation of these measures must be ensured by the client and documented accordingly. The documentation shall be attached to the assessment report referred to in **Annex 3**.

(2) The requirements set out in paragraph 1 shall not apply if the shotcrete components are largely separated in a subsequent treatment step (e.g. screening) or if recycling is carried out in accordance with § 11 to § 13, in which case the shotcrete component does not represent a technical or ecological impairment (in particular in the case of aggregates for the production of concrete).

(3) If tunnel excavation material from tunnel construction projects using relevant quantities of drilling aids (e.g. when using tunnelling machines) or other building aids (e.g. injection products or support liquids) are used at least partially with excavation in the course of earthworks pursuant to § 6, the environmental compatibility of these drilling and building aids must be assessed by the external authorised specialist or specialised institution during basic characterisation. An assessment must be made as to whether, on the basis of the nature and anticipated quantity of the resources used, public interests, in particular with regard to the protected assets soil and water, are likely to be adversely affected in view of the planned type of earthworks operation. For this purpose, the original waste producer (construction contractor) must provide all necessary information (in particular the nature and estimated quantity of the resources used) to the external authorised expert or body. If a relevant impairment cannot be ruled out, or if an assessment is not possible due to lack of information on the means used, recovery of tunnel excavation material for earthworks is not permissible.

(4) The requirement in paragraph 3 regarding the collection and assessment of drilling aids and other construction aids also applies to soil components that arise during special construction processes (e.g. deep drilling, jet grouting as injection into the subsoil or construction of diaphragm walls) and are to be recycled during earthworks in accordance with § 6.

(5) In the case of excavation projects which generate more than 10 000 tonnes of excavated material as waste (in particular tunnelling projects), a material concept shall be drawn up by the Client at the design stage. The type, quantity and quality of the excavated material likely to be produced must be determined and the possibility of its use for recycling in accordance with § 6 to § 13 must be examined. The results of this assessment, the specific planned recycling methods with the type, quantity and quality of the excavated materials intended for this purpose, the respective transport distances to the recycling site or to the processing site, and the type of transport (rail, lorry, etc.) must be documented in the material concept. In the case of waste disposal, the material concept should explain why recycling is considered technically or ecologically disadvantageous, impossible or economically unreasonable. After the design phase, the material concept must be continuously updated at every further stage of the project up to completion of the construction work.

(6) The material concept referred to in paragraph 5 shall include a simplified petrographic characterisation of the excavated materials expected to be generated in accordance with ÖNORM B 3141 'Manufacture of recycled building materials from excavated materials (mainly natural rock grains) – Requirements', issued on 15 December 2023. If this petrographic characterisation reveals that these are predominantly gravelly excavated materials, a sieve line must be determined on at least two samples representative of the excavated material or range of excavated material in question.

(7) The material concept must be demonstrably made available to the excavating company in the course of the tendering procedure, at least before commissioning the excavating company.

Storage and application instructions

§ 19 1. Appraisal evidence, excavation information, waste chemical supervision documentation and material concepts shall be kept by the person on whose behalf the excavation is carried out (the builder) for at least seven years after the completion of the excavation measure and shall be submitted to the authority upon request.

(2) The evidence of assessment and documentation of the waste chemical supervision shall be handed over to the person carrying out a recovery operation in accordance with § 6 to § 13 and shall be kept by the person carrying out the recovery operation for at least seven years after the completion of the operation and shall be submitted to the authority upon request.

Section 4

End-of-waste status of excavated soil material

Requirements and areas of application for end-of-waste status

§ 20 (1) Excavated soil material of quality class A1, A2, A2-G and BA in accordance with **Annexes 3 and 4** loses its waste status for the intended use in accordance with paragraphs 3 to 6 with the excavation and the notification referred to in paragraph 2 sent electronically through the register referred to in § 22 AWG 2002 to the Federal Minister for Agriculture, Forestry, Climate and Environmental Protection, Regions and Water Management. The restrictions pursuant to § 5(4), (5) and (6) must be observed. If waste chemical supervision pursuant to § 17 is required, the notification shall be made after the waste chemical supervision has been commissioned.

(2) The notification referred to in paragraph 1 shall contain:

1. the name, address and e-mail address of the waste holder (including GLN, if any);
2. Mass of the excavated soil material for which end-of-waste status is declared;
3. Structured and machine-readable assessment certificate in accordance with **Annex 3** for basic characterisation of the excavated soil material, confirming its quality, including the name, address and email address of the authorised expert or specialist institution that issued the assessment certificate;
4. the name, address and e-mail address of the external authorised specialist or institution carrying out the waste chemical supervision if waste chemical supervision is required in accordance with § 17;
5. Material concept for excavation projects in accordance with § 18(4);
6. Declaration of compliance with the prohibition on mixing pursuant to § 15(2) of the Austrian Waste Management Act 2002 (AWG 2002).

(3) Excavated soil of quality class A1 for which end-of-waste status has been declared in accordance with paragraph 1 may only be used for the following purposes (intended use):

1. Measures for soil recultivation in accordance with § 7,
2. production of growing media in accordance with § 8,
3. Production of compost and compost soil in accordance with § 9,
4. production of artificially produced earth in accordance with § 10,
5. Production of aggregates in accordance with § 11,
6. manufacture of other building materials in accordance with § 12; or
7. Use as an industrial mineral in accordance with § 13.

(4) Excavated soil of quality class A2 for which end-of-waste status has been declared in accordance with paragraph 1 may only be used for the following purposes (intended use):

1. Earthworks outside groundwater in accordance with § 6,
2. production of growing media in accordance with § 8,

3. Production of compost and compost soil in accordance with § 9,
4. production of artificially produced earth in accordance with § 10,
5. Production of aggregates in accordance with § 11,
6. manufacture of other building materials in accordance with § 12; or
7. Use as an industrial mineral in accordance with § 13.

(5) Excavated soil of quality class A2-G for which end-of-waste status has been declared in accordance with paragraph 1 may only be used for the following purposes (intended use):

1. Earthworks also in or directly above groundwater pursuant to § 6,
2. Production of growing media in accordance with § 8;
3. Production of compost and compost soil in accordance with § 9,
4. production of artificially produced earth in accordance with § 10,
4. Production of aggregates in accordance with § 11,
5. manufacture of other building materials in accordance with § 12; or
6. Use as an industrial mineral in accordance with § 13.

(6) Excavated soil of quality class BA for which end-of-waste status has been declared in accordance with paragraph 1 may only be used for the following purposes (intended use):

1. Production of aggregate for the manufacture of concrete from (including) strength class C12/15 or, for strength class C8/10, from (including) exposure class XC1, and for the manufacture of asphalt mix in accordance with § 11,
2. manufacture of other building materials in accordance with § 12; or
3. Use as an industrial mineral in accordance with § 13.

(7) The waste holder who reports the end of waste for excavated soil material and intends to pass on the excavated soil material shall draw up a declaration of conformity in accordance with **Annex 5**. Any supplier of excavated soil material that has reached end-of-waste status must hand over the declaration of conformity to the customer. The declaration of conformity shall be kept for seven years.

(8) The waste holder who reports the end of the waste status of excavated soil material must keep continuous records of the buyers of the excavated soil material delivered (name, address, quantity, date of handover) and keep them for seven years. The results shall be submitted to the Client upon request. With regard to the records on the type, quantity, origin and whereabouts of the waste, including the annual waste balance sheet report, the provisions of the Waste Balance Ordinance, Federal Law Gazette II No 497/2008, as amended, shall apply; end-of-waste status shall be documented in the form of an entry in a product warehouse (storage in-use procedure).

Start of mandatory use of electronic specifications and applications

§ 21 For electronic notifications, the specifications published by the Federal Minister for Agriculture and Forestry, Climate and Environmental Protection, Regions and Water Management on the EDM portal (edm.gv.at) and the applications set up for electronic notifications via the register must be used. The use of the respective application is mandatory one month after its introduction into regular operation. Information about the adoption into regular operation is provided on the EDM portal.

Section 5

By-product criteria

§ 22 Excavated material is considered a by-product if the criteria set out in § 2(3a) of the Waste Management Act 2002 are met, if it can be proven that a basic characterisation has been carried out in accordance with § 5 and **Annex 3**, if the excavated material has been assigned to a quality class in accordance with **Annex 4**, if the requirements set out in § 6 to § 13, § 15 and § 17 to § 19 have been met, and a declaration of conformity based on **Annex 5** has been handed over to the customer or made available in electronic form.

6. Section

Final and transitional provisions

Entry into force and transitional provisions

§ 23 (1) This Ordinance shall enter into force on 1 January 2026, unless otherwise provided for in paragraph 2.

By(2) way of derogation from § 17(1), waste chemical supervision activities may be carried out until the end of 31 December 2026 by an external authorised expert or specialist body which is not a conformity assessment body accredited for that purpose.

(3) Tunnelling projects or construction projects using specific construction procedures that are already in the construction phase at the time of entry into force of this Ordinance shall comply with the requirements laid down in § 18(1) to (4) and **Chapter 7 of Annex 3** by xxx (two years from entry into force) at the latest.

(4) Expert reports on the assessment of excavation material produced before the entry into force of this Ordinance in accordance with the requirements of the Federal Waste Management Plan 2017 or 2023, in conjunction with the Landfill Ordinance 2008, may be used as a basis for recovery until the end of the deadlines laid down in § 11 Landfill Ordinance 2008. Assignment of quality class (A1, A2, A2-G, BA or IN) shall be considered as assignment to the respective quality classes of this Ordinance.

(5) Expert reports on the assessment of excavated material prepared before this ordinance came into force in accordance with the specifications of the Federal Waste Management Plan 2023 and the standard procedure for recycled building materials as set out in Annex 3 of the Recycled Building Materials Regulation (RBV), Federal Law Gazette II No 181/2015, last amended by Federal Law Gazette II No 290/2016 may also be used as a basic characterisation under this Ordinance until one year after the date of issue. Assignment of quality class (A1, A2, A2-G, BA or IN) shall be considered as assignment to the respective quality classes of this Ordinance.

(6) Official provisions contradicting this Ordinance shall cease to apply on the date of entry into force of this Ordinance.

Annex 1

Permissible types of waste for material recycling in accordance with Section 2

Table 1: Permissible types of waste for material recycling in accordance with Section 2

SN	Sp.	Waste designation	Specification	Notes and comments
31411	29	Excavated material	Excavated soil material of quality class BA or excavated soil landfill quality and soil components derived therefrom	Excavated soil material that: <ol style="list-style-type: none"> 1. can be assigned to quality class BA in accordance with the Excavation Ordinance, or 2. complies with the limit values for excavated soil landfills set out in Tables 1 (column I or II) and 2 of Annex 1 to DVO 2008; or 3. can be deposited in a specific soil excavation landfill compartment with increased limit values in accordance with § 8 DVO 2008; and fractions of a material referred to in points 1 to 3 obtained (e.g. by screening) without the addition of other waste or other materials
31411	30	Excavated material	Excavated soil material of quality class A1 and soil components derived therefrom	Excavated soil material that can be assigned to quality class A1 in accordance with the Excavation Ordinance or fractions of this material obtained (e.g. by screening) without the addition of other waste or other materials
31411	31	Excavated material	Excavated soil material of quality class A2 and soil components derived therefrom	Excavated soil material that can be assigned to quality class A2 in accordance with the Excavation Ordinance or fractions of this material obtained (e.g. by screening) without the addition of other waste or other materials
31411	32	Excavated material	Excavated soil material of quality class A2-G and soil components derived therefrom	Excavated soil material that can be assigned to quality class A2-G in accordance with the Excavation Ordinance or fractions of this material obtained (e.g. by screening) without the addition of other waste or other materials
31411	33	Excavated material	Excavated material with inert waste landfill quality	Excavation material that <ol style="list-style-type: none"> 1. complies with the limit values specified in Tables 3 and 4 of Annex 1 to the DVO 2008, or 2. can be deposited in a specific inert waste landfill compartment with increased limit values in accordance with § 8 of the DVO 2008.
31411	38	Excavated material	Other soil constituents of quality class A2	Other soil components (e.g. non-polluted fractions from the treatment of contaminated excavation

SN	Sp.	Waste designation	Specification	Notes and comments
				materials, dried sludge from excavation or drilling activities) that can be assigned to quality class A2 in accordance with the Excavation Ordinance
31411	39	Excavated material	Other soil components of quality class BA or excavated soil landfill quality	Other soil components (e.g. non-polluted fractions from the treatment of contaminated excavation materials, dried sludge from excavation or drilling activities) which <ol style="list-style-type: none"> 1. can be assigned to quality class BA in accordance with the Excavation Ordinance, or 2. comply with the limit values for excavated soil landfills set out in Tables 1 (column I or II) and 2 of Annex 1 to DVO 2008; or 3. can be deposited in a specific soil excavation landfill compartment with increased limit values in accordance with § 8 Landfill Ordinance 2008
31411	45	Excavated material	Excavated soil in accordance with the small quantities regulation	Excavated soil in accordance with the provisions of the small quantities regulation of § 13 of the Excavation Ordinance for recycling or in accordance with § 13 of the DVO 2008 for landfill
91502	60	Residue from road cleaning	Residue from cleaning roads with low traffic density	Roadside material from roads with an average daily traffic volume of less than 500 that meets the requirements of § 14(5) of the Excavation Ordinance

Table legend:

SN key number

Sp Designation of the specification

Annex 2

Permissible types of waste for specific recycling channels

Table 1: Permissible types of waste for use in earthworks in accordance with § 6:

SN	Sp.	Waste designation	Specification
31411	29	Excavated material	Excavated soil material of quality class BA or excavated soil landfill quality and soil components derived therefrom
31411	31	Excavated material	Excavated soil material of quality class A2 and soil components derived therefrom
31411	32	Excavated material	Excavated soil material of quality class A2-G and soil components derived therefrom
31411	38*	Excavated material	Other soil constituents of quality class A2
31411	39*	Excavated material	Other soil components of quality class BA or excavated soil landfill quality
31411	45	Excavated material	Small quantities of uncontaminated excavated material from a construction or excavation project

* excluding soil components from the treatment of excavated materials contaminated with hazardous substances

Table 2: Permissible types of waste for use in soil recultivation measures in accordance with § 7:

SN	Sp.	Waste designation	Specification
31411	29	Excavated material	Excavated soil material of quality class BA or excavated soil landfill quality and soil components derived therefrom
31411	30	Excavated material	Excavated soil material of quality class A1 and soil components derived therefrom
31411	45	Excavated material	Small quantities of uncontaminated excavated material from a construction or excavation project
91502	60*	Residue from road cleaning	Residue from cleaning roads with low traffic density

* only admissible in accordance with the requirements of § 14(5)

Table 3: Permissible types of waste for use in the production of growing media in accordance with § 8:

SN	Sp.	Waste designation	Specification
31411	30	Excavated material	Excavated soil material of quality class A1 and soil components derived therefrom
31411	31	Excavated material	Excavated soil material of quality class A2 and soil components derived therefrom
31411	32	Excavated material	Excavated soil material of quality class A2-G and soil components derived therefrom

Table 4: Permissible types of waste for use as additives for composting or for the production of compost soils in accordance with § 9:

SN	Sp.	Waste designation	Specification
31411	30	Excavated material	Excavated soil material of quality class A1 and soil components derived therefrom
31411	31	Excavated material	Excavated soil material of quality class A2 and soil components derived therefrom

SN	Sp.	Waste designation	Specification
31411	32	Excavated material	Excavated soil material of quality class A2-G and soil components derived therefrom
31411*	45	Excavated material	Small quantities of uncontaminated excavated material from a construction or excavation project

* only to be used as aggregate for composting, not for the production of composting earth

Table 5: Permissible types of waste for use in the production of artificially produced soils in accordance with § 10:

SN	Sp.	Waste designation	Specification
31411	29	Excavated material	Excavated soil material of quality class BA or excavated soil landfill quality and soil components derived therefrom
31411	30	Excavated material	Excavated soil material of quality class A1 and soil components derived therefrom
31411	31	Excavated material	Excavated soil material of quality class A2 and soil components derived therefrom
31411	32	Excavated material	Excavated soil material of quality class A2-G and soil components derived therefrom
31411	38*	Excavated material	Other soil constituents of quality class A2
31411	39*	Excavated material	Other soil components of quality class BA or excavated soil landfill quality
31411	45	Excavated material	Small quantities of uncontaminated excavated material from a construction or excavation project

* excluding soil components from the treatment of excavated materials contaminated with hazardous substances

Table 6: Permissible types of waste for use in the production of aggregates (including aggregates for the production of concrete or asphalt mix) in accordance with § 11:

SN	Sp.	Waste designation	Specification
31411	29	Excavated material	Excavated soil material of quality class BA or excavated soil landfill quality and soil components derived therefrom
31411	30	Excavated material	Excavated soil material of quality class A1 and soil components derived therefrom
31411	31	Excavated material	Excavated soil material of quality class A2 and soil components derived therefrom
31411	32	Excavated material	Excavated soil material of quality class A2-G and soil components derived therefrom
31411	33 ¹	Excavated material	Excavated material with inert waste landfill quality
31411	38 ²	Excavated material	Other soil constituents of quality class A2
31411	39 ²	Excavated material	Other soil components of quality class BA or excavated soil landfill quality

¹ only for the production of aggregates for the production of concrete or asphalt

² Soil components resulting from the treatment of excavated materials contaminated with hazardous substances shall only be permitted for the production of aggregates for concrete or asphalt production

Table 7: Permissible types of waste for the production of other building materials, except for aggregates in accordance with § 12:

SN	Sp.	Waste designation	Specification
31411	29	Excavated material	Excavated soil material of quality class BA or excavated soil landfill quality and soil components derived therefrom
31411	30	Excavated material	Excavated soil material of quality class A1 and soil components derived therefrom
31411	31	Excavated material	Excavated soil material of quality class A2 and soil components derived therefrom
31411	32	Excavated material	Excavated soil material of quality class A2-G and soil components derived therefrom
31411	33*	Excavated material	Excavated material with inert waste landfill quality
31411	38*	Excavated material	Other soil constituents of quality class A2
31411	39*	Excavated material	Other soil components of quality class BA or excavated soil landfill quality

* excluding soil components from the treatment of excavated materials contaminated with hazardous substances

Table 8: Permissible types of waste for use as industrial minerals in accordance with § 13:

SN	Sp.	Waste designation	Specification
31411	29	Excavated material	Excavated soil material of quality class BA or excavated soil landfill quality and soil components derived therefrom
31411	30	Excavated material	Excavated soil material of quality class A1 and soil components derived therefrom
31411	31	Excavated material	Excavated soil material of quality class A2 and soil components derived therefrom
31411	32	Excavated material	Excavated soil material of quality class A2-G and soil components derived therefrom
31411	33	Excavated material	Excavated material with inert waste landfill quality
31411	38	Excavated material	Other soil constituents of quality class A2
31411	39	Excavated material	Other soil components of quality class BA or excavated soil landfill quality

Explanatory notes to the tables:

SN key number

Sp Designation of the specification

Annex 3**Assessment of excavation materials for recovery****1. General**

The basic characterisation of excavated material must be carried out in accordance with the requirements of DVO [Implementing Regulation] 2008 and must be performed by an external authorised expert or specialist institution that is authorised to carry out basic characterisations of the relevant investigation procedure in accordance with DVO 2008. With regard to the testing procedure, the relevant specifications in Annex 4 of the DVO 2008 apply to excavated materials, with the additional requirements specified in this annex. Furthermore, the digestion, leaching and determination standards laid down in the Implementing Regulation 2008 must be used for chemical analysis.

2. Parameter scope

For initial examination in accordance with the relevant examination procedure, the scope of parameters shall be all limited parameters in Tables 1 and 2 in Annex 4. For classification under quality class A2-G, the eluate parameters of Table 3 in Annex 4 must also be analysed. For assignment to quality class A1 (or to quality class BA in the case of recovery as an agricultural reclamation layer), the total contents of the parameters arsenic, lead, cadmium, total chromium, cobalt, copper, nickel, mercury and zinc in the fine fraction < 2 mm available to plants shall also be examined from each field sample.

If contamination or increased pollution is suspected that is not covered by the respective parameter scope (e.g. dioxins, pesticides, specific organic ingredients in drilling aids, other construction aids or individual substances beyond the PFAS listed in Annex III, Part B, Point 3 of Directive 2020/2184 on the quality of water intended for human consumption, OJ No. L 435 of 23 December 2020, p. 1), these parameters must be additionally investigated and evaluated. If there is an increased load with these substances, assignment to quality class BA at best is permitted.

3. Assignment to quality classes

In accordance with the requirements of the respective inspection system, compliance with all limit values is to be assessed in one of the following quality classes and, if all limit values are complied with, the mass of waste examined must be assigned to the corresponding quality class:

1. Quality class A1 (limit values in accordance with Annex 4, Tables 1 and 2),
2. Quality class A2 (limit values according to Annex 4 Tables 1 and 2),
3. Quality class A2-G (limit values according to Annex 4 Tables 1, 2 and 3),
4. Quality class BA (limit values in accordance with Tables 1 and 2 of Annex 4);
5. Quality class IN (limit values according to Annex 1 Tables 3 and 4 of the DVO 2008).

Assignment to quality class BA is only permitted if no assignment to quality class A1, A2 or A2-G is possible.

Classification to quality classes A1 or A2-G is not permitted for soil components from the treatment of excavation materials containing non-hazardous or hazardous substances and for dried sludge from excavation or drilling activities.

Where, due to increased total contents, the limit values set out in column II of Table 1 of Annex 4 are to be taken, the external authorised specialist or institution accredited for inspection activity as a conformity assessment body shall provide justification and confirm that the increased total contents are geogenically determined.

4. Documentation of basic characterisation

Basic characterisation must be documented in an assessment report. The requirements of the respective investigation procedure pursuant to § 11 and Annex 4 of the DVO 2008 apply, with the exception of those requirements for confirming the admissibility of a deposit.

The deadlines for storage specified in § 11 of the DVO 2008 with regard to the assessment certificate also apply to recycling and end-of-waste status.

5. Specific requirements for basic characterisation of water sediment and material from natural mass movement

For the allocation of excavated water sediment (stream and river sediment, sediment from standing water) and material from natural mass movements (sliding material, rock fall material, or mud clearing material) to quality class BA or IN, during characterisation, confirmation by an external authorised expert or specialist institution that anthropogenic contamination has been ruled out, or is not known to be the origin of the material, is sufficient.

If the material is to be classified in another quality class (A1, A2 or A2-G), basic characterisation shall be carried out on the basis of a chemical test in accordance with this chapter, whereby the test model, the number of samples, and the parameters under investigation can be individually determined in consultation with the competent waste authority.

6. Specific provisions on basic characterisation for fractions from the treatment of certain excavated soil materials

If a ground excavation material of quality class A1, A2-G, BA or IN that has already been fundamentally characterised in accordance with the provisions of this Chapter is treated for technical reasons (e.g. sieving for the extraction of certain grain fractions, production of a recycled building material), the individual fractions may be assigned to the quality class of the starting material if the concentration of pollutants in a sub-fraction is not expected due to the properties of the starting material and the treatment process.

If concentration in one or more fractions is to be expected, or if the material is to be assigned to a quality class other than that of the source material, a new fundamental characterisation in accordance with this Annex must be carried out for this fraction or these fractions, either as other one-off waste in accordance with Annex 4 of the DVO 2008, as recurring waste in accordance with the DVO 2008 or in accordance with the standard procedure for quality assurance of recycled building materials, Chapter 1, Annex 3 of the RBV.

7. Specific requirements for basic characterisation of tunnel excavation material

If tunnel excavation material is fundamentally characterised according to the specific investigation system for tunnel excavation material in the Landfill Ordinance 2008 (Annex 4, Part 2, Chapter 1.5), the following derogations apply to recovery:

1. The assessment value of the main or ancillary samples may exceed the limit value at most up to the simple tolerance value if the limit value remains on average above the previously examined part of the waste chemical tunnel section.
2. The on-going geological documentation (in particular on-site surveys or corresponding on-going assessments when using a tunnelling machine) must be made available to the authorised specialist or institution. Any waste-related changes in the geogenic structure that arise in the course of ongoing geological site surveys must be reported immediately to the authorised specialist or specialist institution. This information shall be used to assess whether a change in the testing system is necessary, e.g. start of a new waste chemical tunnel section or run-off and separate basic characterisation of individual waste batches.

3. The authorised specialist or specialist body must be immediately informed of waste-related events during tunnel excavation (waste-related incidents, changes in the use of drilling or construction aids, etc.).
4. The testing system is not applicable to excavated material from temporary base fill or roadbeds; this material must be tested in accordance with Annex 4, Part 2, Chapter 1.2 DVO 2008 before excavation/extraction, in accordance with Annex 4 Part 2 Chapter 1.3 DVO 2008 after extraction/excavation, or as recurring waste in accordance with Annex 4 Part 2 Chapter 2. Parameters describing impurities from tunnel operation (in particular KW and PAH) must in any case be set as limit-relevant parameters and examined accordingly.

8. Additional requirements for basic characterisation for fractions from the treatment of non-hazardous excavation material or excavation material contaminated with hazardous substances

Fractions from the mechanical, chemical-physical or biological treatment of non-hazardous excavated material or excavated material contaminated with hazardous substances must be characterised as other one-off waste (maximum assessment scale 200 tonnes) or as recurring waste in accordance with Annex 4 DVO 2008.

If excavated material contaminated exclusively with mineral construction waste is treated in such a way that the mineral construction waste is largely removed, an assessment criterion of 500 tonnes is sufficient for detailed investigation of basic characterisation as other non-recurring waste.

Annex 4

Quality classes, parameters and limit values

1. Total content

Table 1: Total content

Parameter [mg/kg of dry matter]	Quality class A1	Quality class A2-G	Quality class A2	Quality class BA	
				I	II ¹
Arsenic (as As)	20 ²	30	30	50 ²	200 ²
Lead (as Pb)	100 ²	100	150	150 ²	500 ²
Cadmium (as Cd)	0,5 ^{2,3}	1,0	1,0	2,0 ²	4,0 ²
Chromium, total (as Cr)	90 ²	90	90	300 ²	500 ²
Cobalt (as Co)	50 ²	30	50	50 ²	50 ²
Copper (as Cu)	60 ²	60	90	100 ²	500 ²
Nickel (as Ni)	60 ²	55	60	100 ²	500 ²
Mercury (as Hg)	0,5 ²	0,7	0,7	1 ²	2 ²
Zinc (as Zn)	150 ²	300	450	500 ²	1 000 ²
Calcium (as Ca)	– ¹¹	– ¹¹	– ¹¹	– ¹¹	
Magnesium (as Mg)	– ¹¹	– ¹¹	– ¹¹	– ¹¹	
BTEX ^{4,7}	0.5	1.0	1.0	1.0	
VOC ^{4,5,6,7}	0.3	0.3	0.3	0.3	
HC-index	50/100/200/500 ⁸	20	50/100 ¹²	50/100/200/500 ⁸	
PAH (16 compounds)	2.0	2.0	2.0	4.0	
PAH (Benz[a]pyrene)	0.2	0.2	0.2	0.4	
EOX ⁹	1.0	1.0	1.0	1.0	
PFAS ^{4,10}	0.002	0.002	0.002	0.002 ¹³	
*PCB (7 compounds) ⁴	0.1	0.1	0.1	1	
TOC (as C)	– ¹¹	5 000	10 000	10 000 ¹³	

¹ Where the total content of a parameter is geogenically related to the content of a pollutant, the higher limit of column II shall apply.

² For assignment to quality class A1 or – if the material is to be used for soil recultivation measures – also for assignment of quality class BA, the total content of arsenic to zinc in the fraction < 2 mm shall also be examined for each field sample and the respective limit value shall be complied with.

³ For pH ≥ 6, a limit value of 1 mg/kg TM shall apply, where pH shall be the value in accordance with ÖNORM EN ISO 10390 ‘Soil, treated bio-waste and sludge – Determination of pH (ISO 10390:2021)’, issued on 15 August 2022.

⁴ to be examined only in case of suspicion

⁵ The assessment of excavated material with regard to VOC shall be carried out on the basis of incremental samples in accordance with best sampling and analytical determination practice.

⁶ Sum of lightly volatile halogenated C1 and C2 hydrocarbons, including trichloroethene, tetrachloroethene, 1,1,1-trichloroethene, trichloromethane (chloroform), tetrachloromethane, 1,1-dichloroethene, tribromomethane, brominated dichloromethane, dibromochloromethane, dichloromethane, 1,2-dichloroethene, 1,2-dichloroethene, cis-1,2-dichloroethene, trans-1,2 dichloroethene, 1,1,2-trichloroethene, 1,1,2,2-tetrachloroethene. If the presence of other VOCs is suspected, these must also be included in the scope of the analysis.

⁷ Individual substances are only taken into account in the summation as of a

concentration above the limit of determination ('lower bound' approach). All individual substances above the limit of determination are included in the sum.

- ⁸ 50 mg/kg DM applies to TOC \leq 5,000 mg/kg DM
 100 mg/kg DM applies to TOC $>$ 5,000 mg/kg DM and \leq 20,000 mg/kg DM
 200 mg/kg DM applies to TOC $>$ 20,000 mg/kg DM and \leq 50,000 mg/kg DM
 500 mg/kg DM applies to TOC $>$ 50,000 mg/kg DM. Exceedance of the limit value of 500 mg/kg at a TOC $>$ 50 000 mg/kg TM is permissible for humose or cryogenic materials if it is unequivocally demonstrated by analysis of the GC chromatogram that they are biogenic hydrocarbons.
- ⁹ The total EOX content can be determined in a joint extract with PAH (16 compounds), e.g. using n-hexane/acetone 1: 1, DIN 38414-S17:2017 also applies. This examination of EOX is also permitted in the non-accredited sector.
- ¹⁰ For the determination of perfluorinated and polyfluorinated alkyl substances (PFAS), the sum of the following 20 PFAS shall be determined: Perfluorobutanoic acid (PFBA), perfluoropentanoic acid (PFPeA), perfluorohexanoic acid (PFHxA), perfluoroheptanoic acid (PFHpA), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), perfluorodecanoic acid (PFDA), perfluoroundecanoic acid (PFUnDA), perfluorododecanoic acid (PFDoDA), perfluorotridecanoic acid (PFTrDA), perfluorobutanesulfonic acid (PFBS), perfluoropentanesulfonic acid (PFPeS), perfluorohexanesulfonic acid (PFHxS), perfluoroheptanesulfonic acid (PFHpS), perfluorooctanesulfonic acid (PFOS), perfluoropentanesulfonic acid (PFNS), perfluorodecanesulfonic acid (PFDS), perfluoroundecanesulfonic acid, perfluorododecanesulfonic acid and perfluorotridecanesulfonic acid.; Determination is carried out in accordance with DIN 38414-14 'German standard procedures for water, sewage and sludge testing – Sludge and sediment (group S) – Part 14: Determination of selected polyfluorinated compounds (PFC) in sludge, compost and soil – Method using high performance liquid chromatography and mass spectrometric detection (HPLC- MS/ MS) (S 14), publication date: August 2011. Individual substances are only taken into account in the summation of the 20 parameters from a concentration of 0.2 μ g/kg DM (= 0.0002 mg/kg DM) ('lower bound' approach). All individual substances above 0.2 μ g/kg DM are included in the sum of the 20 parameters. Testing of PFAS is also permitted in the non-accredited area.
- ¹¹ The value must be determined and indicated in the analysis report.
- ¹² 50 mg/kg DM applies to TOC \leq 5,000 mg/kg DM
 100 mg/kg DM applies to TOC $>$ 5,000 mg/kg DM and \leq 10,000 mg/kg DM
- ¹³ Threshold level: Exceeding this limit is permissible if this is documented in the assessment report, stating the specific test result for the waste, the partial quantity or the proportion.

2. Eluate levels

Table 2: Eluate levels

Parameter [mg/kg of dry matter]	Quality class A1	Quality class A2-G	Quality class A2	Quality class BA
pH value	6.5 ¹ – 11.0	6.5 – 9.5 ²	Parameter: 6.5 ¹ -11.0	6.5 ¹ -11.0 ³
electrical conductivity [mS/m]	50	50	50	150 ³
Evaporation residue	4,000	4,000	4,000	4,000 ¹²
Antimony (as Sb)	0.06	0.06	0.06	0.06
Arsenic (as As)	0.3	0.1	0.3	0.5
Barium (as Ba)	10	5	10	10
Lead (as Pb)	0.3	0.1	0.3	0.5
Cadmium (as Cd)	0.04	0.04	0.04	0.04

Parameter [mg/kg of dry matter]	Quality class A1	Quality class A2-G	Quality class A2	Quality class BA
Chromium, total (as Cr)	0.3	0.3	0.3	0.5
Cobalt (as Co)	1.0	0.1	1.0	1.0
Copper (as Cu)	0.6	0.6	0.6	2.0
Molybdenum (as Mo)	0.5	0.35	0.5	0.5
Nickel (as Ni)	0.4	0.2	0.4	0.4
Mercury (as Hg)	0.01	0.01	0.01	0.01
Selenium (as Se)	0.1	0.1	0.1	0.1
Silver (as Ag)	0.2	0.2	0.2	0.2
Zinc (as Zn)	4.0	4.0	4.0	4.0
Tin (as Sn)	2.0	0.5	2.0	2.0
Ammonium (as N)	8.0 ⁵	3.5	8.0	8.0 ⁶
Cyanide – easily released (as CN)	0.2	0.1	0.2	0.2
Chloride (as Cl)	800	800	800	800 ⁶
Fluoride (as F)	10	10	10	10
Nitrite (as N)	100 ⁵	70	100	100 ⁶
Nitrite (as N)	2.0 ⁵	0.5	2.0	2.0 ⁶
Phosphate (as P)	5.0 ⁵	1.0	5.0	5.0 ⁶
Sulphate (as SO ₄)	2 500	1,500	2 500	2 500 ¹¹
AOX or EOX (as Cl)	0.3 ⁷	0.3 ⁷	0.3 ⁷	0.3 ⁷
HC-index	5.0	1.0	5.0	5.0
PFAS ^{8,9}	0.001	0.001 ⁸	0.001	0.001 ⁶
Phenol index	1.0	0.20	1.0	1.0
anionic surfactants (as MBAS) ¹⁰	1.0	1.0	1.0	1.0
TOC (as C)	– ⁴	100	100	100 ⁶

¹ A lower pH limit of 3.5 applies to soil acidified due to natural development.

² An upper pH limit of 10.0 applies when the pH is increased value due to natural lime content (carbonate rocks).

³ If the total heavy metal content of arsenic to zinc of column I is met in Table 1, an upper pH limit of 12.0 shall apply. In this case, for a pH value between 11 and 12, the limit value for electrical conductivity is 250 mS/m.

⁴ The value must be determined and indicated in the analysis report.

⁵ The limit value does not apply to soils rich in humus or containing peat; however, the value must be determined and documented in the assessment evidence.

⁶ Threshold level: Exceeding this limit is permissible if this is documented in the assessment report, stating the specific test result for the waste, the partial quantity or the proportion.

⁷ The limit value is considered to be met if either the parameter EOX or the parameter AOX does not exceed 0.3 mg/kg TM.

⁸ Only to be examined if suspected; for classification as A2-G from 12 January 2026, investigation mandatory.

⁹ For the determination of perfluorinated and polyfluorinated alkyl substances (PFAS), the sum of the following 20 PFAS shall be determined: Perfluorobutanoic acid (PFBA), perfluoropentanoic acid (PFPeA), perfluorohexanoic acid (PFHxA), perfluoroheptanoic acid (PFHpA), perfluorooctanoic acid (PFOA),

perfluorononanoic acid (PFNA), perfluorodecanoic acid (PFDA), perfluorododecanoic acid (PFDoDA), perfluorotridecanoic acid (PFTrDA), perfluorobutanesulfonic acid (PFBS), perfluoropentanesulfonic acid (PFPeS), perfluorohexanesulfonic acid (PFHxS), perfluoroheptanesulfonic acid (PFHpS), perfluorooctanesulfonic acid (PFOS), perfluorononanesulfonic acid (PFNS), perfluorodecanoic acid (PFDS), perfluoroundecanesulfonic acid, perfluorododecane sulfonic acid and perfluorotridecanesulfonic acid, determined in accordance with DIN 38407-42 Ger7 for the examination of water, waste water and sludge – Common detectable groups of substances (Group F) – Part 42: Determination of selected polyfluorinated compounds (PFC) in water — method using high-performance liquid chromatography and mass spectrometric detection (HPLC-MS/MS) after solid-liquid extraction (F 42)', issued in March 2011; individual substances are only taken into account for the sum formation via the 20 parameters in the eluate from a concentration of 10 ng/l in L/S=10 l/kg DM (corresponding to from 0.1 µg/kg DM = 0.0001 mg/kg DM) ('lower bound' approach). All individual substances above 10 ng/l or 0.1 µg/kg DM are included in the sum of the 20 parameters. Testing of PFAS is also permitted in the non-accredited area.

- ¹⁰ Only examine if there is suspicion; if there is a suspicion of other surfactants (e.g. non-ionic, cationic, or amphoteric) or it is known that they have been used, these must be examined and assessed taking into account best MBAS practice.
- ¹¹ For excavated geogenic material containing gypsum, an exceedance is permitted; the exceedance must be documented in the assessment report, indicating the specific test result for the waste, sub-quantity or proportion.
- ¹² If the threshold for sulphate is exceeded, a limit value of 10 000 mg/kg TM shall apply to the evaporation residue.

3. Additional eluate content for quality class A2-G

Table 3: Additional eluate content for quality class A2-G

Parameter [mg/kg of dry matter]	Quality class A2-G
Beryllium (as Be)	0.05
Boron (as B)	5.0
Manganese (as Mn)	0.5
Thallium (as Tl)	0.1
Vanadium (as V)	0.5
Chromium VI (as Cr) ¹	0.2
Cyanide, total (as CN)	0.1

¹ Determination of chromium VI (as Cr) in the eluate in a field sample may be omitted if the test result of the parameter chromium total (as Cr) in the eluate of the same field sample already complies with the limit value for chromium VI.

Annex 5

Declaration of conformity

Declaration of conformity	
1) Unique identifier:	
2) Applicant name and address:	
GLN of the waste owner:	
3) Mass of excavated soil (in tonnes) to which this declaration of conformity relates:	
4) Quality class and intended use of the excavated soil material to which this declaration of conformity refers:	<ul style="list-style-type: none"> o A1 (permissible for soil recultivation measures pursuant to § 7; the production of growing media pursuant to § 8; the production of compost and compost soils pursuant to § 9; the production of synthetic earth pursuant to § 10; the production of aggregates pursuant to § 11; the production of other building materials pursuant to § 12 and use as an industrial mineral pursuant to § 13) o A2 (permissible for earthworks measures outside groundwater pursuant to § 6; the production of growing media pursuant to § 8; the production of compost and compost soils pursuant to § 9; the production of synthetic earth pursuant to § 10; the production of aggregates pursuant to § 11; the production of other building materials pursuant to § 12 and use as an industrial mineral pursuant to § 13) o A2-G(permissible for earthworks including in or directly above groundwater pursuant to § 6; the production of growing media pursuant to § 8; the production of compost and compost soils pursuant to § 9; the production of synthetic earth pursuant to § 10; the production of aggregates pursuant to § 11; the production of other building materials pursuant to § 12 and use as an industrial mineral pursuant to § 13) o BA (permitted for the production of aggregate for the manufacture of concrete from strength class C12/15 (inclusive) or, in the case of strength class C8/10, from exposure class XC1 (inclusive), and for the manufacture of asphalt mix in accordance with § 11; the manufacture of other building materials in accordance with § 12 and use as an industrial mineral in accordance with § 13)
5) Identification of the assessment certificate that determined the above-mentioned quality class through basic characterisation:	
Name of the external authorised professional or institution accredited for the inspection activity as a conformity assessment body (name, address):	

6) Date and identifier of the end-of-waste notification pursuant to § 20 of the Excavation Regulation, Federal Law Gazette II No xxx

7) Waste chemical supervision in accordance with § 17 of the Excavation Ordinance, Federal Law Gazette II No xxx, was required:

yes

no

- The analyses were carried out by the following external authorised specialist or specialist institution:

It is confirmed that the uncontaminated excavated soil material declared here has been separated from the contaminated partial quantities and excavated accordingly.

8) The excavated soil material described above is compliant with § 20 and Annexes 1 to 4 of the Excavation Ordinance, Federal Law Gazette II No. xxx, and has reached the end of its service life.

9)

(Date of issue)

(Signature of inspector)

Annex 6

Grading curve

strainer	Average (%)	Min av. (%)	Max av. (%)
0.125	100.0	0.0	18.0
0.25	100.0	0.0	21.5
0.5	100.0	3.0	26.0
1	100.0	7.0	32.0
2	100.0	11.0	40.0
4	100.0	18.0	50.0
5.6	100.0	22.0	56.0
8	100.0	27.0	64.0
11.2	100.0	32.0	71.0
16	100.0	40.0	82.0
22.4	100.0	48.0	92.0
31.5	100.0	56.0	100.0
45	100.0	67.0	100.0
56	100.0	74.0	100.0
63	100.0	78.0	100.0
90	100.0	90.0	100.0
125	100.0	100.0	100.0