GENERAL PROVISIONS

DEPARTMENT OF INDUSTRY, ENERGY TRANSITION AND SUSTAINABILITY

2708

DECREE 85/2026 of 2 June 2026 on activities for recovering slag from waste-to-energy processes at facilities 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.

The current waste policy of the Autonomous Community of the Basque Country is set out in the Waste Prevention and Management Plan for the Basque Country 2030. This plan prioritises encouraging the reuse, recycling and recovery of waste. 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 residues from waste-to-energy processes are among the 10 non-hazardous waste streams that, if recovered, would contribute the most recovered material to the target set out in the Basque Country’s 2030 Waste Prevention and Management Plan.

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 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 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.

Secondary aggregates from the recovery of slag from facilities managing 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 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 2 June 2026,

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 a 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 facilities managing waste-to-energy processes 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 natural or legal person who treats slag from facilities managing 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 facilities managing 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.

Article 3. – Authorisations for facilities carrying out slag recovery activities.

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 by any other regulations 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, by Law 10/2021 of 9 December 2021 on the Environmental Administration of the Basque Country, 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 Article 3.

Article 4. – 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 facilities managing 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 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) the secondary aggregates comply with the stipulations 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) the slag recovery person has a management system in place as provided for in Article 8;

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

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 facilities managing waste-to-energy processes 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 bound applications;

- uses as an aggregate in unbound applications.

2.- The use of secondary aggregates in unbound 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 shall 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 recovery person 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 recovery person shall grant the competent authorities access to its management system and the corresponding records on request.

Article 9. – 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.

SOLE TRANSITIONAL PROVISION. – Time limit for bringing the authorisations for the slag recovery facilities covered by this Decree into line with the requirements.

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.

FIRST FINAL PROVISION. – Amendment of Annex II to 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 regarding landfilling of wastes and backfilling operations.

Amendment is made to the wording of Article 6(h) of Decree 49/2009 of 24 February 2009

regarding landfilling of wastes and backfilling operations, which is reworded as follows:

> ‘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. – 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 develop and amend the annexes to this Decree in line with scientific and technological developments.

FOURTH FINAL PROVISION. – Entry into force.

This Decree shall take effect on the day after its publication in the Official Gazette of the Basque Country, except for the second final provision, which shall enter into force 18 months after its publication in the Official Gazette of the Basque Country.

Issued in Vitoria-Gasteiz on 2 July 2026.

The Lehendakari
(President of the Basque Government),
IMANOL PRADALES GIL.

The Regional Minister for Industry, Energy Transition and Sustainability,
MIKEL JAUREGI LETEMENDIA.

ANNEX I TO DECREE 85/2026 OF 2 JUNE 2026

1.- Requirements for the slag being recovered and the facilities managing slag deriving from facilities managing 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 facilities managing waste-to-energy processes in the Autonomous Community of the Basque Country must meet the following technical requirements.

a) 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 $k < 1 \times 10\text{-}7$ 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.

b) 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.

c) 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 TO DECREE 85/2026 OF 2 JUNE 2026

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 bound applications	Concrete manufacture; Production of gravel-cement and soil-cement mixtures	- Technical requirements prescribed by technical regulations applicable to the final material.	Not required.	
	Other bound applications.	- Technical requirements prescribed by technical regulations applicable to the final material.	Not required.	
As an aggregate in UNBOUND applications under fully impermeable cover, not in direct contact with the soil.	Filler for closed concrete caissons.		- Article 6. Paragraph 2. - 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]

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

[2] For 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
UNBOUND applications under fully impermeable cover, in direct contact with the soil	Fine crushed stone for bases/sub-bases of roads and highways.	- The provisions of the standard for the dimensioning of road surfaces in the Basque Country, approved by Order of 12 July 2022 of the regional 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.[3]
	Fine crushed stone for bases/sub-bases of footpaths, cycle paths and sports tracks.	- Recommendations for the design of cycle path surfaces by the Basque Government. - Other guidelines according to historical territory.		
	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 regional 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.		
	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		

[3] For 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
As aggregate in landfills	Landfill covering In the construction of temporary tracks within them In primary/secondary drainage layers for the removal of gases and leachate 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.	- 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.	

ANNEX III TO DECREE 85/2026 OF 2 JUNE 2026

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 (SO42-)	(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 m^3 of secondary aggregate produced from incineration slag.

ANNEX IV TO DECREE 85/2026 OF 2 JUNE 2026

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 TO DECREE 85/2026 OF 2 JUNE 2026

REFERENCE DOCUMENTS FOR CONDUCTING THE QUANTITATIVE RISK ANALYSIS

- Análisis cuantitativo de riesgos (ACR). 2020.

https://www.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 TO DECREE 85/2026 OF 2 JUNE 2026

DECLARATION OF COMPLIANCE WITH THE CRITERIA FOR DETERMINING WHEN SECONDARY AGGREGATES FROM THE PROCESSING OF SLAG FROM FACILITIES MANAGING 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:
2	Processed slag from waste-to-energy processes. Use permitted in accordance with Annex II to Decree 85/2026 of 2 June 2026 on activities for recovering slag from waste-to-energy processes at facilities in the Autonomous Community of the Basque Country, 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 shipment is limited exclusively to the destinations and conditions set out in Article 6 and Annex II of Decree 85/2026 of 2 June 2026 on activities for recovering slag from waste-to-energy processes at facilities in the Autonomous Community of the Basque Country, 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	I hereby certify that the above information is complete and accurate to the best of my knowledge and understanding. Name: Date: Signature: