FEAD
European Waste Management Association

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FEAD feedback on Decree proposal on "Inert waste from construction and demolition activities and other inert waste of mineral origin" submitted to the EC by the Italian Government

On March 14th, the Italian Ministry of Economic Development notified to the European Commission (DG GROW) the draft regulation on **EoW criteria for C&D waste**, according to the "stand still" procedure.

FEAD, the European Waste Management Association, welcomes the Italian Government's initiative to work on legislation that can clearly and unambiguously regulate the production of End-of-Waste from Construction and Demolition (C&D) waste, but there are some concerns for the entire waste management industry at European level:

- It fails to consider a series of waste flows currently treated and recycled by the plants in compliance with the existing recovery rules and authorization requirements
- For the achievement of the End of Waste status, it requires to check not only the concentrations of contaminants in the eluate, but it also introduces new controls on the solid matrix of the aggregates, borrowed from the table limits provided for by the legislation on soil remediation with residential uses (although such aggregates are mainly used in the construction of roads or in industrial areas).

FEAD believes that approval of the draft Italian Decree in its current form could lead to serious consequences in the sector:

- Drastic reduction in the rate of waste recycling in Italy, caused by the stringent new conditions for achieving End-of-Waste status. This would also have an impact on the failure to achieve the targets set by the European Union to each Member State
- Closure of many plants that currently treat and recycle such waste
- Increase in the rate of landfilling of those wastes not able to reach End-of-Waste status
- Problems in the circulation and transport of secondary raw materials from neighbouring Member States, which could not be accepted in Italy, even a few kilometres away
- Failure of the strategy to improve the circular economy in the construction sector, as well as of all those initiatives, including regulatory ones, that have so far attempted to trigger virtuous collection circuits such as the one in building warehouses, which has now seen the launch on a national basis of a voluntary consortium for the recovery of aggregates
- Impossibility of using recycled aggregates produced by the huge amount of waste generated by the 2016 earthquake in the reconstruction of the areas affected by it

In addition, ANPAR, the Italian Association of Recycled Aggregate Producers, conducted a survey among its members, about 20 authorised recycling plants, to verify the compliance of current recycled aggregates with the new limits proposed in the draft decree.

The investigation resulted in the characterisation of a total of 36 recycled aggregates, for which Declarations of Performance, Test Reports and completed sheets were collected.

The results showed that in 80% of the cases, at least one parameter exceeds the imposed limit concentrations.

The concentration of heavy hydrocarbons (C>12) is the parameter almost always responsible for the failure to achieve End of Waste. This is certainly due to the presence of bitumen more than to the presence of fuels (diesel fuel or similar products), as asphalt is a constituent of the source waste, which is almost always present in recycled aggregates.

A detailed analysis of the aspects of greatest concern is given below, in order to be able to draw the attention of the European Commission to ask the Italian Government to revise the draft Decree.

1. Introduction of constraints to the free movement of goods established by the Treaty on the Functioning of the European Union

Recycled aggregates are regulated in several European standards which aim to standardise throughout the European Union the information that the producer must declare to the user.

These standards are defined according to the use of the material (e.g. EN 13242 "*Aggregates for unbound and hydraulically bound materials for use in civil engineering works and road construction*", the one concerning the most widespread use of recycled aggregates) and give indications on the physical and mechanical characteristics of the materials, while they do not deal with the impact on human health and environment, which is instead regulated by each Member State.

In order to assess the impact of recycled aggregates on human health and the environment, all Member States have imposed more or less homogeneous limits on the leaching of materials (to be determined by a special leaching test).

The new Decree also introduces a check on the solid matrix of the aggregate, setting concentration limits for contaminants, different from those applied in other Member States, which would preclude the use on Italian territory of recycled aggregates produced in other EU countries, which are regularly marked with CE label in accordance with harmonised European standards.

2. Discrimination of recycled aggregates compared to other materials for the same use

In a circular economy, efforts are made to reuse and recycle (or recover) all materials that may still have a use.

In the case of road construction, for example, national regulations allow the use of materials which are similar to recycled aggregates, such as excavated soil and rocks or other aggregates derived from recycled asphalt.

But these latter materials would be advantaged, for the same use, as they would benefit from much less restrictive limits (higher by about an order of magnitude!).

It is therefore hard to understand what scientific criterion has been used for setting the environmental limits in the new Decree to recycled aggregates, given that they cannot be of an ecotoxicological nature (e.g. the concentration limit for Zinc in excavated earth is 1000 mg/kg, compared with 100 mg/kg for recycled aggregates, or the concentration limit for Polycyclic Aromatic Hydrocarbons in bituminous

conglomerate "granulate" is 100 mg/kg, compared with 10 mg/kg for recycled aggregates).

3. Inapplicability of legislation on contaminated soil to construction products

The limits imposed on the physical matrix of recycled aggregates are taken from the limit concentrations of soils to be considered contaminated depending on the different use (residential or commercial/industrial). This association is completely wrong, as it is not possible to compare a construction product with natural soil.

Recycled aggregates, once CE marked, become construction products on the basis of Regulation 305/11 (Construction Products Regulation). Aggregates contain chemicals whose hazardousness could, if anything, be assessed on the basis of REACH Regulation, which was adopted to improve the protection of human health and environment from the risks that can be posed by chemicals.

Soil regulation cannot be applied to aggregates as long as they are not made of fine fraction, i.e. they are not in the form of a 'single fraction'. It is not clear how the chemical determinations required by the Decree could be carried out on a draining aggregate (coarse size varying between 10 mm and 100 mm), if not by significantly changing the actual conditions of use to carry out the test (e.g. by crushing the recycled aggregate).

4. Lack of clarity on sampling

With reference to the sampling method for recycled aggregates, the draft Decree refers to the standard UNI 10802:2013 “Wastes - Manual sampling and preparation of sample and analysis of eluates”.

It is not correct, therefore, to use a waste standard for a material: it is necessary to refer to the specific standard for aggregates (EN 932-1) because it:

- Allows to have a clear reference on the mass of the sample to be taken (which is very high compared to waste) as it takes into account the heterogeneity of the matrix to be sampled
- Provides for multiple ways of preparing the laboratory sample depending on how the aggregate is stored (in piles, in layers, etc.)
- Provides for the use of equipment for the reduction of the primary sample to reduce the operator's subjectivity.

Finally, the draft Decree introduces the determination of concentrations of pollutants on the solid matrix of the aggregates without clarifying whether the sample must be crushed (leaving the real condition of use) or screened to the required size.

5. Inconsistency with limits set in EoW criteria applied by other Member States

It should be noted that the new limits set by the draft Decree often conflict with the choices made by the four Member States that have already adopted EoW criteria for C&D waste or other technical documents (the Netherlands, the UK, Germany, Austria and France). For example, with reference to Table 2, par. d.1 of Annex 1, the following discrepancies can be highlighted:

- Asbestos: limit set at 100 mg/kg, but only in the Netherlands
- Hydrocarbons C>12: no Country considers this parameter; other hydrocarbons are considered and in any case their limits are higher than the one set in the Draft Decree
- Total BTEX: 6 mg/kg (France); UK and Austria have no limits, in the Netherlands limits are foreseen for specific substances
- Phenols: 1.25 mg/kg (The Netherlands). Other countries no limit

- PCB: 0.5 mg/kg (The Netherlands); 1 mg/kg (France); Austria has no limits, in Germany limits vary between 0,1 and 1,0 mg/kg
- Cr VI: no Country has fixed limits
- Polycyclic aromatic hydrocarbons (PAHs): 50 mg/kg (France and the Netherlands); 12÷20 mg/kg (Austria); 5÷100 (Germany)

Below is a comparative table extracted from the 'Technical Dossier on the Quality of Recycled Aggregates' prepared by ANPAR (Italian Association of Recycled Aggregate Producers), which summarises and compares the parameters and limits of the draft decree with those in force in the other Member States examined (Table 1).

Next, a summary table with comments on the proposed text (Table 2).

PARAMETRI	U.d.M.	ITALIA - BOZZA DECRETO	Belgio - Fiandre	Belgio - Vallonia	FRANCIA - AGGREGATI MISTI			AUSTRIA		OLANDA	GERMANIA - LAGA 20			RENANIA-PALATINATO			BRANDEBURGO		BADEN-WUTTERBERG		
					Uso di tipo 1	Uso di tipo 2	Uso di tipo 3	U-A	U-B		Z 1.1	Z 1.2	Z 2	Z 1.1	Z 1.2	Z 2	Z 1.1	Z 2	Z 1.1	Z 1.2	Z 2
Idrocarburi estraibili (C10-C40)	mg/kg s.s.			1.500				150 (3)	200 (3)		300	500	1.000	300	500	1.000	600 (17)	1.000 (17)	600	600	2.000
Idrocarburi C>12	mg/kg s.s.	50																			
Olio minerale	mg/kg s.s.		1.000							500 (7)											
Idrocarburi C10-C21	mg/kg s.s.				300	300	300														
Idrocarburi C10-C22	mg/kg s.s.																300 (17)	1.000 (17)			
Idrocarburi C10-C25	mg/kg s.s.																		300	300	1.000
Esano	mg/kg s.s.		1																		
Eptano	mg/kg s.s.		25																		
Ottano	mg/kg s.s.		90																		
EOX (Idrocarburi alogenati estraibili)	mg/kg s.s.			7							3 (14)	5 (14)	10 (14)	3 (16)	5 (16)	10 (16)	3	10	3	5	10
Benzo (a) antracene	mg/kg s.s.	0,5	35							40 (8)											
Benzo (a) pirene	mg/kg s.s.	0,1	8,5							10 (8)											
Benzo (g,h,i) perilene	mg/kg s.s.	0,1	35							40 (8)											
Benzo (b) fluorantene	mg/kg s.s.	0,5	55																		
Benzo (k) fluorantene	mg/kg s.s.	0,5	55							40 (8)											
Crisene	mg/kg s.s.	5	400							10 (8)											
Dibenzo (a,e) pirene	mg/kg s.s.	0,1																			
Dibenzo (a,l) pirene	mg/kg s.s.	0,1																			
Dibenzo (a,i) pirene	mg/kg s.s.	0,1																			
Dibenzo (a,h) pirene	mg/kg s.s.	0,1																			
Dibenzo (a,h) antracene	mg/kg s.s.	0,1																			
Pirene	mg/kg s.s.	5																			
Indeno (1,2,3cd) pirene	mg/kg s.s.	0,1	35							40 (8)											
Fenantrene	mg/kg s.s.		30																		
Fluorantene	mg/kg s.s.		40																		
Naftalene	mg/kg s.s.		20							5 (8)											
Fenantrene	mg/kg s.s.									20 (8)											
Antracene	mg/kg s.s.									10 (8)											
Fluorantene	mg/kg s.s.									35 (8)											
IPA sommatoria	mg/kg s.s.	10			50/500 (1)	50	50	12	20	50 (9)	5 (20) (15)	15 (50) (15)	75 (100) (15)	5 (20) (15)	15 (50) (15)	75 (100) (15)	5	75 (100) (18)	10	15	35
Benzene	mg/kg s.s.	0,1	0,5							1 (10)											
Etilbenzene	mg/kg s.s.	0,5	5,0							1,25 (10)											
Toluene	mg/kg s.s.	0,5	15,0							1,25 (10)											
Stirene	mg/kg s.s.	0,5	1,5																		
Xileni (sommatoria)	mg/kg s.s.	0,5	15,0							1,25 (10)											
BTEX	mg/kg s.s.	1			6	6	6														
PCB	mg/kg s.s.	0,06	0,5		1	1	1			0,5 (11)	0,1	0,5	1,0	0,1	0,5	1,0	0,1	1,0	0,15	0,5	1,0
TOC	mg/kg s.s.				30.000/60.000 (2)	30.000/60.000 (2)	30.000/60.000 (2)														
Arsenico	mg/kg s.s.		250																		
Mercurio	mg/kg s.s.		5																		
Piombo	mg/kg s.s.		1.250					150	150/500 (4-5)												
Cromo totale	mg/kg s.s.		1.250					90/300 (4)	90/700 (4)												
Cromo VI	mg/kg s.s.	2																			
Cadmio	mg/kg s.s.		10																		
Rame	mg/kg s.s.		375					90/300 (4)	90/500 (4)												
Nickel	mg/kg s.s.		250					60/100 (4)	60 (6)												
Mercurio (4)	mg/kg s.s.							0,7	0,7												
Zinco	mg/kg s.s.		1.250					450	450												
Fenolo	mg/kg s.s.	1								1,25 (12)											
Amianto	mg/kg s.s.	100								100 (13)											
Materiali galleggianti	cmc/kg	<5																			
Frazioni estranee	% in peso	<1																			

Table 1

Table 2

Reference	Text of the Decree	Comments/Notes
Article 2 Definitions	*d) "recovered aggregate" means the waste referred to in subparagraphs a) and b) which has ceased to be such following one or more recovery operations in compliance with the conditions referred to in Article 184-ter(1) of Legislative Decree No 152/06 and the provisions of this Decree;* *e) " lot of recovered aggregate" means a quantity not exceeding 3,000 cubic metres of recovered aggregate* *f) "producer of recovered aggregate": the operator of the plant authorised to produce recovered aggregate (hereinafter also referred to as: producer);*	The end-of-waste product is defined by all European harmonised standards on aggregates as "recycled aggregate" or " manufactured aggregate". Therefore, there is no need to introduce a new definition ("recovered aggregate") which would only create confusion and ambiguity.
Article 5 Declaration of conformity and method of storage of samples - Paragraph 3	*For the purposes of the subsistence of the criteria referred to in Article 3, the producer of recovered aggregate shall keep for five years, at the production plant or at its registered office, a sample of recovered aggregate taken at the end of the production process of each batch of recovered aggregate, in accordance with the UNI 10802 standard. The way in which the sample is kept shall be such as to ensure that the chemical and physical characteristics of the recovered aggregate taken are not altered and shall be suitable for allowing the analyses to be repeated.*	1. The standard UNI 10802:2013 "Manual sampling, sample preparation and analysis of eluates", is related to waste, it is not the specific one for recycled or artificial aggregates. The one to be used is UNI EN 932-1 "Test methods for determining the general properties of aggregates", which in addition to covering the sampling methods of UNI 10802, also provides for specific methods for sampling in piles and the use of equipment able to reduce the subjectivity of the operator. The “philosophical” justifications put forward by the Ministry in favour of UNI 10802, claiming that at the time the test is carried out the matrix under examination is still waste, are not considered acceptable. 2. The mass of the sample varies depending on the particle size and can be up to 80-100 kg. It is necessary to shorten the period considerably, otherwise to comply with this requirement plants must dedicate large storage spaces for the drums in which the samples are contained.
Article 6	*The producer of recovered aggregate shall implement a quality management system in accordance with UNI EN ISO 9001 certified by an accredited organisation in accordance with current legislation, which*	Producers of recycled and artificial aggregates are already required to have a Factory Production Control (FPC) system to CE mark their products, which must be certified by a Notified Body if the aggregates

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Environmental management system Paragraph 1	*demonstrates compliance with the criteria set out in this Regulation. The quality manual shall include operating procedures for checking compliance with the criteria set out in Annex 1, the sampling plan and self-monitoring.*	are to be used in structural applications (Attestation System 2+). It is considered more logical and simpler to require that it must always be certified by a Notified Body instead of introducing new obligations.
Article 7 Transitional and final rules Paragraph 1	*In order to comply with the criteria set out in the present regulation, the producer, within 180 days from the date of the entry into force of the present regulation, shall submit to the competent authority an update of the communication carried out according to article 216 of the legislative decree of 3 April 2006, n. 152, indicating the maximum recoverable quantity, or an application for the updating of the authorisation granted according to Chapter IV, Title I, of Part IV or Title III-bis, of Part II of the legislative decree of 3 April 2006, n. 152. For the simplified procedures, the quantitative limits provided for by the decree of the Minister for the Environment of 5 February 1998 in annex 4, the technical standards in annex 5, as well as the limit values for emissions in annex 1, sub annex 2, remain fixed.*	The deadline given to operators is too tight, as for example to comply with the BAT Conclusion the time limit is 4 years! There is also a huge problem for all those who make up their artificial aggregates with waste that is not covered by the Decree. These are the majority of the recovery plants in the ordinary regime that would find themselves having to give up many authorised codes and/or having to modify their authorisation "case by case" which will end up introducing the same End of Waste criteria set by the Decree, but perhaps creating difficulties in applying them to other types of inert waste.
Article 7 Transitional and final rules Paragraph 2	*Pending the adaptation referred to in paragraph 1, the materials resulting from the recovery procedures already authorised may be used for the specific purposes referred to in Article 4, if their characteristics comply with the criteria laid down in Article 3, certified by a declaration of conformity pursuant to Article 5.*	This would require the re-certification of all ready-to-sell lots as the End of Waste conditions would have changed. While we understand the logic of the request, this could lead to major problems for operators if their batches of material do not comply with the new decree. In addition to representing an unacceptable sort of retroactivity of the decree itself (given that unfortunately many of the recovery plants have yards full of aggregates to be placed on the market), the almost certain eventuality would condemn all operators to bankruptcy.

Reference	Text of the Decree	Comments/Notes
Annex 1 **(Article 3)** a) List of waste	…. *Construction and demolition waste that is abandoned or buried shall not be allowed to be used for the production of recovered aggregates….*	This would exclude the treatment of waste code EWC 200301 (abandoned municipal waste from demolition and construction activities), which, despite having exactly the same chemical and product composition, could only go to landfills, thus constituting a major cost burden for public budgets, or be abandoned on public land. It should be pointed out that the code EWC 200301 is currently included in point 7.1 of Ministerial Decree of 5 February 1998. It should also be noted that plants must carry out prior checks on incoming waste at the acceptance stage. Therefore, if the abandoned waste contains hazardous substances, it will not be accepted and treated at the plants.
Table 1 Waste accepted for the production of recovered aggregates		1. Waste code EWC 101206 “Waste moulds consisting solely of glazed and fired unglazed ceramic scraps and rejects or fired brick and expanded clay scraps which may be covered with unglazed glaze in a concentration of less than 10%”, has also been added, which is a different definition from the one in the EWC 2. Important inert waste streams are excluded and are thus practically condemned to be landfilled instead of being recovered. For example: • EWC code 200399 identified by the public administration to identify waste from earthquake collected on public soil • Code 191212 of inert nature (e.g. concrete counterweights from the treatment of washing machines). • Code 170202 and Code 191205 concerning glass, an inert material par excellence

Reference	Text of the Decree	Comments/Notes
Annex 1 **(Article 3)** c) Minimum processing and storage at manufacturer's site	*During the conformity check of the recovered aggregate, storage and handling at the producer's premises shall be organised in such a way that individual production batches are not mixed.* *While awaiting transport to the site of use, the recovered aggregate shall be stored and handled at the plant where it was produced and in storage areas designated for this purpose.* *….*	"While awaiting transport to the site of use" should be replaced by " While awaiting marketing of the product" because recovery operators rarely market their products directly to the user.

Annex 1 **(Article 3)** d) Quality requirements for recovered aggregate d.1) Controls on recovered aggregate **Table 2** Parameters to be investigated and limit values		1. The limits laid down are apparently taken from those in Col. A of Tab. 1 of Annex 5 to Legislative Decree 152/06, making a double mistake. Firstly, recycled and artificial aggregates are construction products and not soils. Therefore in some cases it is neither reasonable (in C&D waste the contaminants to be investigated are not all relevant) nor possible to carry out the measurement (e.g. many aggregates after screening operations do not have a fine fraction on which these concentrations are to be determined). However, maintaining the logic of the legislator to assimilate aggregates to soil, it is not clear why reference was not made to Col. B of Tab. 1, given that the prevailing use of recycled aggregates is in road infrastructures, which are to be considered as commercial/industrial soils according to municipal land use plans. Finally, it is a huge contradiction to allow plants to accept non-hazardous waste on the one hand and to set limits on the output product that are incompatible with the pollutant concentrations of the input waste on the other. 2. The asbestos parameter is very important for recycled aggregates which may sometimes contain fragments of compact asbestos (Eternit): the value of 100 mg/kg is considered unjustifiable, which must be 1000 mg/kg, similarly to all the other parameters where reference is made to column A of Tab.1, annex 5 of part IV of Legislative Decree 152/06, but also and above all similarly to the provisions of Ministerial Decree 69/2918 concerning the EoW of bituminous conglomerate. 3. Heavy hydrocarbons C>12 are contained in some construction products. It is therefore natural that they are found in aggregates in limited concentrations, but often above the limit set. The problem would not exist if the limit was Col. B of Tab. 1, Annex 5, Part IV of Legislative Decree 152/06. 4. PAHs are a constituent of road infrastructure demolition waste as they are present in asphalt. They are also present in many

Reference	Text of the Decree	Comments/Notes
		backfill materials (which have recently been assimilated to soil in Italian legislation), often delivered to recovery plants. Therefore, setting a limit to their presence, especially in the concentrations reported in Table 2 and without distinguishing the use of the aggregate, actually implies the IMPOSSIBILITY OF USING recycled aggregates, as they do not reach the End of Waste conditions. 5. In the Regulation governing the ceasing of the qualification of asphalt mix (DM 69/2018), only the PAH Sum is required, with limit concentration 100 mg/kg, and not the verification of each individual PAH, although the use in green areas and backfills is excluded. 6. Hexavalent Chromium is a constituent of infrastructure demolition waste as it is present in cement. Therefore, setting a limit to its presence, especially in the concentrations reported in Table 2 and without distinguishing the use of the aggregate, actually implies the IMPOSSIBILITY OF USING recycled aggregates, as they do not reach End of Waste conditions. 7. Phenols, PCBs and BTEXS are not relevant parameters (they are not present in C&D waste) and it is not clear why they should be investigated. 8. The mandatory CE marking for all recycled and/or virgin aggregates already requires requirements on floating materials and foreign fractions, but also introduces their definition. There is therefore no need to introduce such parameters.
Annex 1 **(Article 3)** d) Quality requirements for recovered aggregate	*Each production lot, with the exception of those intended for the production of concrete as per EN 12620 with a strength class Rck/leq ≥ 15 Mpa, must undergo a leaching test to assess the environmental compatibility of the product.*	1. In fact, this technical approach is much more restrictive than what was originally foreseen in the same Ministerial Decree of 05.02.1998, which excluded the leaching test depending on the "bound" use, leaving the definition of the technical performance required in accordance with the reference EN Technical Standards to the specific application. 2. For industrial aggregates (from C&D recovery; from waste thermal destruction; from biomass power plants; from EAF slag from steelworks) intended for the production of cementitious

Reference	Text of the Decree	Comments/Notes
d.2) Leaching test on recovered aggregate **Table 3** Analytes to be investigated and limit values		conglomerates (foundation of road and industrial pavements) it should at least be recalled that only compliance with Technical Standard EN 14227-1:2013 is required for the technical qualification of materials, together with eco-toxicological testing for environmental compatibility. 3. The technical specifications of the main Contracting Authorities (ANAS; Società Autostrade, etc.) for cementitious mixes (cementitious mixtures) used in the foundation layers (or sub-base) for road pavements prescribe a compressive strength of between 2 and 5 MPa, precisely in relation to the performance characteristics they must have for their effective use. Setting a minimum performance requirement for compressive strength of 15 MPa for bound mixtures would make these cementitious mixtures particularly "rigid" and therefore unsuitable as products for forming foundations. Finally, it should be noted that the Veneto Region, in its own Regional Resolution, has excluded verification with release tests for aggregates intended for the production of bonded mixtures provided that they comply with the Technical Standard EN 14227-1:2013.
Annex 1 **(Article 3)** d) Quality requirements for recovered aggregate d.2) Leaching test on recovered aggregate **Table 3** Analytes to be investigated and limit values		The COD parameter has a limit (30 mg/kg) that is sometimes critical in the case of natural soils that reach the recovery plants downstream of surface soil excavation works. This layer is in fact rich in organic substance, which is however of absolutely natural origin, and an even higher COD is not an evidence of contamination.

Reference	Text of the Decree	Comments/Notes
Annex 2 **(Article 4)**	*The recovered aggregate is used, in accordance with the technical rules of use set out in Table 5, for:* *a) the construction of the embankments bodies of earthworks of civil engineering;* *b) the construction of road, railway and airport sub-bases and of civil and industrial yards* *c) the construction of foundation layers of transport infrastructures and of civil and industrial yards* *d) construction of environmental reclamation, backfilling and filling;* *e) construction of ancillary layers for anti-capillary, anti-freeze, drainage, etc. purposes* *f) the preparation of concrete and mixes bound with hydraulic binders (cement mixes, concrete mixes, etc.).*	Uses from a) to f) must be the same as those specified in the technical standards (also shown correctly in the table below).
Annex 2 **(Article 4)**	*For all uses, with the exception of those referred to in point d), it is mandatory the application of the CE marking as provided for by Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011*	The reason for this exclusion is not clear. All aggregates must be CE marked as construction products. The technical regulations provide for a different attestation system to be used in the case of non-structural uses (such as filling, morphological remodelling, etc.), but not for exclusion from the marking requirement. Furthermore, it is necessary to ensure that the uses envisaged in the list from a) to f) of Annex 2 (Article 4) and in Annex 3 Declaration of conformity (Article 5) coincide with those envisaged by the technical rules for use shown correctly in Table 5.
Annex 2 **(Article 4)** **Table 5** Technical standards for the use of recovered aggregate	*Culverting, backfilling, morphological restoration*	For the land uses referred to in letter d), environmental reclamation, filling and backfilling, the parameters and conditions of use referred to in Ministerial Decree 46/19 - Regulations for reclamation, environmental restoration and emergency, operational and permanent safety measures in areas used for agricultural production and livestock breeding, pursuant to Article 241 of Legislative Decree no. 152 of 3 April 2006 could also be added.

FEAD calls on the Italian Ministry of Ecological Transition to:

1. **Review** and possibly amend some of the limits included in Table 2 of the proposed Regulation. More specifically, the limits on the concentration in the aggregate solid matrix of heavy hydrocarbons and PAHs must allow the presence of bitumen within the limits set by the technical standards for the use of recycled aggregates
2. **Compare** what is being done in other Member States
3. Consider the limit values set by the other Member States and add an extra column with the less restrictive limits in the case of uses other than the loose use of aggregates in fills and backfills or landscaping

FEAD's wish is to have legislation that allows for more and better circular economy. This can be achieved by looking at the excellent results already achieved in several Member States, including Italy, and by collaborating with European Institutions and organisations in order to support and implement end-of-waste criteria that can boost circularity in the sector.

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