

Draft

Ordinance of the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology on the treatment of gypsum waste and the production and end-of-waste status of recycled gypsum (Recycled Gypsum Ordinance)

By virtue of

1. § 23(1) and (3) of the Waste Management Act 2002 (AWG 2002), Federal Law Gazette (BGBl.) I No 102/2002, as last amended by Federal Act BGBl. I No 66/2023, the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology, in agreement with the Federal Minister for Labour and Economy, and

2. § 4 and § 5 of the AWG 2002, the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology

issues the following Ordinance:

Objectives

§ 1. The aim of this Ordinance is to meet EU-law targets for high-quality recycling and recirculation of gypsum by means of dismantling and the obligation to separate gypsum during the construction or demolition of building structures and to ensure a high quality of recycled gypsum.

Scope

§ 2. (1) This Ordinance applies to:

1. plasterboard waste and calcium sulphate screed waste produced during construction or demolition activities;
2. gypsum waste as listed in **Annex 1** for use in the production of plasterboard in the construction sector and for which waste status ends pursuant to § 5(2) of the Waste Management Act 2002 (AWG 2002), BGBl. I No 102/2002 (recycled gypsum).

(2) Those obligated by this Ordinance are waste producers, waste collectors, waste handlers and building contractors.

Definitions

§ 3. For the purposes of this Ordinance, the following definitions are used:

1. Calcium sulphate screed waste: waste screed containing calcium sulphate hemihydrate binders or binders made from anhydrous natural or synthetic calcium sulphate (anhydrite);
2. Declaration: the assignment of gypsum waste as documented in the records to an intended use as a product on the basis of valid assessment evidence;
3. Field sample: a sample from which the laboratory sample is produced for subsequent analysis;
4. Gypsum waste: plasterboard waste and other gypsum waste (e.g. gypsum moulds from the ceramic industry, stucco) excluding tunnel excavation material and calcium sulphate screed waste assigned to the waste type with SN (key number) 31438 in accordance with the Waste List Ordinance 2020, BGBl. II No 409/2020;
5. Plasterboard waste: waste plasterboard and gypsum wall panels, gypsum fire protection panels, plasterboard with nonwoven reinforcement (gypsum nonwoven panels), impregnated plasterboard, impregnated gypsum wall panels, impregnated gypsum fire protection panels and

impregnated plasterboard with nonwoven reinforcement (gypsum nonwoven panels); gypsum fibreboard waste;

6. Laboratory sample: a sample obtained after preparation, reduction and, where necessary, preservation from the field sample and used for laboratory analysis;
7. Batch: the quantity of waste intended for the collection of a sample for verification of compliance with the quality requirements;
8. Qualified spot sample: a sample consisting of several spot samples which can be assigned to a batch;
9. Recycled gypsum: a construction material produced from recycled gypsum waste in accordance with the EU Construction Products Regulation, which has achieved end-of-waste status under this Regulation and can be used as a substitute for natural gypsum;
10. Retained sample: an aliquot of the field sample, which is kept for any control testing; and
11. Spot sample: a sample taken at a specific location at a specific time. A spot sample is not analysed individually, but is combined with other spot samples to form a qualified spot sample;

Obligations for construction or demolition activities (separation obligation)

§ 4. (1) Plasterboard waste, including offcuts, and calcium sulphate screed waste shall be separated from other waste, into the three following groups, on site in the course of demolition or construction of a building structure and stored in a dry place:

1. plasterboard, gypsum wall panels, gypsum fire protection panels, plasterboard with nonwoven reinforcement (gypsum nonwoven panels), impregnated plasterboard, impregnated gypsum wall panels, impregnated gypsum fire protection panels and impregnated plasterboard with nonwoven reinforcement (gypsum nonwoven panels);
2. gypsum fibreboard;
3. calcium sulphate screed.

If a contaminant or impurity check in accordance with the Recycled Construction Materials Ordinance (RBV), BGBl. II No 181/2015 has been conducted by an external authorised specialist or specialist institution or by an external dismantling expert in accordance with the RBV, the plasterboard waste and calcium sulphate screed waste that is not suitable for recovery must also be separated on site.

(2) If the separation referred to in paragraph (1) is technically not possible or involves disproportionate costs at the location, it shall be carried out in a treatment facility approved for this purpose.

(3) Calcium sulphate screed waste shall be assigned to the waste type SN 31438 24 'Gypsum' with the specification 'Calcium sulphate screed (anhydrite screed)'.

(4) The client and the building contractor are responsible for the separation and dry storage of the waste. The client is also responsible for providing the areas and facilities necessary for this.

Permitted input materials for recycled gypsum

§ 5. Recycled gypsum for the purposes of this Ordinance may only be obtained from waste listed in **Annex 1**. In particular, contamination by the following substances or wastes must be avoided as far as possible:

1. Asbestos
2. Artificial mineral fibres
3. Tiles and tile adhesives
4. Plaster
5. (Cement) plaster
6. Sand-lime bricks
7. Aerated concrete
8. Bricks
9. Flow screeds
10. Electrical installations (e.g. cables, pipes)
11. Insulation, thermal insulation (including composite panels)
12. Films, plastics and other plastic parts
13. Wood and wood wool (e.g. lightweight panels)
14. Reed and straw matting (including in plasterboard)

15. Organic matter:

16. Other waste (e.g. cans, snack leftovers, empty containers, protective equipment, bulky waste)

Waste that is known to be or suspected of being contaminated and the contamination cannot be removed in the course of subsequent treatment (e.g. due to accidents or incidents) may not be used for the production of recycled gypsum.

End-of-waste status for recycled gypsum

§ 6. (1) Recycled gypsum shall meet the requirements set out in **Annex 1** and shall lose its status as waste for the intended use by means of a declaration, based on transmission of assessment evidence from the initial analysis to the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology, including the statement on compliance with the prohibition on mixing pursuant to § 15(2) AWG 2002. End-of-waste status must be documented in the records in accordance with the Ordinance on annual waste balance sheets (AbfallbilanzV), BGBl. II No 497/2008, as amended, in the form of a product stock entry. Assessment evidence from the initial analysis must be transmitted electronically – through the register pursuant to § 22 AWG 2002 if this has been set up.

(2) Recycled gypsum waste that meets the requirements of **Annex 1** and for which end-of-waste status is to be declared in accordance with this Ordinance, shall be assigned to the waste type SN 31443 ‘Gypsum waste, quality assured’.

(3) Recycled gypsum and the products produced therefrom must comply with the requirements applicable to products, in particular the (construction) technical and chemical law requirements (REACH) in accordance with the latest technology.

(4) Recycled gypsum for the purposes of this Ordinance may only be used for the production of plasterboard in the construction sector (intended use).

(5) The manufacturer of recycled gypsum shall clearly label this. The labelling must be based on the latest technology ((construction) technical properties, such as main components, grain size, humidity) and include the designation ‘Recycled gypsum’ as well as the assignment to the respective intended use.

(6) The manufacturer of recycled gypsum must send to the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology by the end of 15 March each year a list of buyers of the recycled gypsum for the previous calendar year electronically – through the register pursuant to § 22 AWG 2002 if this has been set up.

(7) The manufacturer of recycled gypsum shall provide the buyer with the declaration of conformity in accordance with **Annex 2** or make this available in electronic form.

(8) The manufacturer of recycled gypsum must keep continuous records of the buyers of the recycled gypsum supplied (name, address, quantity, date supplied) and keep these records for seven years.

(9) Assessment evidence and records must be submitted to the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology on request. Assessment evidence which has not yet been submitted electronically through the register pursuant to § 22 AWG 2002 must be kept for at least seven years after expiry.

(10) Non-recyclable residues generated in the production of recycled gypsum shall be properly disposed of.

Start of mandatory use of electronic specifications and applications

§ 7. For electronic communications, the specifications published by the Federal Minister for Climate Protection, Environment, Energy, Mobility, Innovation and Technology on the EDM Portal (edm.gv.at) and the applications set up for electronic communications via the register shall be used. 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 (edm.gv.at).

Entry into force

§ 8. (1) This Ordinance shall enter into force on the first day of the month following its promulgation, unless paragraph (2) stipulates otherwise.

(2) By way of derogation from Annex 1, point 4, analyses of the environmental parameters may be carried out until 31 December 2025 by external authorised specialists or specialist institutions who are not accredited conformity assessment bodies in this respect.

Annex 1**Quality requirements for recycled gypsum****1. Types of waste permitted for the production of recycled gypsum**

The following types of waste in accordance with the Waste List Ordinance 2020, BGBl. II No 409/2020, as amended, are permitted for the production of recycled gypsum:

SN	g/gn	Waste designation
31438 ^{1) 2) 3)}		Gypsum
¹⁾ No gypsum containing asbestos, the content of which exceeds the requirements for recycled gypsum		
²⁾ No tunnel excavation material		
³⁾ No calcium sulphate screed waste		

2. Requirements for the production of recycled gypsum

The manufacturer of recycled gypsum shall ensure, by means of inspection upon receipt, that only waste which is covered by the approval for the treatment plant and is suitable for the production of recycled gypsum is treated. In particular, the waste must be checked for contamination that is not permitted under § 5. When accepting the waste, the manufacturer must determine the mass of the waste type SN 31438. This inspection upon receipt shall include, in particular, a visual check, verification of the relevant documents and random identity checks. Identity checks shall be carried out at least once per 5 000 tonnes of waste.

Any remaining contamination in accordance with § 5 shall be separated as part of the recycling.

3. Requirements for recycled gypsum

Table 1: Technical parameters and limit values for recycled gypsum

Parameters	Unit	Limit value
Humidity	M%	10
CaSO ₄ x 2H ₂ O	M%	at least 80
TOC	M%	2.0
Odour		Neutral
MgO (water-soluble)	M%	0.10
Na ₂ O (water-soluble)	M%	0.04
K ₂ O (water-soluble)	M%	0.06
Chloride	M%	0.02
pH value		5 to 9

Table 2: Environmental parameters and limit values for recycled gypsum

Parameters	Unit	Limit value
Total content		
As	mg/kg DM	5.1
Ba	mg/kg DM	58
Sb	mg/kg DM	10
Be	mg/kg DM	3.0
Pb	mg/kg DM	84
Cd	mg/kg DM	2.4
Cr	mg/kg DM	30
Co	mg/kg DM	8.0
Cu	mg/kg DM	32
Mn	mg/kg DM	76
Mo	mg/kg DM	10
Ni	mg/kg DM	40
Hg	mg/kg DM	1.4
Se	mg/kg DM	92
Sn	mg/kg DM	6.0
Te	mg/kg DM	4.0
Tl	mg/kg DM	6.0

V	mg/kg DM	30
Zn	mg/kg DM	94
Total 16 PAH	mg/kg DM	0.20
PCDD/PCDF ¹⁾	ng TE/kg DM	1.0
Asbestos	M%	0.008
Radioactivity according to RP 112 (index)		0.5
¹⁾ Toxicity equivalents (TE) according to the Waste Incineration Ordinance 2023, BGBl. II No Xx/xxx		

4. Quality management for recycled gypsum

Each recycled gypsum shall be sampled and analysed as follows:

The planning of sampling, taking of samples, preparation of samples and analysis must be carried out by an external authorised specialist or specialist institute, and the analyses of the environmental parameters must be carried out by a conformity assessment body accredited for this.

For the initial analysis, two qualified samples according to ÖNORM S 2127 'Basic characterisation of waste heaps or solid waste from containers and transport vehicles', 1 November 2011 Edition, must be produced from the first lot (at least 200 t) and analysed separately from each other. The following parameters shall be determined as part of the initial analysis: Technical parameters, environmental parameters (total content). Initial analysis shall be carried out at least every two years.

For follow-up analysis, at least two qualified samples per quarter must be produced from any batch (at least 200 t) and analysed separately, with the following parameters to be determined: Technical parameters, environmental parameters (total content). Follow-up analysis shall be carried out at least once per quarter.

From all laboratory samples, retained samples must be produced and kept for at least one year.

With regard to the decomposition and determination methods for chemical-analytical testing, the provisions of Chapter 5 of Part 1 of Annex 4 to the Landfill Ordinance 2008 (DVO 2008), BGBl. II No 39/2008, as amended, apply. Parameters not specified there must be determined using the latest technology

The results of the examination shall be documented in an assessment document. The proof of assessment must be prepared by an external authorised specialist or specialist institute and contain the following:

- a) unique identifier;
- b) the reference to previous assessments;
- c) name, address and GLN of the external authorised person or institution;
- d) date of issue, stamp and signature;
- e) name, address and GLN of the manufacturer of the recycled gypsum;
- f) basic information about recycled gypsum:
 - i) type of gypsum waste, the waste status of which is ending: type of waste SN 31443 'Gypsum waste, quality assured';
 - ii) primary waste producer of the gypsum waste used for the production of the recycled gypsum and its location; if the gypsum waste has been collected as part of municipal collection, only the municipality has to be specified;
 - iii) photo(s) of the recycled gypsum;
 - iv) the estimated annual mass in tonnes;
- g) Sampling protocol
- h) sample preparation, digestion and determination methods used;
- i) test report with all analytical results;
- j) a declaration that the prohibition on mixing pursuant to § 15(2) AWG 2002 is complied with; and
- k) the intended use and intended buyers.

Assessment evidence for initial analysis is valid for a maximum of two years. However, assessment evidence for follow-up analysis is valid until the next follow-up analysis, for a maximum of six months.

If there is any change in the recycling process for recycled gypsum, which may affect the quality of the recycled gypsum, a new initial analysis must be carried out.

The manufacturer of recycled gypsum must establish a quality management system according to ÖNORM EN ISO 9001 'Quality management systems – Requirements', 15 November 2015 Edition, or according to ÖNORM EN ISO 14001 'Environmental management systems – Requirements with guidance for use', 15 November 2015 Edition. Compliance with the requirements of this Ordinance shall be documented as part of this quality management system.

Statement of conformity

Statement of conformity

1) No

2) Name of issuer:	
Address of issuer:	

3) Subject matter of the declaration:

4) The product described above complies with the requirements laid down in the following documents:
§ 6 and Annex 1 of the Recycled Gypsum Ordinance, BGBl. II No xx/xxx

[illegible]

6) Signed for and on behalf of:

(Place and date of issue)

(Name, position) (Signature or equivalent, authorised by issuer)
