

**MINISTRY FOR THE
ENVIRONMENT, LAND AND SEA
PROTECTION**

DECREE no. 188 of 22 September 2020.

Regulation governing end-of-waste status for paper and cardboard, pursuant to Article 184-ter, Paragraph 2 of (Italian) Legislative Decree n. 152 of 3 April 2006.

**THE MINISTER FOR THE
ENVIRONMENT, LAND AND SEA
PROTECTION**

Having regard to article 17, paragraph 3, of Law 23 August 1988, n. 400;

Having regard to article 184-ter of Legislative Decree n. 152 of April 2006, and, in particular, paragraph 2, which provides that ‘the criteria referred to in paragraph 1 are adopted in accordance with the provisions of Community law or, failing that, Community criteria, on a case-by-case basis for specific types of waste by means of one or more decrees of the Minister for the Environment, Land and Sea Protection, pursuant to Article 17, paragraph 3, of Law 23 August 1988, n. 400’ as well as paragraph 3, as last replaced by Article 14-bis, paragraph 2, of Decree-Law n. 101 of 3 September 2019, converted, with amendments, by Law n. 128 of 2 November 2019;

Having regard to Regulation (EC) n. 178/2002 of the European Parliament and of the Council of 28 January 2002;

Having regard to Regulation (EC) n. 1907/2006 of the European Parliament and of the Council of 18 December 2006;

Having regard to the European Commission Regulation (EU) n. 1272/2013 of 6 December 2013;

Having regard to Council Directive 93/42/EEC of 14 June 1993;

Having regard to Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009;

Having regard to Article 40 of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008;

Having regard to Legislative Decree n. 54 of 11 April 2011;

Having regard to Legislative Decree n. 206 of 6 September 2005;

Having regard to the Decree of the Minister for the Environment, Land and Sea Protection of 13 October 2016, n. 264;

Considering that there is a market for recovered paper and paperboard as they are commonly traded and can have a real economic exchange value, that there are specific purposes for which these substances can be used, in compliance with the technical requirements set out in this regulation, and that they comply with the existing

regulations and standards applicable to the products;

Considering that the preliminary investigation has shown that recovered paper and cardboard, which meet the technical requirements of this Regulation, do not have an overall negative impact on health or the environment;

Following the opinion of the Council of State expressed by the Advisory Committee for Regulatory Acts at its meeting on May 7th, 2020;

Having regard to the communication to the President of the Council of Ministers, made by note prot. 8795 of 21 May 2020, pursuant to Law n. 400 of 23 August 1988;

Having regard to the communication referred to in Article 5 of Directive n. 2015/1535 providing for an information procedure in the field of technical regulations and rules on information society services (codification) by note prot. 37451 of 22 May 2020;

HAVE ADOPTED
the following Regulation:

Art. 1.

Subject and objectives

1. This Regulation lays down the specific end-of-waste criteria for waste paper and cardboard pursuant to Article 184-ter of (Italian) Legislative Decree n. 152 of 3 April 2006.

Art. 2.

Definitions

1. For the purposes of this Regulation, the definitions set out in Article 183 of (Italian) Legislative Decree n. 152 of 3 April 2006 apply, as well as the following:

a) “waste paper and cardboard”: waste paper and cardboard, including poly-laminates, also from packaging, from the separate collection of urban and special waste;

b) “recovered paper and cardboard”: end-of-waste paper and cardboard pursuant to this Regulation;

c) “batch of recovered paper and cardboard”: a quantity of recovered paper and cardboard produced in a defined period of time, in any case not exceeding six months, and under standard operating conditions. The production batch may not in any case exceed 5,000 tonnes;

d) “producer of recovered paper and cardboard”: the operator of a facility authorised to recover waste paper and cardboard (hereinafter: recovery facility);

e) “declaration of conformity”: declaration in lieu of affidavit issued by the producer of recovered paper and cardboard, certifying the characteristics of recovered paper and cardboard, as provided for in Article 5;

f) “competent authority”: the authority that issues the authorisation pursuant to Title III-bis of part II or Title I, Chapter IV, of Part IV of (Italian) Legislative Decree n. 152 of 3 April 2006, or the authority receiving the communication pursuant to Article 216 of the same decree;

UNOFFICIAL TRANSLATION

g) “non-paper components”: components as defined by the UNI EN 643 standard;

h) “prohibited materials”: materials as defined by the UNI EN 643 standard, with the exception of “organic waste including foodstuffs”.

Art. 3.

End-of-waste status criteria

1. For the purposes of Article 1 and pursuant to Article 184-ter of (Italian) Legislative Decree n. 152 of 3 April 2006, waste paper and cardboard ceases to be categorised as such and is categorised as recovered paper and cardboard if, at the end of recovery operations carried out in accordance with the provisions of the UNI EN 643 standard, it complies with the technical requirements of Annex 1.

Art. 4.

Specific usability purposes

1. Recovered paper and cardboard shall be used for the specific purposes listed in Annex 2.

Art. 5.

Declaration of conformity and how samples are held

1. Compliance with the criteria referred to in Article 3, Paragraph 1 is certified by the producer of recovered paper and cardboard by means of a declaration in lieu of affidavit pursuant to Article 47 of (Italian) Presidential Decree n. 445 of 28 December 2000, prepared at the end of the production of each batch using the form in Annex 3 and sent, by one of the methods referred to in Article 65 of (Italian) Legislative Decree n. 82 of 7 March 2005, to the competent authority and the environmental protection agency with territorial jurisdiction.

2. The producer of recovered paper and cardboard shall keep the declaration of conformity referred to in Paragraph 1 at the production facility or at its registered office, also in electronic form, making it available to the supervisory authorities on request.

3. For the purposes of verifying the existence of the requirements referred to in Article 3, the producer shall keep a sample of recovered paper and cardboard taken in accordance with the provisions of Annex 1, Letter b, and in conformity with the UNI 10802 standard, at the recovery facility or at its registered office. Samples are kept in such a way as to ensure that the chemical and physical properties of the recovered paper and cardboard are not altered, and to allow for analyses to be repeated.

Art. 6.

Management system

1. The producer of recovered paper and cardboard shall apply a quality management system according to the UNI EN ISO 9001 standard and certified by an accredited body in accordance with current legislation, in order to

demonstrate compliance with the requirements of this Regulation. The quality manual must include:

- a) Operating procedures for checking characteristics of compliance with the UNI EN 643 standard;
- b) Sampling plan.

2. The sample retention period referred to in Article 5, Paragraph 3 is reduced to 6 months for companies registered in accordance with Regulation (EC) n. 1221/2009 of the European Parliament and of the Council of 25 November 2009 (EMAS) and for companies holding UNI EN ISO 14001 environmental certification, issued by an accredited body in accordance with current legislation.

3. For the purposes of the reduction referred to in Paragraph 2, the producer must prepare appropriate documentation relating to each of the following aspects:

- a) Compliance with the standards set forth in this Regulation;
- b) Compliance with environmental legislation and any provisions contained in the authorisation;
- c) Revision and upgrading of the management system.

Art. 7.

Transitional and final rules

1. For the purposes of complying with the criteria set out in this Regulation, the producer of recovered paper and cardboard must, within 180 days of the Regulation coming into force, submit to the competent authority an update of the communication made in accordance with Article 216 of (Italian) Legislative Decree n. 152 of 3 April 2006, indicating the corresponding type referred to in Annex 1, Sub-Annex 1, and the maximum quantity related to the specific recovery activity set out in Annex 4 of the decree of the (Italian) Minister of the Environment of 5 February 1998, published in the *Official Gazette of the Italian Republic* n. 88 of 16 April 1998, ordinary supplement n. 72 or an application to update the authorisation pursuant to Title III-bis of Part II or Title I, Chapter IV, of Part IV of (Italian) Legislative Decree n. 152 of 3 April 2006.

2. Pending the adjustment referred to in Paragraph 1, the materials resulting from the recovery procedures already authorised may be used for the specific purposes provided for in Article 4, if their characteristics comply with the criteria referred to in Article 3, certified by a declaration of conformity pursuant to Article 5.

3. The Annexes form an integral part of this Regulation.

This decree, bearing the seal of the State, will be included in the official collection of legislative acts of the Italian Republic. The addressees of this decree shall comply with and enforce it.

Rome, 22 September 2020

The Minister: COSTA

Seen, the Minister of Justice: BONAFEDE

Registered with the Court of Auditors on 23 January 2021

Control office for the (Italian) Ministry of Infrastructure and Transport and the Ministry for Environment, Land and Sea Protection, register 1, sheet 356.

DECREE END OF WASTE STATUS FOR PAPER AND CARDBOARD

UNOFFICIAL TRANSLATION

ANNEX 1

(Article 3)

a) Quality requirements for recovered paper and cardboard.

Recovered paper and cardboard must meet the requirements indicated in the following table:

Parameters	Unit of measurement	Threshold values
Prohibited materials excluding organic waste and foodstuffs	-	UNI EN 643 standard
Organic waste including foodstuffs	% by weight	< 0.1
Non-paper components	% by weight	UNI EN 643 standard

b) Checks on incoming paper and cardboard.

Waste allowances in paper and cardboard production:

- a) 15 01 01 paper and cardboard packaging;
- b) 15 01 05 composite packaging;
- c) 15 01 06 mixed packaging;
- d) 20 01 01 paper and cardboard;
- e) 19 12 01 paper and cardboard produced from the mechanical treatment of waste from the separate collection of urban and special waste;
- f) 03 03 08 wastes from sorting of paper and cardboard destined for recycling, limited to wastes from the transformation of cellulose-based products.

The following are not allowed:

- g) Paper and cardboard from unsorted waste.

The incoming waste control system must ensure that the following minimum requirements are met:

Acceptance of waste by personnel with the appropriate level of formation and training;

Examination of the documentation accompanying the incoming waste load in order to determine the presence of any contamination by hazardous substances, and to adopt further appropriate monitoring measures by means of sampling and analyses;

Visual inspection of the incoming waste load;

Additional checks, including analytical ones, on a sample basis whenever the analysis of documentation and/or visual check indicates such a need. In the case of analytical checks on formaldehyde and phenols by an accredited laboratory, the reference limits are as follows:

Parameters	Unit of measurement	Threshold limit
Formaldehyde	% by weight	< 0.1
Phenol	% by weight	< 0.1

Nonylphenols (NPs)	% by weight	< 0.1
Nonylphenol ethoxylates (NPEs)	% by weight	< 0.1

Weighing and recording of incoming load data;
Storage of waste in a dedicated area;
Written procedure for the management, traceability and reporting of non-conformities;
Quantification and recording of incoming load data;
Product analysis to be included at least annually in the quality management plan.

Without prejudice to the minimum requirements listed above, a list of specific minimum measures to be implemented is given below:

1) The unloading of waste paper and cardboard shall be supervised by qualified personnel who will ensure the following:

a. Provide for the sorting of waste paper and cardboard which must correspond to what is listed in Letters a), b), c), d), e) and f) above;

b. Remove and keep separate any foreign material from waste paper and cardboard, i.e. any waste that corresponds to what is listed in Letter g) above;

2) The waste referred to in Paragraph 1.b) of this Annex is identified and sent to recovery operations other than those intended for the production of recovered paper and cardboard or disposal operations;

3) Waste paper and cardboard is deposited in a storage area dedicated solely and unequivocally to such waste;

4) The area referred to in Paragraph 3 of this Annex shall not allow the mixing, even accidental, of waste paper and cardboard consistent with other types of waste; to this end, it may be appropriate to use containment walls, New Jersey walls, collection tanks or establish distances to avoid the mixing, even accidental, of waste paper and cardboard consistent with other types of waste;

5) The subsequent handling phases of waste paper and cardboard destined for the production of recovered paper and cardboard shall take place in such a way as to prevent contamination of the same with other waste or other foreign materials;

6) Personnel responsible for sorting, separating and handling waste paper and cardboard shall be qualified to carry out the operations in Paragraphs 1 to 5 above and shall receive appropriate training.

c) Checks on recovered paper and cardboard.

The conformity assessment as per Letter a) must take place at least every six months and, in any case, when variations in the quality characteristics of incoming waste occur.

Verification of the requirements as per Letter a) must be carried out by a certified body in accordance with the UNI EN 9001 standard and sampling must take place according to the methods defined by the UNI 10802 standard.

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ANNEX 2
(Article 4)

Specific purposes for which recovered paper and cardboard can be used.

Recovered paper and cardboard can be used in the manufacture of paper and cardboard by the paper industry or in other industries that use them as raw material.

ANNEX 3
(Article 5)

DECLARATION OF CONFORMITY (DoC)

DECLARATION IN LIEU OF AFFIDAVIT PURSUANT TO
ARTICLE 4 OF THE DECREE OF THE MINISTER OF
ENVIRONMENT, LAND AND SEA PROTECTION, NO. [•] OF
[•][•] [201•] PUBLISHED IN [•]

(Articles 47 and 38 of (Italian) Presidential Decree no. 445 of 28 December 2000)

Declaration number (batch no.)	_____
Year	(yyyy)

(NB: report the number of the declaration progressively)

Registration data of the producer of recovered paper and cardboard pursuant to Article 2, Paragraph 1, Letter e) of the decree [•]			
Company name		Fiscal Code/VAT Number	
Companies register entry			
Address		Street number	
Postcode	Municipality	Province	
Production facility			
Address		Street number	
Postcode	Municipality	Province	
Authorisation / Issuing body		Issue date	

The above manufacturer declares that

- The batch of recovered paper and cardboard is represented by the following bulk quantity:

(NB: indicate the tonnage in digits and letters)

- The aforementioned batch of recovered paper and cardboard is compliant with Article 3 of the decree of the Ministry for Environment, Land and Sea Protection, no. [•] of [•][•] [201•], published in [•];
- The aforementioned batch of recovered paper and cardboard has the characteristics better indicated in Table 1 below.

Table 1

Classifications according to the UNI EN 643 standard			
Group	Code	Non-paper components % max	Total unwanted material % max

Finally, the producer declares:

- To be aware of the criminal penalties in case of incorrect statements and falsification of documents and the resulting loss of any benefit under Articles 75 and 76 of (Italian) Presidential Decree 445/2000;
- To be aware that the personal data collected will be processed, also by computer, exclusively for the procedure for which the statement is made (Article 13 of Regulation (EU) 2016/679).

_____ date, _____
 (NB: Indicate place and date)

 (NB: Signature and stamp of the producer)