



agenzia regionale PER LA  
PROTEZIONE DELL'ambiente  
DEL FRIULI venezia giulia



# **TOWARDS THE CIRCULAR ECONOMY**

**Waste and non-waste:  
WASTE, BY-PRODUCTS,  
END OF WASTE**

**Nova Gorica, 24th october 2019**

Production and consumption aimed at extending the life cycle of the products, helping to reduce waste to a minimum (**BY-PRODUCTS, RE-USE**). Once the product has finished its function (**WASTE**), the materials of which it is composed are reintroduced (**END OF WASTE**), where possible, in the economic cycle (**REDUCTION OF RAW MATERIAL USE**); in this way it is possible to reuse within the production cycle generating further (**VALUE**)



<http://www.europarl.europa.eu>

- ✓ **Directive 2018/851 /EU** on **waste management** (waste hierarchy, classification of residues as by-products and the production of End of Waste, industrial symbiosis practices).
- ✓ **Directive 2018/850/EU** on **landfills** (reduction targets to 2035)
- ✓ **Directive 2018/852/EU** on **packaging and packaging waste** (recycling targets to 2025-2030-2035)
- ✓ **Directive 2018/849/EU** on **end-of-life vehicles, batteries and accumulators, waste electrical and electronic equipment** (recycling targets to 2025-2030-2035)

# INSTRUMENTS

Directives published in the official journal of the  
European Union on June 14, 2018  
in force since  
**4 July 2018**

The norms given by the new directives, not having direct effect  
in the legal orders of the Member States, must be implemented  
by the Member States with internal provisions by

**5 July 2020**

On **October 1, 2019**, the Parliament approved the government delegation law for the implementation of the Package Directives.

The activity of drafting the legislative transposition texts has therefore just begun.

**Italy has 9 months  
to implement the Directives**

## "2018 Budget Law":

cotton buds banned from 1 January 2019



In advance of the **Directive 5 June 2019 n. 2019/904 /UE** which prohibits the sale starting from 2021 of a series of disposable plastic items such as cutlery, plates, plastic straws and food and beverage containers made of expanded polystyrene and oxo-degradable plastic products .



## "Growth DL"

converted with amendments with **L. 28 June 2019, n. 58**,  
introduces economic instruments to support  
sustainable development

- *Art. 26. Benefits to support research and development projects for the conversion of production processes in the circular economy*
- *Art. 26-bis. Provisions on waste and packaging*
- *Art. 26-ter. Tax benefits on recycling and reuse products*
- *Art. 26-quater. Benefits for supporting technological development*

## **D.Lgs. 152/06, part IV**

rules on waste management and reclamation of contaminated sites: issued in 2006, in 2010 it was amended following the issuing of Directive 2008/98/EC



- ➔ **Reuse** (art. 180-bis)
- ➔ **Preparation for Reuse** (art. 180-bis)
- ➔ **Waste** (art. 183, comma 1, letter a)
- ➔ **Non-Waste** (art. 185)
- ➔ **By-product** (art. 184 – bis)
- ➔ **Recovery / Recycling** (art. 183, comma 1, letters t) and u)

Gemona del Friuli (FVG, Italy)



- ➔ **Reuse:** any operation by which products or components that are **not waste** are re-used for the same purpose for which they were conceived



- ➔ **Preparation for Reuse:**  
the **operations of control, cleaning, disassembly and repair** through which **products or components of products that have become waste** are prepared to be **reused**



*In Friuli Venezia Giulia the REUSE CENTERS are part of the actions established under the regional program for the prevention of waste production, approved by the Regional Administration in February 2016*

In Italy, specific Ministerial Decrees have not been issued regarding the reuse and preparation for re-use provided for in art. 180-bis already for the year 2011: significant lack considering that the hierarchy in waste management puts prevention first.





- ➔ **WASTE** (art. 183 comma 1, lettera a): any substance or object **which the producer discards or intends or is required to discard**

- **Exclusions from the scope of application** (art. 185 D.Lgs. 152/06) due to the intrinsic characteristics of the material / product / substance or because regulated by other regulatory provisions
- **By-product** (art. 184 – bis D.Lgs. 152/06)

# BY- PRODUCT (Italy, D.Lgs. 152/06)



Any substance or object that meets all of the following four conditions is a by-product and not a waste (art. 184- bis)

PRODUCED BY  
PRODUCTION  
PROCESS

CERTAINTY  
OF USE

DIRECT USE

LEGAL USE  
AND SIMILAR  
REQUIREMEN  
TS TO THOSE  
OF THE  
PRODUCTS

In order to facilitate the exchange and transfer of by-products, the territorially competent Chambers of Commerce establish a special list in which the producers and users of by-products are registered, without any charge, which is made public and available for consultation on website.


The list does not introduce an enabling requirement for producers and users of by-products but has a cognitive purpose and a simple facilitation of exchanges.

**[www.elencosottoprodotti.it](http://www.elencosottoprodotti.it)**



## Elenco Sottoprodotti

Elenco dei Produttori e degli Utilizzatori di Sottoprodotti



CAMERE DI COMMERCIO ITALIA

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### Ricerca iscritti

**Ricerca**

CCIAA: [ Tutte ]      Tipo soggetto: [ Tutti ]

Ragione Sociale:  contiene  inizia per

Regione: Friuli Venezia Giulia      Provincia: [ Tutte ]

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**Sottoprodotti**

Attività economica:

Denominazione/ tipologia:  contiene  inizia per

Legenda: P Produttore U Utilizzatore

Numero iscrizione	Denominazione		Indirizzo	Prov	
PR000003	A2A ENERGIEFUTURE S.P.A.	P	VIA TIMAVO 45 34074 MONFALCONE	GO	
PR000077	C.S.C. DI GIOVANATTO MARIO & C. SOCIETA' IN NOME COLLETTIVO	P	VIA TAGLIAMENTO 134 33030 COSEANO	UD	
PR000090	CENTRO INTERCOMUNALE DI ESSICCAZIONE MAIS - CIEM COOP - SOCIETA' COOPERATIVA AGRICOLA IN SIGLA CIEM COOP S.C.A.	P	VIA MANIAGO 65 33080 SAN QUIRINO	PN	
PR000080	COOPERATIVA MORENICA CEREALI SOCIETA' COOPERATIVA AGRICOLA	P	VIA SPILIMBERGO 206 33024 FAGAGNA	UD	
PR000048	ESSICCATOID INTERCOMUNALE CEREALI TORRICELLA SOCIETA' COOPERATIVA AGRICOLA	P	VIA TORRICELLA N.D. 33078 SAN VITO AL TAGLIAMENTO	PV	
UT000049	ESSICCATOID INTERCOMUNALE CEREALI TORRICELLA SOCIETA' COOPERATIVA AGRICOLA	U	VIA TORRICELLA N.D. 33078 SAN VITO AL TAGLIAMENTO	PN	
PR000073	GRUPPO ILLIRIA S.P.A.	P	VIA JACOPPO LINUSSIO 1 33100 UDINE	UD	
PR000057	MATRICS S.A.S. DI RAFFAELE MARTELOSSE & C.	P	LOCALITA' CONTOVELLO 63 34100 TRIESTE	TS	
UT000056	MATRICS S.A.S. DI RAFFAELE MARTELOSSE & C.	U	LOCALITA' CONTOVELLO 63 34100 TRIESTE	TS	
PR000276	NATUZZI S.P.A.	P	VIA FERRARIA 4 33050 POZZUOLO DEL FRJULI	UD	
PR000108	NOVALEGNO S.R.L.	P	VIA GIUSEPPE ELLERO 23 33021 AMPEZZO	UD	
PR000087	VALSCURA DI DANIELI RENATA	P	VIA SANTISSIMA 3 33070 CANEVA	PN	

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**IN ITALY MANY  
DIFFICULTIES: FEAR OF  
FALLING IN AN  
UNAUTHORIZED WASTE  
MANAGEMENT**

- **D.Lgs. 22 february 1997, n. 22 («Ronchi Decree»)** (repealed): the Regions/Provinces authorize the management of waste recovery plants
- **DM 5/2/1998** Implementing regulation of the Ronchi Decree concerning the identification **of non-hazardous waste that can be admitted to simplified procedures.**
- **DM 161/2002** Implementing regulation of the Ronchi decree, concerning the **identification of hazardous waste that can be admitted to simplified procedures.**
- **D.Lgs. 152/06:** the Regions/Provinces authorize the management of waste recovery plants

## SECONDARY RAW MATERIAL

- **D.Lgs. 152/06:** the Regions/Provinces authorize the management of waste recovery plants. **art. 184 – ter : END OF WASTE**
- **DM 14/02/2013 n. 22** Regulation governing the cessation of the qualification of waste of certain types of **secondary solid fuels (CSS)** ...
- **Judgment of February 28, 2018, no. 1229** in the matter of End of Waste the Council of State pronounced itself stating that **the Directive 2008/98/CE (Waste Framework Directive) in its article 6 attributes, in the absence of specific Community Regulations, only to the State the power to identify case by case through ministerial decrees, when a refusal ceases to be such.**

## END OF WASTE

- ➔ **Council Regulation UE 333/2011/UE:**  
**metal scrap** (iron, steel, aluminum)
- ➔ **Council Regulation UE 1179/2012/UE:**  
**glass scrap**
- ➔ **Council Regulation UE 715/2013/UE:**  
**copper scrap**



AFTER the Judgment of  
of the Council of State February 28, 2018  
n. 1229

➔ **DM. 28 marzo 2018, n. 69** Technical rules on the cessation of the waste qualification of bituminous Conglomerate



➔ **DM. 15 maggio 2019, n. 62** Regulation governing the cessation of the qualification of waste from absorbent products for the person (PAP)



**AND ALL THE REST?**

**AND THE EXISTING PLANTS NOT  
COVERED IN THESE  
CATEGORIES, AUTHORIZED AND  
OPERATING ON THE NATIONAL  
TERRITORY?**

**HOW TO PROCEED FOR ONGOING  
AUTHORIZATION REQUESTS?**

# END OF WASTE (Italy, D.Lgs. 152/06)



Waste which have undergone a recycling or other recovery operation is considered to have ceased to be waste if they comply with four specific conditions:

**COMMON USE**

**THERE IS A  
MARKET OR  
A DEMAND**

**LEGAL USE  
STANDARDS  
APPLICABLE  
TO THE  
PRODUCTS**

**NO NEGATIVE  
IMPACTS**





**WITHOUT END OF WASTE  
CIRCULAR ECONOMY CANNOT BE MADE**

*...the possibility of issuing End of Waste authorizations ... on a case-by-case basis by local authorities has been duly addressed in the new directive (EU) 2018/851 of the European parliament and of the council ... which amends the waste framework directive 2008/98 / EC. In the new art. 6 paragraph 4, in fact the possibility is explicitly established for the competent authorities to issue End of Waste authorizations on a case-by-case basis.*

Conversion into law with modifications of the D.L. 18th april 2019, n. 32 (**Decree «Sblocca cantieri»**)

**Art 1, comma 19.**

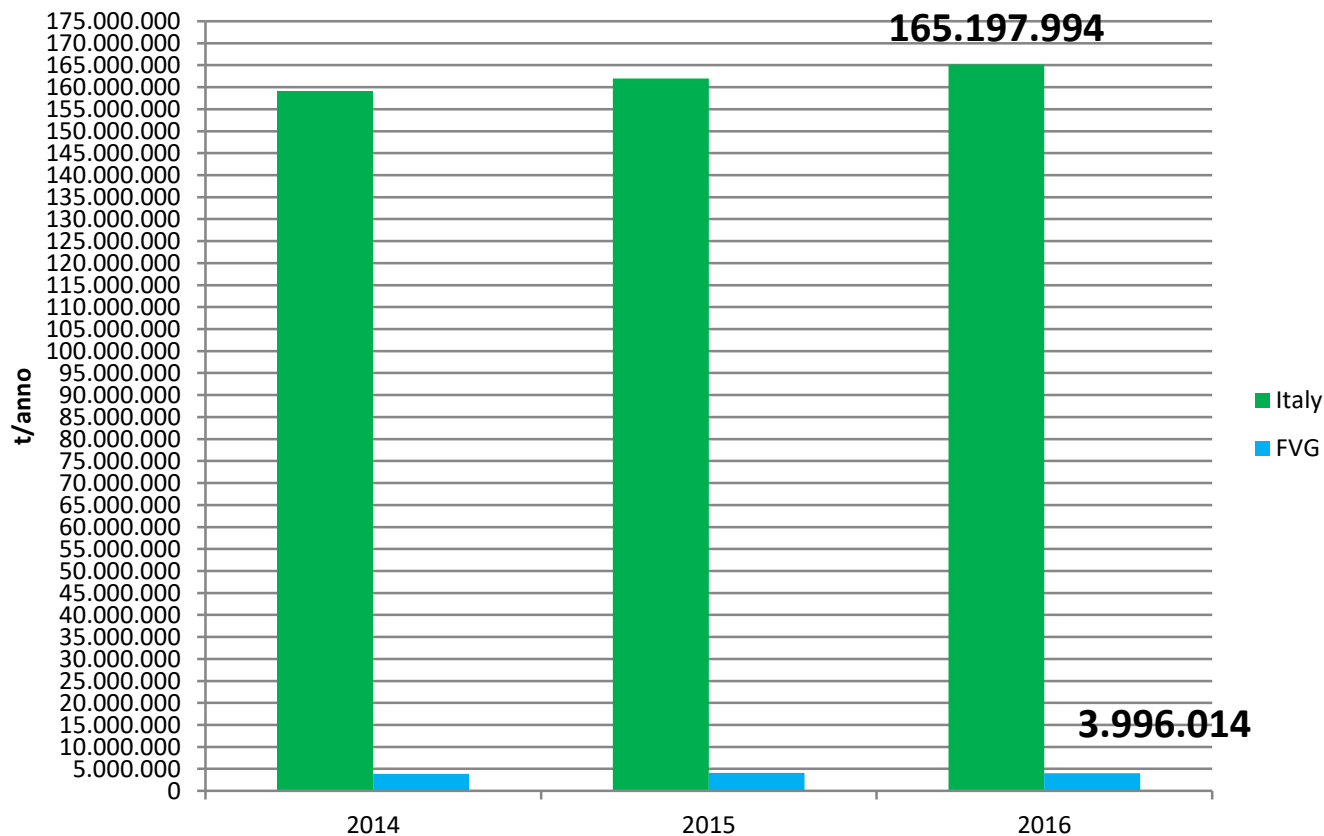
for the recovery of waste are applied the procedures set out in the decree of the Minister of the Environment of 5 February 1998:

authorizations for waste recovery are granted by the competent authorities on the basis of the criteria indicated in Annex 1, sub-attachment 1, to the decree of 5 February 1998

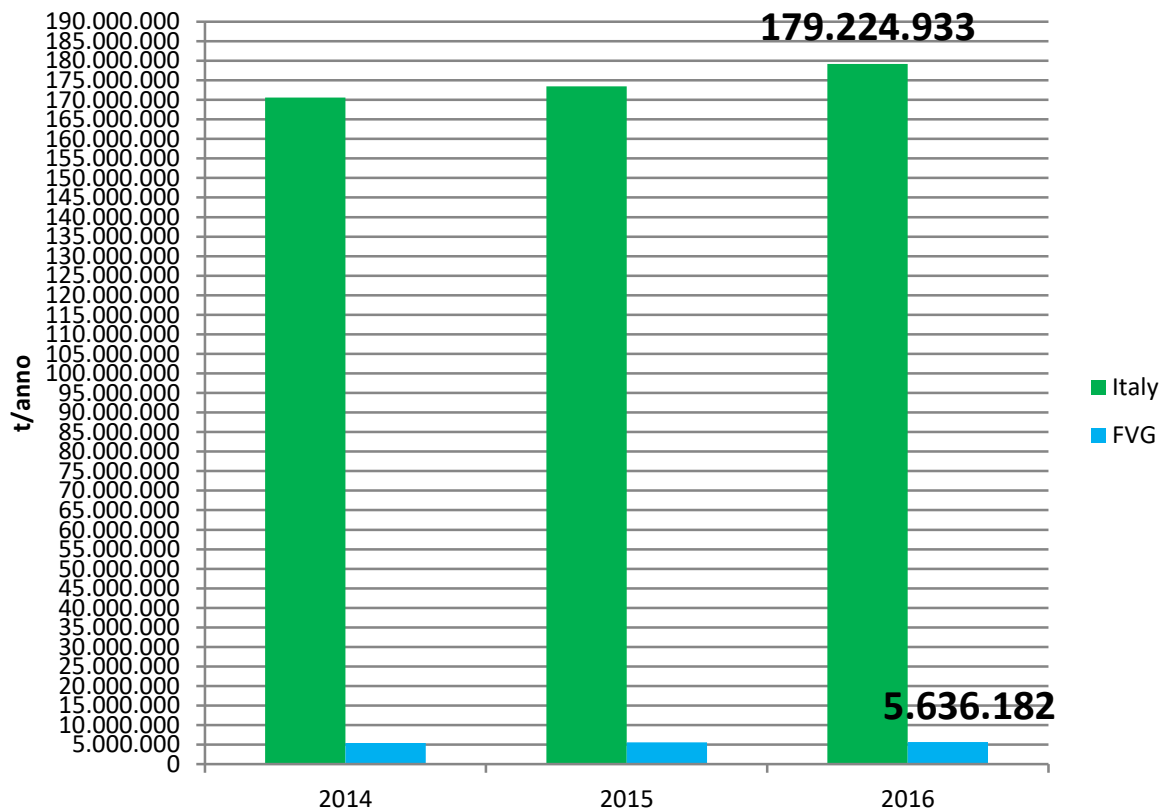


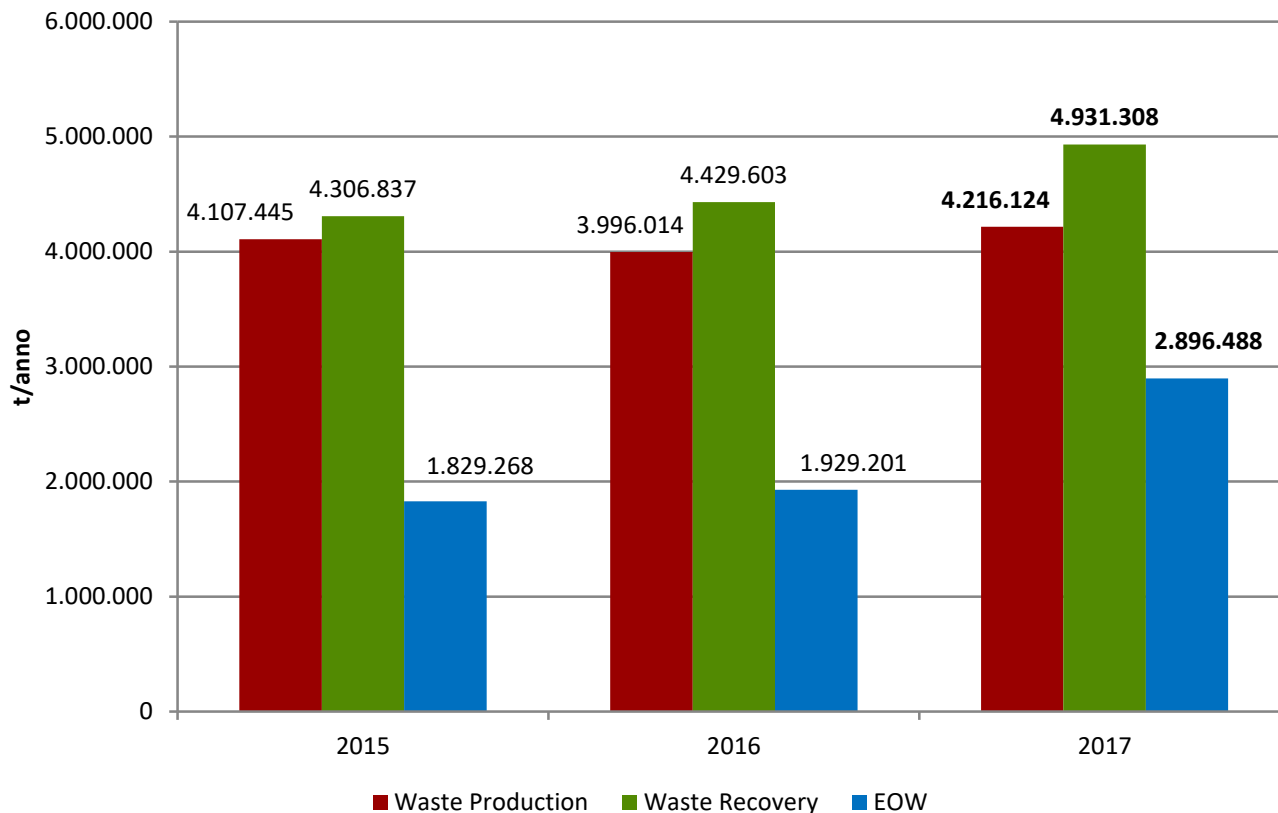
**The Regions may give or renew authorizations  
EoW in compliance  
with the European Directive.  
Amendment included in the decree on corporate  
crises will finally give impetus to the circular  
economy in Italy.**

Waste production



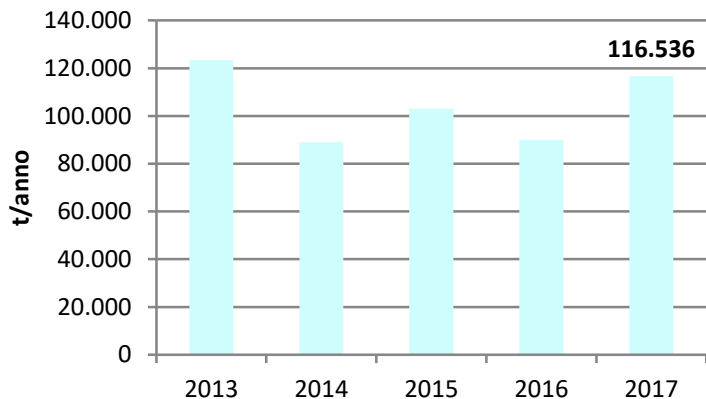
## Waste management



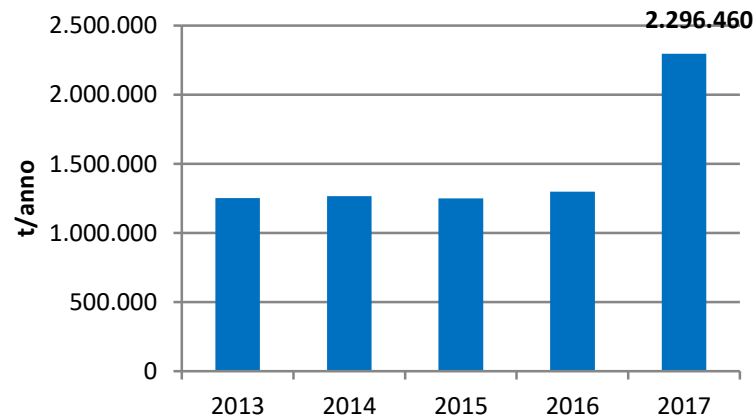


*Data source:* MUD database (Environmental Declaration Model) that the obliged subjects envisaged by [art. 189 of D.Lgs. 152/06](#) (producers, transporters and waste managers, ...) are required to complete annually pursuant to [Law n. 70/1994](#)

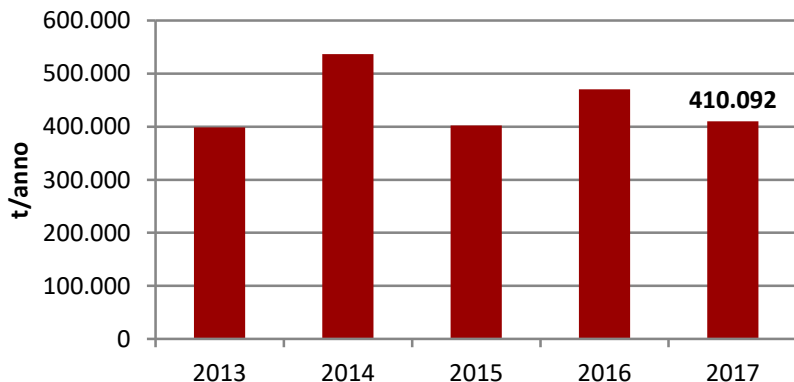
EOW Paper and Cardboard



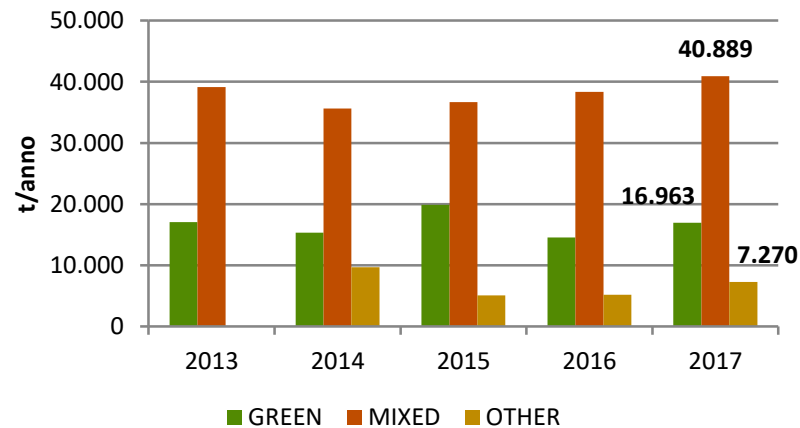
EOW iron scrap



EOW Recycled Aggregates



EOW Compost





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