

Royal Decree 712/2025 of 26 August on end-of-life tyres.

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CONSOLIDATED TEXT

Latest amendment: no amendments

I

By dint of the authorisation provided for in Law 10/1998 of 21 April, in force at the time, on Waste, empowering the Government to lay down specific rules applicable to the different types of waste with regard to their production and management, Royal Decree 1619/2005 of 30 December, on the management of end-of-life tyres, put into place for the first time the specific rules to be taken into account for end-of-life tyres, with the aim of preventing their environmental impact.

This Royal Decree has already introduced the principle of extended producer responsibility into this waste stream as a fundamental element of the obligations incumbent on the tyre producer. The obligations deriving from this responsibility could be fulfilled by the producer, amongst other options, through integration into an integrated management system (taking this to be the collective form of compliance with the obligations of extended producer responsibility pursuant to the regulation contained in Law 10/1998 of 21 April).

Royal Decree 1619/2005 of 30 December 2005, was subsequently amended by Royal Decree 367/2010 of 26 March 2010, amending various environmental regulations to adapt them to Law 17/2009 of 23 November 2009 on free access to service activities and the exercising thereof, and to Law 25/2009 of 22 December 2009, amending various laws for their adaptation to the Law on free access to service activities and the exercising thereof, in order to adapt the rules with regulatory status in the environmental area to the principles of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

Subsequently, with a view to having available additional instruments to develop waste prevention and management and to contribute to the fight against climate change, the European Union adopted a new specific legal framework under Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste, repealing certain Directives (hereinafter "Waste Framework Directive"). As one of its fundamental innovations, it introduced the principle of hierarchy in waste production and management, as a key instrument for disassociating the relationship in place between economic growth and waste production.

The transposition of this directive into Spanish legislation was carried out through Law 22/2011 of 28 July, on waste and contaminated soils. This replaced Law 10/1998 of 21 April and it updated and enhanced the regime relating to waste production and management and incorporated new concepts coined in the European Union, such as the waste hierarchy principle. Furthermore, it put into place a harmonised regulatory framework for the application of extended producer responsibility and provided for the review of the existing sectoral regulations in which this instrument was applied for its adaptation.

However, as far as end-of-life tyre waste was concerned, the amendments made to Law 22/2011 of 28 July 2011 were not directly and immediately reflected in its specific regulations, as Royal Decree 1619/2005 of 30 December 2005 was not adapted to the new regulation.

At a later juncture, and in the context of the growing importance of economic activities linked to waste management, Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste was adopted. This directive revises some articles of the Waste Framework Directive with a view to advancing the circular economy, harmonising, improving waste reporting and traceability and strengthening governance in this area. Of particular note amongst the amendments is the regulation of the minimum requirements to be met when putting into place extended producer responsibility schemes.

In light of the issues that had been occurring in the management procedures for end-of-life tyres, and in order to help improve the outcomes of the management policy for this waste, along with the extensive experience available in the operation of the different waste management processes, it was deemed appropriate to amend certain aspects of Royal Decree 1619/2005 of 30 December, in order to deal with the main issues whose improvement had been identified as urgent, both by the operators responsible for its application and by the administrations responsible for the control thereof.

In this regard, Royal Decree 731/2020 of 4 August was approved, amending Royal Decree

1619/2005 of 30 December 2005 on the management of end-of-life tyres. This does not constitute a partial transposition of Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018, nor does it include provisions that distort the aims and objectives of the latter, nor does it have the status of a technical regulation. In light of the fact that at that time Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 was being transposed into national legislation through Law 7/2022 of 8 April on waste and contaminated soils for a circular economy, the adaptation of the specific regulation on the management of end-of-life tyres to the new principles that were being incorporated was pending.

Law 7/2022 of 8 April, pursuant to the provisions of the Waste Framework Directive, has carried out an extensive review of the existing regulations on the matter in Spain. It has duly updated, *inter alia*, the regulatory framework for the extended producer responsibility regime, the application of the concepts of by-product and end of waste status, the hierarchy principle that prioritises waste management options and the updating of the sanctioning regime.

At present, once Law 7/2022 of 8 April, has been approved, there needs to be a complete overhaul of the text of Royal Decree 1619/2005 of 30 December in order to adapt it to the new legal framework on waste and contaminated soils, as well as to the provisions of Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018. It also sets out to resolve any shortcomings or ambiguities not corrected by the last amendment, such as the adaptation of the extended producer responsibility systems to the system provided for in Title IV of the aforementioned law, as well as the regulation of the reporting obligations and the system of financial guarantees applicable to these systems.

Furthermore, it should be borne in mind that Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018, determined that the extended producer responsibility schemes existing at the time of its coming into force had to be adapted to its provisions before January 2023. Hence, once this directive has been transposed through Law 7/2022 of 8 April, it would be worth carrying out a review of the regulation on the management of end-of-life tyres which was pending.

II

The Royal Decree is structured into five titles, with 27 articles, one additional provision, two transitional provisions, one derogatory provision and three final provisions, completing the text with four annexes.

Title I contains the "General Provisions", including five articles. The first article sets out the subject matter of the regulation, the second article contains the definitions, maintaining the key concepts from Law 7/2022 of 8 April, whilst the definitions of tyre producer and end-of-life tyre producer are added, as well as definitions specific to the tyre sector, including those pertaining to replacement tyres, first placement on the market, second-hand tyre, retreaded tyre and carcass. Article 3 defines the scope of application of this Royal Decree. In turn, article four lists the policy instruments going to make up the management of end-of-life tyres, guiding the actions foreseen in this regulation, whilst Article 5 sets the objectives of preparation for reuse, recycling and energy recovery to be achieved by tyre producers, both directly and through their collective extended responsibility system.

Title II regulates the extended producer responsibility for tyres and runs from article six to article sixteen. In turn, this title shall be divided up into two chapters.

Articles six to eight of its chapter I list the reporting obligations of producers related with the placing on the market of replacement tyres, in particular, registration on the Register of Product Producers and the information to be provided to the latter.

Chapter II is devoted to the extended producer responsibility regime for tyres and it is divided into two sections. The first sets out the general obligations of the tyre producer, specifying, in article nine thereof, the obligations laid down in Article 37 of Law 7/2022 of 8 April, which pertain to the tyre producer, aimed at promoting prevention and improving the reuse, recycling and recovery of waste. These obligations include taking responsibility for the financing and organisation of the management of the waste deriving from their products, ensuring that all end-of-life tyres are managed properly and as often as necessary until they are fully recovered, meeting the objectives of preparation for re-use, recycling and energy recovery. In order to meet these obligations, producers may set up individual or collective extended responsibility schemes.

In the same first section, article ten thereof elaborates on the producers' obligation to draw

up waste prevention business plans which identify the manufacturing mechanisms that extend the life of tyres and facilitate the reuse and recycling of tyres at the end of their useful life, establishing the minimum content that these business plans must include.

Section two regulates issues related with the setting up of extended producer responsibility schemes and their *modus operandi*, pursuant to the provisions of Title IV of Law 7/2022 of 8 April. Articles eleven to fourteen of this section contain the provisions on the setting up and *modus operandi* of individual and collective extended producer responsibility schemes, the general obligations to which these schemes are subject, as well as those obligations specific to collective schemes.

Article fifteen of this section also defines the financial contributions of producers to extended producer responsibility systems, in compliance with the requirements of EU legislation in this regard, so that they assume the total management cost such as the costs of collection and their subsequent transport and treatment; the costs of reporting to tyre producers and consumers; the costs of collecting and communicating data; and the costs related with the formation of financial guarantees. Criteria are put into place to modulate the financial contributions of producers participating in collective schemes, taking into account the lifetime of the tyre, the possibility of preparation for re-use, the content of recycled material, or the amount of unintentionally released microplastics.

Article sixteen sets out the provisions to be taken into account regarding the financial guarantees that extended responsibility systems must take out in order to ensure their capacity to meet the obligations arising from producers' activity and the financing of the management of their waste, so that they are also met in insolvency situations - both those of the producers and of the scheme itself - in the event of non-compliance with the conditions of the authorisation or prior notification, or in the event of the dissolution of the extended responsibility scheme.

Title III is intended to regulate the production, possession and management of end-of-life tyres. Article seventeen sets out the obligations of producers and holders of end-of-life tyres. As waste producers, the latter must either hand them over to an authorised waste manager for treatment in the case of tyres not covered by extended producer responsibility, or treat them themselves, in which case they must apply for authorisation as waste managers, or, failing this, hand them over to the authorised waste manager designated by the extended producer responsibility schemes.

Article eighteen refers to the collection of end-of-life tyres at clean points. Article nineteen elaborates on the obligations of end-of-life tyre managers and the measures and objectives to which the management and shipment of this waste must conform, referring to Title III, Chapter II of Law 7/2022 of 8 April. It also indicates that, pursuant to the provisions of Article 23.5.b) of this law, managers of end-of-life tyres subject to the authorisation regime for their operations or prior notification at the start of their activities, must provide a bond to guarantee compliance with the administration of the obligations arising from the authorisation or prior notification and the carrying out of their activities.

Articles twenty and twenty-one cover issues related with the treatment, storage and transfer of end-of-life tyres, whilst maintaining the provisions of the current regulation on the prohibition of landfilling.

Articles twenty-two to twenty-four of title IV contain the "Reporting obligations". These provisions relate to information to be provided to public administrations, such as sectoral information on tyres and tyre waste management, and information to be provided to consumers, users, the general public, non-governmental organisations and producers of end-of-life tyres.

Finally, title V incorporates articles twenty-five to twenty-seven, regulating the "Control, inspection and sanctioning regime" applicable to management of end-of-life tyres, including the actions aimed at controlling and inspecting the proper application of this royal decree by the competent authorities.

The text of the Royal Decree is complemented by a sole additional provision on the promotion of the use of the materials deriving from the recycling of end-of-life tyres. It also contains two transitional provisions concerning the adaptation of systems to the new extended producer responsibility scheme and the adaptation of business waste prevention plans. Finally, the royal decree has a single repealing provision which repeals the regulations in force to date on the management of end-of-life tyres, and three final provisions: the first on the jurisdictional authority applicable; the second on the authorisation for regulatory development; and the third on the coming into force. In addition, this Royal Decree is completed with four annexes which develop certain parts of the articles.

III

This royal decree is laid down under Article 149.1. 13 and 23 of the Spanish Constitution, which grants the State, respectively, exclusive power over the bases and coordination of the general planning of the economic activity, as well as the basic legislation on environmental protection, without prejudice to the powers of the autonomous communities to establish additional protection regulations.

In terms of its content and processing, the principles of good regulation set out in Article 129 of Law 39/2015 of 1 October on the Common Administrative Procedure of Public Administrations has been respected, in particular, the principles of necessity, effectiveness, proportionality, legal certainty, transparency and efficiency. Its necessity is determined by the obligation established in the sixth final provision of Law 7/2022 of 8 April to adapt the implementing provisions on waste to the provisions contained in the law. In this regard, by dint of the principle of effectiveness and proportionality, this regulation puts into place the legal regime applicable to the placing on the market of replacement tyres, as well as to the prevention, production and management of their waste. With this in mind, measures are laid down to prevent the generation of end-of-life tyres, to reduce the impact of tyre waste management on the environment, and to promote, in this order, their reduction, preparation for re-use, recycling and other forms of recovery.

Pursuant to the principle of legal certainty, this regulation is consistent with the rest of national, EU and international legislation, insofar as it adapts the existing national regulation for end-of-life tyres to the objectives set out in national waste regulations.

In accordance with the principle of efficiency, this regulation aims to rationalise the management of public resources by not imposing unnecessary or ancillary administrative burdens on citizens and businesses.

Particularly, in accordance with the eighth additional provision of Law 7/2022, of 8 April, the processing of all procedures related to this waste shall be carried out by electronic means. The same applies to the reporting obligations included in this royal decree.

Pursuant to the transparency principle, prior to the drafting of the text of this royal decree, the prior public consultation process, provided for in Article 133 of Law 39/2015, of 1 October, in relation to Article 26.2 of Law 50/1997, of 27 November, of the Government, has been carried out through the Internet website of the Ministry for Ecological Transition and the Demographic Challenge.

The authorisation to carry out this regulatory development is contained in the fourth final provision, section one, paragraphs b), c) and d) of Law 7/2022, of 8 April, which empowers the Government of the Nation to issue, within the scope of its powers, the regulatory provisions necessary for the development and application of this law and, in particular, to establish rules for the different types of products in relation to the waste they generate, to develop the extended producer responsibility by means of regulations, and to establish rules for waste, through which particular provisions shall be established relating to its production and management, respectively.

The publication of Royal Decree 731/2020 of 4 August duly met milestone 178 of reform C12.R2 of the Spanish Recovery, Transformation and Resilience Plan, relating to "Waste policy and promotion of the circular economy", whose content is incorporated in its entirety into this Royal Decree, improving its content and reinforcing its objectives.

In turn, the present regulation also forms part of reform C12.R2 provided for in the addendum to the Spanish Recovery, Transformation and Resilience Plan, approved by Cabinet Resolution on 6 June 2023, relating to "Waste policy and promotion of the circular economy", being included in milestone 441. This measure aims to afford continuity to the rules already approved on the prevention and reduction of waste generation and the adverse impacts of its generation and management. Hence, this Royal Decree and its ensuing actions will respect the *Do No Significant Harm* (DNSH) principle and its implementing regulations.

In drawing up this Royal Decree, the economic and social agents, the autonomous communities and the cities of Ceuta and Melilla and the local authorities have been consulted through the Waste Coordination Commission and the most representative sectors potentially affected. Furthermore, the draft has been submitted to the Environmental Advisory Council and the public participation procedure has been substantiated, in accordance with the provisions of Law 27/2006, of 18 July, which regulates the rights of access to information, public participation and access to justice in environmental matters, and with the provisions of Law 50/1997, of 27

November.

Worthy of special mention amongst the reports obtained during the processing of the draft regulation are the reports of the former Ministry of Territorial Policy and the Ministry of Trade, Industry and Tourism, together with the report of the National Commission for Markets and Competition, inter alia.

By dint thereof, at the proposal of the Third Deputy Prime Minister of the Spanish Government and the Minister for Ecological Transition and the Demographic Challenge, with the prior approval of the Minister for Digital Transformation and the Civil Service, in accordance with the Council of State, and further to Cabinet deliberation at its meeting held on 26 August 2025.

I DO HEREBY ORDER:

TITLE I
General provisions

Article 1. Purpose.

This Royal Decree sets out to put into place the legal regime applicable to the placement on the market of replacement tyres in relation to the impact on the management of their waste, as well as the legal regime for the prevention, production and management of end-of-life tyres generated by the assembly of tyres that were placed on the replacement market by their producers, with the aim of preventing and reducing their impact on the environment throughout their life cycle.

With this in mind, measures are laid down to prevent the generation of end-of-life tyres, to reduce the impact of tyre waste management on the environment, until their recovery is complete, and to promote, in this order, their reduction, preparation for re-use, recycling and other forms of recovery, with the aim of moving towards a more circular economy.

Article 2. Definitions.

Without prejudice to the definitions contained in Article 2 of Law 7/2022 of 8 April, on waste and contaminated soils for a circular economy, the following definitions shall also apply in the field of tyres and for the purposes of this royal decree:

a) "Economic agents" means any producers, tyre distributors, tyre exchange and repair shops, vehicle producers, authorised end-of-life vehicle treatment facilities (hereinafter referred to as "ATFs"), end-of-life tyre managers, including retreaders preparing for re-use and final recyclers.

b) "Carcass" means the structural part of the tyre, other than the tread and outer sidewall rubber, intended to support the load of the vehicle.

c) "Placing on the market" means any supply, whether in return for payment or free of charge, of a product for distribution, consumption or use on the domestic market during the course of a commercial activity.

d) "End-of-life tyre management" means the carrying out of the activities set out in Article 2.n) of Law 7/2022 of 8 April concerning end-of-life tyres.

e) "End-of-life tyre manager" means the natural or legal person, registered by authorisation or prior notification, who carries out any of the end-of-life tyre management operations, whether or not it is the producer of the tyres.

f) "End-of-life tyres" means tyres falling into the categories listed in annex I.2(b) which have become waste under the terms of article.

2.al) of Law 7/2022 of 8 April and identified by EWL code 16 01 03 as defined in Commission Decision of 18 December 2014 amending Decision 2000/532/EC on the waste list pursuant to Directive 2008/98/EC of the European Parliament and of the Council.

g) "Replacement tyre" means a tyre that is first placed on the market by its producer to replace used vehicle tyres.

h) "Tyre fitted as standard or when the vehicle is first fitted" means the tyre which is fitted to vehicles and which accompanies end-of-life vehicles when they are received at ATFs for decontamination and treatment. These tyres, once dismantled at the ATF, within the framework of treatment operations, shall be managed pursuant to the provisions of Royal Decree 265/2021, of 13 April, on end-of-life vehicles and amending the General Vehicle Regulations, approved by Royal Decree 2822/1998 of 23 December.

i) "Retreaded tyre" means a tyre which, having undergone a retreading treatment process, meets the specifications set out in Council Decision of 13 March 2006 amending Decisions 2001/507/EC and 2001/509/EC in order to make mandatory United Nations Economic Commission for Europe (UN/ECE) Regulations 108 and 109 on retreaded tyres.

j) "Second-hand tyre" means a tyre obtained after the end-of-life tyre has undergone preparation for re-use operations carried out by an authorised manager to verify whether it meets the conditions required to be re-used as a second-hand tyre, pursuant to the technical specifications contained in standard UNE 69051:2017-"Tyres, rims and valves. Tyre use cycle.

Second-hand tyres", or such other standards as may be applicable for said tyre category, in any case in their most current and up-to-date version. It shall be the responsibility of said waste manager to certify, under his responsibility, that the tyre in question complies with such specifications.

k) "Holder" means the producer of end-of-life tyres or the natural or legal person who holds them and does not have the status of a manager of said waste. The cadastral owner of the parcel of land on which abandoned or scattered end-of-life tyres are located shall be regarded as the holder of end-of-life tyres. He/she shall be administratively responsible for said tyres, except in those cases where it is possible to identify the material author of the abandonment or previous holder.

l) "First placement on the market": the first professional placing on the market of a replacement tyre on the domestic market.

m) "Tyre producer" means the natural or legal person who, for the purpose of placing tyres for the first time on the domestic replacement market and irrespective of the marketing channel used and irrespective of the contract under which distribution is carried out, carries out the distribution of tyres:

1.º The manufacture in Spain of new tyres or retreaded tyres on carcasses imported or coming from other EU countries, or;

2.º The intra-Community acquisition or import from third countries of new tyres, retreaded tyres or tyres prepared for re-use as second-hand tyres.

This includes both producers who are established on national territory and place products on the national market and producers who are established in another Member State or third country and who sell tyres directly under distance contracts.

E-commerce platforms shall assume, as tyre producers, the financial and reporting obligations, as well as organisational obligations where appropriate, in the event that a producer as defined above who is established in another Member State or third country acts through them and is not registered in the tyre producers' section of the Register of Product Producers, not complying with the other obligations under the extended tyre producer responsibility schemes.

ATFs to which the provisions of Article 3.2 apply shall be regarded as tyre producers.

n) "End-of-life tyre producer" means a natural or legal person who, as a result of his/her business or any other activity, generates end-of-life tyres. The user or owner of the vehicle using them is excluded from said status, unless he/she has been directly involved in their generation.

ñ) "Retreading" essentially means the replacement of the tread of an end-of-life tyre whose carcass is still in a suitable condition to enable it to be reused, pursuant to the provisions of the applicable legislation and technical standards.

o) "Distance selling" means sales made directly to private individuals or legal persons by means of contracts concluded in the framework of an organised distance sales or service-provision system, without the simultaneous physical presence of the parties to the contract, and in which only one or more means of distance communication, such as post, internet, phone or fax, have been used up to the time of signing of the contract and upon the actual signing of the contract.

Article 3. Scope of application.

1. All replacement tyres placed by their producers on the national market are included within the scope of this royal decree, with the exception of bicycle tyres and other tyres not included under the categories listed in annex I.2.b), which, in any case, must be managed pursuant to the principle of waste hierarchy set out in Article 8.1 of Law 7/2022 of 8 April.

2. This Royal Decree does not apply to tyres intended as standard or in the first fitment of vehicles subject to the extended producer responsibility of the vehicle producer set out in Royal Decree 265/2021 of 13 April, which, having been prepared for reuse by a ATF for end-of-life vehicles, said facility can guarantee and justify, pursuant to Articles 7.5 and 11.2 of this Royal Decree, the correct treatment, by an authorised manager, of the end-of-life tyres generated as a result of this preparation for reuse and placement on the market.

Article 4. Policy instruments.

1. The State Waste Management Framework Plan and the State Waste Prevention

Programme shall include, as appropriate, a specific chapter on end-of-life tyres, whose content shall be established pursuant to the provisions of Articles 14 and 15 of Law 7/2022 of 8 April.

2. In keeping with the above instruments, the waste prevention and management plans and programmes of the autonomous communities must also contain a specific chapter, whose content will be established pursuant to the provisions of Articles 14 and 15 of Law 7/2022 of 8 April.

3. The management targets to be set shall respect the waste hierarchy principle as set out in Article 8 of Law 7/2022 of 8 April.

Article 5. Management objectives.

1. The following targets for preparation for re-use, recycling and energy recovery shall be met:
 - a) In 2025:
 - 1.º At least 15% by weight of preparation for re-use.
 - 2.º At least 50% by weight of recycling and material recovery of the total material mix and 100 % by weight of recycling of steel.
 - 3.º Maximum of 35% by weight of energy recovery.
 - b) In 2030:
 - 1.º At least 15% by weight of preparation for re-use.
 - 2.º At least 59% of the total recycling and material recovery by weight of all materials and 100% by weight of steel recycling.
 - 3.º Maximum of 26 % by weight of energy recovery.
 - c) In 2035:
 - 1.º At least 15% by weight of preparation for re-use.
 - 2.º At least 65 % of the total recycling and material recovery by weight of all materials and 100% by weight of steel recycling.
 3. Maximum of 20 % by weight of energy recovery.
2. When setting the percentage for recycling and material recovery of all materials, due consideration shall also be given to the quantities of steel and other non-combustible inorganic components added to clinker through the end-of-life tyre used in cement plants, subject to limits to be set by the Waste Coordination Commission. In the case of pyrolysis facilities authorised to operate by the competent authorities, the quantities pertaining to the products obtained from pyrolysis which are intended for recycling and which are recognised as material recovery in the authorisations granted to these installations by the competent authorities shall be regarded as material recovery.

TITLE II

Extended tyre producer responsibility

CHAPTER I

Reporting obligations on the placing on the market of replacement tyres

Article 6. Tyre producers' section on the Register of Product Producers.

The purpose of the tyre producers section of the Register of Product Producers is to comply with the reporting obligations regarding waste management and to contribute to compliance with the obligations arising from extended producer responsibility pursuant to Article 7.2 of Royal Decree 293/2018, of 18 May, on reducing the consumption of plastic bags and creating the Register of Producers thereby.

Article 7. Tyre producers' registration on the Register of Product Producers.

1. Tyre producers or authorised representatives in the case regulated in Article 9.5, operating on the replacement tyre market, shall be registered in their respective section of the Register of Product Producers.

ATFs must also be registered for the sole purpose of communicating information on tyres which, having been prepared for re-use in the ATFs themselves and placed on the market as

second-hand tyres, cannot guarantee and justify, pursuant to Articles 7.5 and 11.2 of Royal Decree 265/2021 of 13 April, the correct treatment by an authorised manager of the end-of-life tyres generated from the fitting of these second-hand tyres.

2. Upon registration, the information set out in annex I.1 shall be provided and shall be made public, without prejudice to the regulations applicable to the processing of personal data.

They must also provide a certificate of membership of an individual or collective extended producer responsibility scheme.

3. Upon registration, a registration number shall be assigned to the replacement tyre which shall be recorded in all commercial transactions of the replacement tyres from the initial placing on the market to the end-user. For this purpose, the registration number shall appear on the invoice, or on the document replacing it.

4. In the event of definitive cessation of the activity, the tyre producer shall communicate the cancellation to the Register of Product Producers within one month of the cessation of the activity and shall prove this by submitting the corresponding document of cessation of the activity of the company.

Article 8. *Reporting obligations for replacement tyres.*

1. Tyre producers registered in the tyre section of the Register of Product Producers, or their authorised representatives, pursuant to Article 40 of Law 7/2022 of 8 April, are required to collect and submit the information contained in Annex I.2, corresponding to the replacement tyres they have placed on the market in each calendar year.

E-commerce platforms, in the case provided for in the last paragraph of Article 2.m), shall provide said information in aggregated form.

ATFs shall collect the above information, but only for those tyres that, having been prepared for reuse by the ATFs themselves and marketed as second-hand tyres, the centre does not have justification for their correct management, under the terms provided for in Articles 7.5 and 11.2 of Royal Decree 265/2021 of 13 April.

2. Said information shall be sent every year to the Directorate-General for Environmental Quality and Assessment of the Ministry for Ecological Transition and the Demographic Challenge before 31 March of the year following the year to which it refers, in order to ascertain the quantities of replacement tyres placed on the market, to monitor compliance with the requirements established in this royal decree, the operation of extended producer responsibility, and to prepare information on tyre management of waste of end-of-life tyres that must be supplied to the European Commission.

3. The information provided by each producer shall not be publicly available and shall only be accessible to the competent authorities for inspection and control purposes.

CHAPTER II

Extended producer responsibility scheme

Section 1.^a *General obligations of the tyre producer*

Article 9. *Obligations of the tyre producer.*

1. In order to promote prevention and to improve the preparation for re-use, recycling and recovery of end-of-life tyres, the obligations of each tyre producer as set out in Article 37 of Law 7/2022 of 8 April are specified. Said obligations are the following:

- a) To draw up and implement a business plan for waste prevention pursuant to Article 10.
- b) To finance and organise, nationwide, the collection and recovery of all end-of-life tyres generated by the fitting of tyres that were placed by it on the national replacement market, regardless of how they were sold.
- c) To ensure that these end-of-life tyres are collected and properly managed, as often as necessary, until they have been fully recovered, pursuant to the waste hierarchy principle set out in Article 8.1 of Law 7/2022 of 8 April.
- d) To achieve as a minimum the targets for preparing for re-use, recycling and energy recovery set out in Article 5.
- e) To strive to ensure that the extended producer responsibility scheme in which the producer participates complies with the requirements set out in this royal decree and that they

thus have sufficient financial resources to meet their obligations to finance, collect and treat the end-of-life tyres in the territorial operating area of the scheme.

f) To provide the collective extended producer responsibility scheme in which it participates with the information necessary for the scheme to comply with the reporting obligations under this royal decree, in particular the number of units and the weight of tyres placed annually on the national market for each category of tyres.

g) To provide the competent administrations with information on the carrying out of their activities, as established in this Royal Decree.

h) To include its registration number in the tyre section of the Register of Product Producers on the sales' invoices, or documents replacing them, relating to its commercial transactions in replacement tyres from the time of placing such tyres on the domestic market, and to take appropriate measures to ensure that this number appears on subsequent transactions involving such tyres up to the end user.

2. Tyre producers shall comply with the obligations set out in paragraphs 1.b), c) and d) by setting up individual or collective extended producer responsibility schemes pursuant to Article 38 of Law 7/2022 of 8 April. All other obligations will be fulfilled on an individual basis.

Those tyre producers who, as indicated in the previous paragraph, choose to set up a collective extended producer responsibility scheme shall do so for the total number of replacement tyres they place on the market, and hence they may not participate in several collective schemes at the same time.

3. Tyre producers who have set up an individual extended responsibility system and who themselves carry out any of the waste management operations defined in Law 7/2022 of 8 April shall comply with the obligations laid down for end-of-life tyre managers in Article 19.

4. Any tyre producer who leaves a collective extended responsibility scheme shall inform said change to the original scheme, the new scheme into which it is entering, and the Register of Product Producers at least three months in advance of the change. The change from one responsibility system to another implies that the new system fully assumes the obligations of the producer for the tyres he places on the market from the moment the change takes place.

5. Tyre producers who are established in another Member State or in third countries and who market products in Spain must designate a natural or legal person in national territory as an authorised representative for the purpose of fulfilling the obligations of the producer.

For the purposes of monitoring and verifying compliance with said obligations in relation to extended producer responsibility, the natural or legal persons appointed as authorised representatives must have the appropriate documents evidencing their representation powers.

In the event that the producers have not appointed an authorised representative in Spain, the legal person acting as the importer or intracommunity purchaser with a registered office in Spain shall be, on an ancillary basis, the party responsible for the obligations established for tyre producers.

6. Under the terms provided for in Article 54 of Law 7/2022 of 8 April, the customs' authorities and the competent environmental authorities may verify the tyre producer's compliance with its obligations, in particular its registration with the Register of Product Producers for tyres, having provided the annual information to this Register as indicated in annex I.2 to this provision, and its membership of an extended producer responsibility scheme, for the purpose of checking for fraud as regards imported tyres or tyres deriving from an intra-Community acquisition subject to extended producer responsibility.

Article 10. *Business waste prevention plans.*

1. In order to reduce the amount of waste generated and the adverse impacts on the environment, tyre producers who place a net quantity of more than 250 tonnes of tyres on the national replacement market in any calendar year shall be required to draw up and implement a business waste prevention plan, including the measures envisaged to meet the waste prevention targets, to promote the design and manufacture of tyres resulting in a lower environmental impact throughout their life cycle and to facilitate the preparation for re-use, recycling and recovery of end-of-life tyres pursuant to Articles 7 and 8 of Law 7/2022 of 8 April.

Tyre producers will have to implement these plans as from the year following the year in which said threshold is exceeded.

2. These business plans shall incorporate the waste prevention instruments available, including at least:

a) A summary of the degree of achievement of the objectives under previous plans and

the new prevention objectives to be achieved.

b) The identification of measures taken to encourage the more efficient design, manufacture and use of resources, as well as measures envisaged to extend the lifetime of the tyres produced.

c) The measures envisaged to facilitate the preparation for re-use and recycling of end-of-life tyres and to achieve compliance with the management targets referred to in Article 5.

d) Measures envisaged to promote the use of the rubber, steel and textile fraction recovered as materials in the manufacture of new products and applications, in particular when the criteria determined for no longer being regarded as waste have been met.

e) The actions envisaged in relation to the development of information campaigns to raise awareness of waste prevention, aimed at making consumers and producers of end-of-life tyres aware of the importance of proper management of waste tyres for the protection of the environment and health, the importance of their participation in complying with waste prevention measures, and the functioning of extended responsibility schemes.

f) The measures envisaged to reduce the content of hazardous substances in tyres and the rubber obtained from their processing, pursuant to the harmonised legal requirements for said materials and products established at EU level.

g) Indicators and monitoring procedures to assess, each year, the degree of compliance with the commitments and measures included in the plan.

In the case of importers or purchasers in other EU Member States, the plan must incorporate the measures related with their activity in Spain. It may also include the prevention measures adopted by the manufacturing company.

3. Company prevention plans shall have a duration of four years. Subsequently, they shall be reviewed and renewed for equal periods, and their degree of monitoring shall be assessed at the end of the plan's term.

4. Business prevention plans may be drawn up by individual tyre producers or by collective extended producer responsibility schemes on behalf of the producers going to make up the latter. In the latter case, the following must be respected:

a) The collective extended producer responsibility scheme shall be responsible for the drawing up and monitoring of these business plans for prevention and eco-design. However, the implementation and ultimate responsibility for their compliance shall in any case be the responsibility of the tyre producers who are bound pursuant to the provisions of this article.

b) Tyre producers shall select the measures included in the plan with which they will comply and inform the collective system responsible for drawing up the plan. On an annual basis, producers shall submit information on the degree of compliance of these measures with the extended collective responsibility scheme.

5. The business plans, both those drawn up individually by the producers and those drawn up by the collective extended responsibility schemes, along with the reports on the results of their compliance, shall be sent before 31 May to the autonomous community where the registered office is located, with the latter sending them to the other autonomous communities and to the Ministry for Ecological Transition and the Demographic Challenge. Said Autonomous Community shall report to the working group of the Waste Coordination Commission on these business plans and the outcome of the compliance reports.

The report shall provide an account of the degree of compliance with the prevention measures included therein and, in the case of the reports submitted by the collective extended responsibility scheme, tyre producers included within the scope of the scheme shall be identified.

Individual tyre producers or collective extended responsibility schemes shall make these reports publicly available, safeguarding, where appropriate, information of a confidential nature relevant to the production or commercial activity of tyre producers.

6. All information related with the company prevention plans shall be made available to the competent authorities for monitoring, inspection and control purposes.

Section 2.^a Individual and collective extended producer responsibility schemes.

Article 11. *Establishment, communication and operation of individual of extended producer responsibility schemes.*

1. Tyre producers who opt to comply with the obligations arising from extended

responsibility under an individual scheme shall submit to the competent body of the Autonomous Community where their registered office is located notification prior to the start of their activities with the content indicated in annex II.1. This prior notification shall be accompanied by the financial guarantee signed pursuant to Article 16 and it shall be registered ex officio by the competent regional authority on the waste production and management Register. Subsequently, the competent regional authority may check that the financial guarantee is complete and that the proposed organisation is fit for purpose.

2. Individual schemes shall submit their financial statements to the Waste Coordination Committee each year, reflecting the financial resources allocated to the fulfilment of the extended producer responsibility obligations, without prejudice to the reporting obligations set out in Article 22.

3. The competent bodies of the autonomous communities shall monitor compliance in their territorial area with the provisions included in the prior notification.

Failure by individual schemes to comply with the extended responsibility obligations may lead to the initiation of the corresponding sanctioning procedure. The authority competent to initiate the sanctioning procedure shall be the Autonomous Community corresponding to the territory where the infringement is committed, which may suspend the activity of the individual scheme in its territory.

Without prejudice to the foregoing, the financial guarantee may be enforced in whole or in part by the competent authority.

When non-compliance occurs in more than one Autonomous Community, the Waste Coordination Committee shall first issue a report assessing the relevance of the ineffectiveness of the prior notification. The decision shall be issued by the competent body of the Autonomous Community where the prior notification was submitted, which shall proceed to de-register the notification from the Register of Waste Production and Management.

Article 12. *Establishment, authorisation and operation of collective extended producer responsibility schemes.*

1. When tyre producers opt for a collective scheme for compliance with the obligations arising from the extended producer responsibility, said collective schemes shall comply with the provisions of Article 50.1 of Law 7/2022 of 8 April. The sole purpose of the collective schemes formed shall be to comply with the extended producer responsibility obligations established by virtue of this royal decree.

2. The application for authorisation submitted by the collective scheme and the authorisation granted shall have the minimum content set out in annex II. The application for authorisation shall be submitted to the competent body of the autonomous community where its registered office is located, in accordance with the provisions of Article 50.2 of Law 7/2022 of 8 April. It shall be accompanied by the documentation relating to the financial guarantee that the collective scheme has to subscribe to pursuant to Article 16. The Autonomous Community where the application is submitted will assess its content in relation to compliance with the extended responsibility obligations, drawing up a draft resolution which, together with the documentation submitted, will be sent to the Waste Coordination Commission. The latter will assess the content of the application in relation to compliance with the extended responsibility obligations. The following aspects shall be assessed, inter alia:

a) Transparency and objectivity in the manner of adhering producers to the collective scheme, establishing flexible and simple schemes, and without discrimination of any kind against tyre producers.

b) The annual possibility for producers to change, respecting the minimum timeframe stipulated in Article 9.4, the way they fulfil their extended responsibility, either through another collective scheme or by setting up an individual scheme.

c) The decision-making process of collective schemes shall be carried out exclusively by the producers making up the scheme, based on objective criteria, without prejudice to the existence of executive bodies that shall be elected by all the members of the scheme or their representatives, and which shall in all cases comply with the decisions taken by the producers that make up the scheme.

d) The rights to information, to make representations and to have them assessed, which pertain to the producers who are part of the scheme.

e) The mechanisms for the exchange of information among the members of the collective scheme and between the collective scheme and the other waste management operators.

f) The application of objective, transparent and non-discriminatory conditions in relations between schemes and other waste operators, as well as regarding agreements between collective schemes. Decision-making processes and information provision should not lead to an increased risk of collusion between producers in the scheme, nor between the scheme and other waste management operators.

g) The absence of any conflict of interest between members of the scheme or members of the executive bodies and other operators, in particular with the waste managers with whom they must be contracted.

h) Compliance with the obligations arising from the extended producer responsibility during the validity term of the authorisation and during the authorisation renewal procedure.

3. Following a report by the Waste Coordination Committee on the application, the competent body of the Autonomous Community shall grant, if appropriate, the authorisation in which the technical, organisational, economic, logistical and operational requirements and guarantees necessary for compliance with this royal decree throughout Spanish territory.

Additionally, it shall include any clarifications arising from the report of the Waste Coordination Committee on waste and from the compliance with the obligations arising from the extended producer responsibility, including, where appropriate, the specifications relating to the performance of the collective scheme in other autonomous communities.

4. Pursuant to the provisions of Article 50.2 of Law 7/2022 of 8 April, the maximum period for processing the authorisation shall be six months. This may be extended for a further six months, on a duly justified basis, for reasons arising from the complexity of the file. This extension must be put into place before the original deadline has expired.

If no express decision has been notified within this term, the application shall be deemed to have been rejected, except in the case of applications for renewal of the authorisation of the collective scheme, in which case the authorisation previously granted shall be deemed to have been extended until notification of an express decision on the renewal application, which may either uphold or reject the latter.

5. Once the documentation evidencing the validity of the corresponding financial guarantee has been submitted, the competent body of the Autonomous Community shall register the authorisation in the Register of Waste Production and Management, and the collective scheme may begin its activity from that moment onwards. If a period of one month has elapsed since the notification of the decision on the authorisation of the collective scheme without evidencing validity of the financial guarantee, the authorisation shall be deemed void.

6. The authorisation shall be valid for a period of eight years. After this period, it shall be reviewed, at the request of the scheme and giving at least six months' notice, and the procedure laid down in this article shall be initiated again. However, the authorisation shall remain in force until notification of the express decision on the application for renewal of the authorisation, which may either uphold or reject the latter. In each annual financial year and during the validity term of the authorisations, the autonomous communities shall monitor compliance with the conditions of the authorisation in their territorial area.

7. In the event of termination of activity and in order to guarantee compliance with the obligations of the producers, the collective schemes must inform all the producers going to make up the scheme, as well as the administrative authority that granted its authorisation, three months in advance, so that the latter can be cancelled. Producers may form a new scheme or join another extended responsibility scheme in accordance with the provisions of this royal decree.

8. Failure to comply with the conditions of the authorisation may lead to the commencement of the corresponding sanctioning procedure. The authority competent to initiate the sanctioning procedure shall be the Autonomous Community corresponding to the territory where the infringement is committed, which may suspend the activity of the scheme in its territory.

Without prejudice to the foregoing, the financial guarantee may be enforced in whole or in part by the competent authority.

When non-compliance occurs in more than one Autonomous Community, the Waste Coordination Committee shall first issue a report assessing the relevance of the total revocation of the authorisation. The revocation decision shall be issued by the competent body of the Autonomous Community where the authorisation was granted, which shall proceed to de-register the authorisation from the Register of Production and Management of Waste.

Article 13. General obligations of extended producer responsibility schemes.

1. Individual and collective schemes shall be obliged to comply with the obligations conferred on them by tyre producers with regard to the organisation of the collection and management of their waste, compliance with objectives, and financing and reporting, arising from the extended producer responsibility provided for in this Royal Decree. In any case, these schemes shall:

a) Have at their disposal the financial and organisational resources necessary to fulfil their extended producer responsibility obligations, which shall be exclusively earmarked for the fulfilment of those obligations.

b) They shall apply the provisions included in the prior notification and in the authorisation to operate, pursuant to the provisions of this royal decree.

c) They shall conclude agreements to organise the management of end-of-life tyres in the cases referred to in Article 18.

d) They shall enter into agreements with authorised waste managers to coordinate the organisation of the management of waste generated by their products and their financing, avoiding anti-trust practices, and putting into place procedures to be taken into account in the management of end-of-life tyres for use in civil engineering, engineering or other applications. The terms and conditions of contracts with waste managers shall ensure compliance with the principles set out in Article 47.2.c) of Law 7/2022 of 8 April.

The agreements shall respect the terms of the managers' authorisations. The data that the managers must supply to the systems shall be those provided for in this royal decree, respecting the confidentiality of the activity of the managers pursuant to Law 15/2007 of 3 July, on the Defence of Competition.

e) They shall conclude agreements, where appropriate, with other extended producer responsibility schemes when they carry out the management of their end-of-life tyres for financial compensation for the management operations they have carried out.

f) They shall determine the measures required to ensure compliance with the targets for preparing for re-use, recycling and energy recovery set out in Article 5.

g) Before 31 May each year, they shall submit to the competent authorities of the autonomous communities and to the Ministry for Ecological Transition and the Demographic Challenge, a report on their activities for the previous calendar year containing the information listed in annex IV. The report to be sent to the Ministry will include both the aggregated information at national level and that corresponding to each autonomous community.

The extended responsibility schemes shall take appropriate measures to ensure the confidentiality of any information that may be relevant to the commercial activity of waste managers and producers.

The report shall include the audit of its annual accounts drawn up and approved, pursuant to the provisions of Article 53.1.d) of Law 7/2022 of 8 April. In the event that the report entails deviations from the forecasts submitted the previous year by the collective scheme, justification for this deviation must be provided.

The competent authorities and the Waste Coordination Committee may request any additional information deemed necessary.

By the date set for the submission of the annual report, the extended responsibility scheme shall publish at its website, in a clear and intelligible form, the information relating to annex IV.a) and letters c) to f). The rest of the information provided shall not be publicly available and shall only be accessible to the competent authorities for the purposes of being able to carry out control, monitoring and inspection activities.

h) They shall implement an appropriate self-monitoring mechanism to assess:

1.º Its financial management, including compliance with the requirements established in Article 15, supported by means of periodic independent audits, which include studies of costs and economic indicators and the results of the scheme, both at national level and broken down by each Autonomous Community.

2.º The quality of data collected and reported in accordance with the provisions of paragraph 1. g), supported by means of independent audits.

i) They shall make publicly available through their internet portals annual updates on the achievement of the objectives of the scheme, as well as the audits provided for in paragraph 1.h) in relation to financial management and data quality.

2. When there are several extended producer responsibility systems, the Ministry for

Ecological Transition and the Demographic Challenge, pursuant to the criteria established by the Waste Coordination Commission, will publish annually at its website the allocation of the collection and management responsibility pertaining to each of the schemes at a State and Autonomous Community level. This allocation of responsibility will set the national and regional collection targets for the calendar year in question.

In order to determine said allocation, the information contained in the tyre section of the Register of Product Producers shall be taken into account, as well as the information that the extended responsibility systems shall communicate to the Ministry for Ecological Transition and the Demographic Challenge before 1 April each year. This information shall refer to the forecasts, at national level and for each autonomous community, of tyres that during the year will be placed for the first time on the replacement market by their participants, and of tyres which, having been prepared for re-use by the managers working for the scheme, will return during the year to the replacement market as retreaded or second-hand tyres.

3. The annual report for extended responsibility schemes foreseen in paragraph 1.g) shall be assessed by each competent Autonomous Community authority in its territorial area by means of the monitoring instruments it deems appropriate. In the case of the State-level report, it shall be reviewed by the relevant working group of the Waste Coordination Committee.

4. Individual and collective extended producer responsibility schemes when organising the management of end-of-life tyres shall act as holders for the purpose of being considered as a transfer operator pursuant to Article 31 of Law 7/2022 of 8 April.

5. Under the terms and conditions foreseen in Article 53.1.c) and d) of Law 7/2022 of 8 April, extended responsibility schemes shall draw up annual accounts for each financial year. The annual submission of the accounts to the Waste Coordination Commission shall be carried out by 1 September. In the event of deviations from the forecasts made by the system for the financial year, the relevant justification for the deviation recorded shall be attached. The Waste Coordination Committee may request any additional information as it deems necessary.

Article 14. *Additional obligations of extended collective producer responsibility schemes.*

1. Collective schemes must:

- a) Ensure the equal treatment of tyre producers irrespective of their origin or size.
- b) Establish its internal operating rules guaranteeing the participation of producers in decision-making processes, under the terms provided for in Article 12.2.c). All members of the collective scheme shall have the right to receive the information arising from the compliance with the provisions of this royal decree, to make comments and claims and to have them assessed and taken into account in the operation of the scheme.
- c) Safeguard the confidentiality of information that members of the collective scheme have provided for the operation of the scheme, especially information that may be relevant to the economic activity of the members of the collective scheme. Furthermore, they shall ensure the confidentiality of information provided by waste managers with whom they have concluded agreements.
- d) To inform producers of compliance with the objectives of the collective scheme in terms of prevention, preparation for re-use, recycling and recovery and to notify each producer of the results attributable to them, according to their participation share in the collective scheme.
- e) Where appropriate, inform producers of the initiation of penalty proceedings for failure to comply with the obligations which producers participating in the scheme may have infringed in the field of extended producer responsibility.
- f) Make information available to the public concerning:

1.º The legal form chosen, stating its structure and members, as well as on the producers participating in the scheme, including their manner of participation in the decision-making processes of the scheme.

2.º The financial contributions paid by tyre producers by type of tyre, as well as any additional contributions to the scheme stating their purpose, including modulations of producers' financial contributions to the scheme.

Without prejudice to the active publicity obligations of this paragraph, which may be complied with through the Internet websites of the collective schemes, the final users or consumers of the replacement tyres shall have the right to obtain a duly grounded response, within a maximum period of two months, to the queries made on the manner of compliance

with the obligations of the extended responsibility of the collective scheme producer, including access to information on the financial amounts devoted to the management of end-of-life tyres.

2. Collective extended liability schemes may fulfil their obligations on their own or may set up or hire a management company which must have its own legal personality other than that of the collective scheme and which shall act under the management of the collective scheme.

In fulfilling the obligations arising from extended producer responsibility, collective schemes and, where appropriate, the managing body, shall respect the principles of publicity, competition and equality in order to guarantee fair competition, as well as the principles of protection of human health, consumers, the environment and the waste hierarchy.

3. Without prejudice to the provisions of Article 13.1.a), collective schemes may, on a voluntary basis and with the express consent of the producers who pay for it, allocate financial resources to carry out activities that complement the purpose of the collective scheme. Competition rules apply to these voluntary activities.

The financing of these voluntary activities shall not conflict with the activities carried out by waste managers with whom the responsibility scheme has concluded a contract for the management of tyres. Consent shall never appear as a compulsory clause in the contract of adherence of producers to the collective scheme, nor shall it be required for their permanence therein.

For the purposes of evaluating the above, collective schemes must indicate the activities that have been voluntarily financed by producers in the annual report that they must send to the competent regional authorities, whose content is established in Article 22.

4. The collective schemes must give three months' notice to all the members of the scheme and to the Autonomous Community granting the authorisation, which shall send it to the corresponding working group of the Waste Coordination Committee, of the foreseen modification of the financial contributions associated with the financing of end-of-life tyre management and the justification of said modification as regards compliance with the obligations deriving from extended producer responsibility.

Article 15. *Scope of the financial contribution of the producers to the financing of extended producer responsibility schemes.*

1. The financial contribution paid by tyre producers to meet their extended producer responsibility obligations shall cover the following costs:

a) The costs of collection, transport and treatment, including the treatment necessary to meet the targets set for the proper management, until full recovery, of all end-of-life tyres generated after the fitting of replacement tyres placed on the domestic market for the first time. The calculation of these costs shall take into account the revenues from the preparation for re-use and from the sales of the materials obtained from the recycling and recovery processes.

b) The costs required to provide information to producers of end-of-life tyres and consumers, including the costs incurred by the promotion, advertising, training and information activities aimed at ensuring compliance with prevention targets and improving the management of the waste collected.

c) The costs of collecting and reporting data on tyres placed for the first time on the replacement market and on the tyres collected and managed.

d) The costs associated with the provision of financial guarantees.

The aforementioned costs shall be determined in a transparent and regular manner between the agents concerned, taking into account market circumstances. They shall not exceed the costs necessary for the cost-effective provision of services in economic, social and environmental terms, to be determined by independent studies in case of disagreement between the agents concerned.

2. Extended producer responsibility schemes for tyres shall be financed through the contribution by producers of an amount for each replacement tyre placed on the market for the first time in each financial year, to be agreed by the entity to which the management of the scheme is assigned.

At the end of each year, the collective schemes shall set up the necessary offsetting mechanisms to return any excess revenues received if this has been greater than 10% of the amounts actually paid to meet their obligations, or they shall duly justify to the producers belonging to the scheme the need to use these resources in the year following the compliance period, based on the income and expenditure forecasts for the next financial year. In the event of a refund, collective schemes shall refund any amounts exceeding 10% of the deviation

between revenue and expenditure. However, if the deviation is less than 10%, the collective schemes may accumulate the surplus for a maximum of four consecutive years, after which, if they have not used it to cover their obligations, they shall repay it. Furthermore, if in any of these cumulative years the deviation exceeds 10 %, the respective excess will be refunded.

3. In cases of collective fulfilment of the producer's obligations, the contribution shall be modulated for each type of replacement tyre taking into account the lifetime of the tyre, the possibility of preparation for re-use, the content of recycled material or the amount of unintentionally released microplastics, inter alia.

With this in mind, a life-cycle approach should also be adopted in line with the requirements laid down in applicable European Union law and on the basis, where available, of harmonised criteria to ensure the proper functioning of the internal market.

Modulation takes the form of a bonus granted by the collective scheme to the tyre producer when the product meets the efficiency criteria, or a penalty to be paid by the producer to the collective scheme when the product fails to meet these criteria. Bonuses and penalties should be established by collective schemes, in a transparent and non-discriminatory manner, ensuring the participation of all stakeholders.

Modulation may take into account the aforementioned criteria or other similar ones which apply to replacement tyres belonging to such collective schemes and which achieve similar results. Within four years of the coming into force of this royal decree, the Ministry for Ecological Transition and the Demographic Challenge, through the Directorate-General for Environmental Quality and Assessment, will analyse the effects of the modulation adopted by the collective schemes. As a result of this analysis, by order of the Minister for Ecological Transition and the Demographic Challenge, the criteria may become binding.

4. For the purposes of facilitating the control and monitoring of the financing obligations provided for in this Royal Decree, any invoices issued by tyre producers for commercial transactions of products placed on the market under collective extended producer responsibility schemes shall identify, in a clearly differentiated manner from the rest of the items included on the invoice, the contribution made to the collective schemes and pertaining to replacement tyres. In any case, where the amount of the contribution to the extended collective scheme has not been identified, it shall be presumed, in the absence of proof to the contrary, that the relevant financial contribution for the tyres placed on the market has not been paid.

Producers shall communicate the actions and verifications carried out by both the managing bodies of collective extended producer responsibility schemes and the competent authorities to verify the quantity and typology of replacement tyres placed on the market by producers through such schemes.

The managing bodies of collective schemes shall comply with the principles of confidentiality of commercial and industrial data in relation to any information they may learn as a result of the management of the replacement tyres of the companies comprising them.

Tyre producers shall be required, in respect of the replacement tyres placed on the market through collective extended producer responsibility schemes, to keep information on the annual contribution made to the scheme for each type of tyre made available on the market for a period of five years.

5. The costs of the preparation of the business waste prevention plans by the collective schemes pursuant to Article 10 and of the associated reports shall be borne only by those tyre producers who comply with the obligation to implement these plans through these schemes.

Article 16. *Financial guarantees of extended tyre producer responsibility schemes.*

1. Extended producer responsibility schemes shall subscribe a financial guarantee and prove such subscription before the competent body in the autonomous community where the prior notification is to be submitted or where authorisation of these schemes is to be requested. This financial guarantee must be in place throughout the entire term of operation of the extended producer responsibility scheme.

2. The financial guarantee shall ensure that the extended liability schemes may be held liable on behalf of their producers for the fulfilment of the obligations arising from the exercising of their activity and for the financing of the management of the waste deriving from the tyres placed on the market by the producer, in cases of:

- a) Insolvency of one or more producers.
- b) Insolvency of the actual extended producer responsibility scheme.
- c) Non-compliance with the conditions of the communication or authorisation in order to

be able to operate.

d) Dissolution of the extended responsibility scheme without guaranteeing the financing of the management of the waste that might be its responsibility.

3. The amount of the financial guarantee for extended producer responsibility schemes shall pertain to 5% of the total annual cost for the extended producer responsibility scheme for managing end-of-life tyres. Where the increase in the amount of the financial guarantee is more than 15% of the financial guarantee formed, it shall be updated; if the increase is less than 15%, it shall be updated upon renewal of the authorisation, taking into account the provisions of paragraph a) below.

The cost of waste management shall include all the obligations for the system deriving from extended producer responsibility pursuant to the provisions of Law 7/2022 of 8 April and this royal decree.

In determining this cost, account shall be taken of the following:

a) In the case of extended responsibility schemes already in operation, the cost to be used for the calculation shall be the average value of the management costs for the last three years available with audited accounts.

b) In the case of newly formed schemes, this cost shall be the cost that the system has indicated as an estimate in the prior notification, if it is an individual scheme, or in the estimate of revenue and expenditure pursuant to annex II.2.f), if it is collective. These estimates shall be subject to review by the competent body of the Autonomous Community for the purpose of validating them or requiring their modification.

4. In the case of collective schemes, the financial guarantee must be in force at the time of the starting up of its activity and it must be lodged with the competent authority within one month of notification of the decision authorising its formation.

5. The conditions and requirements for the formation of the financial guarantee and its application shall be those determined in Royal Decree 208/2022 of 22 March on financial guarantees for waste. In the same way, the partial or total enforcement of the financial guarantee, as well as its topping up, must be carried out in accordance with the provisions of said royal decree.

TITLE III

Production, possession and management of end-of-life tyres

Article 17. *Obligations of producers and holders of end-of-life tyres.*

1. Pursuant to Article 20.1 of Law 7/2022 of 8 April, and as further developed in this Royal Decree, producers or other holders of end-of-life tyres shall ensure that they are properly managed through one of the following options:

a) Their delivery to the waste managers with whom they have agreements, without carrying out any sorting, prior sorting and sale of the waste.

b) As regards tyres that are not covered by extended producer responsibility, they must have them treated at their own expense by an authorised end-of-life tyre manager to ensure that they are managed properly and pursuant to the principle of waste hierarchy as set out in Article 8.1 of Law 7/2022 of 8 April.

c) They shall themselves carry out the treatment of all end-of-life tyres they have generated, to which end they shall comply with the obligations set out in Article 19 for end-of-life tyre managers.

2. Producers of end-of-life tyres shall provide the extended producer responsibility scheme with which they have concluded a waste tyre take-back agreement, with information on tyres placed on the market by tyre producers participating in the scheme upon request.

Article 18. *Exceptional collection of end-of-life tyres at clean points.*

The collection of end-of-life tyres carried out by public services during the exercising of their duties, such as facilities or clean points where they are temporarily stored until the time of their delivery to an authorised end-of-life tyre manager, shall be carried out under the terms and conditions set out in the respective agreements formalised between the competent regional environmental authorities or local entities and the authorised managers or extended responsibility schemes.

Said facilities shall have suitably equipped areas for the collection and storage of these end-of-life tyres, complying with those sections of Annex III that apply to them.

Article 19. *General obligations for end-of-life tyre managers.*

1. The facilities where end-of-life tyre collection and treatment operations are carried out and the natural or legal persons carrying out these operations are subject to the authorisation system provided for in Article 33 of Law 7/2022 of 8 April, being entered on the Waste Production and Management Register pursuant to the terms of Article 63 of the aforementioned law.

2. Agents, dealers and entities or companies that transport end-of-life tyres on a professional basis are subject to the prior notification system provided for in Article 35 of Law 7/2022 of 8 April. They must be registered on the Register of waste production and management under the terms provided for in Article 63 of the aforementioned law.

Pursuant to the provisions of Title III, Chapter II, Sections 1, 2 and 4 of Law 7/2022 of 8 April on the obligations of end-of-life tyre managers and the measures and objectives governing the management and transfer of said waste, and pursuant to Article 23.5.b) of the same law, end-of-life tyre managers, with the exception of transporters, shall provide a financial guarantee. The purpose of this bond is to ensure compliance with the administration of the obligations deriving from its authorisation or prior notification, as well as the carrying out of its activity. The formation and amount of this bond shall be determined pursuant to the provisions of Royal Decree 208/2022 of 22 March.

Article 20. *Treatment of end-of-life tyres.*

1. In application of the waste hierarchy provided for in Article 8 of Law 7/2022 of 8 April, and pursuant to the provisions of Article 24.4 of the same law, end-of-life tyres which can be prepared for re-use or recycling may not be earmarked for incineration, with or without energy recovery.

2. In accordance with Articles 20.1, 24.1 and 108 of Law 7/2022 of 8 April, and pursuant to Article 6.1.d) of Royal Decree 646/2020 of 7 July, which regulates the disposal of waste by landfill, the abandonment, dumping or uncontrolled disposal of end-of-life tyres is prohibited throughout national territory. The landfilling of end-of-life tyres is also prohibited, with the exception of those tyres used as protective and engineering elements at the landfills themselves.

Article 21. *Storage and transfer of end-of-life tyres.*

1. The storage of end-of-life tyres, both at the points of generation and at the collection and treatment level, shall be carried out under appropriate health and safety conditions and at facilities that meet at least the technical conditions set out in Annex III. The quantity stored shall not exceed that stipulated in the installation authorisation and, if not defined, it shall not exceed half of the authorised annual treatment capacity, being conditional on ensuring compliance with the above technical conditions.

The storage of end-of-life tyres at the premises of their producers, their managers or any other holders shall not exceed two years.

The autonomous communities may require operators of temporary storage activities for end-of-life tyres to provide reliable evidence of the receipt of such tyres and their delivery for recycling or recovery.

2. Transfers of end-of-life tyres within State territory shall be subject to the provisions of Article 31 of Law 7/2022 of 8 April and, where applicable, to Royal Decree 553/2020 of 2 June, which regulates the transfer of waste within State territory. The inflow and outflow of such tyres into and from the national territory shall be governed by the provisions of Article 32 of Law 7/2022 of 8 April.

TITLE IV
Reporting obligations

Article 22. *Reporting to public administrations.*

1. Pursuant to the provisions of Article 65.1 of Law 7/2022 of 8 April, natural or legal persons authorised to carry out the professional collection and treatment of end-of-life tyres shall send to the competent regional authority before 1 March of each year a summary report of the information contained in the chronological file of Article 64 of Law 7/2022 of 8 April, pertaining to the previous year and relating to each of the facilities where they operate, breaking down the information for each authorised treatment operation. In addition, they will have to comply with the reporting obligations of tyre producers in Articles 7 and 8.

Furthermore, managers who have carried out management and treatment operations for end-of-life tyres shall provide the extended responsibility schemes with which they have agreements, and under the terms that have been formalised, with the information required for the preparation of the respective report that these systems must draw up.

2. In order to verify the information in the annual report, the competent regional authorities may require tyre producers, managers and extended responsibility schemes to provide the necessary additional documentation, which shall be at least the following:

- a) The supporting documentation for tyre collection and treatment.
- b) Information on the achievement of planned targets for re-use, preparing for re-use and recycling.
- c) Identification documents associated with transfers of waste generated.

3. Pursuant to the provisions of Article 65.3 of Law 7/2022 of 8 April, the autonomous communities shall validate the required reports, incorporating them into the electronic Waste Information System (e-SIR) before 1 September of the year subsequent to that in which the data have been collected in order to comply with the obligations established in national, European Union and international legislation.

Article 23. *Unified sectoral reporting system on tyres and tyre waste management.*

In order to provide maximum transparency as regards reporting relating to the placing on the market of replacement tyres and the management of their waste, as well as to make available to the various economic agents involved in the different processes of such management, the overall updated information on the results obtained in the treatment of such waste, the Directorate-General for Environmental Quality and Assessment will draw up an annual report. The latter will be published at the website of the Ministry for Ecological Transition and the Demographic Challenge, compiling the various items of information publicly available which may be of interest for a better understanding of the state of this waste stream.

Article 24. *Information to consumers, users, the general public, non-governmental organisations and others.*

1. The competent public administrations shall take the necessary measures to ensure that consumers and users, the general public and non-governmental organisations whose purpose is to defend the environment and sustainable development receive the necessary information about:

- a) Existing extended producer responsibility schemes and the organisational model for the management of end-of-life tyres.
- b) The contribution to the achievement of the objectives of reduction, reuse, recycling and recovery in its area of competence.

2. In application of the provisions of the previous section and pursuant to the provisions of Article 47 of Law 7/2022 of 8 April, the individual and collective extended responsibility schemes must make available to the public through their internet portals annually updated information on the achievement of the management objectives referred to in Article 5, as well as the audits provided for in Article 13.1.h) in relation to financial management and data quality. In addition, collective schemes must make available to the public the information referred to in Article 47.2 of Law 7/2022 of 8 April.

3. Extended responsibility schemes shall promote information, awareness-raising and social awareness campaigns on the prohibition of the abandonment of tyres and on the importance of proper end-of-life tyre management for the environment, public health and the sustainability of the management system of this waste stream, so as to contribute to increasing the efficiency of tyre management with a view to facilitating the achievement of the objectives referred to in Article 5.

4. The invoice for the sale of replacement tyres to the consumer or end user shall include

the registration number of the tyre producer on the Register of Product Producers. Its price shall specify the impact of the cost of the environmental management of the waste to which the tyre will give rise when it becomes a tyre at the end of its useful life. This information shall also appear on all invoices issued in connection with the placing on the market to the final consumer or user.

5. Traders of second-hand tyres shall provide the consumer or the tyre fitter, at the time of sale and whenever applicable to the type of tyre, with a copy of the tyre inspection and verification document, as referred to in UNE 69051:2017-"Tyres, rims and valves. Tyre use cycle. Second-hand tyres", in its most up-to-date version. Under this document, the waste manager authorised for the preparation for re-use of end-of-life tyres certifies, under his responsibility, that the tyre has passed the checks determined and meets the conditions to be considered as a second-hand tyre. This document, which may be included in the corresponding invoice, shall preferably be provided in electronic format when the customers are natural persons, and in any case in the case of legal persons. QR or similar media containing the required information may also be valid for natural or legal persons.

6. The public administrations and interested associations shall encourage the incorporation of waste producers and managers on the Voluntary Code of Good Practice for the Management of End-of-Life Tyres. This is geared towards promoting more balanced and fairer relations between all operators involved in this waste stream and contributing to the use of best practices in the development of these relations, respecting the provisions of Law 15/2007 of 3 July, and Law 3/1991 of 10 January on Unfair Competition.

TITLE V

Control, inspection and sanctioning regime

Article 25. Control, monitoring and supervision by public administrations.

1. As regards the registration and reporting obligations in the tyre section of the Register of Product Producers regulated in Articles 7 and 8, the Ministry for Ecological Transition and the Demographic Challenge shall exercise surveillance and inspection duties. It shall also have the power to impose penalties by virtue of the provisions of Article 12.3.g) of Law 7/2022 of 8 April.

2. Without prejudice to the competence of other authorities, the supervisory duties as regards compliance with the obligations of the extended producer responsibility scheme shall be carried out by the competent regional authorities pursuant to the criteria established by the end-of-life tyres working group of the Waste Coordination Commission. In carrying out this supervision, other authorities of the autonomous communities and the General State Administration, which may not be part of the aforementioned Waste Coordination Committee, may collaborate, especially when this work affects non-environmental matters.

The competent authorities may request such additional information as they deem necessary to carry out their control and monitoring of compliance with the obligations of the extended producer responsibility scheme.

3. Compliance with the obligations of the product producer may be subject to verification by customs and tax authorities for the purpose of fraud control, paying particular attention to the participation of the importer who has tyre producer status and who belongs to an extended tyre producer responsibility scheme whereunder he fulfils his obligations as a product producer.

Article 26. Inspection and control.

1. The competent public administrations, including the Security Forces and Bodies, when responsible for control, surveillance and inspection tasks, shall carry out the appropriate controls and inspections to verify the proper application of this royal decree by the inspected entity.

For this purpose, the authorities provided for in Royal Decree 330/2008 of 29 February 2008, adopting measures to control the importation of certain products with regard to the applicable product safety standards, are designated to supervise and verify, prior to the importation of tyres, the correct fulfilment of registration obligations and the provision of the annual information indicated in Annex I.2 of this provision, by the producers, importers or authorised representative; in the event of non-compliance, importing will not be permitted.

Products which fail to correspond in nature to the goods declared may also be declared as non-compliant. The results of the checks carried out prior to import shall be forwarded to the competent market surveillance authorities and to the ministerial departments concerned.

2. Without prejudice to the provisions of Article 106 of Law 7/2022 of 8 April, such inspections shall include, at least:

a) The obligation to register and the information communicated pursuant to Articles 7 and 8, as well as the verification of the inclusion on the invoice of the tyre producer's registration number on the Register of Product Producers and of the contributions to the extended producer responsibility schemes referred to in Article 24.4.

b) Verification that the ATFs comply with the provisions of Article 3.2 regarding the correct management of re-used tyres from vehicles at the end of their working life.

c) The technical conditions of end-of-life tyre storage facilities as specified in annex III.

d) Operations at treatment facilities pursuant to Law 7/2022 of 8 April.

e) The information supplied by the managers and by the extended producer responsibility schemes as provided for in this royal decree, including those aspects related with financing.

f) Waste transfers, and in particular exports of waste out of the European Union pursuant to Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006.

3. The competent authority may check at any time that the extended producer responsibility schemes comply with the provisions included in the prior communication submitted or with the conditions of the authorisation granted, pursuant to the provisions of this Royal Decree.

4. The competent authorities shall be responsible for the monitoring and control of the activities of operators within their territory as set out in Article 21 of Law 20/2013, of 9 December, on guaranteeing market unity.

Article 27. Sanctioning regime.

The sanctioning regimes of Law 7/2022 of 8 April; Law 21/1992 of 16 July on Industry; and the revised text of the General Law for the Defence of Consumers and Users and other complementary laws, approved by Royal Legislative Decree 1/2007, of 16 November, are applicable to this Royal Decree.

Sole additional provision. Promoting the use of tyres and materials from end-of-life tyre recovery operations.

Pursuant to Article 16 of Law 7/2022 of 8 April, public administrations, within the framework of their competences, especially in the area of public procurement, shall promote, whenever technically feasible, the use of retreaded tyres in fleets of vehicles owned by the public sector or which directly or indirectly provide a public service.

In the same vein, the competent public administrations shall promote the use of granulated rubber and rubber powder that complies with the provisions of Order TED/1522/2021 of 29 December establishing the criteria for determining when granulated rubber and rubber powder, obtained from the treatment of end-of-life tyres and intended for certain applications, cease to be waste pursuant to Law 22/2011 of 28 July on waste and contaminated soils, amending Orders TED/426/2020 of 8 May, APM/205/2018 of 22 February and APM/206/2018 of 22 February, which, respectively, establish the criteria for determining when recovered paper and cardboard intended for the manufacture of paper and cardboard, processed waste oil from the treatment of waste oils for use as fuel and recovered fuel oil from the treatment of MARPOL type C waste for use as fuel in ships, cease to be waste pursuant to Law 22/2011 of 28 July on waste and contaminated soils.

First transitional provision. Adaptation to the new extended producer responsibility scheme.

1. Tyre producers shall set up or adapt existing integrated management systems to the provisions of this Royal Decree within one year of its coming into force. To this end, within six months of the coming into force of this Royal Decree, producers shall submit to the competent authority the prior notification referred to in Article 11.1, or the application for authorisation referred to in Article 12.2.

2. During the process of granting the new authorisation, the current authorisation of the

existing integrated management systems shall be taken to have been extended pursuant to the provisions of Royal Decree 1619/2005 of 30 December, on the management of end-of-life tyres.

Second transitional provision. *Adaptation of business waste prevention plans.*

1. Producers who are required to draw up a waste prevention business plan pursuant to Article 10 shall have a maximum period of nine months as from the coming into force of this Royal Decree in which to do so.

2. The plans approved pursuant to the provisions of Royal Decree 1619/2005, of 30 December, and which are in application upon the coming into force of this Royal Decree, shall continue to be applicable until the new plans are drawn up pursuant to the previous section.

Sole repealing provision. *Repeal of existing legislation.*

All provisions that oppose, contradict or are incompatible with the provisions of this Royal Decree, and in particular Royal Decree 1619/2005 of 30 December, are hereby repealed.

First final provision. *Jurisdictional authority.*

This royal decree is considered basic legislation and is issued under the provisions of Article 149.1. 13 and 23 of the Spanish Constitution, which grant the State exclusive powers over the bases and coordination of the general planning of the economic activity, as well as over basic legislation on environmental protection, without prejudice to the powers of the autonomous communities to establish additional protection regulations, respectively.

Second final provision. *Regulatory development authority.*

1. The heads of the Ministry for Ecological Transition and the Demographic Challenge and Industry and Tourism are authorised to issue, within the scope of his or her respective powers, such provisions as may prove necessary for the application and implementation of this royal decree.

2. The head of the Ministry for Ecological Transition and the Demographic Challenge is empowered, under the same terms as in the previous section, to introduce as many technical modifications to the annexes as may be necessary to keep them adapted to any technical innovations that may appear and especially to the provisions of European Union regulations.

Third final provision. *Coming into force.*

This royal decree shall come into force on the day following its publication in the “Boletín Oficial del Estado (Official State Gazette)”.

In Madrid, on 26 August 2025.

FELIPE, THE KING.

The Minister of the Department of Parliamentary Affairs and
Government Office, FÉLIX BOLAÑOS GARCÍA

ANNEX I
Registration and annual reporting to the Register of Product Producers as regards tyres

1. Information on Registration with the Register of Product Producers:

Tyre producers shall be obliged to provide the following information at the time of registration and to keep it updated at all times:

a) Name and address of the producer or its authorised representative, including postcode, town, street and number, country, telephone number, fax number, e-mail address and contact person. In the case of an authorised representative, contact details of the manufacturer being represented shall also be provided.

b) European tax identification number or national tax identification number. In addition, in the case of managers who have one, the environmental identification number (NIMA) and the registration number on the Waste Production and Management Register.

c) Declaration of the extended tyre producer responsibility scheme in which they participate and through which they meet their obligations as product producers, attaching a certificate of membership of an individual or collective scheme.

d) Statement of truthfulness of the information provided.

2. Annual information to be provided by producers on replacement tyres placed for the first time on the national market:

a) Total number of units and total weight of:

1.º New tyres manufactured in Spain and new tyres from intra-Community acquisition or from imports from third countries, itemising separately the quantities of each of these different sources (manufactured in Spain, from intra-Community sources or from imports from third countries).

2.º Tyres prepared for re-use as second-hand tyres from intra-Community acquisition or from imports from third countries, itemising separately the quantities of each of these different sources (manufactured in Spain, from intra-Community sources or from imports from third countries).

3.º Tyres that are prepared for reuse in the ATF itself and marketed as second-hand tyres, when the centre cannot guarantee and justify through its annual report the correct treatment by an authorised manager of the end-of-life tyres generated from the assembly of said tyres marketed by the ATF, pursuant to Articles 7.5 and 11.2 of Royal Decree 265/2021 of 13 April.

4.º Retreaded tyres on imported carcasses, manufactured in Spain, and retreaded tyres from intra-Community acquisition or from imports from third countries, itemising separately the quantities of each of these different sources (manufactured in Spain, from intra-Community sources or from imports from third countries).

b) The aforementioned information shall be provided differentiated by tyre category into the following types:

A. Motorbike, Scooter and Moped.

B. Vehicle.

C. Truck, 4x4, Off-Road and SUV.

D. Truck and Bus.

E. Handling, Solid Façade, Quad, Kart, Gardening and others (except agricultural, public works and industrial).

F. Agricultural.

G. Public and Industrial Works.

c) In order to facilitate the adequate provision of annual information to producers, the Directorate-General for Environmental Quality and Assessment of the Ministry for Ecological Transition and the Demographic Challenge may establish a list of the measures covered by each category of tyre and the codes used to identify them in commercial transactions.

ANNEX II

Minimum content of the prior notification and of the application for authorisation for extended responsibility

1. Minimum content of the prior notification of individual extended responsibility schemes:

a) Identification details of the producer: registered office and tax identification number. Indication whether it is a manufacturer, importer or intra-Community acquirer.

b) Territorial scope.

c) The average weight and number, by category, of tyres placed annually on the national market and their distribution by autonomous community, referring to the average for the last three years.

d) Description of the waste management organisation system, including collection points, and an estimate of the average annual weight, for the last three years, of end-of-life tyres to be collected per Autonomous Community, generated by tyres that were placed on the market by it, identified by EWL code 16 01 03, as well as the percentages of preparation for re-use, recycling or other forms of recovery that it expects to achieve.

e) Identification of the waste managers with whom cooperation is envisaged, with an indication of the management operations they carry out and their registration code on the Waste Production and Management Register.

f) Certificate of formation of the bond determined.

- g) Copy of the contracts signed and agreements entered into for the management of waste.
- h) Manner of financing the activities to be carried out.
- i) Procedure for the collection of data, by Autonomous Community and at national level, as regards tyres placed on the market and the end-of-life tyres collected, and the provision of the information to public administrations.

2. Minimum content of the application for authorisation of collective extended responsibility schemes:

a) Identification of the legal form, registered office of the system, description of its functioning (with reference to its internal rules of operation and decision-making process), description of the products and waste on which it acts, as well as the territorial scope of action, identification of members, criteria for the incorporation of new tyre producers and description of the conditions for their incorporation.

b) Description of the measures foreseen for compliance with the obligations arising from the extended tyre producer responsibility, in accordance with the provisions of this royal decree.

c) In the case of organised management, it shall contain information and justification of the system of organisation of this management (collection points, identification of the managers, indicating the management operations carried out, inter alia).

d) Identification, where applicable, of the management company, as well as the legal relationships and links established between this company and the collective extended responsibility scheme and its constituent elements.

e) Legal relationships and links or agreements entered into with the entities or undertakings with which they agree or contract for the management of waste in compliance with the obligations attributed to them or with other economic operators.

f) Description of the financing of the system, indicating the average value of revenues and management costs for the last three years available or, failing this, an estimate of said revenues and costs. Description of the methods for calculating and assessing the amount of the fee payable by producers to cover the full cost of fulfilling the obligations assumed by the system, ensuring that it will serve to finance the management envisaged, indicating how the financial contributions will be modulated according to categories and types of tyres. Furthermore, the form of collection and the conditions and arrangements for revision of the fees in line with the evolution of the fulfilment of the obligations undertaken shall be specified.

g) Average number and weight, by category, of tyres placed on the national market by all producers adhering to the system and by Autonomous Community, referring to the average for the last three years.

h) Estimate of the average annual weight, referring to the average for the last three years, of end-of-life tyres to be collected by Autonomous Community, generated by tyres that were placed on the market by all producers adhering to the system, identified by EWL code 16 01 03.

i) Planned rates of preparation for re-use, recycling and recovery with their respective mechanisms for monitoring, control and verification of the degree of compliance.

j) Procedure for the collection of data, by Autonomous Community, on tyres placed on the market and end-of-life tyres collected, prepared for re-use, recycled and recovered, and the provision of information to public administrations.

ANNEX III

Technical conditions of end-of-life tyre storage facilities

End-of-life tyre storage facilities shall at least comply with the following technical requirements and conditions:

1. Location:

The facility shall be located at an adequate distance from forested or cultivated areas or other industrial facilities in such a way as to provide sufficient safety with regard to the spread of fire, pursuant to the provisions of Royal Decree 513/2017 of 22 May, approving the Regulation on fire protection installations.

2. Terms of admission:

- a) Only end-of-life tyres that are not mixed with other waste or materials may be stored.
- b) Tyres may be stored whole, in chunks, in granules, or in powder form.

3. Storage conditions:

Storage conditions shall comply, insofar as applicable, with the provisions of Royal Decree 2267/2004, of 3 December, which approves the fire safety regulations for industrial establishments, and other applicable regulations. In addition, storage shall be carried out taking into account the following conditions:

a) The facility shall have restricted access and shall thus have a perimeter fence or enclosure with a minimum height of two metres. The dedicated storage area shall be isolated from other parts of the installation, if any.

End-of-life tyres at generation points, awaiting collection, shall be stored at a place protected from rain and theft.

b) The installation shall be equipped with suitable accesses to allow the circulation of heavy vehicles.

c) It shall be protected from unfavourable external influences in such a way as to prevent the dispersal of tyres in whatever form they are stored, i.e. whole, in chunks or reduced to granules or powder. Preventive measures shall be taken against the nesting of insects or rodents.

d) It shall be divided into transitable streets or lanes of sufficient width to allow movement and action from them and to isolate areas where incidents or accidents may occur.

e) The ground of the storage area, accesses and roads shall, as a minimum, be properly compacted and conditioned to perform its specific function under proper safety conditions and it shall be equipped with a surface water collection system. Their construction conditions shall comply with the provisions of the standards and technical specifications in force in the field of construction.

f) The maximum stacking height for whole tyres shall be three metres when stored in free-standing piles and six metres for whole or cut tyres when stored in silos, chunks or horizontal silos. They shall be arranged in a safe manner so as to avoid as far as possible damage to people or to the facility and its equipment owing to their detachment. Stockpiles in random piles where tyres have been dumped with little storage effort and without respecting safety requirements and dimensions shall be avoided.

g) The specific storage area for whole tyres shall be compartmentalised into separate cells or modules with a maximum capacity of one thousand cubic metres each to prevent the spread of fire in the event of fire and with internal lanes to allow access to mechanical and extinguishing equipment.

h) The treatment operator of the facility is responsible for the risks induced by the management activity, which shall at least include fire and vandalism.

i) The facility as a whole shall have the respective fire risk prevention measures pursuant to current fire protection regulations, as well as safety, self-protection and internal emergency plan measures for risk prevention, alarm, evacuation and rescue.

ANNEX IV

Content of annual report of extended producer responsibility schemes

The annual report of extended producer responsibility schemes shall contain the following information

a) Identification of the producer or producers forming part of the extended responsibility scheme and other economic operators participating in the scheme. As well as the identification and location of treatment and recycling facilities where the management and treatment of end-of-life tyres collected in each Autonomous Community is carried out.

b) Description of the management activities organised or carried out by the responsibility scheme and the means used for this purpose; indicating the existence, characteristics, conditions and scope of the agreements entered into by the system with the authorised waste managers carrying out the management of the waste corresponding to the Autonomous Community. The quantities of waste treated and the products obtained from the management thereof shall be detailed for each manager.

c) Aggregated quantities, broken down by class, both in terms of weight and number of units, of tyres placed for the first time on the replacement market by all its participants, and of tyres which, having been prepared for re-use, have returned to the national replacement market during the year, distinguishing, where possible, between retreaded tyres and second-hand tyres.

d) Quantities, by weight, of end-of-life tyres collected, of tyres actually managed under the extended responsibility scheme and of tyres in stock awaiting management. Distribution, according to type, of the points where tyre collections have been carried out.

e) Compliance with collection obligations, determined by the management rate of the extended responsibility scheme during the previous year. This is determined as the ratio between the quantity of end-of-life tyres collected and the quantity of replacement tyres placed on the market by producers participating in the scheme.

f) The outcome of the treatment and management of the end-of-life tyres collected: indicating the quantities of tyres submitted for preparation for re-use, differentiating, where possible, between the quantities for retreaded and second hand tyres; the quantities of end-of-life tyres intended for recycling, indicating the quantities obtained from rubber, steel and textile fibre; the quantities intended for civil works or other forms of material recovery; and the quantities of end-of-life tyres for energy recovery. It shall also include the information available on the quantities of rubber granulate and rubber powder produced that have acquired end-of-waste status, differentiated according to the four applications foreseen in Order TED/1522/2021 of 29 December.

g) The degree of compliance with the objectives for preparing for re-use, recycling and energy recovery referred to in Article 5.

h) The list of revenues and expenditure, both mandatory and voluntary, incurred in connection with the operation of the system and the performance of the treatment and management tasks for end-of-life tyres.

i) Results of self-monitoring systems put into place pursuant to Article 13.1.h).

j) Revenue and expenditure forecasts for the year following the reported period.

k) Summary of the main actions carried out during the year to put the waste prevention plan into place.

This document is for information purposes only and it has no legal value.