

Reading translation of Decree governing the timing and methods of implementation of the obligation to manage end-of-life tyres, pursuant to article 228, paragraph 2, of the legislative decree of 3 April 2006, no. 152.

(*“Decreto 19 novembre 2019, n. 182 - Regolamento recante la disciplina dei tempi e delle modalità attuative dell'obbligo di gestione degli pneumatici fuori uso, ai sensi dell'articolo 228, comma 2, del decreto legislativo 3 aprile 2006, n. 152.”*)

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THE MINISTER OF THE ENVIRONMENT AND PROTECTION OF LAND AND SEA

Having regard to article 17 (3) of law no. 400 of 23 August 1988;

Having regard to article 228, paragraph 2, of the legislative decree of 3 April 2006, no. 152, according to which "by decree of the Minister of the Environment and Territorial Protection, in agreement with the Permanent Conference for the relations between the State, the Regions and the Provinces of Trento and Bolzano, to be issued within one hundred and twenty days from the date of entry into force of the fourth part of the present decree, the timing and methods for implementing the obligation set out in paragraph 1 shall be regulated";

Having regard to the legislative decree of 24 June 2003, no. 209, containing regulations for the implementation of directive 2000/53/CE relative to end-of-life vehicles;

Having regard to the decree of the Minister of the Environment and Protection of Land and Sea of 11 April 2011, no. 82 "Regulations for the management of end-of-life tyres (ELTs), pursuant to article 228 of legislative decree no. 152 of 3 April 2006, and subsequent amendments and integrations, containing provisions on environmental matters", published in the Official Gazette - General Series - no. 131 of 8 June 2011;

Having regard to the decree of the Minister of the Environment and Protection of Land and Sea of 20 January 2012 on "Technical parameters for the management of end-of-life tyres" published in the Official Gazette no. 26 of 1 February 2012;

Having obtained the agreement of the Permanent Conference for relations between the State, the Regions and the autonomous provinces of Trento and Bolzano at its meeting of 8 March 2018;

Having regard to the opinion of the *Consiglio di Stato* delivered by the advisory section for regulatory acts at its meetings of 24 May 2018 and 7 March 2019;

Having regard to the communication to the President of the Council of Ministers, made by note prot. no. 11876 of 17 May 2019, pursuant to law no. 400 of 23 August 1988;

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

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ADOPTS

the following decree (*regolamento*):

Chapter I

GENERAL PROVISIONS

Article 1. Subject matter, scope and exclusions

1. Pursuant to and for the purposes of article 228 of Legislative Decree no. 152 of 3 April 2006, this decree regulates the timing and methods for implementing the obligation of tyre producers or importers to manage, individually or in an associated form, quantities of end-of-life tyres (ELTs) equal to the quantities of tyres placed by them on the market and intended for sale in the national territory.
2. The provisions of Chapter II of this decree apply to producers and importers who place tyres on the replacement market, as defined in article 2(1)(e). The provisions of Chapter III apply to tyres fitted on vehicles falling within the scope of Legislative Decree no. 209 of 24 June 2003 or of article 231 of legislative decree no. 152 of 3 April 2006.
3. The following are excluded from the scope of this decree:
 - a. bicycle tyres;
 - b. inner tubes, their protectors (flaps) and rubber seals;
 - c. tyres for aeroplanes and aircrafts in general.

Article 2. Definitions

1. For the purposes of this decree, the definitions set out in article 183 of Legislative Decree no. 152 of 3 April 2006 shall apply, as well as the following:
 - a. tyres: components of vehicles' wheels consisting of an elastic rubber envelope, reinforced by canvas, wire mesh or other materials, intended to contain pressurised fluids or inner tubes;
 - b. end-of-life tyres (ELTs): tyres which have been removed from their use at any point in their life and which the holder discards, intends to discard or is required to discard, and which are not retreaded or subsequently reused;
 - c. placed on the market: the quantity of tyres introduced onto the national territory by way of production or importation, for the purpose of sale by any means, including distance communication also via telematics;
 - d. market: the market, referred to the national territory, including the replacement market and the original equipment market;
 - e. replacement market: the market in which new, used and retreaded tyres, other than those referred to in point (f), are sold for fitment to vehicles;

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- f. original equipment market: the market where tyres intended to be fitted on new vehicles or fitted on imported vehicles are sold to vehicle producers;
- g. tyre producer or importer: any natural or legal person who produces or imports tyres and places them on the market for sale;
- h. new producer or importer: a producer or importer of tyres that commences operations in the calendar year in which the environmental fee is determined and applied for the first time;
- i. ELT generator: the natural or legal person who, in the exercise of his entrepreneurial activity, generates ELTs;
- l. vehicles: means of transport, both with and without engines, that require tyres to move or control movement, including those operating on private land;
- m. authorised representative: the natural person, domiciled in the national territory, or the legal person, established in the national territory, to whom the tyre producer or importer, including new producers or importers, not having a registered office in Italy, gives a mandate with representation for the fulfilment of the obligations set forth in article 228 of Legislative Decree no. 152 of 3 April 2006.

Chapter II

PROVISIONS RELATING TO THE REPLACEMENT-MARKET

Article 3. Obligations of producers and importers

1. Tyre producers and importers comply with the obligation to undertake the management of ELTs, in accordance with the combined provisions of articles 183, paragraph 1, letter n) and 228, paragraph 1, of Legislative Decree no. 152 of 3 April 2006, either individually or in associated form, using exclusively the resources deriving from the environmental fee referred to in article 6. For the purposes of this decree, a quantity of new tyres equal in weight to one hundred is equivalent to a quantity of ELTs equal in weight to ninety-five.
2. In the case of tyre producers or importers not having their registered office in Italy, the fulfilment of the obligation set forth in paragraph 1 shall be of the responsibility of the authorised representative, who shall be jointly and severally liable with the former for the fulfilment of the aforementioned obligation.
3. The environmental fee referred to in article 6 shall be used exclusively for the purpose of fulfilling the aforementioned management obligation and shall be used in the same year in which it is collected, without prejudice to the provisions of articles 4, paragraph 12, and 5, paragraph 8.
4. Tyre producers and importers are required to manage, in the calendar year, quantities by weight of ELTs, of any brand, equal to the quantities by weight of tyres, classified according to the categories set forth in Annex I, that they have placed on the replacement market in the previous calendar year, less the share of used tyres sold abroad for reuse or retreading, calculated on the basis of ISTAT data and in proportion to their respective shares of placing on the replacement market. New producers and importers of tyres are required to manage, in the calendar year in which they commence their

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activities, quantities by weight of ELTs, of any brand, equal to the quantities by weight of tyres, classified according to the categories set forth in Annex I, that they have placed on the replacement market in the same calendar year of activity.

5. For the purpose of reaching the management target set forth in paragraph 4, the ELTs collected and undergone to treatment in the relevant calendar year are calculated. In the event that there are quantities of ELTs that have been collected but not undergone to treatment, even if they have been put into storage of waste in order to undergo one of the treatment operations, the management target shall in any case be considered to have been achieved if they undergo to treatment by 30 April of the following year.
6. Producers and importers shall manage ELTs regularly and continuously throughout the entire calendar year. Producers and importers are obliged to respond to the requests received for collection of ELTs using the order in which such request have been made by the ELT generators, without prejudice, however, to the right to organise the management of ELTs in a manner that guarantees its efficiency, effectiveness, cost-effectiveness and transparency.
7. Producers and importers may fulfil their obligations either directly or indirectly by means of appointments through contracts concluded in writing for specific and limited fields of activity. The information, communication and reporting obligations referred to in this article may not be delegated in any way. The activity of the appointees is carried out under the direction and responsibility of the producers and importers, who shall communicate to the Ministry for the Environment and the Protection of Land and Sea, within thirty days from the appointment, the personal details of the appointees in accordance with the form set out in Annex II, by entering them in the register referred to in article 7. The appointment cannot have a duration shorter than the remaining period of ELTs management for the reference year. The revocation of the appointment shall be communicated to the Ministry for the Environment and Protection of Land and Sea at the same time as the potential appointment of a new appointee.
8. By 31 January of each year, each producer or importer, excluding new producers or importers, is required to provide the Ministry for the Environment and Protection of Land and Sea using the form set out in Annex III, to be entered in the register referred to in article 7, with all the information therein required.
9. By 31 May of each year, each producer or importer is required to provide the Ministry for the Environment and Protection of Land and Sea, using the form set out in Annex IV, to be entered in the register referred to in article 7, with all the information therein required..
10. New producers and importers shall, at the same time as starting their activity, send to the Ministry for the Environment and Protection of Land and Sea a declaration containing the estimated quantities of tyres that will be placed on the replacement market during the first calendar year of activity, using the form set out in Annex IV, to be entered in the register referred to in article 7.
11. Producers and importers shall send to the Ministry for the Environment and Protection of Land and Sea a copy of the financial statements by 31 May of each year, accompanied by a report on the achievement of the planned objectives, in which the patrimonial, economic and financial components relating to the environmental fee and its use for the specific purposes for which it is

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intended are clearly and separately shown, or, if they are not required to draw up the financial statements, accounting documents which must show the specific uses of the environmental fee as well as any operating surplus achieved.

12. Producers and importers shall provide for the use of computerised management and control tools through which the quantitative flows of ELTs can be traced from their origin and collection until complete recovery.

Article 4. Associated forms of management

1. Tyre producers and importers who intend to fulfil the obligation set forth in article 228, paragraph 1, of legislative decree no. 152 of 3 April 2006 in an associated form, shall set up one or more consortia or consortium companies (hereinafter: associated forms of management), which shall comply with the principles set forth in article 237 of legislative decree no. 152 of 3 April 2006, or shall join them. In the event of joining an existing associated form of management, the individual producer or importer shall notify the Ministry for the Environment and the Protection of Land and Sea, using the form set out in Annex II, to be entered in the register referred to in article 7.
2. The associated forms of management referred to in paragraph 1 are obliged to fulfil the obligation of ELTs management referred to in paragraph 1 of article 228 of Legislative Decree no. 152 of 3 April 2006, on the entire national territory, guaranteeing the achievement of the management objectives according to the parameters set out in Annex V.
3. The associated forms of management referred to in paragraph 1 have legal personality under private law with mutual aim and adapt their statute to the principles contained in this decree.
4. Only tyre producers and importers subject to the obligation set out in article 228 (1) of legislative decree no. 152 of 3 April 2006, or their authorised representatives as per article 2 (1) (m), may take part in the associated forms of management referred to in paragraph 1.
5. Within thirty days from its incorporation, the legal representative of the associated form of management referred to in paragraph 1 shall inform the Ministry for the Environment and Protection of Land and Sea, providing it with a list of consortium members, and at the same time transmitting the deed of incorporation and the statute. Any change in the corporate structure and in the relative quantities of tyres placed on the replacement market shall be communicated to the Ministry for the Environment and Protection of Land and Sea.
6. A descriptive project shall be attached to the communication under paragraph 5, suitable to demonstrate that the system is organised according to criteria of efficiency, effectiveness, economy and transparency and is effectively able to fulfil the obligation to ensure management throughout the entire national territory, guaranteeing the achievement of the collection targets according to the parameters set out in Annex V; the project shall contain the elements set out in Annex VI. The Ministry for the Environment and Protection of Land and Sea has the right to request updates on the progress of the activities indicated in the project.
7. The Ministry for the Environment and Protection of Land and Sea shall approve, by its own decree, the project as per paragraph 6, together with the deed of incorporation and the statute sent as per paragraph 5. The approval of the project, the deed of incorporation and the statute is a condition for the carrying out of the management activity by the requesting associated form of management,

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without prejudice to the management obligation referred to in article 228 of decree no. 152 of 3 April 2006, for the individual tyre producers and importers.

8. Any variation of the statute or of the contents of the project as per paragraph 6 shall be communicated, within thirty days, to the Ministry for the Environment and Protection of Land and Sea, for the purpose of approval, it being understood that the Ministry for the Environment and Protection of Land and Sea has the right to request updates on the performance of the activities indicated in the project.
9. Following the communication mentioned in paragraph 8, if it emerges that the changes made do not comply with the approved project and with the requirements mentioned in paragraph 6, the Ministry for the Environment and Protection of Land and Sea shall order the legal representative of the associated form of management to bring the management system into line with the aforesaid requirements and with the indications given by him within thirty days. Failure to comply with the notice referred to in the preceding sentence shall prevent the associated form of management from continuing its activity, without prejudice to the management obligation referred to in Article 228 of Decree no. 152 of 3 April 2006, for the individual tyre producers and importers.
10. The associated forms of management take care of all ELTs management activities, including communication and reporting obligations, as well as the other fulfilments provided for by article 3, paragraphs 8, 9 and 10, by entering them in the register mentioned in article 7. By 31 May of each year, by means of the form set out in Annex VII, to be included in the register referred to in article 7, they declare the quantities of ELTs collected from the generating points in the previous calendar year, for each area indicated in Annex V, as well as the relevant percentage of achievement of the collection target.
11. Member producers and importers communicate to respective associated forms of management the data referred to in article 3, paragraph 8, transfer the environmental fee referred to in article 228, paragraph 2, of Legislative Decree no. 152 of 3 April 2006, on a monthly basis, and make any potential adjustments by 31 May of each year. The transfer of the environmental fee to the associated form of management constitutes, for the tyre producer and the importer, the fulfilment of the management obligations charged to him and is communicated by entering it in the register referred to in article 7, without any delay, to the Ministry for the Environment and Protection of Land and Sea, together with a copy of the documentation relating to the payments made.
12. It is forbidden to distribute to the members of the associated form of management operating surpluses deriving from the environmental fee, even if they are denominated differently according to the collective legal form chosen. The operating surplus deriving from the environmental fee shall be used, in the two following financial years, for the reduction of the environmental fee or for the management of ELTs, even if they have been the subject of a specific programme agreement, memorandum of understanding or agreement, however named.
13. The associated forms of management shall have a website where the statute and the main data and information subject to reporting to the Ministry for the Environment and Protection of Land and Sea can be found, such as the report on the achievement of the programmed objectives referred to in article 3, paragraph 11, the activities and purposes of the research and development projects and

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their results, as well as information on the value of the environmental fee applied for the different types of tyres placed on the market, and the organisation chart with the definition of roles and responsibilities. Any environmental and quality certification systems adopted are also indicated.

Article 5. Individual management systems

1. Tyre producers and importers who comply or intend to comply with the obligation set forth in article 228 of Legislative Decree no. 152 of 3 April 2006, on an individual basis, shall communicate such management choice to the Ministry for the Environment and Protection of Land and Sea, by means of the form set forth in Annex II, to be entered in the register referred to in article 7.
2. Producers or importers who place on the replacement market quantities of tyres amounting to at least 200 tonnes per year are obliged to fulfil the obligation of ELTs management set forth in paragraph 1 of article 228 of Legislative Decree no. 152 of 3 April 2006, on the entire national territory, guaranteeing the achievement of the management targets according to the parameters set forth in Annex V.
3. Producers or importers who place on the replacement market quantities of tyres lower than those set out in paragraph 2 shall demonstrate, by means of appropriate documentation, that the individual management system is organised in accordance with criteria of efficiency, effectiveness, cost-effectiveness and transparency, as well as that the system itself is effectively and independently functioning and is able to achieve, within the scope of the activities carried out, the objectives set by this decree.
4. The producers and importers referred to in paragraph 2 shall enclose with the communication referred to in paragraph 1 a descriptive project suitable for demonstrating that the system is organised according to criteria of efficiency, effectiveness, cost-effectiveness and transparency and that it is effectively capable of operating throughout the entire national territory. The project must contain the elements listed in Annex VI. The Ministry for the Environment and Protection of Land and Sea has the right to request updates on the progress of the activities indicated in the project.
5. The producers and importers referred to in paragraph 2 shall declare by 31 May of each year, using the form set out in Annex VII, to be entered in the Register referred to in article 7, the quantities of ELTs collected from the generation points in the previous calendar year, for each area indicated in Annex V, as well as the relative percentage of achievement of the collection target.
6. The activity of individual management can be started from the date when the communication mentioned in paragraph 1 is sent. The Ministry for the Environment and Protection of Land and Sea, in case of ascertained lack of the requirements mentioned in this article, shall give notice to conform its system within a term of not less than thirty days. Failure to comply with the formal notice referred to in the previous sentence shall prevent the applicant from continuing the activity, without prejudice to the management obligation referred to in article 228 of Decree no. 152 of 3 April 2006.
7. Failure to comply with the requests referred to in paragraph 6 constitutes a breach of the obligation to manage ELTs, also in accordance with paragraph 4 of article 228 of Legislative Decree no. 152 of 3 April 2006.
8. The operating surplus, even if denominated differently, deriving from the environmental fee shall be used, in the two following financial years, for the reduction of the environmental fee or for the

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management of ELTs, even if they have been the subject of a specific programme agreement, memorandum of understanding or agreement, however named.

Article 6. Environmental fee for the management of ELTs originating from the replacement market

1. The environmental fee referred to in article 228, paragraph 2, of Legislative Decree no. 152 of 3 April 2006 shall be determined in such a way as to ensure complete and exclusive coverage of the costs of managing ELTs as set out in Annex VIII, Table 3, net of revenues or fees, however denominated, received in connection with such management. The environmental fee is differentiated for the different types of tyres, as identified in Annex I.
2. By 31 October of each year, tyre producers and importers, as well as their associated forms of management, shall communicate, using the form set out in Annex VIII, to be entered in the register referred to in article 7, the environmental fee to the Ministry for the Environment and Protection of Land and Sea which, if necessary, requests additions and clarifications. In case of re-determination of the environmental fee according to article 228, paragraph 3-bis, tyre producers and importers, or their associated forms, shall give reasoned notice to the Ministry for the Environment and Protection of Land and Sea at least 30 days before applying it.
3. New producers and importers shall make the communication referred to in paragraph 2 at the same time as the start of their activity and apply the environmental fee resulting from the aforesaid communication starting from the same calendar year in which the activity starts, using it for the management of ELTs in the same calendar year. This provision shall also apply to the associated forms of management referred to in article 4 made up of new producers or importers. In the event that new producers or importers join an already-established associated form of management, the provisions of paragraph 2 shall apply, without prejudice to the obligation to apply the environmental fee starting from the same calendar year in which the activity begins.
4. The environmental fee remains unchanged at all stages of the marketing of the tyre with the obligation for each retailer to clearly and distinctly indicate on the invoice or other fiscal documentation the amount of the environmental fee paid at the time of purchase of the tyre. Producers and importers, or their associated forms of management, shall take all appropriate initiatives to make end users, and those potentially involved in the tyre marketing stages, aware of the amount of the fee.
5. The tyre dealer, if a tyre export occurred, may request, within and no later than six months from the issuance of the invoice, from his tyre supplier the reimbursement of the environmental fee already paid with regard to the number and type of tyres for which the export is proved, attaching a declaration of the legal representative and the details of the relevant invoice and transport document.

Article 7. National Register of tyre producers and importers

1. Within twelve months from the coming into force of this decree, the national computerised register of tyre producers and importers subject to ELTs management obligations pursuant to article 3, paragraph 1, shall be set up at the Ministry for the Environment and Protection of Land and Sea, by

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a decree of the Ministry for the Environment and Protection of Land and Sea, which shall also set out its operating procedures.

2. Producers and importers who carry out the management activity pursuant to article 5, shall register themselves in the Register referred to in paragraph 1 by means of the communication referred to in article 5, paragraph 1, to be entered in the Register.
3. The registration of the associated forms of management in the register referred to in paragraph 1 shall be carried out by the Ministry for the Environment and Protection of Land and Sea following the approval referred to in article 4 (7).
4. In order to comply with confidentiality, the obliged parties under paragraph 1 may request that some of the information provided not be made public. In any case, contact details allowing to identify the professional address shall be made public, as well as the data concerning the company name, tax code, VAT number, the form of management chosen and the amount of the environmental fee identified for each type referred to in Annex I.

Article 8. Sanctions

1. Tyre producers and importers, or their associated forms of management who, despite managing ELTs, do not reach the quantities identified pursuant to article 3, paragraph 4, shall be subject to an administrative monetary sanction equal to the environmental fee received for the quantities of tyres not managed, increased by fifty percent.
2. Tyre producers and importers, or their associated forms of management who, although they manage ELTs, fail to fulfil any of the communication obligations provided for by the present chapter in favour of the Ministry for the Environment and Protection of Land and Sea, shall be subject, for each violation, to an administrative monetary sanction equal to fifteen percent of the environmental fee received for the year to which the violation refers.
3. Tyre producers and importers, or their associated forms of management who, while managing ELTs, are late in fulfilling the communication obligations set forth in article 3, shall be subject, for each ascertained violation, to an administrative monetary sanction equal to five per cent of the environmental fee received for the year to which the violation refers.
4. Tyre producers and importers who do not manage ELTs, not even by transferring the environmental fee referred to in article 4, paragraph 11, of this decree to an associated management structure, shall be subject to an administrative monetary sanction equal to twice the environmental fee received for the quantities of tyres not managed.
5. In the absence of the determination of the environmental fee as per article 6, such determination, for the purposes of imposing sanctions, shall be carried out, following a request by the proceeding control body, by the Ministry for the Environment and the Protection of Land and Sea.
6. For any matter not expressly provided for in this article, the provisions of Law no. 689 of 24 November 1981 shall apply, where compatible.
7. In order to guarantee the purpose of environmental protection, the public bodies shall provide the Ministry for the Environment and Protection of Land and Sea, as well as the control bodies that request it, with all the data and elements considered useful by the applicants to verify the declarations of the producers and importers, also in order to activate any corrective actions.

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Chapter III

PROVISIONS RELATING TO THE ORIGINAL EQUIPMENT MARKET

Article 9. ELTs arising from end-of-life vehicles dismantling

1. Tyre producers and importers, either directly or indirectly through their associated forms, collect and manage ELTs from end-of-life vehicles, against a fee paid by the fund referred to in paragraph 6 to cover the costs incurred, and also as an alternative to other authorised entities in order to ensure greater economic competitiveness.
2. The ELTs management committee established at the Automobile Club d'Italia (ACI) by article 7, paragraph 2, of the decree of the Minister of the Environment and Protection of Land and Sea no. 82 of 11 April 2011 is confirmed to be in force and operating. The composition and functioning of the committee are governed by this article.
3. The committee is made up of five members, one designated by the associations of producers, importers and dealers of motor vehicles, motorbikes and earthmoving machinery, one by the associations of tyre producers and importers, one by the associations of vehicle dismantlers, one by the National Council of Consumers and Users and one by ACI, which shall chair it.
4. The Committee and the tyre producers and importers, and their associated forms, periodically jointly evaluate the activities referred to in this article with the aim of optimising their effectiveness, efficiency and cost-effectiveness, and to seek shared solutions to any emerging critical issues.
5. Tyre producers and importers, their associated forms of management and the other authorised entities referred to in paragraph 1 agree with dismantlers and their associated forms of management on ELT take-back and recovery activities and related costs.
6. The committee identifies, according to the modalities set forth in paragraph 11, on the basis of the documentation provided by tyre producers and importers, as well as by the other authorised subjects, the amount of the environmental fee to cover the costs of collection and management of end-of-life vehicles' tyres in the following calendar year, and communicates it, by 31st October at the latest, to the Ministry for the Environment and Protection of Land and Sea, which, if necessary, requests integrations and clarifications. The environmental fee is collected by the vehicle dealer at the time of the sale of each new vehicle in the national territory and paid into the fund set up at the Automobile Club Italia (ACI) by article 7, paragraph 5 of the Decree of the Minister for the Environment and the Protection of Land and Sea no. 82 of 11 April 2011, whose operativity and validity is confirmed. The management of the fund, inspired by criteria of efficiency, effectiveness and cost-effectiveness, is entrusted to ACI under the supervision of the committee. Dealers are obliged to collect the environmental fee, which must be clearly indicated in a separate line on the sales invoice.
7. Tyre producers and importers, their associated forms of management and the other authorised subjects set forth in paragraph 1 shall notify the committee, by 30 September of each year, of the estimates of the charges relating to the cost components for management activities, for the purpose of updating the (environmental) fee for the following calendar year, to be determined according to

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the procedure set forth in paragraph 6. The committee shall provide consumers, through appropriate forms of publicity, with information on the cost components that contribute to the formation of the (environmental) fee and on the purposes of the same. Any surplus deriving from the annual management of the fund must be used for the reduction of the environmental fee in the following two financial years, or for the management of ELTs, even if they have been the subject of a specific programme agreement, memorandum of understanding or agreement, however named. By 31 May of each year, the committee, with the assistance of the offices of ACI, shall send the Ministry for the Environment and the Protection of Land and Sea a report on the activities carried out in the previous operating year, including the management report and income statement for the previous year provided by ACI, accompanied by the committee's assessments.

8. The amounts referred to in paragraph 7 shall be invoiced to the fund referred to in paragraph 6, by the tyre producers and importers or their associated forms, or by the other authorised parties and paid by the fund.
9. Recovery and recycling targets for ELTs from end-of-life vehicles shall remain within the responsibility targets of the end-of-life vehicles supply chain. ELTs from dismantled vehicles shall not be taken into account for the calculation of the quantities referred to in article 3. ELTs deriving from end-of-life vehicles are counted for the purposes of calculating the targets referred to in article 7, paragraph 2, of Legislative Decree no. 209 of 24 June 2003 and subsequent amendments and additions.
10. The collection centers that deliver ELTs from end-of-life vehicles to the management system envisaged by this article, enter the aforesaid quantities of ELTs in the environmental declaration form, as indicated in article 7, paragraph 2-bis, of Legislative Decree no. 209 of 24 June 2003, as subsequently amended and supplemented.
11. The (environmental) fee must guarantee coverage of the ELTs management costs and of the management and administration costs of the committee and of the fund as per paragraph 6, and is commensurate with the type of tyres to which it refers. The technical parameters for identifying the different types of (environmental) fee are those set out in Annex IX.

Chapter IV

Article 10. Transitional provisions, repeals and final rules

1. The associated forms of management referred to in article 4, existing and operating at the date of the entry into force of this decree, shall continue to operate and present, within six months of the same date, the communication referred to in article 4, paragraph 4, and the project referred to in article 4, paragraph 6, proving that they have been brought into line with the provisions of this decree, for the purposes of the approval referred to in article 4, paragraph 7. In the event of non-approval, the provisions of the last sentence of 4, paragraph 9 shall apply.
2. The individual management systems existing and operating on the date of the entry into force of this decree shall present, within 6 months of the same date, the communication referred to in article 5, paragraph 1, and, in the case of the producers and importers referred to in article 5, paragraph 2,

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also the descriptive project referred to in article 5, paragraph 4, proving that they have been brought into line with the provisions of this decree.

3. Pending the establishment of the register referred to in article 7, producers, importers and their associated forms of management shall send the Ministry for the Environment and Protection of Land and Sea the communications and declarations referred to in this decree by certified email or registered letter with advice of receipt.
4. The decrees of the Minister of the Environment and of the Protection of Land and Sea no. 82 of 11 April 2011 and of 20 January 2012 are repealed.
5. The implementation of this decree shall not entail new or additional charges for the public finance.
6. The Annexes are an integral part of the present decree.

This decree, bearing the State seal, will be included in the Official Collection of Legal Acts of the Italian Republic. It shall be observed and enforced by all persons concerned.

Rome, 19th November 2019

The Minister: COSTA

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Annex 1

(Art. 3, paragraph 4)

In order to complete the forms in Annexes III, IV and VI, VIII, tyres shall be subdivided by category and type as defined in the table below.

For the purpose of type assignment, the table shows the weight range in which the tyre falls at the time of placing on the market.

Category	Type	Tyre weight range upon placing on market [kg].
P (small)	1	0-4,999
	2	5-7,999
	3	8-12,999
	4	13-15,999
	5	16-24,999
	6	25-34,999
M (medium)	7	35-64,999
	8	65-104,999
	9	105-154,999
G (large)	10	155-224,999
	11	225-314,999
	12	315-424,999
	13	425-554,999
	14	555-704,999
	15	>705

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Annex 2

(Art. 3, paragraph 7)

Communication form relating to the type of management.

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

The company (or the undersigned) ,
with registered office in , street..... ,
Tax code/ VAT number..... ,
registered at the C.C.I.A.A. of under number..... ,
engaged in the business of Producer/Importer of tyres, ISTAT code no..... ,
in the person of its legal representative Mr.....
pursuant to Article 228 of Legislative Decree no. 152 of 2006, as well as to the Ministerial Decree.....

informs to

assign the management of end-of-life tyres to the consortium/consortium company
.....

carry out the activity of management on an individual basis as from
.....
.....

and to

directly fulfil the obligations for the management of end-of-life tyres, with regard to the following activities of:

Collection	Storage and Selection	Transport	Recovery
-------------------	------------------------------	------------------	-----------------

being registered in the National Register of Environmental Operators (Albo nazionale gestori ambientali) under number

to indirectly fulfil the obligations for the management of end-of-life tyres, with regard to the following activities of:

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(“Decreto 19 novembre 2019, n. 182 - Regolamento recante la disciplina dei tempi e delle modalità attuative dell'obbligo di gestione degli pneumatici fuori uso, ai sensi dell'articolo 228, comma 2, del decreto legislativo 3 aprile 2006, n. 152.”)

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Collection	to the company located at....., street....., Cod. Fiscal code / VAT number....., registered with the C.C.I.A.A. of..... under number..... registered in the National Register of Environmental Operators under number..... with a contract of
------------	---

Storage and Selection	to the company located at....., street....., Cod. Fiscal code / VAT number....., registered with the C.C.I.A.A. of..... under number..... registered in the National Register of Environmental Operators under number..... with a contract of
-----------------------	---

Transport	to the company located at....., street....., Cod. Fiscal code / VAT number....., registered with the C.C.I.A.A. of..... under number..... registered in the National Register of Environmental Operators under number..... with a contract of
-----------	---

Recovery	to the company located at....., street....., Cod. Fiscal code / VAT number....., registered with the C.C.I.A.A. of..... under number..... registered in the National Register of Environmental Operators under number..... with a contract of
----------	---

Date

Stamp and signature of declarant

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(“Decreto 19 novembre 2019, n. 182 - Regolamento recante la disciplina dei tempi e delle modalità attuative dell'obbligo di gestione degli pneumatici fuori uso, ai sensi dell'articolo 228, comma 2, del decreto legislativo 3 aprile 2006, n. 152.”)

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Annex 3

(Art. 3, paragraph 8)

Standard form for the annual declaration of tyres placed on the replacement market in the previous calendar year by producers and importers

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

1) REGISTRATION SECTION tyre producer or importer

Name or company name:					
TAX CODE [^] :			VAT [^] :		
Postal Code:		Municipality:			Province:
Address:			No:	Phone:	
e-mail:					
Certified email (PEC):					
ISTAT activity code					

[^] TAX CODE and VAT: indicate both even if they are the same

REGISTERED OFFICE:					
Postal Code:		Municipality:			Province:
Address:			No:	Phone:	
e-mail:					
Certified email (PEC):					

2) DECLARATION of the quantities of tyres placed on the replacement market in the previous calendar year.

First year of activity	NO	YES, since (dd/mm/yy) _____
------------------------	----	-----------------------------

Category	P (small)						M (medium)			G (large)					
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Type															

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(“Decreto 19 novembre 2019, n. 182 - Regolamento recante la disciplina dei tempi e delle modalità attuative dell’obbligo di gestione degli pneumatici fuori uso, ai sensi dell’articolo 228, comma 2, del decreto legislativo 3 aprile 2006, n. 152.”)

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Tonnage															
No. pieces															

3) DECLARATION of quantities of tyres sold outside the national market in the previous calendar year

Category	P (small)						M (medium)			G (large)					
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Type															
Tonnage															
No. pieces															

Date

Stamp and signature of declarant

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(“Decreto 19 novembre 2019, n. 182 - Regolamento recante la disciplina dei tempi e delle modalità attuative dell'obbligo di gestione degli pneumatici fuori uso, ai sensi dell'articolo 228, comma 2, del decreto legislativo 3 aprile 2006, n. 152.”)

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Annex IV

(Art. 3, paragraph 9)

Standard form for the annual declaration for ELTs managed in the previous calendar year

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

1) REGISTRATION SECTION tyre producer or importer

Name or company name:			
TAX CODE [^] :		VAT [^] :	
C.A.P.:	Municipality:		Province:
Address:		No:	Phone:
e-mail:			
Certified email (PEC):			
ISTAT activity code			

[^] TAX CODE and VAT: indicate both even if they are the same

2) QUANTITIES OF ELT MANAGED IN THE YEAR.....

First year of activity	NO	YES, since (dd/mm/yy) _____
------------------------	----	-----------------------------

		TONNES PER CATEGORY			
		P	M	G	TOTAL
A	entered in the previous year				
B	management objective for the year				
C	quantity of ELTs in stock at the beginning of the year				
D	collected in the year				
E	sent for R13 recovery operations in the year				

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F	sent in the year to operations preparing for re-use				
G	initiated in the year to shredding				
H	undertaken during the year in other operations (specify operations)				
I	total treatment (F+G+H)				
L	% realisation (I/B)				

3) RESULTS OF MANAGEMENT

	quantity (ton.)	percentage
Material recovery		
Energy recovery		

Date

Stamp and signature of declarant

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Annex V

(Art. 4, paragraph 6)

Targets for collection from ELT generation points by geographical areas

In order to meet their management obligations, tyre producers and importers, including new producers and importers, or their associated forms, with the exception of the producers and importers referred to in Article 5, paragraph 3, semi-annually allocate the quantities referred to in article 3, paragraph 4, for each geographical area, according to the following percentages.

A 10% deviation from the target collection values of the geographical area is allowed, stand-alone the 100% collection obligation.

AREA	COLLECTION TARGET
Piemonte – Valle d’Aosta – Liguria	11%
Lombardia	15%
Trentino Alto Adige – Friuli Venezia Giulia – Veneto	12%
Emilia Romagna	8%
Toscana – Marche – Umbria	11%
Lazio – Abruzzo – Molise	13%
Campania	9%
Puglia – Basilicata – Calabria	10%
Sicilia – Sardegna	11%
TOTALE	100%

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Annex VI

(Art. 4, paragraph 6)

Minimum project requirements

Provide the following documentation and information (in the case of associated forms of management this communication shall be made by each collective form):

- 1) documentation proving the status of producer or importer in the national territory (ATECO code and Chamber of Commerce certificate from the Companies Register);
- 2) declaration made by the individual producer or importer, pursuant to Presidential Decree no. 445 of 28 December 2000, certifying the amount of the quantities by weight and number of tyres placed on the market in the year preceding that of the application, the amount of turnover and contributions received, or an estimate of the received or an estimate of the tyres to be placed on the market in the current year, if newly operating;
- 3) forecast of the commercial network in the following calendar year, including the quantities of tyres by weight and number, and the scope of distribution;
- 4) indication of the methods of communication and information to end users and potentially involved relating to the amount of the environmental fee for the various types of tyres as identified in types of tyres as identified in Annex I, as well as the operating procedures of the system;
- 5) indication of the estimated quantities of ELTs to be managed;
- 6) information on the collection network;
- 7) indication of the methods and procedures to be adopted for the management of requests for withdrawal of the ELTs from their generators;
- 8) indication of the IT tools for traceability of ELTs flows in all management phases, from origin to recovery, electronic invoicing if any, and management of the environmental fee accounting;
- 9) indication of the criteria for covering the national territory by identifying the recovery facilities for the selection of ELTs groups, as well as the location of other recovery facilities, specifying for each one the references of the authorisations issued by the competent authorities;
- 10) indication, with reference to the withdrawal and transport activities, of the information provided for in the specific section of section of Annex II for each of the entities to which management activities are assigned in the different geographical areas referred to in Annex V;
- 11) indication of the instruments for measuring the weight of the ELTs collected as well as the methods for selecting and separating the ELTs to be delivered to the recovery facilities by category;
- 12) description of the activities and aims of the research and development projects;
- 13) a copy of all national and local authorisations and/or registrations to registers for the various management activities to be entrusted to companies by specific assignment;
- 14) indication of the treatment methods;
- 15) indication of the company's organisational model with particular reference to:
 - organisation chart/functional chart with definition of roles and responsibilities;

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- control bodies such as, for associated forms of management, the board of statutory auditors, the supervisory body pursuant to Legislative Decree no. 231 of 8 June 2001, and the independent auditing firm, in order to periodically check the regularity of accounting and taxation;
- corporate bodies and in particular for shareholders' meetings, indication of the procedures for the formation and implementation of resolutions;
- management of financial resources;
- any environmental and quality certification systems.

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("Decreto 19 novembre 2019, n. 182 - Regolamento recante la disciplina dei tempi e delle modalità attuative dell'obbligo di gestione degli pneumatici fuori uso, ai sensi dell'articolo 228, comma 2, del decreto legislativo 3 aprile 2006, n. 152.")

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Annex VII

(Art. 4, paragraph 10)

Standard form for the annual declaration for ELTs collected in the previous calendar year

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

- 1) REGISTRATION SECTION associated form or individual management system

Name or company name:			
TAX CODE [^] :		VAT [^] :	
C.A.P.:	Municipality:	Province:	
Address:		No:	Phone:
e-mail:			
Certified email (PEC):			
ISTAT activity code			

[^] TAX CODE and VAT: indicate both even if they are the same

First year of activity	NO	YES, since (dd/mm/yy) _____
------------------------	----	-----------------------------

- 1) TONS of ELTs COLLECTED from generation points for each area, in the previous calendar year, and related percentage of achievement on the collection target according to Annex V.

Region	ton. I semester	% of realisation	ton. II semester	% of realisation	tonnes per year	target* (tonnes per year)	annual % of realisation
Piemonte							
Valle d'Aosta							
Liguria							
Trentino A.A.							

Reading translation of Decree governing the timing and methods of implementation of the obligation to manage end-of-life tyres, pursuant to article 228, paragraph 2, of the legislative decree of 3 April 2006, no. 152.

(“Decreto 19 novembre 2019, n. 182 - Regolamento recante la disciplina dei tempi e delle modalità attuative dell’obbligo di gestione degli pneumatici fuori uso, ai sensi dell’articolo 228, comma 2, del decreto legislativo 3 aprile 2006, n. 152.”)

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Veneto							
Friuli V.G.							
Lombardia							
Emilia Romagna							
Toscana							
Umbria							
Marche							
Lazio							
Abruzzo							
Molise							
Campania							
Puglia							
Basilicata							
Calabria							
Sicilia							
Sardegna							
TOTALE							

* 95% of the quantities put on the market in the previous year

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Date

Stamp and signature of declarant

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Annex VIII

(Art. 6, paragraph 2)

Standard form for communicating the environmental fee

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

2) REGISTRATION SECTION associated form or individual management system

Name or company name:			
TAX CODE [^] :		VAT [^] :	
C.A.P.:	Municipality:		Province:
Address:		No:	Phone:
e-mail:			
Certified email (PEC):			
ISTAT activity code			

[^] TAX CODE and VAT: indicate both even if they are the same

First year of activity	NO	YES, since (dd/mm/yy)_____
------------------------	----	----------------------------

3) IDENTIFICATION OF THE ENVIRONMENTAL FEE FOR THE YEAR¹.....

The declarant must indicate - using table 1 - the environmental fee identified for the next year and the data used to determine this amount. The items, to be taken into consideration to determine the environmental fee, are three:

1. quantity of tyres placed in the current year (i.e. in the year in which the declaration is made), by filling in Table 2;
2. costs incurred for management in the current year (i.e. in the year in which the declaration is made) or for new producers or importers the estimated costs of management in the current year; only the cost items in Table 3 can be considered;
3. estimated targets of placements on the market in the year following the year in which the declaration is made by filling in the items in Table 4.

Table 1

Type	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Euro (€)															

¹ Year following the current year.

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(“Decreto 19 novembre 2019, n. 182 - Regolamento recante la disciplina dei tempi e delle modalità attuative dell’obbligo di gestione degli pneumatici fuori uso, ai sensi dell’articolo 228, comma 2, del decreto legislativo 3 aprile 2006, n. 152.”)

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Table 2

Category	P						M			G						TOTAL
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
A) Estimated tonnes placed in the current year																
B) Estimated number of pieces placed in the current year																
Estimated average weight in kg (A/B)																
Estimated tonnes to be managed in the year*																

* Year following the current year.

Table 3

Category	Unitary management cost**			TOTAL (€)
	P (€/ton)	M (€/ton)	G (€/ton)	
Collection from each generation point and transport from each generation point to recovery facilities, including R13				⊗
Collection and transport between recovery facilities, including R13				⊗
Delivery to recovery facilities, including R13				⊗

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Research, development and training activities as referred to in Article 228, paragraph 1 of Legislative Decree no. 152/2006	⊗			
Revenues/revenues from management activities				
Operating surplus (however denominated)				
Estimated overall unitary management cost				⊗

** Estimated unit operating cost net of any revenue earned (€/tonne)

Table 4

Estimated placements on the market in the year following the year in which the declaration is made.

Category	P						M			G						TOTAL
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
A) Estimated tonnes to be placed on the market in the year																
B) Estimated number of pieces to be placed on the market in the year																
Estimated average weight in kg (A/B)																⊗

Date

Stamp and signature of declarant

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(“Decreto 19 novembre 2019, n. 182 - Regolamento recante la disciplina dei tempi e delle modalità attuative dell'obbligo di gestione degli pneumatici fuori uso, ai sensi dell'articolo 228, comma 2, del decreto legislativo 3 aprile 2006, n. 152.”)

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Annex IX

(Article 9, paragraph 11)

Technical parameters for the management of end-of-life tyres from end-of-life vehicles

The (environmental) fee to cover the costs of managing the quantities of ELTs from end-of-life vehicles and the costs management and administration costs of the committee for the management of ELTs from end-of-life vehicles (Committee) and of the fund, is differentiated for the different types of tyres as identified in the following table

Type of tyres	Min-max weights in kilograms	User vehicles classified according to the categories referred to Article 47 Legislative Decree 285/1992 (Highway Code)
A	A1 (2-8)	Category L1e,L2e,L3e,L4e,L5e,O1
B	B1(6-18)	Category M1,M2,02,N1
C	C1 (20-40) C2 (41-70)	Category M2,M3,N2,N3,03,04
D	D0 (<4) D1 (4-20) D2 (21-40) D3 (41-70) D4 (71-130) D5 (131-200) D6 (>200)	Agricultural machinery, machinery machines, industrial machines.

The technical parameters for identifying the (environmental) fee are as follows:

- a) Average value between the number of vehicles registered or, for vehicles not subject to registration, sold in the calendar year preceding that in which the (environmental) fee is determined, and the estimated number of vehicles that will be registered or sold in the year in which the (environmental) fee is determined for the following calendar year, broken down by each type of tyre attributable to the vehicles according to the table above. The information on sold vehicles, not subject to registration, shall be provided to the committee by the vehicle manufacturers' associations of vehicles;
- b) Average value of the number of vehicles cancelled for demolition or, in the case of vehicles not subject to registration, demolished in the calendar year preceding that in which the (environmental) fee is determined, and the estimated number of vehicles cancelled in the calendar year in which the (environmental) fee is determined, broken down by each type of tyre attributable to the vehicles according to the above table. The information on demolished vehicles not subject to registration shall be provided to the committee by the vehicle dismantling associations;

Reading translation of Decree governing the timing and methods of implementation of the obligation to manage end-of-life tyres, pursuant to article 228, paragraph 2, of the legislative decree of 3 April 2006, no. 152.

(“Decreto 19 novembre 2019, n. 182 - Regolamento recante la disciplina dei tempi e delle modalità attuative dell’obbligo di gestione degli pneumatici fuori uso, ai sensi dell’articolo 228, comma 2, del decreto legislativo 3 aprile 2006, n. 152.”)

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- c) Average number of tyres installed per vehicle, for each tyre type attributable to vehicles according to the table above. The information necessary to identify this average number shall be provided to the committee by the vehicle manufacturers' associations;
- d) Average tyre weight, for each type of tyre attributable to vehicles according to the table above. The information needed to identify the average weight shall be provided to the committee by the vehicle producers' associations;
- e) Quantity of used tyres from end-of-life vehicles sold abroad for reuse in the calendar year preceding the year in which the (environmental) fee is determined. The information needed to identify this quantity is provided to the committee by the vehicle dismantling associations.
- f) Quantities of used tyres from demolished end-of-life vehicles and placed on the national replacement market for reuse in the calendar year preceding the calendar year in which the (environmental) fee is determined. The information necessary to identify this quantity is calculated by the committee on the basis of the vehicles cancelled according to the results of the Motor Vehicle Register and the quantities of ELTs taken from dismantling centres in the year preceding the year in which the (environmental) fee is determined, minus the quantity referred to in letter e).

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