

Athens, on 14-03-2019

Finance Ref. No.: 1843/5.7.2019

BoD Ref. No. : 142.2

**DECISION OF THE BOARD OF  
DIRECTORS**

**Meeting: 142/14.03.2019**

**ITEM 2: Decision for a) approval of exceeding the 35% percentage of article 4A (14) of L. 2939/2001 pertaining to the Agency's special reserves b) approval pursuant to article 23(1) of L. 4496/2017 and c) renewal of approval of the Collective Alternative Management System (CAMS) for Used ECOELASTIKA Tyres"**

The HRA Board of Directors having regard to:

1. Law 2339/2001 (GG 179 A/6.8.2001) "*Packaging and alternative management of packaging and other Products - Establishment of the National Organisation for Alternative Management of Packaging and Other Products and other provisions*", as amended and in force;
2. Law 3220/2004 GG 15 A/28.1.2004 "*Measures for developmental and social policy - objectivity of tax audits and other provisions*", in particular article 5 "*Packaging products recycling*" as in force;
3. Law 3854/2010 (GG 94 A) "*Amendment of the legislation for alternative management of packaging and other products and the National Organisation for Alternative Management of Packaging and Other Products and other provisions*";
4. Law 3861/2010 (GG 112 A/13.7.2010), "*Strengthening transparency with mandatory publication of law and acts of government, administrative and local government bodies online "Transparency Programme" and other provisions*", as in force;
5. Law 4042/2012 (GG 24 A/13.2.2012), "*Criminal protection of the environment - Harmonisation with Directive 2008/98/EC - Framework for producing and managing waste - Harmonisation with Directive 2008/98/EC - Regulation of matters of the Ministry of Environment, Energy and Climate Change*" as in force, in particular article 46 for renaming the National Organisation for Alternative Management of Packaging and Other Products to "*Hellenic Recycling Agency*"(HRA);
6. Law 4496/2017 (GG 170 A/8.11.2017), "*Amendment of Law 2939/2001 on alternative management of packaging and other products, adaptation to Directive 2015/720/EU, regulation of matters of the Hellenic Recycling Agency and other provisions*";
7. Presidential Decree 109/2004 (GG 75 A/5.3.2004) titled "*Measures and terms for the alternative management of used tyres. Programme for their alternative management*"

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8. Ministerial Decision 116570/2009 (GG 769 B/13.2.2009) *“Regulation for the procedure for renewing and approving systems for individual and collective alternative management of packaging and other products”*;
9. Joint Ministerial Decision 39200/2015 (GG 2057 B/18.9.2015) *“Amendment of Joint Ministerial Decision 41624/2057/2010 (B 1625), in compliance with the provisions of Directive 2013/56/EU “for the amendment of Directive 2006/66/EC of the European Parliament and the Council on batteries and accumulators ...” of the European Parliament and the Council of 20 November 2013 and other relevant provisions”*
10. Ministerial Decision 181504/2016 (GG 2454 B/9.8.2016) titled *“Preparation, content and system for managing the National Producers Register (NPR) - Specifying the procedure for registering producers, in the framework of alternative management of packaging and other products, pursuant to articles 7 and 17 of Law 2939/2001 (A 179), as in force”*, as amended and in force;
11. Cabinet Act 49 of 15.12.2015 (GG 174 A/15.12.2015), *“Amendment and approval of the National Plan for Managing Waste and the National Strategic Plan for Waste Prevention, ratified with the joint decision 51373/4684/25–11–2015 of the Minister of the Interior and Administrative Organisation & the Minister of the Environment and Energy, pursuant to article 31 of Law 4342/2015”*;
12. Decision of the Directorate of Administrative Support of the Ministry of the Environment and Energy YPEN/DDY/88395/11229/ (GG YODD 729/7.12.2018) of the Minister and Deputy Minister of the Environment and Energy on the composition of the Board of Directors of the Hellenic Recycling Agency;
13. Decision 106157/2004 (GG 1145 B) of the Minister of the Environment, Physical Planning and Public Works *“Approval of the ‘ECO-ELASTIKA’ collective system for Alternative Management of Old Tyres”*;
14. Decision oik. 804/22.12.2011 of the Board of Directors of the HRA on amending the approval of the “ECO-ELASTIKA SA” used tyre CAMS;
15. Decision oik. 917/30.04.2015 of the HRA on amending the operational plan of the “ECO-ELASTIKA” CAMS with regard to the adjustment (reduction) of financial contributions;
16. HRA request 1834/01.09.2017 of the “ECO-ELASTIKA SA” CAMS for renewing its approval;
17. Submission with ref. no. 656/01.03.2018 of the Regulation for Supplies, Services, Projects and Studies of the “ECO-ELASTIKA SA” CAMS and HRA’s remarks with ref. no. 656/09.03.2018;
18. HRA request 1573/07.05.2018 the “ECO-ELASTIKA SA” CAMS agency on approving its revised operational plan, in compliance with the provisions of article 23 of Law 4496/2017, together with an approval request for exceeding the 35% percentage for its special reserves;
19. HRA document 1573/13.09.2018 of the HRA titled *“Remarks and compliance control of the Operational Plan submitted by ECOELASTIKA in accordance with the requirements of Law 2939/2001, as amended by Law 4496/2017”*;

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20. HRA submission 3485/12.10.2018, submitting additional details and revision of the operational plan submitted by the “ECO-ELASTIKA SA” CAMS agency;
21. HRA submission 3588/30.10.2018 of the “ECO-ELASTIKA” CAMS agency for approving the revised plan (Corrected document of the submission of) 24.10.2018);
22. HRA submission 3694/05.11.2018 of the “ECO-ELASTIKA” CAMS agency for approving the revised operational plan;
23. HRA document 3952/28-11-2018 through which the Supplies Regulation of the CAMS agency was submitted;
24. HRA Final submission 693/1.3.2019 of the “ECO-ELASTIKA” CAMS agency for approving the revised operational plan;
25. The recommendations of 31-10-2018 and 12-3-2019 of the Authority;
26. The decision of the HRA Board of Directors made in Meeting 129/5-11-2018, in particular during the discussion of the 3rd item “Decision on approving compliance (or not) with Law” 4496/2017 of the Collective Alternative Management System for Used Tyres - ECO-ELASTIKA”;
27. The payment of the fee made to the HRA on 05.07.2019 by the CAMS agency.

### UNANIMOUSLY DECIDES

**A. To approve the excess of the 35% percentage of article 4A(14) of Law 2939/2001, as in force, regarding the special reserves of the “ECO-ELASTIKA” CAMS agency under article 5 of Law 3220/2004 (GG 15 A) for the first four (4) years of its operation after this decision is made (effective).**

**B. According to the transitional provisions of article 23(1) of Law 4496/2017, to approve the revised operational plan, after it was found that the Collective Alternative Management System (CAMS) of Used Tyres organised and operated by the “ECO-ELASTIKA SA” CAMS agency complies with the requirements of Law 2939/2001.**

**C. To renew approval 106157/2004 (GG 1145 B) of the Collective Alternative Management System (CAMS) of Used Tyres organised and operated by the “ECO-ELASTIKA SA” CAMS agency, as it had been renewed by HRA decision 804/22.12.2011 and had been amended by Decision 917/30.4.2015 of the HRA Board of Directors.**

**The above decisions are subject to the following terms:**

1. The CAMS agency shall ensure that its compliance with the provisions of Law 2939/2001, as amended by Law 4496/2017 shall be uninterrupted and it will last throughout its lawful operation; to this end it shall, at any time, have available at its offices the entirety of supporting documents that prove this compliance.

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2. The CAMS agency shall implement its revised operational plan to the extent it does not conflict with this decision. The revised operational plan is hereby approved; failure to adhere to it shall, inter alia, result in the administrative penalties of article 20A(5) of Law 2939/2001, as amended.
3. The CAMS agency shall reduce its special reserves gradually, in accordance with the terms of this decision, so that **its special reserves of article 5 of Law 3220/2004 (GG 15 A) not to exceed 35% of the revenue of the current year of operation, no later than the end of the fifth year from the date this decision was made.)**

### Purpose of the CAMS

4. Through the CAMS there will be alternative management of used (waste) tyres, as specified in article 2 of Presidential Decree 109/2004, with external diameter up to 1,600 mm. For the purposes of the alternative management of tyres, tyres that fall under the scope of the CAMS agency shall be divided into the following categories:

Category	Average weight (kg)	Description
<b>A</b>	8	Passenger car tyres (tyres of passenger cars and 4X4 trucks) Commercial vehicle tyres with nominal (internal) rim diameter less than 17.5 inches Common tractor tyres (diagonal) for front wheels Industrial vehicle and forklift tyres (pneumatic) with nominal (internal) rim diameter of 12 or fewer inches.
<b>B</b>	50	Commercial vehicle tyres with nominal (internal) rim diameter of 17.5 of more inches Tractor tyres for back wheels Earth moving vehicle tyres
<b>C</b>	2.5	Motorcycle tyres
<b>D1</b>	150	Earth moving vehicle and earthworks vehicle tyres with external diameter up to 1,600 mm Industrial vehicle and forklift tyres (pneumatic) with nominal (internal) rim diameter of more than 12 inches.
<b>D2</b>	100	Agricultural vehicle tyres with external diameter ranging from 1,400 mm to 1,600 mm

5. As waste, used tyres are in the 16th EWC group with EWC code 16 01 03.

### CAMS targets

6. The CAMS agency shall reach, during this decision, the following targets:
  - exploitation of used waste tyres shall cover at least 90% of retired tyres;

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- recycling of used waste tyres shall reach at least 40% of retired tyres;

The above targets exceed the target of Presidential Decree 109/2004 (GG 75 A/5.3.2004), and they are compliant with the requirement of the National Waste Management Plan (Cabinet Act 49 of 15.12.2015 (GG 174 A/15.12.2015)).

7. For achieving its targets, the CAMS agency shall:
  - i. ensure that all interested producers may participate in its system;
  - ii. cooperate with garages and crews that engage in replacing, repairing and maintaining tyres, and in general with vehicle repair stations that replace tyres or another final recipient, so that used tyres are collected and channelled to approved processing facilities;
  - iii. cooperate with Alternative End-of-Life (EoL) Vehicle Management Systems, so that separate collection of used tyres becomes easier and is facilitated;
  - iv. cooperate with undertakings that alternatively manage used tyres. The selection and assignment of the cooperation shall be performed in accordance with the Supplies, Services, Projects and Studies Regulation of the agency
  - v. cooperate with municipalities for the delivery of used tyres that are found in municipal waste during collection of waste. The CAMS agency shall conclude contracts with municipalities, taking into consideration and incorporating the terms of this decision, on the basis of a standard contract, whose applicable version is submitted to the HRA for assessment before coming into force
  - vi. cooperate with holders of vehicle fleets, who during their activities have large quantities of used tyres, for delivering said used tyres to the CAMS agency. The CAMS agency shall conclude contracts with vehicle fleet holders, taking into consideration and incorporating the terms of this decision, on the basis of a standard contract, whose applicable version is submitted to the HRA for assessment before coming into force.
8. The CAMS' scope is the entire Greek state. To this end, the CAMS agency shall ensure that the used tyre collection point network is sufficiently deployed in all administrative regional units of Greece.
9. The CAMS agency shall conclude contracts for including producers in the CAMS, taking into consideration and incorporating the terms of this decision, on the basis of a standard inclusion contract, whose applicable version is submitted to the HRA for assessment before coming into force.
10. The CAMS agency shall check whether the producers with whom it has entered into the above contracts adhere to the terms of the inclusion contracts, and request, as a prerequisite for continuing the inclusion contract, the National Producers Register registration certificate, pursuant to Ministerial Decision 181504/2016, as in force.

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11. Financial contributions (€ per tyre) paid by the producers that have entered into a contract with the agency, per tyre category, are the following:

Category	A	B	C	D1	D2
Financial contribution (€ per tyre)	1.00	5.86	0.42	25.00	15.00

Financial contributions of tyre producers to the CAMS agency may be re-defined, based on the actual operational details of the CAMS agency, following an approval of the HRA BoD.

12. The CAMS agency shall conclude cooperation contracts with undertakings that engage in alternative used tyre management, taking into consideration and incorporating the terms of this decision, on the basis of a standard cooperation contract, whose applicable versions are submitted to the HRA for assessment before coming into force.
13. The CAMS agency shall cooperate with undertakings that engage in alternative used tyre management only if they have:
- a) all required documents for their company's legal standing;
  - b) all required licenses/approvals for their legal operation
14. The CAMS agency shall ensure the proper and reliable provision of details from the facilities with which it cooperates, with regard to incoming and outgoing quantities of processed waste and materials.
15. The CAMS agency shall perform regular checks on the undertakings with which it has concluded a contract that engage in activities of alternative used tyres management, in order to ascertain if the terms of the standard contracts are kept.
16. The CAMS agency shall specify and implement an information and awareness programme for the public, as well as for specific agency/undertaking groups. In particular, the CAMS agency shall hold campaigns for informing the public, and more specifically users of materials that come from the processing of used tyres and products of their further processing (safety tiles with a layer of recycled tyres, artificial lawns for pitches or fields) for their proper use.
17. The CAMS agency shall organise, in collaboration with interested agencies and municipalities, and finance a separate programme for the collection of bicycle tyres.
18. The CAMS agency shall examine the framework for including all tyres in the system, including the ones with a diameter of over 1,600 mm, and to that end, make an assessment of the how many of these tyres are available in the market and search how to utilise them, within six months from the effective date of this decision.
19. The CAMS agency shall make the necessary arrangements for reducing the quantity of tyres stored in storage areas of mechanical recycling plants and other storage areas by at least 6,000 tons until the end of the effective period of this decision.

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20. The CAMS agency shall, within the framework of financing the manufacturing of safety mats from recycled tyres in public school yards:
  - i. ensure that safety flooring satisfy the requirements of the applicable laws, lack any of the properties of Annex III of Directive 2008/65/EC, as in effect, and comply with the provisions of the REACH Regulation.
  - ii. inform users about the safe use of flooring
  - iii. regularly visit older constructions, in order to document the condition of the safety flooring, submit recommendations for restoring/replacing damaged flooring, if necessary, and financing them (restoration or replacement).
  - iv. submit recommendations, within six months from the date this decision comes into force, for the best way to sell useless flooring caused by removal of damaged elastic mats from schools to which it donates, and arrange for the financing of these works.
  - v. examine whether the scope of financing projects that include materials coming from the utilisation of used tyres may also be examined in other public areas, such as, for example, sports areas, and submit a relevant recommendation to the HRA within the first six months of 2019.
21. The CAMS agency shall prepare a study, for determining the technical requirements and other criteria for de-declassifying as waste, tyres that come from mechanical utilisation of used tyres, as required according to article 13 of Law 4042/2012, taking into consideration the framework of the obligations to transition to a cyclical economy, within a year from the date this decision comes into force.
22. The CAMS agency shall be constantly informed about the requirements, at a national and EU level, of products from elastic materials that comes from recycling used tyres and provide guidelines to the cooperating undertakings in the direction of compliance with the legal requirements and quality upgrade of the materials produced by processing used tyres.
23. The CAMS agency shall produce a study for: a) the quantitative and qualitative analysis of incoming and outgoing flows from tyre recycling plants, b) determining the technical specifications of final products from elastic that come from mechanical utilisation of used tyres, c) best practices and recommendations for the processing procedure and the operation of processing plants, and d) the development of a methodology for determining all stages of used tyre processing, aiming at recovering materials of high purity and of suitable properties in order to utilise them for final use.
24. The CAMS agency shall submit to the HRA for evaluation the versions of the standard producer inclusion contracts and the standard cooperation contracts that are applicable from time to time, with the different categories of undertakings that perform alternative used tyre management works before setting them into force.
25. The CAMS agency shall submit to the HRA any additional details it is requested with regard to its technical competence, performance and effectiveness, as well as its financial information.

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26. The CAMS agency shall notify the HRA any time it finds violations of the applicable laws on alternative management of used tyres, and it is obligated to support the HRA in investigating relevant complaints.
27. This decision shall be in force for **six (6) years** from the day it is posted on the DIAVGEIA (Transparency) website.
28. This decision may be amended before it ends, in cases where:
  - a) the CAMS agency requests an amendment based on substantiated justification;
  - b) in case the existing legislation is amended in a manner that changes the terms;
  - c) in order for the HRA to find, within the framework of an administrative procedure or following an audit, that certain approval terms, which may be amended, do not apply.
29. This decision shall still be in force after its end, until a decision is issued for renewing the approval for the operation of the CAMS, provided that the CAMS agency timely requests to renew the CAMS' operation, at least three (3) months before its end, pursuant to Ministerial decision 116570/2009 (GG 769 B), or as applicable from time to time, pursuant to the applicable legislation, submitting, to this end, the relevant supporting documents.

**The Chairman of the HRA Board of Directors**

**Dimitrios Politopoulos**