

NATIONAL BY-PRODUCT CRITERIA

Reference Number: **BP-N001/2023**

of the **3rd October 2023**

establishing detailed criteria on the application of the conditions of Regulation 27(1)(a) – (d) when making the decision that site-won asphalt can be regarded as a by-product under Regulation 27 of the European Union (Waste Directive) Regulations 2011 – 2020.

Section 1

Subject matter

National By-Product Criteria Reference Number BP-N001/2023 establishes detailed criteria determining when site-won asphalt from a pavement development, destined for use as a raw material in a Reclaimed Asphalt Pavement plant for the manufacture of bituminous mixtures, is a by-product and not a waste.

Note:

- The Environmental Protection Agency (herein referred to as the Agency) accepts no responsibility for by-product material that is in compliance with these criteria.
- These criteria only apply to site-won asphalt by-product intended for dispatch for use at a Reclaimed Asphalt Pavement plant.
- It is the end user's responsibility to ultimately ensure the by-product material sourced from the approved supplier and used at their Reclaimed Asphalt Pavement plant to produce bituminous mixtures is fit for the intended use.
- Any production residue of a production process that *is not* in compliance with these criteria shall be classified as waste.
- Any person who gives either to an authorised person, a relevant local authority or the Agency, information which to that person's knowledge is false or misleading in a material respect, shall be guilty of an offence.

Section 2

Definitions

For the purposes of these National By-Product Criteria No. BP-N001/2023, the definitions set out in the European Union (Waste Directive) Regulations 2011 – 2020 shall apply.

In addition, the following definitions/interpretations shall apply:

- (1) 'approved supplier' means a producer who has received a completed and signed end user's declaration from the end user demonstrating that the end user recognises the producer as an approved supplier of site-won asphalt by-product, from a specific production process, to their Reclaimed Asphalt Pavement plant.
- (2) 'batch' means the total quantity of site-won asphalt by-product generated from a specific production process which is destined for dispatch to *one specific* end user. If the overall quantity of by-product being generated at the production process is destined for supply to two end users, then this production process will yield two batches of by-product with two separate Statement of Conformities which will be dispatched to two separate end users.
- (3) 'bituminous mixtures' are products produced by a RAP plant which have used reclaimed asphalt as a constituent of those products and where the bituminous mixtures produced meet the requirements of the relevant part of the I.S. EN 13108 series of standards for bituminous mixtures.

Note: the relevant standard can be either a harmonised standard and/or an Irish standard that has not been harmonised.

- (4) 'by-product' means a production residue that fulfils the conditions of Regulation 27(1)(a) to (d) of the European Union (Waste Directive) Regulations 2011-2020.
- (5) 'competent authority' means an authority such as the Environmental Protection Agency, the local authorities, the Health and Safety Authority or any other National or governmental regulation body who may need to assess compliance with these criteria or any associated activity.
- (6) 'competent person' is the person(s) who can confirm the presence or absence of the hazardous constituents listed in Annex I Part 3(a) in site-won asphalt. This person(s) shall be nominated by the entity/person with overall responsibility for the production process e.g. the main contractor. The name of the competent person shall be recorded by the producer on the Statement of Conformity.
- (7) 'consignment' means a batch, or part thereof, of site-won asphalt which is intended for delivery from a producer to another holder and may be contained in either one or several transport units.
- (8) 'end user' is the RAP plant which has signed an End User's Declaration and provided a copy of this signed declaration to the producer of site-won asphalt by-product. This RAP plant must have the capacity to use site-won asphalt by-product as a raw material in the production of reclaimed asphalt and subsequently bituminous mixtures as defined above. The end user can be referred to as the RAP plant throughout this document.
- (9) 'Harmonised Standard' (hEN) is a European standard developed by a recognised European Standards Organisation: CEN, CENELEC, or ETSI¹. It is created following a request from the European Commission to one of these organisations. Manufacturers, other economic operators, or conformity assessment bodies can use harmonised standards to demonstrate that products, services, or processes comply with relevant European Union legislation. The references of harmonised standards must be published in the Official Journal of the European Union (OJEU)².
- (10) 'holder' means the natural or legal person who is in possession of the site-won asphalt by-product e.g. the producer at the production process and/or the end user at the RAP plant.
- (11) 'Irish Standards' (I.S.) are produced by the national standardisation body for Ireland, the National Standards Authority of Ireland (NSAI). The NSAI have produced Irish Standards by adopting certain European (EN) Standards in the EN 13108 Standards Series for *Bituminous Mixtures*. This Standard Series is broken into various *part numbers* that link to specific bituminous mixture material specifications e.g. **I.S. EN 13108-Part 08** is the Irish Standard adopted from the European Standard for Part 8 (Reclaimed Asphalt) of the Standard *Series 13108* for Bituminous Mixtures.
- (12) 'Management System Certification Body' is a body which has an accreditation certificate issued by the Irish National Accreditation Board (INAB) to undertake management system certification to an approved standard.
- (13) 'Notified body' is a body which has an accreditation certificate issued by the INAB³ to carry out the assessment and verification of constancy or performance (AVCP) in accordance with the:
 - a) harmonised standards falling under the remit of the Construction Product Regulations (EU No. 305/2011) and to be recognised as a (i) notified product certification body and/or a (ii) notified factory production control certification body; and/or
 - b) Irish Standard for I.S. EN 13108 standard series and associated standards, inclusive of I.S. EN 13108-20 and I.S. EN 13108-21, and to be recognised as a (i) Product Certification Scheme and (ii) notified product certification body.
- (14) 'Non-Conformance Report' is a documented report initiated by the natural or legal person in possession of by-product that *first recognises* that a batch or consignment of by-product is non-conforming to the requirements of the National criteria. The template provided in Annex IV is a minimum content requirement for a Non-Conformance Report.

¹ The European Committee for Standardisation (CEN), The European Committee for Electrotechnical Standardisation (CENELEC) and the European Telecommunications Standards Institute (ETSI).

² Source: https://single-market-economy.ec.europa.eu/single-market/european-standards/harmonised-standards_en

³ In accordance with Article 40.1 of the Construction Product Regulations (Source: Irish Notification Procedures for the Purpose of the Construction Products Regulation (305/2011) (Government of Ireland, July 2020).

Note: a competent body may initiate a Non-Conformance Report where a non-conformance is recognised but the by-product is in the possession of a producer, holder or end user.

- (15) 'pavement' is a structure, composed of one or more courses, to assist the passage of traffic over terrain e.g. a road.
- (16) 'producer' means the holder who (i) is responsible for the generation/removal of the site-won asphalt from the pavement development and (ii) transfers the site-won asphalt to another holder for the first time as a by-product material e.g. main contractor or a sub-contractor at a road development.
- (17) 'product' means all material that is deliberately created in a production process. In many cases it is possible to identify one (or more) 'primary' products, this or these being the principal material(s) produced e.g. an upgraded/maintained road.
- (18) 'production process' means a process which deliberately produces one or more primary products e.g. a road maintenance process which produces an upgraded/maintained road.
- (19) 'production residue' means a material that is not deliberately produced in a production process but may or may not be a waste e.g. site-won asphalt generated from road upgrading/maintenance process.
- (20) 'qualified staff' means staff which are delegated on behalf of the producer and/or the end user with specific responsibility under the National criteria and are qualified by experience or training to complete the relevant requirements of the National criteria as assigned in Annex I. The producer and/or the end user has ultimate responsibility for the actions completed by their delegated qualified staff and in ensuring the requirements of the National criteria are fulfilled on their behalf.
- (21) 'reclaimed asphalt' (RA) is the processed site-won asphalt, suitable and ready to be used as constituent material for bituminous mixtures, after being tested, assessed and classified according to:
 - Irish Standard I.S. EN 13108-Part 8 Reclaimed Asphalt when being used as a feedstock for bituminous mixtures required to meet a harmonised standard, or
 - The relevant requirements of Irish Standard I.S. EN 13108-Part 8 when being used as a feedstock for bituminous mixtures required to meet an Irish Standard e.g. Section 4.4 Reclaimed Asphalt of I.S. EN 13108-31, and
 - any tighter customer requirements.
- (22) 'Reclaimed Asphalt Pavement (RAP) plant' also referred to as an *enabled*/RAP plant/RAP enabled plant, is a plant where site-won asphalt can be processed into the intermediary material reclaimed asphalt and where this reclaimed asphalt is in turn used to produce bituminous mixtures. This document will refer to Reclaimed Asphalt Pavement Plant as RAP plant.

This description includes:

- (i) cold, warm and/or hot mix asphalt plants,
 - (ii) mobile or stationary RAP plants,
 - (iii) RAP plants which produce bituminous mixtures in accordance with the harmonised and/or Irish Standard series I.S. EN 13108, and
 - (iv) Any site-won asphalt storage carried on in satellite by-product storage locations connected or associated with a RAP plant and come under the control of the RAP plant's accredited Management System.
- (23) 'site-won asphalt' is the material to be recycled⁴, in the form of milled asphalt road layers or as slabs ripped up from asphalt pavements. This material can also be referred to in the industry as RAP material.

Note: 'asphalt' is the homogeneous mixture typically of coarse and fine aggregates, filler aggregate and bituminous binder which is used in the construction of a pavement.

⁴ Source: this interpretation has been sourced from Section 3.1.2 of Irish Standard I.S. EN 13108-8, where the meaning of 'recycling' in this instance is not the same as the meaning of 'recycling' in the Waste Framework Directive. Therefore, the term 'recycling' is not used in the context of this criteria document as recycling is a *waste* activity. In the context of this document this term can be interpreted to mean 'used as a raw material at a Reclaimed Asphalt Pavement plant.'

Section 3

Criteria for site-won asphalt by-product.

Site-won asphalt shall be regarded as a by-product and not a waste where, upon transfer from the producer to another holder, all of the following conditions are demonstrated as fulfilled:

- (1) The production process which generates the site-won asphalt by-product complies with the criteria set out in Part 1 of Annex I;
- (2) The dispatch of site-won asphalt by-product from the production process complies with the criteria set out in Part 2 of Annex I;
- (3) The quality of the site-won asphalt by-product from the production process complies with the criteria set out in Part 3 of Annex I;
- (4) The acceptance of site-won asphalt by-product at the RAP plant complies with the criteria set out in Part 4 of Annex I;
- (5) The further use of the site-won asphalt by-product in the manufacture of reclaimed asphalt complies with the criteria set out in Part 5 of Annex I;
- (6) The quality of the reclaimed asphalt (intermediate product), produced using site-won asphalt by-product, complies with the criteria set out in Part 6 of Annex I;
- (7) The quality of the bituminous mixtures (final products), produced using reclaimed asphalt (intermediate product), complies with the criteria set out in Part 7 of Annex I;
- (8) The submission of information in a form and format as may be prescribed by the Agency through relevant explanatory note(s), guidance, a register, or by other means in order to establish that the criteria in the above paragraphs are met;
- (9) The producer and end user shall maintain documentary evidence, for assessment by the relevant competent authority which demonstrates compliance, where appropriate, with the provisions of the National criteria, CLP Regulation, REACH Regulation, Construction Products Regulations (as required), I.S. EN 13108 series of standards and any other legislation or guidance relevant to site-won asphalt by-product, reclaimed asphalt and bituminous mixtures;
- (10) The producer has satisfied requirements set out in Section 7 (Registration); and
- (11) The producer, holder and end user shall comply with the requirements set out in Section 8 (Compliance).

Section 4

End User's Declaration

1. The end user shall approve the producer as an approved supplier of site-won asphalt by-product from that production process to their RAP plant for use in the production of reclaimed asphalt and subsequently in bituminous mixtures. The end user shall complete and sign the end user's declaration described in point 2 as evidence that they have approved the producer as an approved supplier.
2. The end user shall issue, for the site-won asphalt by-product to be yielded from a production process, an end user's declaration conforming to the format set out in Annex II.
3. The end user shall transmit a copy of the original signed end user's declaration to the producer of the site-won asphalt by-product. The end user shall retain the original end user's declaration for at least 3 years, or as otherwise directed by relevant Regulation, after its date of signing and shall make it available to competent authorities or a relevant producer(s) upon request.
4. The producer shall attach a copy of the completed and signed end user's declaration received from the end user to the original statement of conformity (Reference Section 5).
5. The end user's declaration may be in electronic form.

Section 5

Statement of conformity

1. The producer shall issue, for each batch of site-won asphalt by-product, a statement of conformity to the format set out in Annex III (including an attached End User's Declaration as described in Section 4 above).
2. The producer shall transmit a copy of the original signed statement of conformity to the next holder(s) of the site-won asphalt by-product consignment and to the end user. The *producer* shall retain the original signed statement of conformity for at least 3 years, or as otherwise directed by relevant Regulation, after its date of issue and shall make it available to competent authorities and a relevant end user upon request.
3. The *RAP plant* shall retain the copy of the original signed statement of conformity for at least 3 years, or as otherwise directed by relevant Regulation, after its date of issue and shall make it available to competent authorities and a relevant end user upon request.
4. The statement of conformity may be in electronic form.

Section 6

Management system

1. The producer and end user shall both establish, maintain, and implement a management system suitable to demonstrate compliance with the criteria referred to in Section 3.
2. The producer and end user shall make these management systems available for inspection.
3. The *producer's management system* shall include a set of documented procedures concerning each of the following aspects:
 - (a) assessment of a production process and its suitability as a source of site-won asphalt by-product that can meet the criteria set out in Section 3;
 - (b) establishment, maintenance, and monitoring of the producer's approved supplier status attained from the end user as set out in Part 2 of Annex I;
 - (c) assessment, investigation, actioning and tracking of non-conformance reports;
 - (d) monitoring of the quality of site-won asphalt resulting from the production process as set out in Parts 1 and 3 of Annex I;
 - (e) processing of the site-won asphalt by-product, where required, to ensure normal industrial practice prior to dispatch to the end user as set out in Part 1 of Annex I;
 - (f) completion and sign-off of a statement of conformity, inclusive of the appropriate end user's declaration, as set out in Part 3 of Annex I;
 - (g) record keeping of all documentation associated with the by-product from a production process so as to demonstrate the requirements of these criteria have been satisfied;
 - (h) by-product batch and consignment traceability, inclusive of the quantity produced and dispatched, from production process to RAP plant;
 - (i) actioning any feedback from end users and/or competent authorities concerning compliance with agreed site-won asphalt by-product quality;
 - (j) review and improvement of the management system;
 - (k) training of staff to meet the requirements of the criteria;
 - (l) carrying out registration requirements.
4. The *end user's management system* shall include a set of documented procedures concerning each of the following aspects:
 - (a) assessment of a production process and its suitability as a source of site-won asphalt by-product that can meet the criteria set out in Section 3;
 - (b) establishment, maintenance, and monitoring of the producer's approved supplier status as set out in Part 2 of Annex I;

- (c) completion, sign-off, distribution and recording of an end user's declaration as set out in Part 2 of Annex I;
 - (d) acceptance control and quantification of by-product consignments requiring access to the RAP plant and by-product which has been permitted access and is unloaded at the RAP plant as set out in Part 4 of Annex I;
 - (e) monitoring of the quality of site-won asphalt by-product dispatched by the producer to the RAP plant as set out in Parts 1 and 3 of Annex I;
 - (f) processing of the site-won asphalt by-product to ensure normal industrial practice prior to use in the production of reclaimed asphalt as set out in Part 5 of Annex I;
 - (g) quarantine, segregation, and control of non-conforming by-product;
 - (h) issuing, assessment, and tracking of non-conformance reports;
 - (i) pausing, revoking, re-establishing and communicating the producer's approved supplier status as set out in Part 4 of Annex I;
 - (j) monitoring of the quality of reclaimed asphalt produced at the RAP plant from site-won asphalt by-product as set out in Part 6 of Annex I;
 - (k) monitoring of the quality of bituminous mixtures produced at the RAP plant from reclaimed asphalt as set out in Part 7 of Annex I;
 - (l) record keeping of all documentation associated with the by-product, its movement and use so as to demonstrate the requirements of these criteria have been satisfied;
 - (m) by-product batch and consignment traceability, inclusive of the quantity accepted into and used at the RAP plant;
 - (n) actioning feedback from customers, competent authorities and/or a product accreditation body concerning compliance with bituminous mixtures quality;
 - (o) review and improvement of the management system;
 - (p) training of staff to meet the requirements of the criteria;
 - (q) carrying out registration requirements, where required.
5. The end user shall ensure the approved supplier of by-product implements a management system which complies with the requirements of this Section.
6. The *end user's* management system shall be certified by a Management System Certification Body accredited by the Irish National Accreditation Board. This certification shall verify that the management system complies with the requirements of this Section. The verification shall be carried out every 3 years.

Section 7

Registration

1. Prior to dispatch from a production process, a producer of site-won asphalt in accordance with these criteria shall register the material on the Agency's public register, or as otherwise prescribed by the Agency. An individual registration shall be made for each batch of site-won asphalt produced from a specific production process which is destined for dispatch to *one specific* end user.
2. The producer shall submit registration information in a form and format as may be prescribed by the Agency.

Section 8

Compliance

1. The producer, holder or end user shall comply with any request made by a competent authority and/or authorised person in relation to the provision of evidence of compliance with these criteria or any requirements associated with these criteria e.g. product, or health and safety requirements.
2. Any person who gives either to an authorised person, a relevant local authority or the Agency, information which to that person's knowledge is false or misleading in a material respect, shall be guilty of an offence.

Section 9

Entry into effect

National By-Product Criteria Reference Number BP-N001/2023 shall be available for use immediately following publication on the Agency's website.

ANNEX I

Criteria for the site-won asphalt by-product

Criteria		Self-monitoring requirements
Part 1. The production process (pavement development).		
1(a)	The production process shall be a pavement development where the primary aim of the production process is the upgrading/maintenance of a pavement and <i>not</i> the production of site-won asphalt.	The producer, or designated qualified staff, shall assess the pavement development and ensure criterion 1(a) is satisfied.
1(b)	The site-won asphalt shall be a by-product from the production process.	The producer, or designated qualified staff, shall assess the site-won asphalt and ensure criterion 1(b) is satisfied.
1(c)	The by-product shall be suitable for direct use as a raw material at a RAP plant and not require further processing other than normal industrial practice i.e. it is acceptable to mechanically treat the site-won asphalt to break down the size of asphalt slabs to ensure it is supplied as may be agreed with the end user in accordance with Section 2 below.	The producer, or designated qualified staff, shall assess the site-won asphalt and ensure criterion 1(c) is satisfied.
Part 2. Controlled dispatch of the site-won asphalt by-product.		
2(a)	<p>(i) The required quality of site-won asphalt to be dispatched to the RAP plant shall be agreed <i>prior to</i> the producer dispatching site-won asphalt to the RAP plant.</p> <p>(ii) The producer shall be an <i>approved supplier</i> of site-won asphalt to the RAP plant, <i>prior to</i> any acceptance of site-won asphalt from this producer.</p>	<p>(i) The producer* <u>and</u> the end user* (RAP plant) shall agree the quality of site-won asphalt by-product required.</p> <p>(ii) The end user* shall complete and sign the End User Declaration in Annex II in accordance with Criterion 2(b) and provide the producer with a copy of this signed document.</p> <p>* Or designated qualified staff.</p>
2(b)	The RAP plant shall only sign an End User's Declaration if their RAP plant can demonstrate the fulfilment of the requirements of the End User's Declaration Form set out in Annex II.	The end user, or designated qualified staff, shall complete and sign an End User's Declaration as described in criteria 2(a) and (b).
2(c)	<p>Site-won asphalt by-product shall only be dispatched to a RAP plant where:</p> <ul style="list-style-type: none"> - the producer has been approved as an approved supplier; - the producer has received a copy of a completed and signed End User's Declaration from the end user; and - the producer has registered the batch of by-product, to be dispatched from the production process, on the Agency's register. 	The producer, or designated qualified staff, shall only dispatch by-product to the end user when these criteria and the criteria set out in Sections 3 and 7 have been satisfied.
2(d)	Any Non-Conformance Reports, as described in Annex IV, that were issued for a batch or consignment of by-product have been signed as complete and with a final decision that	The producer, or designated qualified staff, shall ensure any Non-Conformance Reports relating

Criteria	Self-monitoring requirements
provides for the producer, as an approved supplier, to dispatch the by-product consignment to the RAP plant.	to a consignment satisfy criterion 2(d).
Part 3. Quality of site-won asphalt by-product from the production process.	
3(a) Each batch of site-won asphalt by-product shall be free of: <ul style="list-style-type: none"> - bituminous mixtures containing coal tar (List of waste code⁵ 17 03 01*). - coal tar and tarred products (List of waste code 17 03 03*). 	The producer, or designated qualified staff, shall contact the overall person responsible for the pavement development to verify criterion 3(a) is satisfied.
3(b) The quality of the batch of site-won asphalt by-product from the production process shall meet the RAP plant's requirements as agreed in point 2(a) above. Where the producer identifies the requirements of Section 2(a) have not been met the producer shall issue a Non-Conformance Report, as described in Annex IV, and not dispatch this material as a by-product until the requirements of Section 2(d) have been satisfied.	The producer, or designated qualified staff, shall complete the assessments required to ensure criterion 3(b) has been satisfied.
3(c) The Statement of Conformity in Annex III shall be fully completed for each batch of by-product and signed as approved by the producer <i>prior to</i> the dispatch of any by-product consignments from the production process.	The producer, or designated qualified staff, shall complete the assessments required to ensure criterion 3(c) has been satisfied.
3(d) The producer shall transmit a copy of the original signed statement of conformity as described in Section 3(c) to the next holder of the site-won asphalt by-product consignment. This could be (i) a haulier and/or (ii) the RAP plant. The holder responsible for the dispatch of the consignment to the RAP plant shall ensure a copy of the original signed statement of conformity has been transmitted to the RAP plant.	The producer, or designated qualified staff, or holder shall complete the assessments required to ensure criterion 3(d) has been satisfied.
Part 4. Acceptance of the site-won asphalt by-product at the RAP plant.	
4(a) The RAP plant shall only accept site-won asphalt into their plant from an approved supplier that has registered the by-product on the Agency's register.	The end user, or designated qualified staff, shall complete the inspections required to ensure criterion 4(a) has been satisfied.
4(b) Site-won asphalt by-product consignments shall only be accepted into the RAP plant where a copy of a completed and signed Statement of Conformity has been transmitted to the end user and meets the procedural requirements for the inspection and acceptance of incoming by-product.	The end user, or designated qualified staff, shall complete the inspections required to ensure criterion 4(b) has been satisfied.
4(c) Site-won asphalt by-product consignments that fail the RAP plant's inspection described in points 4(a) and (b) above shall be denied entry to the RAP plant and a Non-	The end user, or designated qualified staff, shall complete the

⁵ List of waste codes are sourced from 'Waste Classification - List of Waste & Determining if Waste is Hazardous or Non-Hazardous' (EPA, 2018) ([2019--FULL-template.pdf \(epa.ie\)](https://www.epa.ie/publications-and-resources/publications/waste-classification)).

Criteria	Self-monitoring requirements
	inspections required to ensure criterion 4(c) has been satisfied.
4(d) Only site-won asphalt by-product which has: (i) met the requirements of 4(a) and (b); and (ii) has been weight recorded on entry to the RAP plant in a logbook record which provides for full batch and consignment traceability, shall be unloaded from a vehicle at a RAP plant.	The end user, or designated qualified staff, shall complete the inspections required to ensure criterion 4(d) has been satisfied.
4(e) Unloaded by-product shall be inspected in accordance with a procedure for the inspection and acceptance of incoming by-product.	The end user, or designated qualified staff, shall complete the inspections required to ensure criterion 4(e) has been satisfied.
4(f) Any unloaded by-product that fails the inspection carried out in accordance with criterion 4(e) shall be quarantined and treated as a waste. A Non-Conformance Report as described in Annex IV shall be issued by the end user, tracked until closure, logged, recorded and assessed as part of the review of a producer's approved supplier status.	The end user, or designated qualified staff, shall ensure the requirements of criterion 4(f) have been satisfied.
4(g) <ul style="list-style-type: none"> - Loads received from producers that fail the RAP plant's inspections described in points 4(a), (b) and (e) shall be monitored. - Non-Conformance Reports raised under points 4(c) and 4(f) shall be monitored. - The results of this monitoring required above shall be used to determine the status of producers as approved suppliers. - The approved supplier status of producers who cannot meet the requirements agreed in point 2(a) above shall be paused or revoked. This status change shall be communicated verbally and in writing to the producer. - By-product consignments shall not be accepted from producers who have had their approved supplier status paused or removed. - A new End User's Declaration shall be signed and issued to the producer to confirm the reassignment of approved supplier status where a producer's approved supplier status was previously revoked. 	The end user, or designated qualified staff, shall ensure the requirements of criterion 4(g) have been satisfied.
Part 5. Further use of the site-won asphalt by-product in the manufacture of reclaimed asphalt at the RAP plant.	
5(a) Normal industry practice shall only be used when processing site-won asphalt by-product accepted from the producer i.e. it is acceptable to mechanically treat the site-won asphalt by-product to ensure it is supplied into the reclaimed asphalt production process in a consistent form.	The end user, or designated qualified staff, shall assess the site-won asphalt and ensure criterion 5(a) is satisfied.

Criteria	Self-monitoring requirements
5(b) Site-won asphalt by-product that is associated with: <ul style="list-style-type: none"> - an open Non-Conformance Report; or - a closed Non-Conformance Report that <i>does not provide</i> for the site-won asphalt to be used in the manufacture of reclaimed asphalt, shall <i>not be used</i> to manufacture reclaimed asphalt or bituminous mixtures. Alternatively, site-won asphalt that is associated with a closed Non-Conformance Report <i>that does provide</i> for the site-won asphalt to be used to manufacture reclaimed asphalt shall be used to manufacture reclaimed asphalt or bituminous mixtures.	The end user, or designated qualified staff, shall ensure the requirements of criterion 5(b) have been satisfied.
Part 6. Quality of the reclaimed asphalt (<i>intermediate</i> product) produced using site-won asphalt (by-product) at the RAP plant.	
6(a) Reclaimed asphalt produced shall meet the requirements of the relevant part of a Harmonised Standard and/or an Irish Standard from the series (I.S.) EN 13108 that relates to the quality of reclaimed asphalt, e.g. <ul style="list-style-type: none"> - I.S. EN 13108-08 Reclaimed Asphalt where reclaimed asphalt is being used to make bituminous mixtures to a harmonised standard, or - the relevant aspects of I.S. EN 13108-08 where reclaimed asphalt is being used to make bituminous mixtures to an Irish Standard such as I.S. EN 13108-31, and - any tighter customer requirements. Factory Production Controls shall be satisfied, as required, in accordance with I.S. EN 13108-21.	The end user, or designated qualified staff, shall ensure the requirements of criterion 6(a) have been satisfied.
6(b) The reclaimed asphalt described in point 6(a) shall be used to produce bituminous mixtures which are <i>final products</i> that meet the requirements of Part 7 below.	The end user, or designated qualified staff, shall ensure the requirements of criterion 6(b) have been satisfied.
Part 7. Quality of the bituminous mixtures (<i>final</i> product) produced using reclaimed asphalt (<i>intermediate</i> product) at the RAP plant.	
7(a) <u>Certification:</u> <i>Prior to</i> any production of final products under these National criteria, a RAP plant shall have been issued with: <ol style="list-style-type: none"> (i) A Certificate of Factory Production Control in accordance with I.S. EN 13108-21 and Product Certification, by the relevant notified body, for any final products manufactured under the <i>harmonised standard</i> series (I.S.) EN 13108. and/or <ol style="list-style-type: none"> (ii) A Product Certificate issued under a Product Certification Scheme by a relevant notified body which demonstrates that the final products produced are in accordance with the relevant controls set out in I.S. EN 	The end user, or designated qualified staff, shall ensure the requirements of criterion 7(a) have been satisfied.

Criteria	Self-monitoring requirements
<p>13108-21 and relevant part(s) of the <i>Irish Standard</i> series I.S. EN 13108.</p>	
<p>7(b) The bituminous mixtures <i>produced</i> using reclaimed asphalt as a constituent shall meet the requirements of (i) and/or (ii) as described below.</p> <p>(i) <u>Final products produced to a harmonised standard, inclusive of:</u></p> <ul style="list-style-type: none"> - Factory Production controls as required in accordance with I.S. EN 13108-21; - The minimum performance levels set out in Standard Recommendation (S.R.) 28 Recommendation for the use and Implementation of the I.S. EN 13108 Series Bituminous Mixtures - Material Specifications, where relevant; and - The requirements of the relevant part of the harmonised standard series (I.S.) EN 13108 and any tighter customer requirements. <p>(ii) <u>Final products produced to an Irish Standard adopted from a European Standard, inclusive of:</u></p> <ul style="list-style-type: none"> - Factory Production Controls as required in accordance with I.S. EN 13108-21; and - The requirements of the relevant part of the Irish Standard series I.S. EN 13108 and any tighter customer requirements. 	<p>The end user, or designated qualified staff, shall ensure the requirements of criterion 7(b) have been satisfied.</p>
<p>7(c) The bituminous mixtures described in point 7(a) and (b) shall meet <i>all other</i> product requirements <i>prior to</i> being placed on the market.</p>	<p>The end user, or designated qualified staff, shall ensure the requirements of criterion 7(c) have been satisfied.</p>

ANNEX II
End User's Declaration referred to in Section 4

End User's Declaration		Declaration No.:	Page Count:
		<<Sequential number as maintained by the end user>> ⁶	<<Page No. X/Total No.>>
We declare that we are the end user, and the following details are correct:			
1.	End User's details:		
(a)	Organisation/Company name:		
(b)	Contact name:		
(c)	Address:		
(d)	Telephone number:		
(e)	email:		
(d)	End user's delegated qualified staff details:	Name:	
		Telephone No.:	
		Email:	
We, the end user, requires site-won asphalt by-product from the following producer:			
2.	Producer's details:		
(a)	Organisation/Company name:		
(b)	Contact name:		
(c)	Telephone number:		
(d)	email:		
(e)	Production process address:		
(d)	Production process description:	<< e.g. milling of the asphalt road surface, for the main contractor at the development ..., between locations X and Y on the National Road No. N55 to facilitate the upgrading/maintenance of the road.>>	
3.	We, the end user, are satisfied the site-won asphalt by-product from the above production process <i>will meet</i> the requirements of the National By-Product Criteria No. BP-N001/2023 <u>and</u> our end user raw material requirements, if supplied to the quality level agreed with the producer. Tick to confirm the above statement <input type="checkbox"/>		
4.	We, the end user, have approved the producer as an <i>approved supplier</i> of site-won asphalt by-product from the production process listed above. Tick to confirm the above statement <input type="checkbox"/>		
5.	We, the end user, will only allow <i>site-won asphalt by-product</i> , accepted at the RAP plant, to be used at the same RAP plant to produce <i>reclaimed asphalt</i> . Tick to confirm the above statement <input type="checkbox"/>		

⁶ Note: orange text is explanatory only, please delete this text prior to use.

End User's Declaration		Declaration No.: <<Sequential number as maintained by the end user>> ⁶		Page Count: <<Page No. X/Total No.>>	
6.	We, the end user, are satisfied that the use of this site-won asphalt by-product as a raw material at the RAP plant will enable the production of reclaimed asphalt <i>that meets the requirements of Section 3 and Annex I</i> of the National By-Product Criteria No. BP-N001/2023. Tick to confirm the above statement <input type="checkbox"/>				
7.	We can confirm the following controls are in place at the RAP plant:				
Control measure:			Evidence:		
(a)	<u>Planning permission has been attained via (tick as appropriate):</u> <input type="checkbox"/> Planning permission was <i>granted</i> which provides for the production of reclaimed asphalt and bituminous mixtures. OR <input type="checkbox"/> A Part 8 development report has been considered by the members of the Council for this development.	Reference No.:			
		Expiry date:			
(b)	Air Pollution Act Licence is required (tick as appropriate):	Yes:		No:	
	If yes, Air Pollution Act Licence details:	Reference No.:			
		Expiry date:			
(c)	The <i>RAP plant's</i> management system has been verified by a Management System Certification Body to meet the requirements of the National criteria in the last 3 years (tick as appropriate).	Yes:		No:	
		Verified by:			
		Date of last verification:			
(d)	Option 1 and/or Option 2 to be completed:				
(d)	<u>Option 1 - Requirements for production to harmonised standards:</u>				
	(i) Bituminous mixtures produced from reclaimed asphalt meet the requirements of a harmonised standard in the series EN 13108 (tick as appropriate).	Yes:		No:	
	(ii) The following is a list of harmonised standard series EN 13108-part numbers to which bituminous mixtures are produced at the RAP plant.	hEN 13108 Part Number(s):			
		<<Example: I.S. EN 13108-Parts 01 and 07>>			
(iii) The RAP plant has been certified by a <i>notified body</i> and has received: - A Notified Factory Production Control Certification indicating that all the provisions concerning the attestation of factory production	Factory Production Control Certification:				
	Reference No.:				
	Issue by:				
	Issue date:				
		Expiry date:			

End User's Declaration		Declaration No.: <<Sequential number as maintained by the end user>> ⁶	Page Count: <<Page No. X/Total No.>>
	control described in Annex ZA of the harmonised standards (I.S.) EN 13108 for the specific parts listed in (ii) above have been applied. - A Notified Product Certification for all the final products produced at the plant using reclaimed asphalt as a constituent.	Product Certification:	
		Reference No.:	
		Issue by:	
		Issue date:	
		Expiry date:	
(d)	Option 2 – Requirements for production to Irish Standards:		
	(i) Bituminous mixtures produced from reclaimed asphalt meet the requirements of an Irish Standard in the series I.S. EN 13108 (tick as appropriate).	Yes:	No:
	(ii) The following is a list of Irish Standard series I.S. EN 13108-part numbers to which bituminous mixtures are produced at the RAP plant.	I.S. EN 13108 Part Number(s):	
		<<Example: I.S. EN 13108-Part 31>>	
	(iii) The RAP plant has been issued with a certificate under a Production Certification Scheme by a notified body which lists the specific part of the Irish Standard I.S. EN 13108 listed in (ii) above.	Yes:	No:
		Certificate issued by:	
		Issue date:	
		Expiry date:	
8.	<p>In addition, we declare that if it is the case that we wish to:</p> <ul style="list-style-type: none"> ➤ Temporarily pause the producer's supply of by-product to the RAP plant; or ➤ Permanently revoke the producer's approved supplier status under this End Users Declaration; or ➤ No longer require by-product for use in the production of reclaimed asphalt, <p>We will contact the producer verbally and in writing and update the change in the producer's approved supplier status on the Agency's register, as may be required, with this information.</p> <p>Tick to confirm the above statement <input type="checkbox"/></p> <p>We give consent to the producer, the EPA and any other relevant competent body to copy this declaration for its own use, to make it available for inspection by relevant staff and to make it openly available to the public on the EPA website.</p> <p>Tick to confirm the above statement <input type="checkbox"/></p>		
End user company name:			
End user contact, print name:			
End user contact, signature:			
Date:			

ANNEX III

Statement of Conformity with the by-product criteria referred to in Section 5

By-Product Statement of Conformity		Statement No.: <<Sequential number as maintained by the producer>> ⁷	Page Count: <<Page No. X/Total No.>>
1.	<i>Producer of the site-won asphalt by-product</i>		
(a)	Producer company/organisation name:		
(b)	Producer contact:		
(c)	Producer telephone number:		
(d)	Producer e-mail:		
(e)	Producer's designated qualified staff details:	Name:	
		Telephone No.:	
		Email:	
2.	<i>Production process</i>		
(a)	Description of the production process i.e. pavement development:		
(b)	Address of the production process:		
(c)	Grid co-ordinates that relate to the location of the production process:	Starting point: N _____ E _____	
		End point: N _____ E _____	
(d)	A map of the production process, which indicates the <i>site boundary</i> from which the site-won asphalt by-product has been <i>generated</i> , has been attached to this Statement: Tick to confirm map attachment <input type="checkbox"/>		
(e)	The site-won asphalt by-product has resulted from pavement improvement works which are an <i>integral part</i> of the overall production process. Tick to confirm the above statement <input type="checkbox"/>		
(f)	The producer of site-won asphalt by-product applies a management system complying with the requirements of Section 3 of the National criteria. Tick to confirm the above statement <input type="checkbox"/>		
3.	<i>Site-won asphalt by-product from the production process.</i>		
(a)	The substance or object is site-won asphalt by-product, a production residue from the above production process and <i>not</i> the primary aim(s) of the production process. Tick to confirm the above statement <input type="checkbox"/>		
(b)	The <u>total quantity</u> of site-won asphalt by-product <i>estimated</i> to be generated from the production process:	_____ m ³	
	The quantity of the total site-won asphalt by-product <i>estimated</i> to be dispatched as a <i>batch</i> to the specific end user in accordance with this Statement of Conformity:	_____ m ³	

⁷ Note: orange text is explanatory only, please delete this text prior to use.

By-Product Statement of Conformity	Statement No.: <<Sequential number as maintained by the producer>> ⁷	Page Count: <<Page No. X/Total No.>>
The <i>estimated</i> maximum quantity that will be dispatched per consignment to the end user:	_____ m ³	
By-product logbook records can be referred to for the estimated quantity of by-product generated at a production process and the quantity dispatched per consignment to an end user. Tick to confirm the above statement <input type="checkbox"/>		
(c)	The producer has <i>verified</i> with a competent person at the <i>production process</i> that the pavement does not contain: <ul style="list-style-type: none"> - bituminous mixtures containing coal tar (List of waste code 17 03 01*); or - coal tar and tarred products (List of waste code 17 03 03*). Record the name of the competent person who provided this verification: _____ Tick to confirm the above statement <input type="checkbox"/>	
(d)	The site-won asphalt by-product generated at the production process and consigned to an end user is suitable for <i>direct use</i> at the RAP plant <i>without</i> any further processing other than <i>normal</i> /industrial practice. Tick to confirm the above statement <input type="checkbox"/>	
(e)	The site-won asphalt by-product meets the requirements of the National criteria <u>and</u> any additional end user requirements agreed between the producer and end user as part of the approved supplier process. Tick to confirm the above statement <input type="checkbox"/>	
4.	<i>Approved Supplier Status and End User's Declarations</i>	
(a)	A copy of End User's Declaration completed and signed by the end user has been attached to this Statement to confirm the producer's approved supplier status. Tick to confirm the above statement <input type="checkbox"/>	
5.	<i>General requirements</i>	
(a)	The site-won asphalt by-product batch and consignment(s) meets the criteria referred to in Section 3 of National By-Product Criteria No. BP-N001/2023. Tick to confirm the above statement <input type="checkbox"/>	
(b)	The producer confirms compliance with the REACH Regulation with respect to the site-won asphalt by-product. Tick to confirm the above statement <input type="checkbox"/>	
(c)	The site-won asphalt by-product batch meets all other requirements applicable to this material type, being placed on the market and/or used as a raw material at a RAP plant, prior to dispatch from the production process. Tick to confirm the above statement <input type="checkbox"/>	
(d)	The by-product details specific to this statement have been submitted on the Agency's public register in accordance with Sections 3 and 7, and Annex I Part 2(c) of the National criteria. Tick to confirm the above statement <input type="checkbox"/>	
(e)	The original copy of the signed Statement will be maintained as part of the producer's by-product record and a copy of the original will be transmitted with each by-product consignment dispatched	

By-Product Statement of Conformity	Statement No.: <<Sequential number as maintained by the producer>> ⁷	Page Count: <<Page No. X/Total No.>>
	to an end user for addition to the end user's by-product record. Records will be maintained and provided for inspection in accordance with the National criteria. Tick to confirm the above statement <input type="checkbox"/>	
6.	<i>Declaration of the producer</i>	
(a)	I certify that the above information is complete and correct to the best of my knowledge:	
	Producer, company name (print):	
	Producer, company seal:	
	Producer, print name:	
	Producer, signature:	
	Date:	

ANNEX IV

Non-Conformance Report (NCR)⁸			
NCR Number:	<<Example: NCR 001/2023>> ⁹	Page Count:	<<Page No. X/Total No.>>
Date NCR issued:			
Issued by:	<input type="checkbox"/> Producer ¹⁰	<input type="checkbox"/> End User/ RAP plant ¹¹	<input type="checkbox"/> Other ¹²
	Name of issuer (print):		
Description of the non-conformance with the National criteria:			
Statement of Conformity No.:			
Initial instruction, from the issuer, regarding the segregation and quarantine of the by-product:			
Initial instruction:			
Issuer's signature:		Date:	
Corrective action(s) taken:			
1. <<list actions taken to correct the non-conformance>>			
2.			
Preventative action(s) taken:			
1. <<list actions taken to prevent a reoccurrence of the non-conformance>>			
2.			
Final decision of <i>the issuer</i> of the NCR (tick as appropriate):			
Final decision – in relation to the by-product consignment:			
<input type="checkbox"/> The consignment <i>is</i> suitable for dispatch/acceptance/use as a by-product.			
<input type="checkbox"/> The consignment <i>is not</i> suitable for dispatch/acceptance/use as a by-product.			
Final decision – in relation to approved supplier status:			
<input type="checkbox"/> Approved supplier status <i>remains</i> in place;			
<input type="checkbox"/> Approved supplier status has been <i>paused</i> .			
<input type="checkbox"/> Approved supplier status has been <i>revoked</i> .			
Issuer's signature:		Date:	
Final communication issued:			
The decision made above was communicated from <<insert name of issuer >> to <<insert name of producer or end user>> on the <<insert date>>, reference attached communication record.			
NCR signed-off as complete:			
Issuer's signature:		Date:	

⁸ Note: this document is a template. If another NCR Form is used it must record the above data as a minimum requirement.

⁹ Note: orange text is explanatory only, please delete this text prior to use.

¹⁰ A producer shall use an NCR for by-product non-conformances identified at the pavement development or during dispatch to the end user where the dispatch is in the producer's control.

¹¹ An end user/RAP plant shall issue an NCR for by-product non-conformances identified at the RAP plant or during dispatch to the end use where the dispatch is in the end user's control.

¹² An enforcement officer or other relevant competent authority shall issue an NCR for by-product non-conformances identified at either the pavement development, RAP plant or in relation to a consignment post-dispatch in transit to a RAP plant.