

EU Waste Shipments Regulation

What is it?

The Waste Shipments Regulation or WSR ([Regulation 2024/1157](#)) was published in the Official Journal of the EU on 30 April 2024 and entered into force on **20 May 2024**. Its provisions will apply from **26 May 2026**, with important export restrictions entering into force on **21 May 2027**.



What is covered?

The WSR sets rules for transporting **processed and unprocessed materials classified as waste** across borders, which include scrap metals, plastics, textiles, and electronics. Recipient facilities can be recovery facilities, but also steel or paper mills that are authorised to treat waste.



Electronic system

The European Commission will operate a central electronic portal that will host the real-time exchange of information and documents related to the shipment of wastes. This **Digital Waste Shipment System (DIWASS)** will contain shipment notifications, requests for information, decisions on shipments, receipt confirmations, certificates, and other relevant information.



Bans and restrictions

The WSR introduces new export prohibitions for waste from the EU.

- 1 Plastic Waste Export Ban:** The export of plastic waste under Basel Convention code B3011 (non-hazardous plastic waste) to non-OECD countries is prohibited from 21 November 2026. A derogation of the ban on plastic waste shipments to non-OECD countries is possible after 21 May 2029.
- 2 Shipments to non-OECD countries:** Shipments of waste for recovery to non-OECD countries will be banned from 21 May 2027, except for countries that are listed in the new list of authorised countries for shipment.

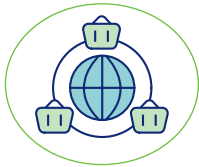
EU Waste Shipments Regulation

General Requirements



Permit and Registration Compliance:

- The sender must obtain a permit or be registered under Chapter IV of Directive 2008/98/EC before arranging a shipment.



Interim Recovery Operations:

- If the waste is destined for interim recovery operations, the sender must ensure the facility provides receipt confirmations and completion certificates as required (Article 15).



Pre-Consent for Facilities:

- The sender should verify whether the receiving facility is pre-consented. Pre-consented facilities benefit from shorter response times (7 days) and extended validity for shipment consents (3 years instead of 1 year) (Article 14). This applies to PIC procedure shipments.



Documentation Requirements:

● General Information or PIC Procedure:

Depending on the waste entry code, shipments will either follow the general information requirements or the Prior Informed Consent (PIC) procedure (Article 4). Under general information requirements, shipments are subject to streamlined requirements, such as for various metal scraps under Annex V of the regulation.



- **Notification:** If the PIC procedure applies, the sender must submit a notification to the competent authorities in the dispatch, transit, and destination countries using the specified formats. Competent authorities may request further information, consent, or raise objections within defined deadlines (Articles 5 & 8-10).



- **Movement Document:** Once consent is granted, all undertakings involved in the shipment must complete a movement document with relevant information before the shipment starts (Article 16). This document must accompany the shipment and be updated with any new information as needed.



- **Contractual Obligations:** For shipments subject to notification, a contract must be established between the sender and the consignee/operator, detailing responsibilities for the recovery of the waste (Article 6).



- **Financial Guarantee:** For shipments subject to notification, the sender must establish a financial guarantee or equivalent insurance covering transport, recovery, disposal costs, and any necessary interim operations (Article 7).





Take-Back Obligations:

- If a shipment cannot be completed or is deemed illegal, the sender must organize the return of the waste to the country of dispatch or arrange alternative disposal or recovery operations. The sender bears the costs and must fulfil the take-back obligations within 90 days of receiving a request from the competent authority (Articles 22-26).



Receipt Confirmation and Certification:

- The receiver must confirm receipt of the waste within two working days by completing the relevant part of Annex VII and providing it to the sender and competent authorities (Article 18).
- The receiver must issue a certificate of recovery or disposal as soon as possible but no later than 30 days after the operation's completion, and no later than one year after receipt of the waste unless a shorter period is indicated by competent authorities (Article 18).



Facility Licensing and Compliance:

- The recovery facility receiving the waste must be licensed under the domestic legislation of the destination country and be capable of undertaking the recovery operations according to the criteria set by the EU WSR and relevant directives. The facility must present its permit or proof of registration to the sender before the shipment begins (Article 18).



Take-Back Obligations:

- If the waste cannot be recovered or if the shipment is deemed illegal, the receiver must cooperate with the sender to return the waste to the country of dispatch or arrange alternative recovery or disposal (Articles 22-26).



Interim Recovery Operations:

- If the facility is conducting interim recovery operations, it must ensure that the necessary receipt confirmations and completion certificates are provided as stipulated by the WSR (Article 15). The facility must also handle any subsequent recovery operations, ensuring all steps are properly documented and certified.

Shipments to OECD Member Countries

General Regime:

- Shipments of waste to OECD countries for recovery follow similar procedures as intra-EU shipments, with some adaptations. All obligations for shipments within the EU are retained, including the ability to receive tacit consent after 30 days ([Article 44](#)).



Documentation Requirements:

- **Prior Informed Consent (PIC) Procedure:** Applies to mixtures of wastes listed in Annex IIIA (scrap mixtures) destined for interim operations with subsequent treatment in non-OECD countries, and plastic waste ([Article 44](#)). Otherwise, general requirements continue.
- From **21 May 2026**, all plastic waste exports from the EU will be subject to the PIC procedure ([Article 45](#)).



Audit Requirements:

- Receiving facilities must undergo a third-party audit within two years prior to receiving waste. Audits must verify compliance with criteria in Annex X of the WSR ([Article 46](#)).
- Exporters can commission an audit, use an existing audit report, or accept one commissioned by the facility. Audit reports must be submitted to the European Commission and will be published in a public registry ([Article 46](#)). If an exporter receives reliable information that a facility no longer complies with environmental standards, they must commission an ad hoc audit without delay.
- Audit requirements may be waived for facilities in countries with which the EU has an international agreement recognising their waste management practices as environmentally sound ([Article 46](#)).



Transit Considerations:

- For transit through non-OECD countries, consent is required within 60 days. For OECD transit countries, tacit consent may be assumed after 30 days if no objection is raised ([Article 44](#)).



Monitoring and Safeguards:

- The European Commission monitors exports to ensure environmentally sound management. By 21 May 2026, the Commission will assess whether OECD countries receiving significant volumes of waste are adequately treating it. The Commission may prohibit exports to countries that fail to demonstrate adequate waste management ([Article 45](#)).



Compliance Transparency:

- Exporters must annually publish information on how they comply with these obligations ([Article 46](#)).



Shipments to Non-OECD Countries

Responsibilities of the Sender (Person Arranging the Shipment)

Inclusion in the List of Authorised Countries:

The sender must verify that the destination country is included in the list of authorised non-OECD countries, as published by the European Commission. Only countries on this list are eligible to receive waste shipments from the EU after **21 May 2027**. This list is based on applications submitted by non-OECD countries demonstrating their capacity for environmentally sound waste management (Article 41).



Audit Requirements:

- The sender must ensure that the receiving facility has undergone a third-party audit within the last two years, confirming its ability to manage the waste according to the criteria outlined in Annex X. The audit must be submitted to the European Commission, which will publish it in a public registry (Article 46).



Transit and Consent Requirements:

- If the shipment transits through third countries (non-EU, non-OECD), the sender must secure consent from those countries' authorities within 60 days, if the shipment requires prior consent. For OECD countries, tacit consent may be assumed after 30 days if no objection is raised (Articles 35, 44 & 57-58).



Responsibilities of the Receiver (Consignee)

Audit Compliance:

- The receiver must ensure compliance with the third-party audit requirements. The audit should confirm that the facility can manage the waste in an environmentally sound manner and complies

with the criteria set out in Annex X of the WSR. The audit report must be shared with the European Commission and may be published in a public registry (Article 46).



Who are the contact points?

Competent Authorities:

- Each Member State will have designated competent authorities responsible for the enforcement of the WSR. These authorities are the primary contact points for notifications, consents, and any issues arising during the shipment process. The competent authority of dispatch approves the financial guarantee, reviews the audit reports of the receiving facility, and ensures compliance with the notification procedures.

European Commission:

- The European Commission is responsible for maintaining the **list of authorised non-OECD countries** and setting **criteria for the classification of waste and used goods**.
- It also plays a role in resolving disputes between Member States regarding classification issues and ensuring consistent application of the regulation across the EU.

What is yet to be decided?

List of Authorised Countries:

- By **21 February 2025**, non-OECD countries must apply to the European Commission to be included in the list of countries authorised to receive certain types of waste after the export ban takes effect in May 2027. The European Commission will review these applications and publish the list.

Harmonisation of Criteria:

- The Commission is expected to adopt implementing acts that establish detailed criteria for classifying substances or objects as used goods versus waste. This will be crucial for determining whether specific shipments fall under the waste shipment regulations.

Example Scenario

Shipment of copper scrap from Germany to India, scheduled for June 2027, with transit through Sri Lanka.



Pending Decisions

- **India's Authorisation:** By June 2027, India must be listed as an authorised country to receive waste by the European Commission. If India is not included, the shipment cannot legally proceed.
- **Notification Regime:** If India does not specify in its request to the EU that it wishes to introduce prior written notification for copper imports, the shipment will be subject to the general information requirements outlined below.



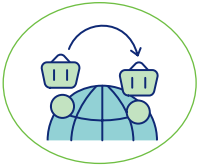
Sender's Responsibilities

- **Permit and Registration:** The German exporter must obtain a permit or be registered under Chapter IV of Directive 2008/98/EC before arranging the shipment.
- **Contractual Obligations and Take-Back Responsibilities:** They must establish a contract with the Indian receiving facility for waste recovery. The contract must be
 - Effective before completing the Annex VII document
 - Remain valid throughout the shipment
 - Include details such as parties involved, waste description and identification codes, quantities, recovery operations to be undertaken, and contract validity
- **Take-back obligations if the shipment cannot be completed as intended:**
 - Senders should immediately inform the competent dispatch authority if the shipment or recovery cannot be completed as planned and either take the waste back to the country of dispatch or ensure recovery in an alternative way in the destination country or elsewhere.
 - Complete take-back or alternative recovery should be undertaken within 90 days (or a period agreed by competent authorities)
- **General Information Requirements:** Under this procedure, senders should complete the Annex VII document with all relevant information, no later than two working days before the shipment starts. The document should have updated details of the shipment, such as waste quantity and carrier, before the shipment begins. The document must be electronically available to all parties involved, including during transport.
- **Facility Verification:** Senders should verify that the receiving facility has a valid permit and comprehensive third-party audit in the public online registry.



Receiver's Responsibilities

- **Facility Licensing and Compliance:** The Indian facility must be licensed under Indian law and be capable of undertaking the recovery operations.
- **Audit Requirement:** The facility must have been subject to comprehensive third-party audit demonstrating environmental management capabilities, less than two years before the shipment.
- **Receipt and Processing Documentation:** Upon receiving the shipment, the receiver must confirm receipt of waste within two working days. They should complete the relevant section in the Annex VII document.
- **Recovery Completion Certificate:** The receiver must notify receipt of shipment within two working days, and must issue a certificate of recovery or disposal no later than 30 days after the operation's completion, and no later than one year after receipt of the material.



Transit Considerations

- If shipments are not subject to the prior written consent procedure, Sri Lankan authorities should simply be informed of the shipment; the manifest should be submitted upon the vessel's departure from the last port before Sri Lanka.



Take-Back Obligations

- If the shipment cannot be completed as planned or is deemed illegal, the German exporter must take back the waste, ensure alternative recovery or arrange temporary storage if necessary.

This document provides general information for BIR members and is not intended as legal advice. Members should seek independent legal counsel for specific concerns. BIR assumes no liability for actions taken based on this information.



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