European Commission

Shipments of waste in the EU in the context of the Coronavirus crisis

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Our companies dealing with waste continue providing an essential service to our society even in these difficult times. The Commission works with the Member States to keep the green lanes for waste open so that it could be shipped without delay, become the resource for another industry or get its most appropriate treatment in the EU. This is an essential task to protect our health and the environment, and keep the circular economy moving ahead.

The Coronavirus crisis and the various measures adopted to address it at national level are affecting waste shipment operations in the EU and this impact is likely to be more severe in the near future. Intra-EU shipments of waste are a key link in the whole supply chain from the collection to the final treatment of waste. Many Member States depend on facilities in other Member States for the treatment of their waste, as they do not have on their territory the full range of installations to manage all waste fractions. In the EU, cross-border waste shipments are regulated by Regulation (EC) 1013/2006 on shipments of waste (the Waste Shipment Regulation, or WSR).

For environmental, public health and economic reasons, it is essential that a common approach across EU Member States is pursued with a view to limiting disruptions of waste shipments.

The purpose of this document is to ensure a common approach to securing the continuation of waste shipments across the EU while maintaining a high level of protection of public health and the environment in the exceptional circumstances created by the Coronavirus outbreak.
Based on identified best practices, and in line with the legal framework in place, this document provides guidance to the competent authorities in the Member States, economic operators and all relevant stakeholders with a view to:

- prevent and reduce possible obstacles to cross-border movements of waste within the EU, and
- facilitate the implementation of EU rules on waste shipments.

1. Ensuring smooth cross-border transport of waste shipments in the EU and exchange of information

On 16 March 2020, the Commission adopted **Guidelines for border management measures to protect health and ensure the availability of goods and essential services**[1]. On this basis, on 23 March 2020, the Commission adopted a **Communication on the implementation of the Green Lanes under the Guidelines**[2] with specific recommendations designed to preserve the EU-wide operation of supply chains and ensure the functioning of the Single Market for goods, wherever internal border controls exist or have been introduced. **The Communication explicitly clarifies that the principles relating to transport of goods apply mutatis mutandis to shipments of waste.**

The Guidelines stress the principle that all EU internal borders should stay open to freight and that the supply chains for essential products must be guaranteed. Member States are asked to designate priority lanes for freight transport (e.g. via 'green lanes'). Going through these 'green lane' border crossings should be open to all freight vehicles carrying any type of goods.

- The Commission asks that all Member States fully implement to waste shipments the recommendations on ensuring that all freight gets quickly to its destination without any delays and in particular to ensure that waste shipments have access to the 'green lane' border crossings.

Transparency on any measures taken by the different Member States to restrict cross-border movements is essential for the functioning of the waste shipments operations across the EU.

The Commission maintains a l**ist of measures implemented or announced by Member States that restrict transport across borders**[3]. Waste shipments authorities and economic actors should consult this website to facilitate proper planning and organisation of their operations.

In order to provide for exchange of information on specific national measures affecting intra-EU shipments of waste in the context of the Coronavirus crisis, DG ENV maintains a **list of Member States contact points**[4]. This complements the already available list of competent authorities in charge of the WSR[5].

1. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20200316_covid-19-guidelines-for-border-management.pdf
2. https://ec.europa.eu/transport/sites/transport/files/legislation/2020-03-23-communication-green-lanes_en.pdf
3. https://ec.europa.eu/transport/coronavirus-response_en
4. https://ec.europa.eu/environment/waste/shipments/pdf/Overview%20MS%20contact%20details%20during%20cov-id-19%20situation%2024032020.pdf
5. https://ec.europa.eu/environment/waste/shipments/pdf/Competent_Authorities_EN_13_March_2020.pdf

2. Electronic exchange of documents and information

In many Member States, the default modus operandi for procedures relating to waste shipments is paper-based: paper documents are signed, they accompany the shipments and are physically presented or exchanged during the various stages of the transport. In the context of remote working arrangements due to the Coronavirus crisis, **the use of paper-based procedures has a significant impact on the timeliness of administrative procedures**. Moreover, with a view to minimising physical contact, regular exchanges of paper documents between various economic operators and different authorities along waste shipments operations should be avoided.
Article 26(4) of the WSR allows for electronic exchange of information and documents, in case all involved authorities and economic actors agree to do so.

- It is recommended that electronic procedures are used for the procedures and information exchange laid down in the Waste Shipment Regulation, and that electronic exchanges of documents and information, including where possible digital signatures, are used and accepted by competent authorities in all Member States.

Applying electronic procedures can range from **exchange of documents and consents via e-mail** to the use of **full-fledged data interchange systems** implemented already between certain Member States.
The following **practical arrangements** are recommended to ensure the smooth shipments of waste in the current situation:

a. **Notification requests** (art. 4 and 14 of the WSR) should be accepted in digital format (e.g. an e-mail of a scanned document or a digital submission through an electronic system);
b. **All communication related to the notification, the consent and the requirements following the consent should be sent in digital format**, including:
    - the information or documentation requested for the notification (Articles 4 and 8 of the WSR),
    - ndt.ion requestedtion ation to accompany the notification request, including: contract, financial guarantee, the transmission of the notification dossier to the relevant authorities (Article 7 of the WSR),
    - the acknowledgment of receipt and the consent (Articles 8 and 9 of the WSR);
    - the movement document as referred to in Article 16 of the WSR;
    - the document mentioned in Annex VII and referred to in Article 18 of the WSR.

3. Facilitating waste shipment procedures

Title II of the Waste Shipment Regulation provides comprehensive rules governing shipments of waste within the EU. This is especially the case for hazardous waste and mixed household waste that is subject to the prior written notification and consent procedure. Due to restrictions to border crossings to prevent the spread of Coronavirus, shipments of waste may require change of planned route. **Unnecessary delays in updating the shipment notification should be avoided in order to prevent further obstacles to the smooth continuation of waste shipments across the EU and potential risks to environment and human health.**
In order to facilitate the **timely implementation of prior written notification and consent procedures** under the Waste Shipment Regulation the Commission advises the following:

a. Article 9 of the WSR lays down **the procedure whereby the competent authorities of dispatch, transit and destination provide their consent to the shipments notified to them.** The completion of the required procedure within the deadline foreseen in Article 9 may be challenging in the context of remote working arrangements applied in most Member States.

- The use of electronic exchanges, as recommended in section 2 above, is instrumental to ensuring the timely completion of the procedure to obtain the consent of the competent authorities of dispatch, transit and destination to carry out the waste shipment. Furthermore, as the deadline for providing consent to shipments to a pre-consented facility is shorter than that for shipments to other facilities (see Article 14 of the WSR) it is recommended to consider the application of this procedure where appropriate.

b. Article 16 of the WSR lays down requirements that need to be fulfilled by the notifier of the waste shipment, following receipt of the consent by the competent authorities of dispatch, destination and transit. In particular, **the notifier is required to send signed copies of the completed movement document to the involved competent authorities and the consignee at least three days before the shipment starts.** Where the Coronavirus crisis causes disruption of movement across borders and delays in procedures, it may not be feasible to plan the actual date of waste shipments well in advance.

- In the context of the Coronavirus crisis and especially in the case where unforeseen border crossing restrictions are established or delays in procedures occur, the application of the provisions on prior information regarding the actual start of shipment may pose challenges to the notifier. When applying these rules, Member States should take account of such challenges.

c. Article 17 of the Waste Shipment Regulation states that **if any essential change is made to the details and/or conditions of the consented shipment**, including changes in the intended quantity, route, routing, date of shipment or carrier, **the notifier is required to inform** the competent authorities concerned and the consignee immediately and, where possible, before the shipment starts. It is further required that in such cases **a new notification is to be submitted, unless all the competent authorities concerned consider that the proposed changes do not require a new notification.**

If a waste shipment has to change its route and pass through a Member State not involved in the original notification (notably as a country of transit), Article 17(3) of the WSR requires that a **new notification** be submitted.

- It is recommended that the relevant competent authorities – in close consultation with each other – consider not to require a new notification in case changes to the details and/or conditions of the consented shipment need to be made or occur due to movement restrictions to prevent the spread of Coronavirus.
- In case another Member State becomes involved in a waste shipment due to re-routing of the shipment, it is recommended that all competent authorities involved do their utmost to process the new notification as speedily as possible.

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