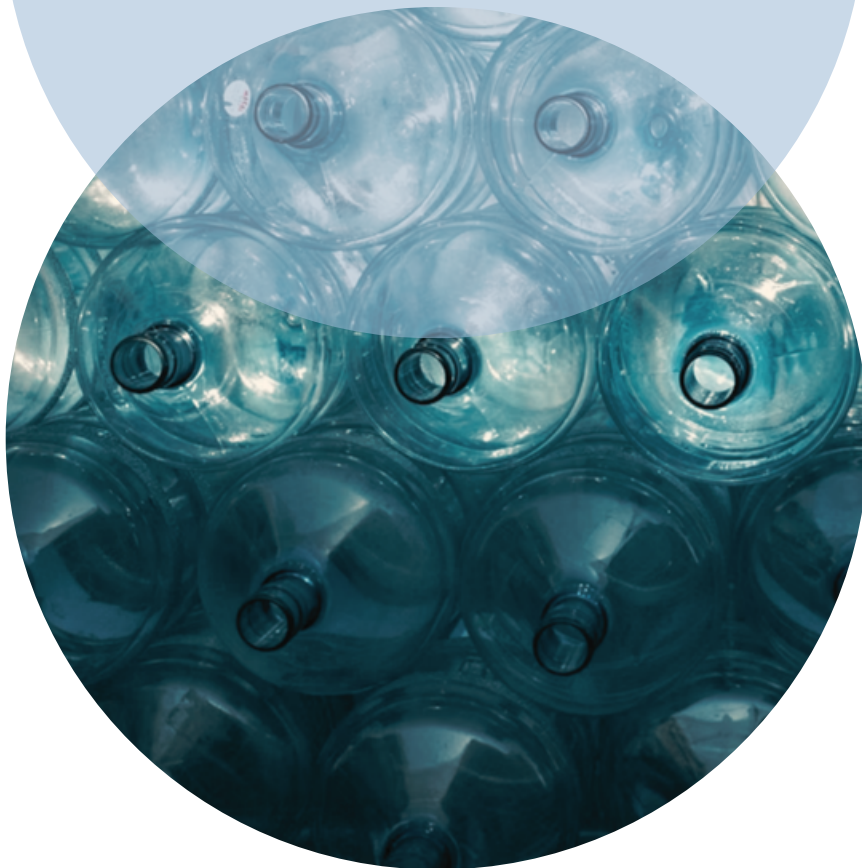


New Regulation on shipments of waste: what changes from 21 May 2026?

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In April 2024, the European Union adopted Regulation (EU) 2024/1157, which introduces a profound reform of the rules applicable to shipments of waste between Member States and to third countries. Having entered into force on 20 May 2024, most of its provisions will apply from 21 May 2026, a date that is rapidly approaching and requires timely preparation by all operators involved in transboundary movements of waste (TMW).

The new regulation replaces Regulation (EC) No 1013/2006, which was in force for two decades, and represents a paradigm shift: greater traceability, increased control, and a clear focus on digitalization and global environmental responsibility.

What changes and for whom?

The changes affect virtually all stakeholders in the lifecycle of transboundary waste, namely producers, notifiers, carriers, consignees, and waste treatment facilities. The main developments can be grouped into four key pillars:

1. Mandatory digitalization: DIWASS

DIWASS (Digital Waste Shipment System) is the new central electronic system created by the European Commission for communication and information exchange between competent authorities and operators. Portugal, through the Portuguese Environment Agency (APA), has opted to access the central system directly, meaning that Portuguese operators will also be required to use DIWASS as their main interface.

DIWASS will apply to the amber list from 21 May 2026 and to the 'green' listed waste from January 2027. All relevant documents will be uploaded and exchanged through this platform, including notifications, requests for information and responses, authorities' decisions, contracts, prior movement notifications, treatment certificates, among others.

Registration in DIWASS is already available, and operators must send to geral@apambiente.pt with the subject "DIWASS Registration", the company's permanent certificate and a declaration authorizing the main user to carry out the registration. APA validates the first (main) user, while subsequent users are validated by the main user. Registration is a prerequisite for any notification from 21 May onwards.

Note: All parties involved in a waste shipment, including producers who are not the entity arranging the shipment, must be registered in DIWASS for a notification to take place on the platform.

2. New requirements for contracts

The Regulation sets clearer rules for waste shipments contracts, which must now mandatorily include the waste treatment facility (where different from the consignee), the description and waste identification codes, the quantities covered, the recovery operation and the validity period. Existing contracts must be reviewed to ensure compliance with Article 8 of the Regulation. This obligation applies from 21 May 2026, including to 'green' listed waste shipments that will remain in SILiAmb platform until the end of the year.

3. Shipments for disposal within the EU: substantial restriction

This is arguably the point with the greatest economic and operational impact. Shipments within the EU for disposal are, as a rule, prohibited. They are only permitted if the notifier demonstrates that recovery is not technically or economically feasible, or that disposal is legally required, and that disposal in the country of origin is also not viable. In addition, the principles of the waste hierarchy, proximity and self-sufficiency apply, together with the requirement that both notifier and consignee have not been convicted of illegal shipments or environmental offences in the previous five years. This restriction places additional pressure on operators of disposal facilities.

4. Exports to third countries: audits and a new list

The Regulation introduces two mechanisms that reshape the framework for EU waste exports to countries outside the bloc:

4.1. Mandatory audits (from 21 May 2027)

Exporters may only ship waste to facilities that have been audited within the previous two years by an independent third party with appropriate qualifications. This obligation applies to all third countries, whether OECD or non-OECD. The exporter may commission the audit directly, rely on an audit commissioned by another exporter, or use an audit commissioned by the facility itself. Regardless of the option chosen, the exporter must hold a valid audit report, failing which the shipment may be considered illegal.

Exporters are also required to publish annually on their website, by electronic means, information on compliance with these obligations.

4.2. New list of authorized non-OECD countries

Exports to non-OECD countries are, as a rule, prohibited. An exception applies to non-hazardous waste destined for recovery in countries that have expressed interest to the European Commission and demonstrated their capacity for environmentally sound management. The Commission will publish this list by 21 November 2026, and exports to countries not included in the list will be prohibited from 21 May 2027. This list replaces Regulation (EC) No 1418/2007.



The rationale for this change may lie in the historical pattern of large-scale EU waste exports to countries where treatment may be less adequate, now requiring receiving facilities to be audited by independent entities.

5. Strengthened rules for the notification procedure ('amber' listed waste)

From 21 May 2026, the submission and processing of the entire notification procedure will take place in DIWASS, with notifications submitted simultaneously to all competent authorities. Key changes compared to the previous regulation include:

- A maximum of three requests for additional information by authorities, with defined deadlines for each step
- The introduction of the "renewal" concept, whereby a notifier submits a notification similar to one previously authorized, meaning same waste, same location, same consignee and facility, and same transit country, requiring authorities to take previous information into account and decide as soon as possible
- Clarification that waste must be received at the waste treatment facility before the expiry of the validity period of all authorizations issued by the competent authorities involved, with the relevant date being the date of arrival at the facility, rather than the start of transport

Thus, the assessment and approval conditions for the 'amber' listed waste will remain broadly aligned with the current regime, with the difference that the process becomes more transparent and streamlined on the platform, and the renewal mechanism becomes more efficient.

Enhanced inspections, including by the European Commission

Inspection authorities may require documentation from any party within a deadline set by them, may detain the waste and, if necessary, the means of transport, and may suspend the shipment until documentation is provided.

One of the most significant developments is the possibility of direct inspections by the European Commission. The Commission may, on its own initiative or upon request, carry out inspections where there are suspicions of illegal shipments, accessing facilities, land and means of transport, examining documents, requesting explanations, and physically verifying the waste. The report produced following such inspections constitutes admissible evidence in judicial proceedings.

Minimum sanctions that Member States must provide for include fines, revocation, or suspension of authorizations for waste management and shipment activities, and exclusion from public procurement procedures.

Thinking about tomorrow? Let's talk today.



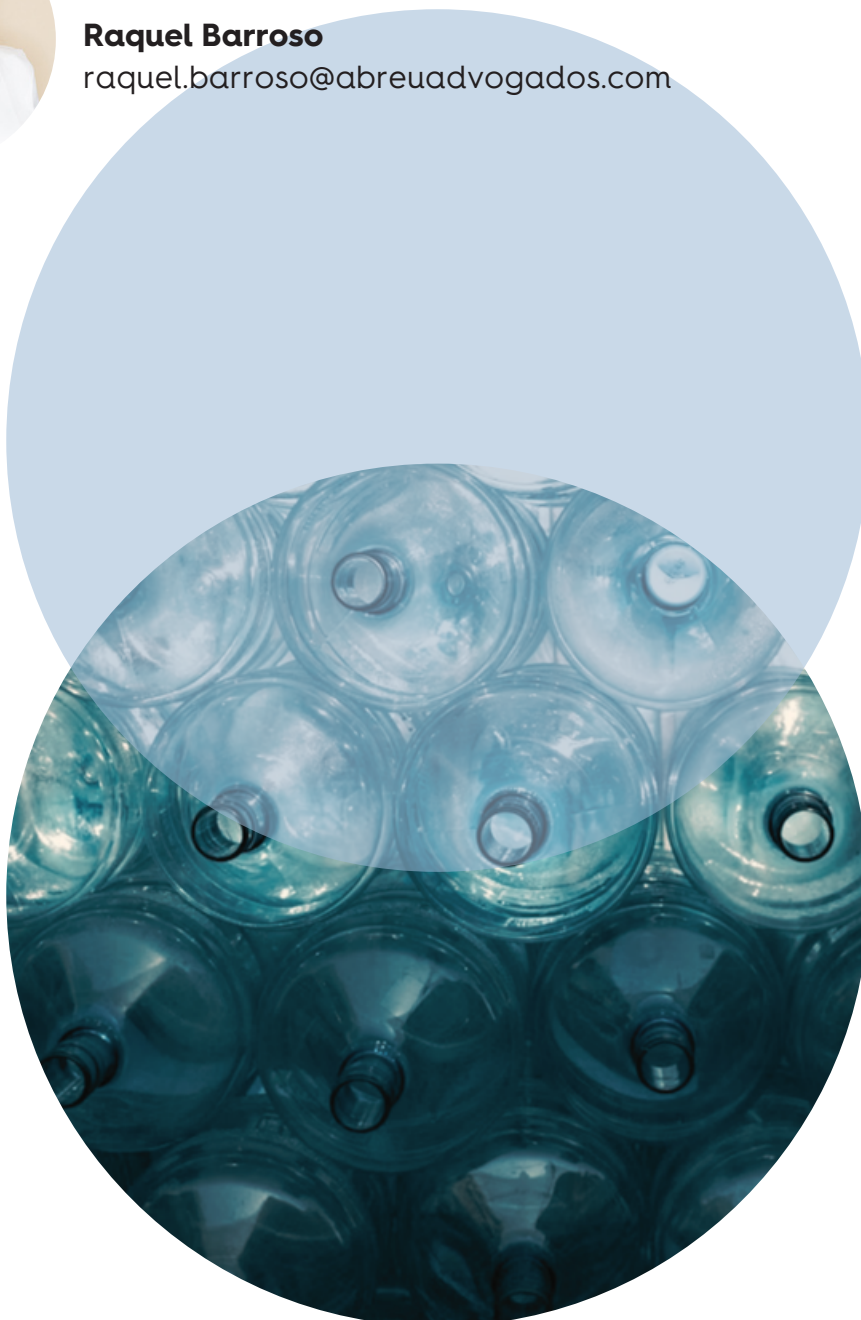
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