



FONASBA ECASBA - Members' Briefing

The EU Digital Waste Shipment System (DIWASS)

Regulation (EU) 2024/1157 — implications for shipbrokers and agents

Executive summary

The European Union (EU) has overhauled its structural rules on transboundary waste movements via [Regulation \(EU\) 2024/1157](#) (the new Waste Shipment Regulation / WSR), which completely repeals the legacy Regulation (EC) No 1013/2006. A core structural pillar of this legislation is the implementation of **DIWASS** (Digital Waste Shipment System) - a mandatory central electronic platform managed by the European Commission for submitting, tracking and exchanging all documentation relating to waste shipments.

Because maritime transport is the primary logistics vector for large-scale international and intra-EU waste and scrap movements, this regulation radically changes documentation deadlines, enforcement parameters, and liability profiles for shipbrokers and port agents.

1. Legal basis & core objectives

The new WSR was published in the Official Journal of the EU on **30 April 2024** and formally entered into force on **20 May 2024**. The final text outlines explicit objectives to protect human health and the environment, align with the European Green Deal, and build an airtight circular economy while drastically reducing illegal waste trafficking and strategic dependencies on raw materials.

The interinstitutional legislative process harmonized a clear transition toward full digitalization while granting specific enforcement competencies to major European regulatory and investigative agencies.

2. Timeline & the mandatory transition to DIWASS

DIWASS acts as the central Commission hub, establishing real-time interoperability between national authority databases, commercial logistics software, and the EU Single Window Environment for Customs.

- **21 May 2026 (The Mandatory Activation):** DIWASS became legally mandatory for all intra-EU waste movements. Both Prior Informed Consent (PIC) notification workflows for hazardous waste and general information tracking for non-hazardous waste must pass through this digital channel.
- **Technical Transitional Relief (Until 31 December 2026):** Due to initial friction in interconnecting the central European hub with local national competent authority systems, an explicit transitional buffer was established. Until **31 December 2026**, Annex VII documents for "green-listed" waste can continue to be managed on paper or legacy formats.



- **1 January 2027:** The transitional window closes permanently. Uninterrupted digital compliance inside DIWASS becomes strictly mandatory for all green-list shipping movements.

3. Is “scrap cargo” considered waste”?

Yes. This remains a point of confusion in the chartering market that agents must master.

Under EU law, recyclable metal scrap, electronic scrap, and plastics are legally classified as "waste" **unless** they have explicitly achieved a certified "**end-of-waste**" status under standard EU or national criteria.

- **Green-Listed Waste (Annex III / Annex VII Tracking):** Standard commercial cargoes like iron and steel scrap, copper, nickel, aluminium, and zinc scrap in metallic, non-dispersible forms fall under the "Green List" (Annex III). While exempt from prior written consent, they are tightly regulated under **Article 18 general information requirements**. They require a completed Annex VII form to be uploaded to DIWASS for any shipment exceeding **20 kg**.
- **Amber-Listed / Hazardous Waste (Annex IV):** Cargoes like vanadic ashes, flammable magnesium scrap, or waste lead-acid batteries fall under Annex IV and are subject to the rigid **Prior Written Notification and Consent (PIC)** procedure. No loading can occur until written authorizations are secured from all competent dispatch, transit, and destination authorities.

4. Critical legislative developments & evolving green-lists

The European Commission is executing clear mandates to adapt and expand the WSR to match evolving trade demands:

- **Subsequent Treatment Tracking ([Regulation \(EU\) 2024/2571](#)):** Published on 27 September 2024, this delegated regulation mandates that facilities carrying out subsequent interim or non-interim recovery operations must complete a highly standardized **digital tracking certificate (Annex I / Blocks 3-8)** to officially confirm the final, lawful close of a waste treatment chain.
- **Expanding the Green List Scope (2025–2026 Initiatives):** Following a high-volume public consultation concluded in late 2025 (garnering substantial industrial feedback from countries like Belgium, Germany and the Netherlands), the Commission is moving forward with a [delegated act planned for Q4 2026](#). This act aims to expand the Green List scope to incorporate clean, depolluted electronic components (e.g., specific electric motors, non-hazardous transformers, and depolluted WEEE fractions) and establish definitive **quantitative contamination thresholds** for metal and textile wastes to facilitate swifter internal EU circulation.

5. Global export restrictions & strict destination rules

The regulation enforces a strict geographical hierarchy for any waste leaving the EU boundaries:



Destination Category	Cargo type	Regulatory status / restriction
Non-OECD countries	Hazardous / Amber Waste	Total export ban.
Non-OECD countries	Non-Hazardous Plastic Waste	Total export ban (Takes absolute effect late 2026, 30 months post-entry into force).
Non-OECD countries	Green-Listed / Annex III Waste	Banned by default , <i>unless</i> the country explicitly submits an English-language request using the standardized Annex VIII form to be included in the Commission's authorized export list.
OECD countries	All allowed Waste	Subject to intensive verification. Exporters must prove the destination facility has undergone an independent, third-party audit within the last two years.

6. Aggressive enforcement: OLAF & port checkpoints

Enforcement mechanisms have been drastically fortified to prevent market evasion:

- **OLAF mandated powers** ([Commission Decision \(EU\) 2026/681](#)): Effective as of **April 2026**, the European Commission officially entrusted the **European Anti-Fraud Office (OLAF)** with direct investigative powers to handle complex, cross-border illegal waste shipments. OLAF has been granted **unrestricted, real-time access to the DIWASS central database** and all accompanying customs documentation.
- **The Waste Shipment Enforcement Group (WSEG)**: Operating under Article 66, this centralized task force coordinates risk-based targeting mechanisms across EU loading terminals, cross-referencing Customs Combined Nomenclature (CN) codes with waste classifications. The WSEG [inaugural meeting](#) occurred on 22-23 May in Warsaw, Poland.
- **Classification disagreements**: Crucially, under Article 29, if national competent authorities disagree on whether a cargo is a "used good" or "waste," or whether an operation is "recovery" or "disposal," **the cargo is treated as waste/disposal by default**. This instantly triggers the most stringent regulatory barriers, increasing the risk of immediate vessel delays and cargo detentions.

7. Core implications & take-back risks

The WSR shifts massive operational and financial burdens onto **"the person who arranges the shipment"**.

Strict Pre-Notification Timelines



The party arranging an Article 18 green-list shipment must complete and submit the digital Annex VII document inside DIWASS **no later than two working days before the physical shipment commences**. Complete data (including specific container identification numbers and precise carrier info) must be logged prior to vessel departure.

The danger of inadvertent financial liability

Articles 22 through 26 dictate strict **Take-Back Obligations** and cost orders. If a shipment cannot be completed as intended, or is deemed an "illegal shipment" due to a documentation error, a misdeclaration, or a facility rejection:

- The arranging person is legally mandated to **take the waste back to the country of dispatch** or coordinate alternative domestic recovery within **30 to 90 days**.
- All associated transport, alternative recovery, and 90-day storage costs are legally assessed against the arranger, backed directly by a mandatory **financial guarantee or equivalent insurance**.

 **CRITICAL RISK FOR PORT AGENTS:** If a port agent signs bills of lading, customs manifests, or DIWASS profiles inaccurately - or fails to clearly utilize defensive contracting language - they risk being legally classified as the "person who arranges the shipment" or the "notifier". In the event of a cargo rejection or an OLAF detention, **the port agent could inadvertently absorb total financial liability for storing, returning, or disposing of a stranded vessel's scrap cargo**.

8. Possible follow up action Items

1. **Enforce strict agency protection signatures:** Instruct all front-line port agents and documentation desks that every single document, manifest, digital DIWASS signature, and customs entry linked to metal scrap or recyclables must be executed explicitly and exclusively:

"As Agent Only on Behalf of the Principal [Name of Charterer/Shipper], who retains exclusive liability as the Notifier/Arranger under Regulation (EU) 2024/1157."

2. **Impose a "No DIWASS clearance, No load" policy:** Do not permit a vessel to commence loading scrap or green-listed commodities at an EU terminal until the principal provides verifiable electronic proof that the DIWASS pre-notification was successfully executed **at least 48 hours prior**.
3. **Audit OECD facility registrations:** Prior to fixing or accepting a port agency appointment for an export fixture bound for an OECD or non-OECD country, demand written validation that the receiving facility is explicitly registered in the EU's authorized database and possesses an updated, valid independent audit.
4. **Transition off paper immediately:** Do not let documentation teams rely on the soft transition window for paper Annex VII records expiring on 31 December 2026. Ensure agency offices are



fully registered and integrated into the central European Commission DIWASS portal (green-forum.ec.europa.eu) immediately to eliminate workflow delays.

5. **Follow upcoming EU legislative procedures** (ex: [Delegated Act on green-listing certain waste for the purposes of shipments to recovery between Member States](#))

References

- **Governing legislation:** [Regulation \(EU\) 2024/1157](#)
- **Mandatory digitalhHub:** DIWASS (Central System Hub via [Article 27](#))
- **Green list documentation:** [Annex VII](#) (Must be digital by 1 January 2027)
- **Subsequent form certification:** [Regulation \(EU\) 2024/2571](#)
- **Primary enforcement agencies:** National Competent Authorities (NCAs) & OLAF