

Information on approaches by Member States
on issues related to the transit of waste
pursuant to the Regulation (EC) No 1013/2006
on shipments of waste

- A Compilation Document -

June 2021

1. INTRODUCTION

1. This document provides information on the understanding of the Member States on how they apply certain provisions of Regulation (EC) No 1013/2006 on shipments of waste (Waste Shipment Regulation – WSR) related to transit. Firstly, information is provided on how Member States interpret the term “transit” in various situations, and secondly on issues related to the written or tacit consent provided by competent authorities of transit in the Member States.

2. Based on a questionnaire agreed by the Correspondents on 23 November 2020, Member States were asked to provide replies. The gathered replies are reflected in the present document.

3. The information contained in this document may change according to decisions taken in the different Member States.

2. MEANING OF THE TERM TRANSIT PURSUANT TO ART. 2(32)¹

4. The term “transit” is defined in art. 2(32) of the WSR:

‘transit’ means a shipment of waste or a planned shipment of waste through one or more countries other than the country of dispatch or destination

5. The Basel reporting format includes the following questions related to transit:

- 3(h)(i) “Does your country’s legislation include a definition of “State of transit”?” and if yes “please provide the text of the definition, including any elaboration of the meaning of the term “through which” in the definition of “State of transit” set out in Article 2.12 of the Convention“;

- 3h (ii) “Does your country otherwise have a definition of “State of transit” (e.g., in a guidance document)?”, and if yes “please provide the text of the definition, including any elaboration of the meaning of the term “through which” in the definition of “State of transit” set out in Article 2.12 of the Convention“.

These questions aim to gather information on the understanding of the term transit. The information provided is made publicly available on the Basel Convention website.

6. It is noted that the EU and its Member States can, in addition to a reference to art. 2(24) of the WSR – which includes a definition of ‘country of transit’² – refer to art. 2(32) of the WSR to reply to question 3h (i) in the context of the reporting under the Basel Convention.

7. Member States were asked for each of the following four situations to indicate whether they consider their country to be involved as country of transit:

Situation 1:

A ship carrying waste plans to enter or enters the territorial waters of the Member State but the ship does not plan to call or does not call at any port.

¹ In order to take into account situations where a notification is being prepared, planned shipments are also relevant to mention here.

² Art. 2(24) reads: ‘country of transit’ means any country, other than the country of dispatch or destination, through which a shipment of waste is planned or takes place

Situation 2:

A ship plans to call or calls at a port of your country but the waste is not planned to be unloaded or is not unloaded.

Situation 3:

A ship plans to call or calls at a port of your country, the waste is planned to be unloaded or is unloaded temporarily and then planned to be reloaded or reloaded on the same ship which plans to depart or will depart later on.

Situation 4:

A ship plans to call or calls at a port of your country, the waste is planned to be unloaded or is unloaded temporarily and then planned to be reloaded or will be reloaded on a different ship which is planned to depart or will depart later on.

8. The table below provides the Correspondents' replies per Member State and per situation.

Member State	Country of transit in situation 1?	Country of transit in situation 2?	Country of transit in situation 3?	Country of transit in situation 4?
Austria	n/a*	n/a	n/a	n/a
Belgium	No	Yes	Yes	Yes
Bulgaria	No	Yes	Yes	Yes
Croatia	No	Yes	Yes	Yes
Cyprus	No	Yes	Yes	Yes
Czech Republic	n/a	n/a	n/a	n/a
Denmark	No	Yes	Yes	Yes
Estonia	No	Yes	Yes	Yes
Finland	No	Yes	Yes	Yes
France	No	Yes	Yes	Yes
Germany	No	Yes	Yes	Yes
Greece	No	Yes	Yes	Yes
Hungary	n/a	Yes	Yes	Yes
Ireland	No	Yes	Yes	Yes
Italy	No	Yes	Yes	Yes
Latvia	No	Yes	Yes	Yes
Lithuania	Yes	Yes	Yes	Yes
Luxemburg	n/a	Yes	Yes	Yes
Malta	No	Yes	Yes	Yes
Netherlands	No	Yes	Yes	Yes
Poland	No	Yes	Yes	Yes
Portugal	No	Yes	Yes	Yes
Romania	No information received	No information received	No information received	No information received
Slovakia	n/a	n/a	n/a	n/a
Slovenia	No	Yes	Yes	Yes
Spain	Yes	Yes	Yes	Yes
Sweden	No	Yes	Yes	Yes

* n/a : "not applicable" as these Member States have no direct access to the sea

3. TRANSIT RELATED PROVISIONS: WRITTEN OR TACIT CONSENT

9. Correspondents were asked to provide information on the following questions:

Question 1:

Has your country informed the Secretariat of the Basel Convention that it has decided not to require written consent, either specifically or under specific conditions, for transits through your country, according to Art. 6(4) of the Basel Convention (this may be relevant for shipments in case the country of export is a Basel Party outside the EU/EEA and where the OECD Decision does not apply)?

If yes, please indicate the specific conditions or cases for not requiring written consent:

Question 2:

In which cases does the competent authority of transit of your country issue a written consent?

In all cases:

In some cases: If yes, please specify in which cases:

Not at all:

Question 3:

Does your country apply any fee in case the competent authority of transit gives:

- Written consent?
- Tacit consent?

If yes, please specify the amount of this fee:

10. The table below provides the replies per Member State per question.

Member State	Question 1 Basel Secretariat informed?	Question 2 In which cases written consent?	Question 3 Application of a fee?	Question 3 Amount of fee?
Austria	No	Some**	In case of written consent	€ 20,80 + € 3,90 for each enclosure, resp. € 21,80 for enclosures with more than 24 pages
Belgium	No	Some**	No	Fee expected from 2021/2022
Bulgaria	No	All	Yes	€ 180
Croatia	No	All	Yes	700,00 KN (~€ 95)
Cyprus	No	Some**	No	--
Czech Republic	No	All	Yes	10 000 CZK (~€ 382)
Denmark	No	Some**	No	--
Estonia	No	All	Yes	€ 220
Finland	No	All	Yes	€ 375 + € 12 per shipment
France	Yes*	None	No	--
Germany	No	All	Yes	Revised provisions on the amount of a fee are envisaged to be effective from 1 October 2021. Until then, ask the competent authority of transit (noti.fpbc@uba.de)
Greece	No	All	Yes	€ 1 per tonne of total intended quantity up to max € 1000
Hungary	No	All	Yes	For non-hazardous waste: 190.000Ft (~€ 528) For hazardous waste: 285.000Ft (~€ 792)
Ireland	No	None**	No	--
Italy	No	All	No	--
Latvia	No	All	Yes	€ 142,29
Lithuania	No	All	No	--
Luxemburg	No	All	No	--
Malta	No	All	Yes	Notification: € 250 Movement document (per shipment): € 35
Netherlands	No	None	No	--
Poland	No	All**	Yes	PLN 14,000 (~€ 3100)
Portugal	No	Some**	Yes	€ 546,05
Romania	No information received	No information received	No information received	No information received
Slovakia	No	Some**	Yes	€ 50
Slovenia	Yes*	Some**	Yes	€ 250
Spain	No	Some**	No	--
Sweden	Yes*	None	No	--

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France: This decision applies generally.

Slovenia: Written consent is not required in case Slovenia is a transit country for shipments within the EU.

Sweden: We always reply by e-mail to the notifier and involved competent authorities with information about that we use tacit consent and that the shipment can be launched as soon as the other involved competent authorities have given their written consents.

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Austria: In cases of transits from, through and to countries outside the EU and in case of shipments destined for pre-consented facilities (as the tacit consent is only valid for one year and the consent shall be issued within seven days in this case).

Belgium: Written consent except for maritime transports

Cyprus: There is a general rule for requests that include Cyprus as country of transit that written consent is given automatically provided that:

- i. Written consents from the competent authorities of the countries of dispatch and destination have already been given.
- ii. The consent is made on the understanding that each shipment follows the same route and the waste will remain in the port.
- iii. It is not allowed to unload the waste from the ship, if this action was not included in the notification request. In special cases, it is allowed to unload the waste from the ship, with the permission of the competent authority of Cyprus.
- iv. In the case of unloading from one ship and reloading to another ship, the competent authority of Cyprus must be informed at least 3 days in advance.

Denmark: We provide written consent in cases where the country of destination cannot expect from legislation that we provide tacit consent: Dispatch countries outside the Union and where the case is not covered by OECD (either because the waste is for disposal or because not an OECD country).

Ireland: An email is sent to the notifier (a copy is sent to competent authorities) that the National TFS Office (Irish competent authority for transit of waste) does not provide written consent or a stamped notification document but the shipment may commence as soon as other competent authorities involved have given their consent. A copy of this email must accompany each shipment.

Poland: As a rule, we always try to give written consent. Tacit consent is issued when the deadline for issuing a written consent pursuant to the WSR has passed.

Portugal applies tacit consent if the ship calls at a Portuguese port but the waste is not unloaded. If the waste is intended to be unloaded or unloaded temporarily and then intended to be reloaded or reloaded on a different ship, Portugal issues a written consent.

Slovakia: We issue a written consent in the case of a shipment to a pre-consented facility with the period of validity exceeding one year (art. 14 of the WSR).

Slovenia: Written consent is not issued in case of shipments within the EU.

Spain: The Ministry on the Ecological Transition and the Demographic Challenge as competent authority for transit in Spain, issues written consents when the notifier, or the competent authority of destination ask for it as a condition to consent to a shipment.