EUCOBAT

European Compliance Organisation for Batteries

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EUCOBAT Position Paper
Waste Shipments: Smooth Implementation of DIWASS and Legal Certainty on the List of Waste

1. Introduction

EUCOBAT is the European association representing national collection schemes for waste batteries. Its members operate Extended Producer Responsibility (EPR) systems across Europe and OECD countries ensure the environmentally sound collection and recycling of waste batteries.

As operational actors, EUCOBAT members are directly affected by regulatory changes related to waste shipments, classification of waste, and digital reporting obligations. In this context, EUCOBAT welcomes the European Commission's efforts to modernise waste shipment procedures and enhance traceability through the Digital Waste Shipment System (DIWASS). However, successful implementation requires legal clarity, harmonised application across Member States, and proportionate administrative requirements.

This paper sets out EUCOBAT's position on (i) the implementation of DIWASS, (ii) the classification of battery waste under the List of Waste (LoW), and (iii) the need for clear transitional arrangements.

2. DIWASS: beyond shipment control – data coherence and future-proofing

a. DIWASS implementation

EUCOBAT strongly supports the digitalisation of waste shipment procedures and recognises DIWASS as a key instrument to improve transparency, traceability, and efficiency of waste movements within the EU.

However, for DIWASS to deliver its intended benefits, its implementation must be:

- Mandatory and consistent across all Member States – DIWASS should be used uniformly by all competent authorities to avoid parallel national systems and fragmented procedures.
- Fully operational and interoperable – authorities and operators must be properly trained, and technical interoperability must be ensured before mandatory use.
- User-friendly and proportionate – the system should minimise administrative burden, especially for high-volume operators such as EPR schemes.
- Legally certain – clear guidance is needed on obligations, responsibilities, data requirements, and compliance checks.

EUCOBAT urges the Commission to actively monitor implementation and intervene where Member States delay or diverge from the harmonised use of DIWASS. Fragmented application would undermine the internal market and increase costs for producers and compliance schemes operating cross-border.

b. DIWASS within the wider regulatory and data landscape

While DIWASS is primarily designed as a digital tool for waste shipment procedures, EUCOBAT underlines that it should be considered within a wider regulatory and data landscape.

In particular, DIWASS has the potential to become a relevant data source for national battery reporting systems established under Articles 75–76 of the Batteries Regulation, insofar as cross-border movements of waste batteries are concerned. Over time, such data could contribute to more consistent, traceable and robust reporting at national and EU level.

EUCOBAT therefore encourages a forward-looking approach, calling on the Commission to explore structured and automated data exchange between DIWASS and national battery and WEEE reporting platforms, including for batteries embedded in electrical and electronic equipment (EEE). Early consideration of interoperability would help avoid fragmentation between digital systems and support future policy choices based on reliable data.

EUCOBAT also notes that the current regulatory framework leaves a gap with regard to cross-border movements of used EEE containing batteries that are shipped as products for reuse. While such movements rightly fall outside the scope of DIWASS when they do not qualify as waste, the absence of harmonised criteria, documentation and digital traceability at the product–waste interface risks divergent interpretations and enforcement practices across Member States.

Acknowledging this gap would help situate DIWASS within a broader discussion on regulatory coherence and transparency, without calling into question legitimate reuse activities.

3. List of Waste changes & hazardous classification – operational reality

a. List of Waste: old vs new codes

Under the revised regulatory framework, several battery-related waste streams – including black mass and lithium-based batteries – are classified as hazardous. EUCOBAT fully recognises the need for high environmental and safety standards.

At the same time, these materials contain critical raw materials and are essential inputs for Europe's recycling and strategic autonomy objectives. Therefore:

- Cross-border shipments of waste batteries and black mass for recycling must remain feasible and efficient within the EU.
- Administrative procedures should be risk-based and proportionate, avoiding unnecessary delays, while also ensuring that evaluation fees that make processes economically unviable and turn into unjustified forms of protectionism are not applied.
- Competent authorities should apply a pragmatic and harmonised interpretation of waste classifications.

EUCOBAT stresses that expensive and overly burdensome procedures may unintentionally hinder recycling capacity, slow down material recovery, and contradict the objectives of the Circular Economy and Critical Raw Materials strategies.

b. Black mass – operational reality

The revision of waste battery codes under the Waste Shipment Regulation, and the resulting classification of most waste batteries as hazardous, will have a particularly significant impact on battery recycling and storage operations. EUCOBAT also notes that certain battery recycling fractions, such as black mass, may currently lack sufficient recycling capacity within the EU. In such cases, and subject to strict environmental safeguards, compliance with the Basel Convention and competent authority control, access to proven and certified recycling facilities outside the EU/OECD may be necessary to ensure environmentally sound management. Clear guidance would also be beneficial on the conditions under which treated battery materials may qualify as non-hazardous waste or products, based on robust chemical analysis and harmonised criteria at EU level.

All Member States generate a full spectrum of waste battery chemistries, while recycling capacities are concentrated in a limited number of countries. As a result, cross-border shipments are indispensable for the functioning of battery EPR systems and recycling markets. The reclassification of waste batteries as hazardous will significantly increase the number of notified shipments, placing additional administrative pressure on competent authorities, producers, EPR organisations and recyclers alike.

Functional and timely cross-border transport is therefore essential. Any disruption risks serious consequences, including economic impacts on recycling facilities and increased fire and safety risks due to prolonged storage of waste batteries.

In this context, EUCOBAT also underlines the importance of harmonising methodologies for calculating financial guarantees and evaluation fees. These should proportionately reflect the actual level of risk involved, in order to avoid excessive and unjustified financial burdens on applicants

4. Transitional period & legal certainty

To ensure legal certainty and operational continuity, EUCOBAT considers it essential that the Commission provides clear guidance for the transitional period linked to the entry into force of Regulation (EU) 2024/1157 and the application of new waste battery codes.

In particular, EUCOBAT calls for confirmation that:

- Notification procedures initiated before 21 May 2026 may be completed in accordance with Regulation (EC) No 1013/2006.
- The use of new battery waste codes in notification applications should be permitted ahead of their formal applicability, recognising that notifications must be submitted several months in advance.
- Approved notifications based on old battery waste codes should remain valid both in terms of time and quantities.

Without such transitional measures, there is a serious risk of interruptions to cross-border waste battery shipments, with potentially severe consequences for recycling operations and safety.

5. Conclusions and Recommendations

EUCOBAT urgently calls on the European Commission to:

- Ensure that DIWASS is fully tested, operational and reliable by 21 May 2026, when Regulation (EU) 2024/1157 becomes applicable and no alternative notification channels will exist.
- Define clear and robust transitional arrangements, including the continued validity of existing notifications and a phased introduction of new waste codes.
- Closely monitor the ability of competent authorities in all Member States to comply with statutory deadlines, notably the 10-day deadline for requesting additional information and the 30-day deadline for issuing decisions, and take corrective action where necessary.
- Ensure harmonized and risk-based methodologies for calculating financial guarantees and evaluation fees, so as to prevent excessive or unjustified financial burdens on applicants.
- Ensure coherence, transparency and interoperability between relevant digital systems, including DIWASS and national battery and WEEE reporting platforms, in order to support consistent data flows and future policy development.

EUCOBAT and its members remain available to provide practical input based on operational experience and to support the Commission in achieving an efficient, digital, and harmonised waste shipment framework across the EU.

About EUCOBAT

EUCOBAT is the European association of national compliance schemes for batteries. Representing not-for-profit organizations, EUCOBAT supports sustainable battery use, ensures proper recycling, and promotes environmental protection through efficient collection networks.

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