

Mandatory waste transportation by rail or alternative means of transport within Austria

According to Article 15 paragraph 9 and Article 69 paragraph 10 of the Waste Management Act 2002

Calculation of the transport distance and the „25%-exception“(preliminary check)

Waste with a total weight of more than ten tonnes must be transported by rail or other means of transport with equivalent or lower pollutant or greenhouse gas potential (e.g. propulsion by fuel cell or electric motor) if the road distance within Austria exceeds a certain length. (see Article 15 paragraph 9 and Article 69 paragraph 10 of the Austrian Waste Management Act 2002).

This obligation does not apply if the transport distance to be covered in the case of rail transport by road for the journey to and from one of the nearest loading points would amount to 25% or more compared to exclusive transport by road. The purpose of this exception is to limit the obligation to choose rail or an alternative means of transport only to those cases in which this also results in a significant reduction of the transport distance to be covered by road within Austria.

Furthermore, the obligation to transport waste by rail or by an alternative means of transport only applies if there is also the technical possibility that the transport can be handled alternatively, therefore in particular that alternative means of transport are also available for the relevant route, e.g. a railroad line is available.

Waste transports on Austrian territory

The calculation to determine if the „25%-exception" applies is made in **two steps**.

1st step: general route calculation

If the distance by road between the place of destination and the place of dispatch exceeds 300 km as of January 1st, 2023, 200 km as of January 1st, 2024, or 100 km as of January 1st, 2026, the waste transport is generally subject to the obligation. The fastest route (i.e. the route with the shortest travel time between the place of dispatch and the place of destination) is the relevant benchmark (only routes that can be travelled by truck are to be taken into account).

If the transport falls under the obligation due to the exceeding of the length (road-km) basically, the next step is to check whether the „25%-exception" applies.

2nd step: „25%-exception“

To calculate whether the „25%-exception" applies, the road-km in case of a rail transport for the transports from the place of dispatch to the next loading point and from the unloading point closest to the place of destination to the place of destination have to be calculated and the sum of these must be formed. The sum of these road-km must be compared with the calculated fastest transport route for transport exclusively by road (the forementioned benchmark from step 1). If the road-km to be travelled in the case of transport by rail result in at least 25% of the road-km covered in the case of transport carried out exclusively by road, the transport does not fall under the obligation to carry out such transport by rail or by an alternative means of transport.

Note: With regard to loading and unloading points, this calculation must also take into account those of the companies involved (private rail connections) and loading or unloading points of the rolling road.

Cross-border waste transports

The obligation to transport waste with a total weight of more than ten tonnes within Austria by rail or by alternative means of transport applies to all transports of waste on Austrian territory. Therefore, it also applies to cross-border transports of waste (shipment from Austria, shipment to Austria, shipment through Austria, hereinafter: import, export, transit).

1st step: general route calculation

In case of cross-border waste transports, also only the length of the transport route within Austria is relevant for the applicability of the obligation. The relevant road transport distance is calculated based on the following locations/points:

- In case of **import**: the road transport distance from the border crossing to the place of destination.
- In case of **transit**: the road transport route between the two border crossings.
- In case of **export**: the road transport distance from the place of dispatch to the border crossing point.

If the exact route is not specified, the fastest route is used. If an exact transport route is specified for waste subject to notification, this route must be used. If the waste is exported from several shipping points as part of a notification, this calculation must be made for each individual transport route.

Everything else is carried out as described in chapter „waste transports on Austrian territory“.

2nd Step: „25%-exception“

The obligation to transport by rail or by an alternative means of transport relates to the entire route on the Austrian territory, whereby the Austrian loading point or Austrian unloading point closest to the transport route are the basis for the calculation. Private loading points of companies and loading points of the rolling road must also be taken into account.

In the case of cross-border transports, the fastest road transport distances for each case are to be added up for the calculation of the "25%-exception". The following applies:

- For **export**:
Sum of the road transport distance from the place of dispatch to the closest Austrian loading point and the road transport distance from the Austrian unloading point closest to the border to the border crossing point.
- For **import**:
Sum of the road transport distance from the border crossing to the Austrian loading point closest to the border and the road transport distance from the Austrian unloading point closest to the place of destination to the place of destination.
- For **transit**:
Sum of the road transport distance from the border crossing to the Austrian loading point closest to the border and the road transport distance from the Austrian unloading point closest to the border to the border crossing.

The sum of these road-km is to be compared with the calculated fastest transport route for transport exclusively by road: if the distance is 25% or more of the transport distance to be covered in Austria, in the case of transport exclusively by road, the "25%-exception" is applicable.

Obligation to provide evidence

The applicability of the „25%-exception“ must be proven by a comprehensible calculation of the respective road routes.

Note: The evidence is to be carried along during transport and presented to the authority upon request.

The digital platform (in addition to the legally required capacity query) offers a corresponding possibility for calculation, which enables proof of the applicability of the "25%-exception".

It is planned that the digital platform (in addition to the legally required capacity query) will offer a corresponding calculation that that will make it possible to prove that the

"25%-exception" applies. For this purpose, the digital platform will provide a corresponding route planner that includes the Austrian loading and Austrian unloading points. In the context of the control/plausibility checking of the data, the route calculations will take place based on this route planner.

Until the digital platform is set up, the route planner used in the calculation must be specified in the evidence provided by the carrier.

Examples (calculated with Google Maps)

Example 1

Transport: Transit of waste from Slovenia (place of dispatch: Ljubljana) through Austria via border crossing Spielfeld and border crossing Suben to Germany (destination: Dresden).

1st step: calculation of the distance to be covered within Austria based on the specified route: Road-km in Austria: 306 km (border crossing Spielfeld to border crossing Suben), i.e. waste transport is covered by the obligation from 1 January 2023.

2nd step: Calculation of the applicability of the „25%-exception“:

- Nearest loading point near the border: Leibnitz
- Nearest unloading point near the border: Schärding
- Border crossing Spielfeld to Leibnitz: approx. 20 km
- Schärding to border crossing Suben: approx. 8 km

The sum of road-km in case of rail transport is 28 km; this is 12% of the transport distance in case of road transport only. The „25%-exception“ is not applicable.

Note: There is a rolling highway offered between Maribor and Wels.

Result: The transport is covered by the obligation. It follows that a query has to be made on the digital platform for the respective transport.

Example 2

Transport: Transit of waste from Italy (place of dispatch: Padua) via the Arnoldstein border crossing and Kittsee border crossing to Slovakia (destination: Senec).

1st step: Road-km in Austria: 436 km (border crossings Arnoldstein to Kittsee), i.e. waste transport is covered by the obligation from January 1, 2023.

2nd step:

- Nearest loading point near the border: Arnoldstein
- Nearest unloading point near the border: Götzendorf
- Border crossing Arnoldstein to train station Arnoldstein: 10 km
- Götzendorf to border Kittsee: 50 km

The sum of road-km in the case of rail transport is 60 km; this is approximately 14% of the transport distance in the case of transport exclusively by road. The „25%-exception" is not applicable.

Result: The transport is covered by the obligation. It follows that a query has to be made on the digital platform for the respective transport.

Example 3

Transport: Export of waste from Austria (place of dispatch: Zwettl) via the border crossing Drasenhofen /Mikulov to the Czech Republic (destination: Olomouc).

1st step: Road-km in Austria: 178 km (Zwettl to border crossing), i.e. waste transport is covered by the obligation from 1 January 2026.

2nd step:

- nearest loading point: railroad station Zwettl
- nearest unloading point to the border: Hohenau
- Zwettl to railroad station Zwettl: 0 km
- Unloading point to border crossing: 33 km

The sum of road-km in the case of rail transport is 33 km; this is about 19% of the transport distance in the case of exclusive road transport. The "25%-exception" is not applicable.

Result: The transport is covered by the obligation. It follows that a query has to be made on the digital platform for the respective transport.

Example 4

Transport: Import of waste from Germany (place of dispatch: Hanover) via border crossing Suben to Austria (destination: Wiener Neustadt).

1st step: Road-km in Austria: 308 km (Suben to Wiener Neustadt), i.e. waste transport will fall under the obligation from January 1, 2023.

2nd step:

- Nearest loading point near the border: Schärding
- Nearest unloading point: Company has its own loading point
- Border crossing Suben to Schärding: 8 km
- Unloading point at the recycling plant: 0 km

The sum of road-km in case of rail transport is 8 km; this is about 3% of the transport distance in case of exclusive road transport. The „25%-exception" is not applicable.

Result: The transport is covered by the obligation. It follows that a query has to be made on the digital platform for the respective transport.

Example 5

Transport: Domestic transport of waste from Sölden (Tirol) to Lienz

1st step: Road-km in Austria: 250 km i.e. waste transport falls under the obligation from 1 January 2025.

2nd step:

- Nearest loading point: Imst-Pitztal
- Nearest unloading point: Maishofen-Saalbach
- Sölden to Imst-Pitztal: 48 km
- Unloading point Maishofen-Saalbach to Lienz: 97 km

The total road-km in the case of rail transport is 145 km; this is approximately 58% of the transport distance in the case of transport exclusively by road. The "25%-exception" is applicable.

Result: The transport is not covered by the obligation.

Note: Please note, that (in this case: From 1 January 2025) evidence about the calculation (including the calculation basis) is to be carried along during transport and presented to the authority upon request.

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