Solid Waste: Assessment, Monitoring and Remediation
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Chapter II.2
The Basel Convention and its implementation

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II.2.1. Introduction

In the late 1980s, a dramatic increase in the costs of hazardous waste disposal due to a tightening of environmental regulations in industrialized countries led to searching for cheaper solutions through shipping hazardous waste to developing countries and to Eastern Europe that had no adequate legal protection against these practices. When "toxic trade" was revealed, international will to prevent this activity resulted in the drafting and adoption of the Basel Convention.

The Basel Convention is first and foremost a global environmental treaty that strictly regulates the transboundary movements of hazardous wastes and provides an obligation for Parties to ensure their environmentally sound management (ESM) and their disposal.

The Basel Convention was adopted unanimously in 1989 by the 116 States participating in the Conference of Plenipotentiaries, which was convened by the United Nations Environment Programme (UNEP). The final act of the Basel Conference was signed by 105 States and the European Economic Community (EEC).

The Basel Convention, which entered into force on 5 May 1992, has proven to be an effective international Convention. The increasing number of Parties – 151 States and the member states of the European Union as of 19 June 2002 – is recognition from the international community of the importance of the Convention (Basel Convention – UNEP, 2002).

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1998 update) represents new norms, rules and procedures in laws governing the movements and disposal of hazardous wastes at international as well as at national levels. This instrument represents the intention of the international community to solve this global environmental problem in a collective manner. The governing body of the Basel Convention is *the Conference of the Parties (COP)* that is composed of all governments that have ratified the Convention or acceded to it. Currently there are five subsidiary bodies of the COP that have different mandates covering relevant fields of activities, namely:

- *The Working Group for the Implementation* – to review the main activities and documents under the Basel Convention before they are adopted by the COP.
- *The Technical Working Group (TWG)* – to prepare technical guidelines for the ESM of hazardous wastes and for disposal options.

- *The Legal Working Group (LWG)* – to study the issues related to the establishment of a mechanism for monitoring the implementation of and compliance with the Convention.
- *The Joint Meeting of the Technical and Legal Working Groups* – to debate issues, which have relevance to both the technical and legal aspects of a number of issues.
- *The Bureau* composed of actual and previous Bureau members of the COP – to provide general policy and general operational directions to the Secretariat between meetings of the COP.

Institutionalization of the national activities and international cooperation was needed to address the growing generation of hazardous wastes and their transboundary movements. Precise estimates of hazardous waste generation in the world have not yet been established. In accordance with estimates of the Secretariat of the Basel Convention (SBC), there are over 400 million tons of hazardous wastes generated each year. A large amount of hazardous wastes crosses national frontiers. A large volume of these movements used to come and go and is still going on from industrialized countries to developing countries as well as to countries in Eastern and Central Europe. The Basel Convention represents a first step in defining the global means to reduce and strictly control the movements of hazardous wastes and to ensure that these wastes are disposed of in an environmentally sound manner. It provides realistic measures to strengthen the protection of the global environment from the possible harmful effects of the transboundary movements of hazardous wastes and their disposal. It focuses on the protection of health and the environment. It includes the obligation to reduce the generation of hazardous wastes to a minimum and to ensure that each country has the sovereign right to ban the import of hazardous wastes into its territory. It also prohibits the export and import from and to non-Parties to the Convention unless such movement of hazardous wastes is subject to bilateral, multilateral or regional agreements or arrangements whose provisions are not less stringent than those of the Basel Convention. It requests that hazardous wastes should be disposed of as close as possible to their source of generation and that transboundary movement of hazardous wastes could only be allowed if it is carried out in accordance with the strict control system provided by the Convention, which includes prior informed consent by the importing country as well as by the transit country.

Transboundary movements of hazardous wastes carried out in contravention are to be considered illegal traffic and a criminal act.

The Basel Convention calls for international cooperation between Parties in the ESM of hazardous wastes and the improvement of national capabilities to manage hazardous waste in an environmentally sound manner as well as for the development of a technical and legal infrastructure including legislation and regulations needed, which should be undertaken by countries, in particular developing countries. Training, education and public awareness are considered to be important elements in the development of the countries' capability. Where a lack of resources is observed, technical assistance should be provided through the SBC.

The arena of international environmental law is dynamic. The Basel Convention has already developed after the first, second, third, fourth and fifth, tenth anniversary meetings of the COP held in Uruguay in December 1992, in March 1994 and September 1995 in Geneva, in February 1998 in Kuching, Malaysia, and in December 1999 in Basel, Switzerland, where a number of Decisions and Amendments were adopted by the Parties

for the implementation of the Convention. Official documents for meetings of the COP and its subsidiary bodies and other publications and documentation are available in the Official Web site of the SBC.

One could see from an analysis of these Decisions that the Basel Convention is already developing into the legal international act dealing not only with the control of transboundary movements of hazardous wastes but also involving on a larger scale the problem of their environmentally sound disposal as well as technical assistance, mainly through the establishment of a training system and technology transfer centers and through the building of public awareness. The Convention is to be developed further by the ratification of the Basel Protocol on Liability and Compensation for Damage resulting from the Transboundary Movements of Hazardous Wastes and Other Wastes and their Disposal adopted at the fifth meeting of the COP in December 1999. The Protocol was opened for signature until 10 December 2000 and was signed by 13 Parties to the Convention. In order for the Protocol to enter into force, 20 Parties to the Basel Convention must ratify, accede, approve, accept or formally confirm it.

II.2.2. Basel Convention 1989/1992

II.2.2.1. Main principles and provisions

The Convention recognizes that the most effective way of protecting human health and the environment from the danger posed by such wastes is the reduction of their generation to a minimum in terms of quantity and/or hazard potential. This is the underlying philosophy behind the objectives set in the Convention together with the ESM of the hazardous wastes nonetheless generated. In this respect, the Basel Convention stipulates that three main interdependent and mutually supportive goals have to be fulfilled:

- Transboundary movements of hazardous wastes should be reduced to a minimum consistent with their ESM.
- Hazardous wastes should be treated and disposed of as close as possible to their source of generation.
- Hazardous waste generation should be reduced and minimized at the source.

In conjunction with these goals:

- Every State has the sovereign right to ban the import of hazardous wastes. The Parties to the Convention shall not allow any transboundary movement of hazardous wastes to a State that has prohibited their import. Transboundary movements shall also be prohibited if the exporting State has reason to believe that the wastes in question shall not be managed in an environmentally sound manner.
- A Party shall not permit hazardous wastes to be exported to a non-Party or to be imported from a non-Party, unless it is in accordance with a bilateral, multilateral or regional agreement, the provisions of which are no less environmentally sound than those of the Basel Convention.
- The State of export shall not allow a transboundary movement of hazardous wastes to commence until it has received the written consent, based on prior detailed information of the State of import, as well as of any State of transit.

- When a transboundary movement of hazardous wastes that is carried out in accordance with the Convention cannot be completed in an environmentally sound manner, the State of export has the duty to ensure the re-importation of the wastes.
- Transboundary movements of hazardous wastes that do not conform to the provisions of the Convention are deemed to be illegal traffic. The Convention states that "illegal traffic in hazardous wastes is criminal". The State responsible for an illegal movement of hazardous wastes has the obligation to ensure their environmentally sound disposal, by re-importing the wastes or otherwise. Every Party shall introduce national legislation to prevent and punish illegal traffic in hazardous wastes. Several sets of technical guidelines to assist developing countries in the implementation of the Convention and in ESM of hazardous wastes were adopted. Others were prepared by the TWG and adopted at the meetings of the Contracting Parties.

II.2.2.2. Definitions and obligations

- The Basel Convention defines "wastes" as *substances or objects that are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law*. Hazardous wastes that are subject to transboundary movement will fall under the scope of the Convention if they *belong to any category contained in Annex I to the Convention provided that the wastes in question exhibit one or more of the hazardous characteristics listed in Annex III to the Convention and are disposed of by any operation specified in Annex IV to this Convention or if they are defined as such in the national and domestic legislation of the Party of export, import and transit* (see Appendix A). Every Party has the sovereign right to include in its national or domestic legislation other wastes that it considers hazardous in addition to those referred to in the Annexes to the Convention and to make any subsequent changes. The Secretariat shall inform all Parties of this information.
- Wastes that belong to any category contained in Annex II, namely: wastes collected from households and residues arising from the incineration of household wastes are covered by the Convention as "other wastes".
- Wastes, which, as result of being radioactive, are subject to international control systems, including international instruments, applying specifically to radioactive materials, are excluded from the scope of this Convention. Referring especially to this part in definition of the Conference of the Contracting Parties at its meeting in 1994 welcomed the preparation by the IAEA Diplomatic Conference (1997) of a draft Convention on Safety of Management of Radioactive Wastes and requested the SBC to continue its cooperation with the IAEA in particular in the preparation of a draft Convention on Safety of Management of Radioactive Wastes particularly in relation to the question of the inclusion of low-level radioactive wastes in its scope.
- Excluded from the scope of the Convention are wastes that derive from the normal operations of a ship.

The scope and provisions of the Basel Convention as well as the Decisions adopted by the COP do not make a distinction between hazardous wastes generated by military establishments and the same wastes generated from non-military sources.

The Basel Convention clearly specifies that it is the specific characteristics and composition of the wastes that will make them hazardous or non-hazardous, irrespective of the qualification of the source of generation. The principal purpose of the strict control system operated under the Basel Convention is to ensure the ESM of hazardous wastes whatever the place of generation, treatment, storage, recovery, and final disposal.

Each Party may totally or partially prohibit the import of hazardous wastes for disposal within its national jurisdiction and shall inform each other through the Secretariat of such decisions. Parties shall prohibit or not permit the export of hazardous wastes to the Parties, which have prohibited their import. In the case where that State of import has not prohibited the import of the particular waste, Parties shall prohibit or not permit the export of hazardous wastes if the State of import does not consent in writing to each specific import (see procedures below).

Parties shall not allow the export of hazardous wastes to a Party or shall prevent the importation of a hazardous waste if it has reason to believe that the waste will not be disposed of in an environmentally sound manner. Exports of hazardous wastes to a non-Party or imports from a non-Party are prohibited. Exports of hazardous wastes for disposal shall not be allowed within the area south of 60 South latitude, whether or not such wastes are subject to transboundary movement.

Parties shall also require that information about a proposed transboundary movement of hazardous wastes be provided to the States concerned according to the procedures provided in the Convention in order to state clearly the effects of the proposed movement on human health and the environment. They shall also require that hazardous wastes that are to be subject to transboundary movement be packaged, labeled, and transported in conformity with generally accepted and recognized international rules and standards in the field of packaging, labeling and transport, and that due account is taken of relevant internationally recognized practices. Transboundary movements shall also be accompanied by a movement document from the point of commencement to the point of disposal. Parties shall designate or establish one or more competent authorities and one focal point. These and any changes there of shall be informed to the Secretariat.

The state of export shall notify, or shall require the generator or exporter to notify, in writing, through the channel of the competent authority of the State of export, the competent authority of the State of import and transit of any proposed transboundary movement of hazardous wastes. The notification shall contain the declarations and information specified in the Convention, written in a language acceptable to the State of import.

The State of export shall not allow the generator or exporter to begin the transboundary movement until it has received written confirmation that the notifier has received the written consent of the State of import, and the notifier has received from the State of import confirmation of the existence of a contract between the exporter and the disposer specifying ESM of the wastes. Each State of transit, which is a Party, shall promptly acknowledge to the notifier receipt of the notification and may then respond in writing, within 60 days, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information.

The State of export may, subject to the written consent of the States concerned allow the generator or the exporter to use a general notification where hazardous wastes having

the same physical and chemical characteristics are shipped regularly to the same disposer via the same customs office of exit of the State of export, via the same office of entry of the State of import, and, in the case of transit, via the same customs office of entry and exit of the State or States of transit. The general notification and written consent may cover multiply shipments during a maximum period of 12 months.

The State of import shall respond to the notifier in writing, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. A copy of the final response of the State of import shall be sent to the competent authorities of the Parties concerned. If the import is allowed, the importer must inform both the exporter and the authority of the State of export of its receipt of the wastes, and of the completion of disposal as specified in the notification.

The Parties shall require that each person who takes charge of a transboundary movement sign the movement document either upon delivery or receipt of the wastes in question. They shall also require that the disposer inform both the exporter and the competent authority of the State of export of receipt by the disposer of the wastes in question and, in due course, of the completion of disposal as specified in the notification. If no such information is received within the State of export, the competent authority of the State of export or the exporter shall so notify the State of import.

The notification and response required in the Convention shall be transmitted to the competent authority of the Parties concerned or to such governmental authority as may be appropriate in the case of non-Parties.

Parties shall, in addition, inform each other through the Secretariat of any decisions taken by them to limit or ban the export of hazardous wastes or other wastes. They shall transmit, consistent with national laws and regulations, through the Secretariat to the COP established under the Convention, before the end of each calendar year, a report on the previous calendar year, containing information on the designated competent authorities and focal points; transboundary movements of hazardous wastes in which they have been involved, including the amount of hazardous wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the notifications; the amount of hazardous wastes imported, their category, characteristics, origin, and disposal methods; disposal which did not proceed as intended; and efforts to achieve a reduction of the amount of hazardous wastes subject to transboundary movement; the measures adopted by them to implement the Convention; available qualified statistics compiled by them on the effects on human health and the environment of the generation, transportation and disposal of hazardous wastes; bilateral, multilateral and regional agreements entered into pursuant to the Convention; accidents occurring during the transboundary movement and disposal of hazardous wastes, and the measures undertaken to deal with them; disposal options operated within their national jurisdiction; measures undertaken for development of technologies for the reduction and/or elimination of production of hazardous wastes and other matters as the COP shall deem relevant.

The Parties shall ensure that copies of each notification concerning any given transboundary movement of hazardous wastes, and the response to it, are sent to the Secretariat when a Party which considers that its environment may be affected by that transboundary movement has requested that this should be done.

II.2.3. Protocol on Liability and Compensation (1999)

The LWG, which was working on the development of a Protocol on Liability and Compensation for Damages Caused by Transboundary Movement of Hazardous Wastes and Their Disposal since 1991, completed its task and the Protocol on Liability and Compensation was adopted by the Contracting Parties of the Basel Convention at their Conference in December 1999.

The definition of damage that results from an accident during the transboundary movement of hazardous wastes and their disposal was defined. The main issues agreed upon by the Contracting Parties included the question of who is liable; it was agreed that the generator of wastes or the exporter is strictly liable for damage resulting from import and export.

The persons liable shall establish and maintain during the period of the time limit of liability, insurance, bonds or other financial guarantees covering their liability under the Protocol for amounts not less than the minimum limits specified in it. States may fulfill this obligation by a declaration of self-insurance. Nothing shall prevent the use of deductibles or co-payments as between insurer and the insured, but the failure of the insured to pay a deductible or co-payment shall not be a defense against the person who has suffered the damage.

II.2.4. Environmentally sound management

A central goal of the Basel Convention is ESM, the aim of which is to protect human health and the environment by minimizing hazardous waste production whenever possible. ESM means addressing the issue through an "integrated life-cycle approach", which involves strong controls from the generation of a hazardous waste to its storage, transport, treatment, reuse, recycling, recovery and final disposal (SBC Information).

The COP in Basel, Switzerland (COP-5, 1999) adopted Basel Declaration on Environmentally Sound Management (Ministerial Declaration) (1999), which specified the priority fields of activities that should be undertaken to achieve this goal subject to the Basel Convention:

- prevention, minimization, recycling, recovery and disposal of hazardous and other wastes, taking into account social, technological and economic concerns;
- active promotion and use of cleaner technologies and production;
- further reduction of transboundary movements of hazardous and other wastes, taking into account the need for efficient management, the principles of self-sufficiency and proximity and the priority requirement of recovery and recycling;
- prevention and monitoring of illegal traffic;
- improvement and promotion of institutional and technical capacity-building, as well as the development and transfer of environmentally sound technologies, especially for developing countries and countries with economies in transition;
- further development of regional and subregional centers for training and technology transfer;

- enhancement of information exchange, education and awareness-rising in all sectors of society;
- cooperation and partnership at all levels between countries, public authorities, international organizations and academic institutions;
- development of mechanisms for compliance with and for the monitoring and effective implementation of the Convention and its amendments.

The Declaration specified also proposed priority activities in these fields, their objective, method and outcome, including such activities as: organizing international conference and workshops to further define the concept of, identify opportunities for, and to provide a forum that will facilitate exchange of information and experience on ESM, as well as enhance partnership with all stakeholders; development of methodologies for ESM; evaluation of economic instruments, e.g. fiscal and investment policies or programs; continuation of development and/or enhancement synergies with United Nations and intergovernmental organizations for a more efficient use of resources and to share experiences on ESM and cleaner technologies; development of electronic information systems on ESM; building up institutional and technological capacity; providing training for customs and other enforcement officers; developing inventory of generation and stockpiles of hazardous waste; enhancement of cooperation and partnership arrangements with the private sector, non-governmental organizations (NGOs), academia, and local communities for the promotion of ESM; and strengthening of regional and subregional centers for training and technology transfer for ESM.

II.2.5. Illegal traffic

The COP adopted a strategy to prevent and monitor illegal traffic in hazardous wastes. The Parties are clearly moving towards implementing a strategy to combat illegal traffic. This strategy contains key elements such as the need for countries to promulgate or develop stringent national or domestic legislation pertaining to the control of transboundary movements of hazardous wastes and to incorporate in their legal systems appropriate sanctions or penalties for the illegal traffic. In order to build up the capacity for a comprehensive response to the issue of illegal traffic, the strategy's call for regional or sub-regional cooperation should be encouraged and should be strengthened as required which it exists. The United Nations regional commissions as well as other regional bodies and convention or protocols, NGOs, industry, private sector and World Custom Organization (WCO) should take an effective role in the monitoring and prevention of illegal traffic. The SBC also works closely on this subject with Interpol.

In order to facilitate the initiatives of governments in this respect, the Secretariat could assist Parties in developing national or domestic legislation to deal with such traffic. It could also assist Parties in capacity building including the development of an appropriate infrastructure allowing for the prevention and penalization, as well as the monitoring of illegal traffic. This is an essential and critical part of the global regulatory system of the Basel Convention. Indeed it is important that adequately trained, in cooperation with WCO, International Maritime Organization (IMO), Interpol, etc. customs and port officers, judiciary personnel and police forces be able to exercise full control over

the hazardous wastes being moved across frontiers in order to make sure that the material being inspected corresponds to both the transport manifest and the Movement Document that accompany the wastes or to reveal cases of illegal traffic in such wastes. Confirmed cases of illegal traffic should be reported to the Secretariat using the "Form for Confirmed Cases of Illegal Traffic".

National enforcement is a prerequisite of the effective implementation of the Basel Convention. From an operational point of view, a properly integrated national enforcement program should include: tracking of hazardous waste shipments; visits to company sites (and other sites); transport control/checks/inspections; sampling and testing; information exchange. To make it work properly, there is a need for a proper infrastructure, adequate staffing of trained enforcement personnel, and appropriate logistical support and knowledge of hazardous wastes.

II.2.6. Legal and technical guidelines

To assist policy-makers, experts and technicians with the implementation of the Convention and the ESM of hazardous wastes and their disposal, a number of legal, technical and scientific guidelines have been developed by the Working Group for the Implementation, Legal and Technical Working Groups (LWG and TWG), negotiated and adopted by the Contracting Parties.

II.2.6.1. Guidelines for implementation and to the control system

The Manual for Implementation, Technical and Legal Guidelines of the Basel Convention and other guidance documents available in the Official Web site of the SBC aim at assisting Parties as well as non-Parties to understand the obligations set up in the Convention.

The COP-4 (1998) in Kuching, Malaysia, adopted Guide to the Control System that is a detailed instruction manual for the control procedure, and for completing the notification and the movement documents. Forms for movement, notification, as well as for confirmed cases of illegal traffic are also provided on line.

II.2.6.2. Legal guidelines

The COP-2 (Geneva, 1994) accepted Model National Legislation developed by the LWG in order to assist Parties and non-Parties in revising their national legislation in relation to the transboundary movement and management of hazardous wastes; COP-3 (Geneva, 1995) approved the revised model (LWG, 1995) for immediate use.

II.2.6.3. Technical and scientific guidelines

The COP adopted the Framework Guidance Document on the Preparation of Technical Guidelines for the Environmentally Sound Management of Wastes subject to the Basel

Convention. The set of four technical guidelines on priority waste streams was adopted, namely on:

(a) hazardous waste from the production and use of organic solvents (Y6),
(b) hazardous waste: waste oils from petroleum origins and sources (Y8),
(c) wastes comprising or containing PCBs, PCTs and PBBs (Y10), and
(d) wastes collected from households (Y46).

The Conference also adopted the set of three Technical Guidelines on Disposal Operations:

- Technical Guidelines on Specially Engineered Landfill (D5),
- Technical Guidelines on Incineration on Land (D10), and
- Technical Guidelines on Used Oil Re-refining or other Re-uses of Previously Used Oil (R9).

The Parties agreed on the program for the TWG that includes the preparation of new sets of technical guidelines for the ESM of hazardous wastes and the further elaboration of criteria for such wastes destined for recovery operations.

The provisions of the Basel Convention provide a number of obligations to Parties to ensure that if pollution occurs as a result of transboundary movement of hazardous wastes or their management, they shall minimize the consequences thereof for human health and the environment. In addition, the SBC has as one of its functions to cooperate with Parties and with relevant international organizations in the provision of experts and equipment for the purpose of rapid assistance to States in event of an emergency situation.

The TWG of the Basel Convention has developed the technical elements for guiding States in their activities to be carried out within the framework of ESM of hazardous wastes, which include:

- provisions for the establishment of emergency plans specifying the steps to be taken in the event of occurrences such as fire, explosion and spillage, and
- consideration of the problems created by contamination of the environment by hazardous wastes
- taking into account their environmental and health effects in both the short and long term.

II.2.7. Technical assistance and training

The successful implementation of the Basel Convention and of the decisions taken by the COP and the achievement of the ESM of hazardous wastes rely upon developing the adequate capacity at the national or regional levels and upon the active and effective cooperation among Parties, and of Parties with non-Parties and international organizations taking into account, in particular the needs of developing countries and countries embarked in the transition of their economy. Such cooperation is required for the development and implementation of environmentally sound technologies that would create less hazardous wastes or for the improvement of existing technologies with a view to eliminating, as far as practicable, the generation of such wastes. At the same time,

international cooperation represents an essential mechanism by or through which countries would ensure the management of hazardous wastes. They nonetheless produce in an environmentally sound manner.

The SBC has developed training programs, including curricula at the national level in collaboration with national authorities, and organized several national and regional seminars or workshops on the implementation of the Basel Convention and the ESM of hazardous wastes.

Based on the identification of the specific needs of the different regions and subregions for training and technology transfer regarding the management of hazardous wastes and other wastes and the minimization of their generation, the Parties agreed on the selection of sites for the establishment of regional centers for training and technology transfer in Africa, Asia and Pacific; Latin America and Caribbean; and Eastern and Central Europe. The Secretariat assisted Parties in developing of training programs on the implementation of the Convention and the ESM of hazardous wastes. One of the main tasks of the Secretariat is to cooperate with, assist and respond to the needs of the Parties in the implementation of the Convention and of the decisions adopted by the meetings of the COP. In view of the fact that the implementation of the Convention and its supporting decisions have also an impact on countries that are not Party to the Convention, the Secretariat plays also an active role in assisting them upon request or by providing information or guidance on the ESM of hazardous wastes and its related institutional and legal requirements.

II.2.8. Bilateral, multilateral and regional agreements or arrangements

II.2.8.1. Provisions and regulations

In accordance with the provisions of the Convention, the Parties may enter into bilateral, multilateral or regional agreements or arrangements regarding transboundary movement of hazardous wastes or other wastes with Parties or non-Parties provided that such agreements or arrangements do not derogate from the ESM of hazardous wastes arid other wastes as required by this Convention.

The COP decided that when the Parties have entered into bilateral, multilateral or regional agreements arid arrangements they shall report to the Open-ended Ad Hoc Committee responsible for facilitating the implementation of the Convention, through the Secretariat, on the conformity of such agreements or arrangements taking into consideration a list of questions which were developed by the Committee itself. The purpose of using the set of questions is to assist Parties when reporting, in focusing on particular issues.

One of the main principles of the Basel Convention is to impose strict control measures on the transboundary movements of hazardous wastes in order to avoid the negative effects on health and the environment that could result from the movements of such wastes without having the necessary guarantees of their proper handling from their generation to their final disposal. It was clear during the negotiations leading to the Basel Convention that permitting a Party to deal with non-Parties would be a valve through which the Party could derogate from the obligations it has undertaken under the terms and provisions of the

Basel Convention and thus practicing the movement and disposal of hazardous wastes without any kind of guarantee and safety for human health and the environment. As a result of this reasoning and also in order to encourage non-Parties to become Party to the Basel Convention, the provision of paragraph 5 or Article 4 was included in the Basel Convention "A Party shall not permit hazardous wastes or other wastes to be exported to a non-Party or to be imported from a non-Party".

Of direct link to this Article comes the provision of Article 11 in both its paragraphs 1 and 2, permitting Parties to deal with non-Parties under the condition of concluding bilateral and multilateral agreements or arrangements "which stipulate provisions which are not less environmentally sound than those provided for by this Convention" for agreements concluded after the entry into force of the Basel Convention and which "are compatible with the ESM of hazardous wastes and other wastes as required by this Convention" if these agreements are concluded before their entry into force of the Basel Convention.

The above-quoted provisions of Article 11 allow the Parties to the Convention to deal with non-Parties on the basis of parallel rules to the Basel Convention to be included in bilateral or multilateral agreements. The provisions of the Basel Convention, therefore, permit export and import to and from non-Parties only under the conditions that it is based on rules not less environmentally sound than the ones of the Convention.

The reference to this right is in both the preamble as well as in paragraph 1 of Article 4 of the Convention.

Paragraph 6 of the preamble "Fully recognizing that any State has the sovereign right to ban the entry or disposal of foreign hazardous wastes and other wastes in its territory" and paragraph 1(a) of Article 4 stipulates that "Parties exercising their right to prohibit the import of hazardous wastes or other wastes for disposal shall inform the other Parties of their decision pursuant to Article 13".

It is clear from these two provisions that the right to ban is a general one which shall, if used, be applied *vis-à-vis* all other countries equally Parties and non-Parties to the Convention. Exercising such a right is, therefore, in compliance with the principle of non-discrimination. Also doubts cannot be raised that the country which exercises this right is following a protectionism policy because from the definition of waste it is clear that they are not goods which are produced to be commercialized but are generated as a result of the production process of other goods.

As referred to the above, Article 11 of the Basel Convention regulates the relationship with non-Parties on a non-discriminatory base. No problems have been raised in implementing this Article. Should any problem be raised in the future, the Open-ended Ad Hoc Committee, established under the terms of Decision I/9 of the first meeting of the COP to the Basel Convention, will deal with it.

In accordance with Article 4 paragraph 1, Parties have the right to prohibit both imports (para 1(a)) and/or exports of hazardous wastes (para 1(b)). The first meeting of the COP to the Basel Convention adopted Decision I/27 that requested the industrialized countries to prohibit the export of hazardous wastes to developing countries for final disposal, and requested the developing countries to prohibit the import of hazardous wastes from industrialized countries. During the negotiations leading to the signature of the Basel Convention, it was emphasized by several delegates that this article only confirms the sovereign right of every country to ban import and/or export of hazardous wastes.

Recognizing the increasing desire and demand of the international community for the prohibition of transboundary movements of hazardous wastes and their disposal especially in developing countries, the second meeting of the COP, held from 21 to 25 March 1994 in Geneva, less than 2 years after the entry into force of the Convention (May 1992), adopted a decision establishing the immediate prohibition of all transboundary movements of hazardous wastes which are destined for final disposal from OECD to non-OECD countries. The transboundary movement of hazardous wastes from OECD to non-OECD countries destined for recycling or recovery operations was to be phased out by 31 December 1997. This transitional period had been seen as necessary for those concerned with these movements to enable them to take appropriate measures consistent with the ESM of such wastes.

The Parties to the Convention agreed during the Conference that it was imperative to render such prohibition effective and decided on a control system through regular reporting on the implementation of the decision. In addition, those non-OECD States not possessing a national hazardous waste import prohibition and which allowed the import from OECD States of hazardous wastes for recovery operations until 31 December 1997, let the SBC know about their specific or particular situation and were to specify the categories of hazardous wastes that are acceptable for import, the quantities to be imported, to which recovery process the waste will be subject to and the final destination or disposal of the residues derived from such operations. The Parties also recognized the need to cooperate and work actively to ensure the effective implementation of this decision.

The third meeting of the COP to the Basel Convention was held in September 1995 in Geneva. It was attended by more than 100 States, UN bodies and specialized agencies, other IGOs and Secretariats of Conventions, NGOs and the private sector. The COP adopted 28 decisions comprising a comprehensive program of work for the following biennium.

A decision was adopted to amend the Convention with respect to a prohibition by each Party member of OECD, EC, Liechtenstein, of all transboundary movements of hazardous wastes that are destined for final disposal to other States. It also phased out and prohibited by 31 December 1997 all transboundary movements of hazardous wastes for recovery, recycling, reclamation, direct re-use or alternative uses from Party members of the OECD, EC, Liechtenstein, to other States. The wastes subject to such prohibitions are characterized as hazardous under the Convention.

The Amendment was approved by a number of OECD members, and on behalf of the EC by Council Decision 97/640/EC of 22 September 1997 (see Chapter II.1).

The Contracting Parties that have not approved the Amendment by 31 December 1997 were urged to ratify it at the fourth meeting of the Conference of the Contracting Parties, which took place in Kuching, Malaysia in 1998.

II.2.8.2. Lists of wastes: criteria for classification and characterization

In connection to the decision on adoption of the Amendment, the third meeting of the COP to the Basel Convention requested the TWG to continue its work on hazard characterization of wastes subject to the Basel Convention (decision II/12) as well as to continue its work on the development of lists of wastes that are hazardous and wastes that are not subject to the Convention.

In this context, the criteria for classification of hazardous wastes under the Basel Convention, which have been already for some time discussed between Contracting Parties, were developed and adopted and the lists of wastes were agreed upon and accepted by the Contracting Parties. The clearer definition was developed on the hazard classes described in Annex III, in particular for classes H 10–H 13, as well as the lists of hazardous wastes were established together with the applicable procedure for their review.

The TWG explored limit values for use, when appropriate, in applying the "de minimis" approach; this approach was not, however, adopted.

The adopted lists of wastes, which are serving implementation of the Amendment, are as follows:

- *List A*: wastes subject to the Basel Convention and to its Amendment;
- *List B*: wastes, which are not subject to the Amendment (concerns wastes related to article 1.1 of the Convention);
- *List C*: wastes where uncertainties prevailed as to their classification on list A or list B.

The agreed procedure for changing the place of wastes is as follows:

- Any Contracting Party; observer State, national authority; NGO, company or individual person have the right to fill in an initial application form with the proposed placement of wastes under list A or list B and present it to national authorities for the Basel Convention within its country. It is for the government to decide how and through which competent authority and/or focal point of the Basel Convention this application form will be forwarded to the SBC.
- It is understood that the competent authority(ies) and/or focal point is/are to decide if it considers the application form properly filled in and if it agrees to forward this application form for consideration at the next meeting of the TWG.
- The TWG or any special group with competencies to review the application form will consider the application at its next meeting if possible. If the TWG would be of the opinion that the special additional information, explanation or any further advice would be needed, it would have the right to approach appropriate bodies/authorities/NGO including private sector/industry for the necessary expertise.

The TWG is giving priority to the assessment of all wastes temporarily placed on list C for their placement on list A or list B. Wastes on list C are wastes for which uncertainties prevail as to their hazardousness. In order to advance with this work, which is practically of continuing character, States Party to the Convention, States non-Party, industry/business and environmental organizations are to provide explanatory material on a number of wastes placed on list C for their further assessment by the TWG.

Submitting the lists of wastes to COP-4 provided advice on the status of lists – that is, how they are to be interpreted and used by competent authorities within the framework of the control procedure established under the Basel Convention. The following is an explanation:

List A: The waste placed on list A are characterized as hazardous wastes under Article 1 paragraph 1(a) of the Convention. They, therefore, belong to any category contained in Annex I to the Convention and exhibit any of the characteristics of Annex III to the Convention. The wastes placed on list A are subject to the amendment to the Convention.

List B: The wastes placed on list B are not the wastes characterized as hazardous under Article 1, paragraph 1(a) of the Convention, unless they contain Annex I material to an extent causing them to exhibit one or more Annex III hazard characteristics. Wastes placed on list B either do not belong to Annex I to the Convention, or belong to Annex I but, in this latter case, do not exhibit any of the hazard characteristics described in Annex III to the Convention. Wastes on list B could be defined, or considered to be, hazardous wastes by the national or domestic legislation of the Party of export, import or transit by virtue of Article 1, paragraph 1(b) of the Convention, in which case they would be subject to the control procedure established under the Convention.

List C: The wastes placed on list C are wastes for which uncertainties prevail as to their hazardousness and as such are awaiting classification by the TWG. All wastes on list C will be assessed by the TWG for placement on either list A or list B. The entries on list C are, therefore, temporary. Wastes placed on list C for which a category contained in Annex I to the Convention can be identified and are subject to the control procedure established under the Convention. Wastes placed on list C that do not belong to a category in Annex I of the Convention but which exhibit any hazard characteristics contained in Annex III to the Convention will not be assigned to either list A or list B. Finally, there may be wastes placed on list C for which uncertainties exist as to their classification under the categories of wastes of Annex I to the Convention: these wastes shall not be subject to the control procedure established under the Convention until a decision can be taken by the TWG as to their eventual classification under Annex I.

In this regard and concerning the relationship between list A and the use of Annex III, it is important to note that there is a need for a clear, stable list A of wastes which is not open to challenge. On the other hand, it is likely that any practical list of wastes may contain ambiguities and generalizations. This may lead to a situation where an exporter or a generator may discover a descriptor for a specific waste, although consideration non-hazardous, happens to coincide with or correspond to a general description of an entry onto list A.

When an exporter or generator is confronted with a waste that is placed on list A but considered harmless and tradable, he or she would then be able to submit an application form to the TWG (using the procedure established by the TWG), for the classification of this waste. Together with the application, the exporter or generator should provide any information about the hazardousness (or lack of) of the wastes, with reference to Annex III, as is necessary to assist the TWG with the process of assigning wastes to a list. On receipt of the application by SBC, the waste in question would be placed on list C pending classification by the TWG.

The amended Annex I, and lists A (as Annex VIII) and B (as Annex IX) were incorporated in the Basel Convention, which was adopted at the COP-4 – fourth meeting of the COP in 1998 (SBC, 1999).

II.2.9. Trade and environment and the Basel "ban"

II.2.9.1. International legal instruments and provisions

The relationship between Trade and Environment has recently taken a new dimension in view of the promotion of Free Trade internationally by the World Trade Organization

(WTO) and other organizations and of the necessity to protect the environment and the proper management of natural resources implemented mainly by UNEP, UN Department for Policy Coordination and Sustainable Development (DPCSD) and others.

The following international legal instruments: Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Montreal Protocol on Ozone Depleting Substances, the Basel Convention, the Convention on Biological Diversity as well as the non-legally binding London Guidelines for the Exchange of Information on Chemicals in International Trade include specific provisions restricting or governing trade.

CITES (1973) is basically a series of provisions that restrict trade in endangered species of wild plants and animals or parts thereof. The most conspicuous of these are the tusks of elephants and the rhino horn. The Montreal Protocol (1987) prohibits trade in the controlled substances that deplete the ozone layer with non-Parties. It provides for the same control on products that contain the controlled substances and will soon cover products prepared with the controlled substances. The Basel Convention prohibits the transboundary movement (export/import) of hazardous wastes with non-Parties and puts specific requirements for the movement of such wastes between Parties. The Biodiversity Convention (1992) specified the conditions under which Parties can have access to the biological resources present in other Parties, and the London Guidelines for the Exchange of Information on Chemicals in International Trade (1989) puts specific requirements before a chemical is exported to another country.

All these are restrictions on trade in potentially toxic chemicals; in chemicals, which deplete the ozone layer; in movement and disposal of hazardous wastes; on access to dwindling biological resources; and, on trade in endangered species, which are meant to achieve protection of the environment and hence of the life and health of human beings, plants and animals.

All this was developed to a large extent within the context of Article XX of the General Agreement on Trade and Tariffs (GATT) (1947), which stipulates that: "Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any Contracting Parties of measures:

(b) necessary to protect human, animal or plant life or health;
(j) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption."

During the development of the Montreal Protocol, the Basel Convention and the London Guidelines, the representatives of GATT were present. Negotiating countries while agreeing on the above listed trade restrictions continuously referred during the negotiations to Article XX of GATT on exceptions.

II.2.9.2. Trade provisions' effect on non-parties

It is worth adding that Agenda 21 in paragraph 38.26 requested the United Nations Conference on Trade and Development (UNCTAD) to "...play an important role taking into account the importance of the inter-relationships between development, international

trade and the environment and in accordance with its mandate in the area of sustainable development."

The issue of trade provisions affected non-Parties either alone or as it relates to the issue of extraterritoriality, which constitutes two of the core issues that are being discussed by the Group on Environmental Measures and International Trade convened under GATT. Whether the trade restrictions in environmental agreements of the global character were a condition *sine qua non* to protect the environment and human health is still the subject of debate at WTO.

II.2.9.3. The OECD approach to trade and environment issues

At the OECD, Trade and Environment has been the subject of discussion and analysis for the last few years. The work has been carried out by the Joint Session on Trade and Environment Experts under the auspices of the Environment Committee and Trade Committee of the OECD preparing a set of guidelines dealing with this subject. In 1992, this body stated that:

> "It is agreed that the best approach to tackling environmental problems can be through environmental measures, whether of a regulatory or economic nature, directed at the fundamental environmental problem. There are cases where trade measures are an important accompaniment of non-trade measures for the effective implementation of environmental policies."

OECD prepared in 1999 a comprehensive study on the trade related issues of the Basel Convention as a case study on environment and trade issues (OECD, 1999).

It has to be remembered that the issue of the relationship between trade and environment covers areas outside the international environmental agreements namely on commodity prices and intellectual property rights and patents in areas of environmentally sound technologies and genetically engineered biological resources.

II.2.9.4. Obligations and rights of the parties

The Parties to the Basel Convention have to fulfill their obligations in accordance with the Basel Convention and it is clearly the responsibility of the Parties to both WTO and the Basel Convention to implement the international agreements to which they are Parties. It, therefore, has to be clearly understood that not one of these agreements revolves or threatens in any way the provisions of the other agreement, as has sometimes been stated.

As stated above, the Basel Convention contains two provisions referring to the international trade. The first one is related to the obligations of the Parties to the Convention not to allow import or export from or to non-Parties to the Convention (paragraph 5 of Article 4), and the second related provision is the right of the Parties to ban the import of hazardous wastes (paragraph 6 of the preamble and paragraph 1(a) of Article 4).

II.2.9.4.1. The obligation of the Parties to the Convention not to import from or export to non-Parties to the Convention

One of the main principles of the Basel Convention is to impose strict control measures on the transboundary movements of hazardous wastes in order to avoid the negative effects on health and the environment, which could result from the movements of such wastes without having the necessary guarantees of their proper handling from their generation to their final disposal. It was clear during the negotiations leading to the Basel Convention that permitting a Party to deal with non-Parties will be a valve through which the Party could derogate from the obligations it has undertaken under the terms and provisions of the Basel Convention and thus practicing the movement and disposal of hazardous wastes without any kind of guarantee and safety for human health and the environment. As a result of this reasoning and also in order to encourage non-Parties to become Party to the Basel Convention, the provision of paragraph 5 or Article 4 was included in the Basel Convention "A Party shall not permit hazardous wastes or other wastes to be exported to a non-Party or to be imported from a non-Party".

Of direct link to this Article comes the provision of Article 11 in both its paragraphs 1 and 2, permitting Parties to deal with non-Parties under the condition of concluding bilateral and multilateral agreements or arrangements "which stipulate provisions which are not less environmentally sound than those provided for by this Convention" for agreements concluded after the entry into force of the Basel Convention and which "are compatible with the environmentally sound management of hazardous wastes and other wastes as required by this Convention" if these agreements are concluded before their entry into force of the Basel Convention.

The above-quoted provisions of Article 11 allow the Parties to the Convention to deal with non-Parties on the basis of parallel rules to the Basel Convention to be included in bilateral or multilateral agreements. The provisions of the Basel Convention, therefore, permit export and import to and from non-Parties only under the conditions that it is based on rules not less environmentally sound than the ones of the Convention.

II.2.9.4.2. The right of the Parties to ban the import of hazardous wastes

The reference to this right is in both the preamble as well as in paragraph 1 of Article 4 of the Convention.

Paragraph 6 of the preamble "Fully recognizing that any State has the sovereign right to ban the entry or disposal of foreign hazardous wastes and other wastes in its territory" and paragraph 1(a) of Article 4 stipulates that "Parties exercising their right to prohibit the import of hazardous wastes or other wastes for disposal shall inform the other Parties of their decision pursuant to Article 13".

It is clear from these two provisions that the right to ban is a general one which shall, if used be applied *vis-à-vis* all other countries equally Parties and non-Parties to the Convention. Exercising such a right is, therefore, in compliance with the principle of non-discrimination.

Also, doubts cannot be raised that the country that exercises this right is following a protectionism policy because from the definition of waste it is clear that they are not goods which are produced to be commercialized but are generated as a result of the production

process of other goods. The concept of protecting the waste generated locally has, therefore, no place within the logic of the Basel Convention.

II.2.9.5. The Basel ban and its relation to trade clauses

The following important points related to trade clauses under the Basel Convention should be emphasized:

1. Trade between Parties and non-Parties to the Basel Convention is not prohibited. But in order to enhance the principle of non-discrimination and equal treatment, the Basel Convention requests in accordance with Article 11 its Parties when dealing with non-Parties to conclude bilateral agreements or arrangements stipulating provisions, which are not less environmentally sound than those provided for by the Basel Convention. Therefore, in relation to the control of transboundary movements of hazardous wastes Parties and non-Parties will have to respect standards recognized as essential by the international community for the protection of the environment. Trade restrictions against non-Parties do not only aim to induce non-Parties to accede to the agreements but also to achieve the aim of non-discrimination. Article 11 of the Basel Convention on bilateral and multilateral agreements, which complement the provisions of Article 4 prohibits transboundary movements of wastes with non-Parties. Article 11 allows such movements through the conclusions of agreements or arrangements not less stringent than the provisions of the Basel Convention. Therefore, the aim of both Articles 4 and 11 of the Basel Convention is to set international standards in relation to the transboundary movement of hazardous wastes, to be respected by Parties and non-Parties to the Basel Convention. This approach of the Basel Convention enhances the principle of equal treatment and non-discrimination.
2. The ban adopted by COP-3 as an Amendment to the Convention and which constitutes a prohibition of transboundary movements of hazardous wastes from OECD, EC, and Liechtenstein to other States is based on the recognition that the movement of hazardous wastes, especially to developing countries, has a high risk of not constituting ESM of hazardous wastes and not on the basis of any trade consideration including protectionism.

As a general principle regarding the trade clauses, it has to be emphasized that a clear differentiation is to be made between unilateral actions by some governments related to establishment of environmental standards which have direct impact on trade and the global environment agreements, which do establish rules that could affect trade but which are agreed upon by a very large number of governments.

II.2.10. Concluding remarks

The significance and role of a global agreement, which is the Basel Convention, in the protection of the environment and human health against the consequences of uncontrolled movement and dumping of hazardous wastes, is difficult to overestimate. The fundamental aims of the Basel Convention formulated in the Draft Strategic Plan for the Implementation (2000–2010) are "the reduction of transboundary movements of hazardous and other

wastes subject to the Basel Convention, the prevention and minimization of their generation, the ESM of such wastes and the active promotion of the transfer and use of cleaner technologies". That the Convention is ratified by 151 Parties (member countries and the European Union) as of June 2002 proves its global character.

During the first decade since adoption and entering into force (1992–2002), the activity of the Basel Convention was focused on setting up a framework for the transboundary movement of hazardous wastes, on developing criteria for ESM of hazardous wastes and other wastes and on establishing the control system of waste, based on the prior notification.

In this period, significant progress has been achieved in implementation of its decisions directed to global environmental protection through the collective international control of transboundary movements of hazardous wastes and their disposal, as well as in developing and improving regulatory tools, information exchange for harmonization of the national legislation and definitions, and in providing training and technology transfer, as well as legal and technical assistance in the ESM of hazardous wastes and minimization of their generation by the Parties to the Convention. The development of national reporting on the generation and movement of hazardous wastes, based on annual questionnaires, is a significant contribution of the Basel Convention to the global statistics on hazardous waste.

Milestones of the Basel Convention's History that exerted profound effect on the global management of hazardous wastes, since its adoption in 1989 and entry into force in 1992 comprise: Ban Amendment (1995) that calls for prohibiting exports of hazardous wastes (for any purpose) from OECD countries to all other parties to the Convention; Classification and Characterization of Wastes (1998) – the development of lists of specific wastes characterized as hazardous and non-hazardous; Ministerial Declaration (1999) on ESM that set out the agenda for the next decade, with a special emphasis on minimizing hazardous waste, and Protocol on Liability and Compensation (1999) for damages caused by accidental spills of hazardous waste during export, import or disposal.

Taking into consideration a disparity of economical, legislative and enforcement mechanisms in the Parties, inadequate availability and transmission of information related to generation, export and import of hazardous wastes, as well as still a substantial number of countries that for various reasons have not yet ratified the Convention, among them the USA, which is the biggest producer of hazardous waste, the majority of African countries, as well as several states of Asia/Oceania region and of the former USSR, there is still a potential threat of both export and of using some countries as a sink for hazardous waste.

During the next decade, the Convention will build on the achievements of the first decade towards full implementation and enforcement of treaty commitments, emphasizing the minimization of hazardous and other wastes and the strengthening of capacity-building. The Draft Strategic Plan for the Implementation of the Basel Convention (2000–2010) uses the framework of the 1999 Ministerial Basel Declaration. According to its preamble, it identifies and describes those activities considered achievable by the parties in partnership with all concerned and interested stakeholders within the agreed 10-year time frame, and sets out detailed short (2003–2004) and mid-to-long-term activities (2005–2010). The proposed major activities for 2003–2004 supporting the aims of the Basel Declaration include:

(a) assistance in the development and implementation of national legislation and capacity-building and other tools necessary for ESM;
(b) development of waste prevention and minimization programs and tools, and orientation for assistance in their implementation;
(c) assistance in the establishment and strengthening of the operation of the Basel Convention Regional Centres (BCRCs) within their core functions and their priority work program as the main regional delivery mechanism for the concrete implementation of the strategic plan;
(d) promotion of effective sustainable partnership with major stakeholders, in particular the private sector, to identify and implement joint opportunities for ESM activities;
(e) improved coordination and coherence of activities between the Basel Convention and other Multilateral Environmental Agreements (MEAs);
(f) reduction and monitoring of transboundary movements of hazardous and other wastes.

The full work program (10-year period) is expected to take place in a series of phases of regionally based activities.

As states the Draft Strategic Plan, the world-wide ESM of hazardous and other wastes as called for in the 1999 Ministerial Basel Declaration on Environmentally Sound Management requires action at all levels of society: training, information, communication, methodological tools, capacity building with financial support, transfer of know-how, knowledge and sound and proven cleaner technologies and processes are driving factors to assist in the concrete implementation of the Basel Convention.

Collective efforts of the continuously growing international community supported by the Basel Convention harmonized with other international and national regulations should bring further progress in solution of a global environmental problem of hazardous waste management.

Appendix A

Excerpt from:

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal adopted by the Conference of the Plenipotentiaries on March 1989, entry into force 5 May 1992 (with amended Annex I and two additional Annexes VIII and IX, adopted at the fourth meeting of the Conference of the Parties in 1998).

Official Web site of the SBC: http://www.basel.int/text/con-e.htm

Annex I

Categories of wastes to be controlled

Waste Streams

Y1 Clinical wastes from medical care in hospitals, medical centers and clinics
Y2 Wastes from the production and preparation of pharmaceutical products
Y3 Waste pharmaceuticals, drugs and medicines

Y4 Wastes from the production, formulation and use of biocides and phytopharmaceuticals
Y5 Wastes from the manufacture, formulation and use of wood preserving chemicals
Y6 Wastes from the production, formulation and use of organic solvents
Y7 Wastes from heat treatment and tempering operations containing cyanides
Y8 Waste mineral oils unfit for their originally intended use
Y9 Waste oils/water, hydrocarbons/water mixtures, emulsions
Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)
Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment
Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
Y13 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives
Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known
Y15 Wastes of an explosive nature not subject to other legislation
Y16 Wastes from production, formulation and use of photographic chemicals and processing materials
Y17 Wastes resulting from surface treatment of metals and plastics
Y18 Residues arising from industrial waste disposal operations
Wastes having as constituents:
Y19 Metal carbonyls
Y20 Beryllium; beryllium compounds
Y21 Hexavalent chromium compounds
Y22 Copper compounds
Y23 Zinc compounds
Y24 Arsenic; arsenic compounds
Y25 Selenium; selenium compounds
Y26 Cadmium; cadmium compounds
Y27 Antimony; antimony compounds
Y28 Tellurium; tellurium compounds
Y29 Mercury; mercury compounds
Y30 Thallium; thallium compounds
Y31 Lead; lead compounds
Y32 Inorganic fluorine compounds excluding calcium fluoride
Y33 Inorganic cyanides
Y34 Acidic solutions or acids in solid form
Y35 Basic solutions or bases in solid form
Y36 Asbestos (dust and fibres)
Y37 Organic phosphorus compounds
Y38 Organic cyanides
Y39 Phenols; phenol compounds including chlorophenols

Y40 Ethers
Y41 Halogenated organic solvents
Y42 Organic solvents excluding halogenated solvents
Y43 Any congenor of polychlorinated dibenzo-furan
Y44 Any congenor of polychlorinated dibenzo-p-dioxin
Y45 Organohalogen compounds other than substances referred to in this Annex (e.g. Y39, Y41, Y42, Y43, Y44)

(a) To facilitate the application of this Convention, and subject to paragraphs (b), (c) and (d), wastes listed in Annex VIII are characterized as hazardous pursuant to Article 1, paragraph 1 (a), of this Convention, and wastes listed in Annex IX are not covered by Article 1, paragraph 1 (a), of this Convention.
(b) Designation of a waste on Annex VIII does not preclude, in a particular case, the use of Annex III to demonstrate that a waste is not hazardous pursuant to Article 1, paragraph 1 (a), of this Convention.
(c) Designation of a waste on Annex IX does not preclude, in a particular case, characterization of such a waste as hazardous pursuant to Article 1, paragraph 1 (a), of this Convention if it contains Annex I material to an extent causing it to exhibit an Annex III characteristic.
(d) Annexes VIII and IX do not affect the application of Article 1, paragraph 1 (a), of this Convention for the purpose of characterization of wastes.

Annex II

Categories of wastes requiring special consideration
Y46 – Wastes collected from households
Y47 – Residues arising from the incineration of household wastes

Annex III

List of hazardous characteristics
UN Class Code Characteristics
1 H1 Explosive
An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such speed as to cause damage to the surroundings.
3 H3 Flammable liquids
The word "flammable" has the same meaning as "inflammable". Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapor at temperatures of not more than 60.5°C, closed-cup test, or not more than 65.6°C, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition.)

4.1 H4.1 Flammable solids
Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
4.2 H4.2 Substances or wastes liable to spontaneous combustion
Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.
4.3 H4.3 Substances or wastes which, in contact with water emit flammable gases
Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.
5.1 H5.1 Oxidizing
Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.
5.2 H5.2 Organic peroxides
Organic substances or wastes which contain the bivalent-O–O- structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.
6.1 H6.1 Poisonous (Acute)
Substances or wastes liable either to cause death or serious injury or to harm health if swallowed or inhaled or by skin contact.
6.2 H6.2 Infectious substances
Substances or wastes containing viable micro organisms or their toxins which are known or suspected to cause disease in animals or humans.
8 H8 Corrosives
Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.
9 H10 Liberation of toxic gases in contact with air or water
Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.
9 H11 Toxic (Delayed or chronic)
Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.
9 H12 Ecotoxic
Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.
9 H13 Capable, by any means, after disposal, of yielding another material, e.g. leachate, which possesses any of the characteristics listed above.
Tests
The potential hazards posed by certain types of wastes are not yet fully documented; tests to define quantitatively these hazards do not exist. Further research is necessary in order to develop means to characterize potential hazards posed to man and/or the environment by these wastes. Standardized tests have been derived with respect to pure substances and materials. Many countries have developed national tests which can be applied to materials

listed in Annex I, in order to decide if these materials exhibit any of the characteristics listed in this Annex.

Annex IV

Disposal operations

A. Operations which do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use or alternative uses

Section A encompasses all such disposal operations which occur in practice.

D1 Deposit into or onto land, (e.g. landfill, etc.)

D2 Land treatment, (e.g. biodegradation of liquid or sludgy discards in soils, etc.)

D3 Deep injection, (e.g. injection of pumpable discards into wells, salt domes of naturally occurring repositories, etc.)

D4 Surface impoundment, (e.g. placement of liquid or sludge discards into pits, ponds or lagoons, etc.)

D5 Specially engineered landfill, (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)

D6 Release into a water body except seas/oceans

D7 Release into seas/oceans including sea-bed insertion

D8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A

D9 Physico chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A, (e.g. evaporation, drying, calcination, neutralization, precipitation, etc.)

D10 Incineration on land

D11 Incineration at sea

D12 Permanent storage (e.g. emplacement of containers in a mine, etc.)

D13 Blending or mixing prior to submission to any of the operations in Section A

D14 Repackaging prior to submission to any of the operations in Section A

D15 Storage pending any of the operations in Section A

B. Operations which may lead to resource recovery, recycling reclamation, direct re-use or alternative uses

Section B encompasses all such operations with respect to materials legally defined as or considered to be hazardous wastes and which otherwise would have been destined for operations included in Section A

R1 Use as a fuel (other than in direct incineration) or other means to generate energy

R2 Solvent reclamation/regeneration

R3 Recycling/reclamation of organic substances which are not used as solvents

R4 Recycling/reclamation of metals and metal compounds

R5 Recycling/reclamation of other inorganic materials

R6 Regeneration of acids or bases

R7 Recovery of components used for pollution abatement
R8 Recovery of components from catalysts
R9 Used oil re-refining or other reuses of previously used oil
R10 Land treatment resulting in benefit to agriculture or ecological improvement
R11 Uses of residual materials obtained from any of the operations numbered R1–R10
R12 Exchange of wastes for submission to any of the operations numbered R1–R11
R13 Accumulation of material intended for any operation in Section B

Annex VIII

List A
Wastes contained in this Annex are characterized as hazardous under Article 1, paragraph 1 (a), of this Convention, and their designation on this Annex does not preclude the use of Annex III to demonstrate that a waste is not hazardous.
A1 *Metal and metal-bearing wastes*
A1010 Metal wastes and waste consisting of alloys of any of the following:

- Antimony
- Arsenic
- Beryllium
- Cadmium
- Lead
- Mercury
- Selenium
- Tellurium
- Thallium

but excluding such wastes specifically listed on list B.
A1020 Waste having as constituents or contaminants, excluding metal waste in massive form, any of the following:

- Antimony; antimony compounds
- Beryllium; beryllium compounds
- Cadmium; cadmium compounds
- Lead; lead compounds
- Selenium; selenium compounds
- Tellurium; tellurium compounds

A1030 Wastes having as constituents or contaminants any of the following:

- Arsenic; arsenic compounds
- Mercury; mercury compounds.
- Thallium; thallium compounds

A1040 Wastes having as constituents any of the following:

- Metal carbonyls
- Hexavalent chromium compounds

A1050 Galvanic sludges
A1060 Waste liquors from the pickling of metals
A1070 Leaching residues from zinc processing, dust and sludges such as jarosite, hematite, etc.
A1080 Waste zinc residues not included on list B, containing lead and cadmium in concentrations sufficient to exhibit Annex III characteristics
A1090 Ashes from the incineration of insulated copper wire
A1100 Dusts and residues from gas cleaning systems of copper smelters
A1110 Spent electrolytic solutions from copper electrorefining and electrowinning operations
A1120 Waste sludges, excluding anode slimes, from electrolyte purification systems in copper electrorefining and electrowinning operations
A1130 Spent etching solutions containing dissolved copper
A1140 Waste cupric chloride and copper cyanide catalysts
A1150 Precious metal ash from incineration of printed circuit boards not included on list B
A1160 Waste lead-acid batteries, whole or crushed
A1170 Unsorted waste batteries excluding mixtures of only list B batteries. Waste batteries not specified on list B containing Annex I constituents to an extent to render them hazardous.
A1180 Waste electrical and electronic assemblies or scrap containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or contaminated with Annex I constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they possess any of the characteristics contained in Annex III (note the related entry on list B B1110)
A2 *Wastes containing principally inorganic constituents, which may contain metals and organic materials*
A2010 Glass waste from cathode-ray tubes and other activated glasses
A2020 Waste inorganic fluorine compounds in the form of liquids or sludges but excluding such wastes specified on list B
A2030 Waste catalysts but excluding such wastes specified on list B
A2040 Waste gypsum arising from chemical industry processes, when containing Annex I constituents to the extent that it exhibits an Annex III hazardous characteristic (note the related entry on list B B2080)
A2050 Waste asbestos (dusts and fibers)
A2060 Coal-fired power plant fly-ash containing Annex I substances in concentrations sufficient to exhibit Annex III characteristics (note the related entry on list B B2050)
A3 *Wastes containing principally organic constituents, which may contain metals and inorganic materials*
A3010 Waste from the production or processing of petroleum coke and bitumen
A3020 Waste mineral oils unfit for their originally intended use
A3030 Wastes that contain, consist of or are contaminated with leaded anti-knock compound sludges
A3040 Waste thermal (heat transfer) fluids

A3050 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives excluding such wastes specified on list B (note the related entry on list B B4020)
A3060 Waste nitrocellulose
A3070 Waste phenols, phenol compounds including chlorophenol in the form of liquids or sludges
A3080 Waste ethers not including those specified on list B
A3090 Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides (note the related entry on list B B3100)
A3100 Waste paring and other waste of leather or of composition leather not suitable for the manufacture of leather articles containing hexavalent chromium compounds or biocides (note the related entry on list B B3090)
A3110 Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on list B B3110)
A3120 Fluff – light fraction from shredding
A3130 Waste organic phosphorous compounds
A3140 Waste non-halogenated organic solvents but excluding such wastes specified on list B
A3150 Waste halogenated organic solvents
A3160 Waste halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations
A3170 Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethane, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)
A3180 Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT), polychlorinated naphthalene (PCN) or polybrominated biphenyl (PBB), or any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more
A3190 Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolitic treatment of organic materials
A4 *Wastes which may contain either inorganic or organic constituents*
A4010 Wastes from the production, preparation and use of pharmaceutical products but excluding such wastes specified on list B
A4020 Clinical and related wastes; that is wastes arising from medical, nursing, dental, veterinary, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects
A4030 Wastes from the production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides and herbicides which are off-specification, outdated, or unfit for their originally intended use
A4040 Wastes from the manufacture, formulation and use of wood-preserving chemicals
A4050 Wastes that contain, consist of or are contaminated with any of the following:

- Inorganic cyanides, excepting precious-metal-bearing residues in solid form containing traces of inorganic cyanides
- Organic cyanides

A4060 Waste oils/water, hydrocarbons/water mixtures, emulsions

A4070 Wastes from the production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish excluding any such waste specified on list B (note the related entry on list B B4010)
A4080 Wastes of an explosive nature (but excluding such wastes specified on list B)
A4090 Waste acidic or basic solutions, other than those specified in the corresponding entry on list B (note the related entry on list B B2120)
A4100 Wastes from industrial pollution control devices for cleaning of industrial off-gases but excluding such wastes specified on list B
A4110 Wastes that contain, consist of or are contaminated with any of the following:

- Any congenor of polychlorinated dibenzo-furan
- Any congenor of polychlorinated dibenzo-dioxin

A4120 Wastes that contain, consist of or are contaminated with peroxides
A4130 Waste packages and containers containing Annex I substances in concentrations sufficient to exhibit Annex III hazard characteristics
A4140 Waste consisting of or containing off specification or outdated chemicals corresponding to Annex I categories and exhibiting Annex III hazard characteristics
A4150 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known
A4160 Spent activated carbon not included on list B (note the related entry on list B B2060)

Annex IX

List B
Wastes contained in the Annex will not be wastes covered by Article 1, paragraph 1 (a), of this Convention unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic.
B1 *Metal and metal-bearing wastes*
B1010 Metal and metal-alloy wastes in metallic, non-dispersible form:

- Precious metals (gold, silver, the platinum group, but not mercury)
- Iron and steel scrap
- Copper scrap
- Nickel scrap
- Aluminum scrap
- Zinc scrap
- Tin scrap
- Tungsten scrap
- Molybdenum scrap
- Tantalum scrap
- Magnesium scrap
- Cobalt scrap
- Bismuth scrap
- Titanium scrap

- Zirconium scrap
- Manganese scrap
- Germanium scrap
- Vanadium scrap
- Scrap of hafnium, indium, niobium, rhenium and gallium
- Thorium scrap
- Rare earths scrap

B1020 Clean, uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plate, beams, rods, etc), of:

- Antimony scrap
- Beryllium scrap
- Cadmium scrap
- Lead scrap (but excluding lead-acid batteries)
- Selenium scrap
- Tellurium scrap

B1030 Refractory metals containing residues
B1040 Scrap assemblies from electrical power generation not contaminated with lubricating oil, PCB or PCT to an extent to render them hazardous
B1050 Mixed non-ferrous metal, heavy fraction scrap, not containing Annex I materials in concentrations sufficient to exhibit Annex III characteristics
B1060 Waste selenium and tellurium in metallic elemental form including powder
B1070 Waste of copper and copper alloys in dispersible form, unless they contain Annex I constituents to an extent that they exhibit Annex III characteristics
B1080 Zinc ash and residues including zinc alloys residues in dispersible form unless containing Annex I constituents in concentration such as to exhibit Annex III characteristics or exhibiting hazard characteristic H4.3
B1100 Metal-bearing wastes arising from melting, smelting and refining of metals:

- Hard zinc spelter
- Zinc-containing drosses:

– Galvanizing slab zinc top dross (>90% Zn)
– Galvanizing slab zinc bottom dross (>92% Zn)
– Zinc die casting dross (>85% Zn)
– Hot dip galvanizers slab zinc dross (batch)(>92% Zn)
– Zinc skimmings

- Aluminum skimmings (or skims) excluding salt slag
- Slags from copper processing for further processing or refining not containing arsenic, lead or cadmium to an extend that they exhibit Annex III hazard characteristics
- Wastes of refractory linings, including crucibles, originating from copper smelting
- Slags from precious metals processing for further refining
- Tantalum-bearing tin slags with less than 0.5% tin

B1110 Electrical and electronic assemblies:

- Electronic assemblies consisting only of metals or alloys
- Waste electrical and electronic assemblies or scrap (including printed circuit boards) not containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or not contaminated with Annex I constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the characteristics contained in Annex III (note the related entry on list A A1180)
- Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct reuse, and not for recycling or final disposal.

B1120 Spent catalysts excluding liquids used as catalysts, containing any of:

Transition metals, excluding waste catalysts (spent catalysts, liquid used catalysts or other catalysts) on list A:	Scandium	Titanium
	Vanadium	Chromium
	Manganese	Iron
	Cobalt	Nickel
	Copper	Zinc
	Yttrium	Zirconium
	Niobium	Molybdenum
	Hafnium	Tantalum
	Tungsten	Rhenium
Lanthanides (rare earth metals):	Lanthanum	Cerium
	Praseodymium	Neody
	Samarium	Europium
	Gadolinium	Terbium
	Dysprosium	Holmium
	Erbium	Thulium
	Ytterbium	Lutetium

B1130 Cleaned spent precious-metal-bearing catalysts

B1140 Precious-metal-bearing residues in solid form which contain traces of inorganic cyanides

B1150 Precious metals and alloy wastes (gold, silver, the platinum group, but not mercury) in a dispersible, non-liquid form with appropriate packaging and labeling

B1160 Precious-metal ash from the incineration of printed circuit boards (note the related entry on list A A1150)

B1170 Precious-metal ash from the incineration of photographic film

B1180 Waste photographic film containing silver halides and metallic silver

B1190 Waste photographic paper containing silver halides and metallic silver

B1200 Granulated slag arising from the manufacture of iron and steel

B1210 Slag arising from the manufacture of iron and steel including slags as a source of TiO_2 and vanadium

B1220 Slag from zinc production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g. DIN 4301) mainly for construction

B1230 Mill scaling arising from the manufacture of iron and steel

B1240 Copper oxide mill-scale

B2 *Wastes containing principally inorganic constituents, which may contain metals and organic materials*
B2010 Wastes from mining operations in non-dispersible form:

- Natural graphite waste
- Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise
- Mica waste
- Leucite, nepheline and nepheline syenite waste
- Feldspar waste
- Fluorspar waste
- Silica wastes in solid form excluding those used in foundry operations

B2020 Glass waste in non-dispersible form:

- Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses

B2030 Ceramic wastes in non-dispersible form:

- Cermet wastes and scrap (metal ceramic composites)
- Ceramic based fibers not elsewhere specified or included

B2040 Other wastes containing principally inorganic constituents:

- Partially refined calcium sulfate produced from flue-gas desulfurization (FGD)
- Waste gypsum wallboard or plasterboard arising from the demolition of buildings
- Slag from copper production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications
- Sulfur in solid form
- Limestone from the production of calcium cyanamide (having a pH less than 9)
- Sodium, potassium, calcium chlorides
- Carborundum (silicon carbide)
- Broken concrete
- Lithium–tantalum and lithium–niobium containing glass scraps

B2050 Coal-fired power plant fly-ash, not included on list A (note the related entry on list A A2060)
B2060 Spent activated carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (note the related entry on list A A4160)
B2070 Calcium fluoride sludge
B2080 Waste gypsum arising from chemical industry processes not included on list A (note the related entry on list A A2040)
B2090 Waste anode butts from steel or aluminum production made of petroleum coke or bitumen and cleaned to normal industry specifications (excluding anode butts from chlor alkali electrolyses and from metallurgical industry)
B2100 Waste hydrates of aluminum and waste alumina and residues from alumina production excluding such materials used for gas cleaning, flocculation or filtration processes
B2110 Bauxite residue ("red mud") (pH moderated to less than 11.5)

B2120 Waste acidic or basic solutions with a pH greater than 2 and less than 11.5, which are not corrosive or otherwise hazardous (note the related entry on list A A4090)
B3 *Wastes containing principally organic constituents, which may contain metals and inorganic materials*
B3010 Solid plastic waste:
The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification:

- Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following:
  - ethylene
  - styrene
  - polypropylene
  - polyethylene terephthalate
  - acrylonitrile
  - butadiene
  - polyacetals
  - polyamides
  - polybutylene terephthalate
  - polycarbonates
  - polyethers
  - polyphenylene sulfides
  - acrylic polymers
  - alkanes C10–C13 (plasticiser)
  - polyurethane (not containing CFCs)
  - polysiloxanes
  - polymethyl methacrylate
  - polyvinyl alcohol
  - polyvinyl butyral
  - polyvinyl acetate
- Cured waste resins or condensation products including the following:
  - urea formaldehyde resins
  - phenol formaldehyde resins
  - melamine formaldehyde resins
  - epoxy resins
  - alkyd resins
  - polyamides
- The following fluorinated polymer wastes
  - perfluoroethylene/propylene (FEP)
  - perfluoroalkoxy alkane (PFA)
  - perfluoroalkoxy alkane (MFA)
  - polyvinylfluoride (PVF)
  - polyvinylidenefluoride (PVDF)

B3020 Paper, paperboard and paper product wastes
The following materials, provided they are not mixed with hazardous wastes:
Waste and scrap of paper or paperboard of:

- unbleached paper or paperboard or of corrugated paper or paperboard
- other paper or paperboard, made mainly of bleached chemical pulp, not colored in the mass
- paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter)
- other, including but not limited to 1) laminated paperboard 2) unsorted scrap.

B3030 Textile wastes
The following materials, provided they are not mixed with other wastes and are prepared to a specification:

- Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
  - not carded or combed
  - other
- Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock
  - noils of wool or of fine animal hair
  - other waste of wool or of fine animal hair
  - waste of coarse animal hair
- Cotton waste (including yarn waste and garnetted stock)
  - yarn waste (including thread waste)
  - garnetted stock
  - other
- Flax tow and waste
- Tow and waste (including yarn waste and garnetted stock) of true hemp (*Cannabis sativa* L.)
- Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibers (excluding flax, true hemp and ramie)
- Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibers of the genus Agave
- Tow, noils and waste (including yarn waste and garnetted stock) of coconut
- Tow, noils and waste (including yarn waste and garnetted stock) of abaca (Manila hemp or *Musa textilis* Nee)
- Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included
- Waste (including noils, yarn waste and garnetted stock) of man-made fibers

- of synthetic fibers
- of artificial fibers

- Worn clothing and other worn textile articles
- Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials

- sorted
- other

B3040 Rubber wastes
The following materials, provided they are not mixed with other wastes:

- Waste and scrap of hard rubber (e.g. ebonite)
- Other rubber wastes (excluding such wastes specified elsewhere)

B3050 Untreated cork and wood waste:

- Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
- Cork waste: crushed, granulated or ground cork

B3060 Wastes arising from agro-food industries provided it is not infectious:

- Wine lees
- Dried and sterilized vegetable waste, residues and byproducts, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included
- Degras: residues resulting from the treatment of fatty substances or animal or vegetable waxes
- Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised
- Fish waste
- Cocoa shells, husks, skins and other cocoa waste
- Other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption

B3070 The following wastes:

- Waste of human hair
- Waste straw
- Deactivated fungus mycelium from penicillin production to be used as animal feed

B3080 Waste parings and scrap of rubber
B3090 Paring and other wastes of leather or of composition leather not suitable for the manufacture of leather articles, excluding leather sludges, not containing hexavalent chromium compounds and biocides (note the related entry on list A A3100)
B3100 Leather dust, ash, sludges or flours not containing hexavalent chromium compounds or biocides (note the related entry on list A A3090)
B3110 Fellmongery wastes not containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on list A A3110)
B3120 Wastes consisting of food dyes

B3130 Waste polymer ethers and waste non-hazardous monomer ethers incapable of forming peroxides
B3140 Waste pneumatic tyres, excluding those destined for Annex IVA operations
B4 *Wastes which may contain either inorganic or organic constituents*
B4010 Wastes consisting mainly of water-based/latex paints, inks and hardened varnishes not containing organic solvents, heavy metals or biocides to an extent to render them hazardous (note the related entry on list A A4070)
B4020 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives, not listed on list A, free of solvents and other contaminants to an extent that they do not exhibit Annex III characteristics, e.g. water-based, or glues based on casein starch, dextrin, cellulose ethers, polyvinyl alcohols (note the related entry on list A A3050)
B4030 Used single-use cameras, with batteries not included on list A
Footnotes

1. Characterization of wastes: ...
2. Corresponds to the hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods (ST/SG/AC.10/1Rev.5, United Nations, New York, 1988)
3. Decision III/1 (Amendment to the Basel Convention)

The Conference,
Decides to adopt the following amendment to the Convention:
"Insert new preambular paragraph 7 bis:
Recognizing that transboundary movements of hazardous wastes, especially to developing countries, have a high risk of not constituting an environmentally sound management of hazardous wastes as required by this Convention;
Insert new Article 4A:

1. Each Party listed in Annex VII shall prohibit all transboundary movements of hazardous wastes which are destined for operations according to Annex IV A, to States not listed in Annex VII.
2. Each Party listed in Annex VII shall phase out by 31 December 1997, and prohibit as of that date, all transboundary movements of hazardous wastes under Article 1(I)(a) of the Convention which are destined for operations according to Annex IV B to States not listed in Annex VII. Such transboundary movement shall not be prohibited unless the wastes in question are characterized as hazardous under the Convention.

References

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal adopted by the Conference of the Plenipotentiaries on March 1989, entry into force 5 May 1992 (with amended Annex I and two additional Annexes VIII and IX, adopted at the fourth meeting of the Conference of the Parties in 1998). SBC No 99/001, p. 38, March 1999. Official Web site of the SBC: http://www.basel.int/text/con-e.htm.

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For further information

The Secretariat of the Basel Convention (SBC), Official Web site of the SBC: http://www.basel.int/.

The Secretariat of the Basel Convention (SBC), Publications and Other Documentation. Official Web site of the SBC: http://www.basel.int/pub/pub.html.

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