



Decision of the Council on the Control of Transboundary Movements of Wastes Destined for Recovery Operations

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Background Information

The Decision concerning the Control of Transboundary Movements of Wastes Destined for Recovery Operations was adopted on the occasion of the 14 June 2001 Ministerial meeting. The Decision revises the 1992 OECD Decision on the Control of Transfrontier Movements of Wastes Destined for Recovery Operations which provided a framework for Adherents to control transboundary movements of recoverable wastes within the OECD area in an environmentally sound and economically efficient manner. The original Decision was revised in order to harmonise its provisions with the Basel Convention in particular with regard to the classification of wastes subject to control. However, certain procedural elements of the original Decision, which do not exist in the Basel Convention, such as time limits for approval process, tacit consent and pre-consent procedures have been retained.

THE COUNCIL,

HAVING REGARD to Article 5a) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Decision of the Council of 30 March 1992 concerning the control of transfrontier movements of wastes destined for recovery operations C(92)39/FINAL, as amended, which establishes an operational control system for transboundary movements of wastes destined for recovery operations;

HAVING REGARD to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which entered into force on 5 May 1992, as amended on 6 November 1998 with Annexes VIII and IX listing respectively wastes characterised as hazardous pursuant to Article 1(1)(a) of the Convention and wastes not covered by Article 1(1)(a) of the Convention;

NOTING that most OECD Member countries (hereafter Member countries) and the European Community have become Parties to the Basel Convention;

NOTING that Member countries agreed at the Working Group on Waste Management Policy (WGWMP) meeting in Vienna in October 1998 to further harmonisation of procedures and requirements of OECD Decision C(92)39/FINAL with those of the Basel Convention;

NOTING that recovery of valuable materials and energy from wastes is an integral part of the international economic system and that well established international markets exist for the collection and processing of such materials within Member countries;

NOTING further that many industrial sectors in Member countries have already implemented waste recovery techniques in an environmentally sound and economically efficient manner, thus increasing resource efficiency and contributing to sustainable development, and convinced that further efforts to promote and facilitate waste recovery are necessary and should be encouraged;

RECOGNISING that the environmentally sound and economically efficient recovery of wastes may justify transboundary movements of wastes between Member countries;

RECOGNISING that the operational Control System established by Decision C(92)39/FINAL has provided a valuable framework for Member countries to control transboundary movements of wastes destined for recovery operations in an environmentally sound and economically efficient manner;

DESIRING, therefore, to continue this agreement or arrangement under Article 11.2 of the Basel Convention;

RECOGNISING that Member countries may, within their jurisdiction, impose requirements consistent with this Decision and in accordance with the rules of international law, in order to better protect human health and the environment; and

RECOGNISING the need to revise Decision C(92)39/FINAL in order to improve certain elements of the Control System and to enhance harmonisation with the Basel Convention,

On the proposal of the Environment Policy Committee:

DECIDES that the text of Decision C(92)39/FINAL is revised as follows:

CHAPTER I:

I. DECIDES that Member countries shall control transboundary movements of wastes destined for recovery operations within the OECD area in accordance with the provisions set out in Chapter II of this Decision and in the appendices to it.

II. INSTRUCTS the Environment Policy Committee in co-operation with other relevant OECD bodies, in particular the Trade Committee, to ensure that the provisions of this Control System remain compatible with the needs of Member countries to recover wastes in an environmentally sound and economically efficient manner.

III. RECOMMENDS Member countries to use for the Notification Document and Movement Document the forms contained in Appendix 8 to this Decision.

IV. INSTRUCTS the Environment Policy Committee to amend the forms for the Notification Document and Movement Document as necessary.

V. INSTRUCTS the Environment Policy Committee to review the procedure for amending the waste lists under Chapter II. B, (3) at the latest seven (7) years after the adoption of the present Decision.

VI. REQUESTS Member countries to provide the information that is necessary for the implementation of this Decision and is listed in Appendix 7 to this Decision.

VII. REQUESTS the Secretary General to transmit this Decision to the United Nations Environment Programme and the Secretariat of the Basel Convention.

CHAPTER II

A. DEFINITIONS

For the purposes of this Decision:

1. **WASTES** are substances or objects, other than radioactive materials covered by other international agreements, which:

- i) are disposed of or are being recovered; or
- ii) are intended to be disposed of or recovered; or
- iii) are required, by the provisions of national law, to be disposed of or recovered.

2. **HAZARDOUS WASTES** are:

- i) Wastes that belong to any category contained in Appendix 1 to this Decision unless they do not possess any of the characteristics contained in Appendix 2 to this Decision; and
- ii) Wastes that are not covered under sub-paragraph 2.(i) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Member country of export, import or transit. Member countries shall not be required to enforce laws other than their own.

3. **DISPOSAL** means any of the operations specified in Appendix 5.A to this Decision.

4. **RECOVERY** means any of the operations specified in Appendix 5.B to this Decision.

5. **TRANSBOUNDARY MOVEMENT** means any movement of wastes from an area under the national jurisdiction of a Member country to an area under the national jurisdiction of another Member country.

6. **RECOVERY FACILITY** means a facility which, under applicable domestic law, is operating or is authorised or permitted to operate in the country of import to receive wastes and to perform recovery operations on them.

7. **COUNTRY OF EXPORT** means a Member country from which a transboundary movement of wastes is planned to be initiated or is initiated.
8. **COUNTRY OF IMPORT** means a Member country to which a transboundary movement of wastes is planned or takes place.
9. **COUNTRY OF TRANSIT** means a Member country other than the country of export or import through which a transboundary movement of wastes is planned or takes place.
10. **COUNTRIES CONCERNED** means the countries of export and import and any country of transit, as defined above.
11. **OECD AREA** means all land and marine areas, under the national jurisdiction of any Member country.
12. **COMPETENT AUTHORITIES** means the regulatory authorities of countries concerned having jurisdiction over transboundary movements of wastes covered by this Decision.
13. **PERSON** means any natural or legal person.
14. **EXPORTER** means any person under the jurisdiction of the country of export who initiates the transboundary movement of wastes or who has, at the time the planned transboundary movement commences, possession or other forms of legal control of the wastes.
15. **IMPORTER** means any person under the jurisdiction of the country of import to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the country of import.
16. **RECOGNISED TRADER** means any person under the jurisdiction of a Member country who, with appropriate authorisation of countries concerned, acts in the role of principal to purchase and subsequently sell wastes; such a person may act to arrange and facilitate transboundary movements of wastes destined for recovery operations.
17. **GENERATOR** means any person whose activities create wastes.
18. **A MIXTURE OF WASTES** means a waste that results from an intentional or unintentional mixing of two or more different wastes. A single shipment of wastes, consisting of two or more wastes, where each waste is separated, is not a mixture of wastes.

B. GENERAL PROVISIONS

1. Conditions

The following conditions shall apply to transboundary movements of wastes subject to this Decision:

- a) The wastes shall be destined for recovery operations within a recovery facility which will recover the wastes in an environmentally sound manner according to national laws, regulations and practices to which the facility is subject.
- b) All persons involved in any contracts or arrangements for transboundary movements of wastes destined for recovery operations should have the appropriate legal status, in accordance with domestic legislation and regulations.
- c) The transboundary movements shall be carried out under the terms of applicable international transport agreements.
- d) Any transit of wastes through a non-member country shall be subject to international law and to all applicable national laws and regulations.

2. Control Procedures

A two-tiered system serves to delineate controls to be applied to such transboundary movements of wastes:

a) Green Control Procedure:

Wastes falling under the Green control procedure are those wastes in Appendix 3 to this Decision. This Appendix has two parts:

- Part I contains the wastes in Annex IX of the Basel Convention, some of which are subject to a note for the purposes of this Decision;
- Part II contains additional wastes that OECD Member countries agreed to be subject to the Green control procedure, in accordance with criteria referred to in Appendix 6 to this Decision.

The Green control procedure is described in Section C.

b) Amber Control Procedure:

Wastes falling under the Amber control procedure are those wastes in Appendix 4 to this Decision. This Appendix has two parts:

- Part I contains the wastes in Annexes II and VIII of the Basel Convention, some of which are subject to a note for the purposes of this Decision;
- Part II contains additional wastes that OECD Member countries agreed to be subject to the Amber control procedure, in accordance with criteria referred to in Appendix 6 to this Decision.

The Amber control procedure is described in Section D.

3. Procedure for Amendments to the Lists of Wastes in Appendices 3 and 4

Normally, and without any other formal decision, amendments made to Annex IX under the Basel Convention will be incorporated into Part I of Appendix 3 to this Decision and amendments made to Annexes II and VIII under the Basel Convention will be incorporated into Part I of Appendix 4 to this Decision, entering into effect from the date on which the amendment to the Basel Convention (hereafter the Amendment) becomes effective for the Parties to the Convention. On that same date any relevant change will be automatically made to Part II of Appendices 3 or 4.

In exceptional cases:

- a) A Member country that determines, in accordance with the criteria referred to in Appendix 6, that a different level of control is justified for one or more wastes covered by the Amendment, may object in writing to the OECD Secretariat within sixty (60) days following the adoption of the Amendment by the Conference of the Parties to the Basel Convention. Such an objection, which shall provide an alternative proposal for inclusion into the relevant appendix or appendices to this Decision, will be immediately disseminated by the OECD Secretariat to all Member countries.
- b) The notification of an objection to the OECD Secretariat suspends the incorporation of the waste(s) concerned into the relevant appendix to this Decision. Pending examination of the objection by the appropriate OECD body, the waste(s) concerned shall be subject to the provisions of Section 6 (b) and 6 (c) hereunder.
- c) The appropriate OECD body shall promptly examine the objection and the related alternative proposal and shall reach a conclusion one month before the Amendment becomes effective for the Parties to the Basel Convention.

- d) If consensus is reached within the appropriate OECD body during that period, the relevant Appendix to this Decision will be modified as appropriate. Any modification becomes effective on the same date on which the amendment to the Basel Convention becomes effective for the Parties to the Convention.
- e) If no consensus is reached within the appropriate OECD body during that period, the Amendment will not be applied within the OECD Control System. With respect to the waste(s) concerned, the relevant appendix to this Decision will be modified as appropriate. Each Member country retains its right to control such waste(s) in conformity with its domestic legislation and international law.

4. Provision for Specific National Control

- a) This Decision does not prejudice the right of a Member country to control, on an exceptional basis, certain wastes differently, in conformity with domestic legislation and the rules of international law, in order to protect human health and the environment.
- b) Thus, a Member country may control wastes subject to the Green control procedure as if those wastes had been subject to the Amber control procedure.
- c) A Member country may, in conformity with domestic legislation, legally define or consider a waste subject to the Amber control procedure as subject to the Green control procedure because it does not exhibit any of the hazardous characteristics listed in Appendix 2 of this Decision, as determined using national procedures.¹
- d) In the case of a transboundary movement of wastes where the wastes are legally defined as, or considered to be, wastes subject to the Amber control procedure only by the country of import, the requirements of section D that apply to the exporter and the country of export, shall apply mutatis mutandis to the importer and the country of import, respectively.

5. Information Requirements

Any Member country exercising the right to apply a different level of control shall immediately inform the OECD secretariat citing the specific waste(s) and applicable legislative requirements. Member countries which prescribe the use of certain tests and testing procedures in order to determine whether a waste exhibits one or more of the hazardous characteristics listed in Appendix 2 of this Decision shall also inform the OECD secretariat concerning which tests and testing procedures are being so utilised; and, if possible, which wastes would or would not be legally defined or considered to be hazardous wastes based upon application of these national procedures. All the above information requirements are specified in Appendix 7 to this Decision.

6. Wastes not Listed in Appendices 3 or 4 to this Decision

Wastes which are destined for recovery operations but have not yet been assigned to Appendices 3 or 4 of this Decision, shall be eligible for transboundary movements pursuant to this Decision subject to the following conditions:

- a) Member countries shall identify such wastes and, if appropriate, make applications to the Technical Working Group of the Basel Convention in order to amend the relevant Annexes of the Basel Convention;
- b) Pending assignment to a list, such wastes shall be subject to the controls required for the transboundary movements of wastes by the domestic legislation of the countries concerned in order that no country is obliged to enforce laws other than its own;
- c) However, if such wastes exhibit a hazardous characteristic listed in Appendix 2 to this Decision as determined by using national procedures² and any applicable international agreements, such wastes shall be subject to the Amber control procedure.

7. Generator of Mixed or Transformed Waste

If two or more lots of wastes are mixed and/or otherwise subjected to physical or chemical transformation operations, the person who performs these operations shall be deemed to be the generator of the new wastes resulting from these operations.

8. Procedures for Mixtures of Wastes

Having regard to paragraph 11 of the preamble of this Decision, a mixture of wastes, for which no individual entry exists, shall be subject to the following control procedure:

- i) A mixture of two or more Green wastes shall be subject to the Green control procedure, provided the composition of this mixture does not impair its environmentally sound recovery;
- ii) A mixture of a Green waste and more than a de minimis amount of an Amber waste or a mixture of two or more Amber wastes shall be subject to the Amber control procedure, provided the composition of this mixture does not impair its environmentally sound recovery.

C. GREEN CONTROL PROCEDURE

Transboundary movements of wastes subject to the Green control procedure shall be subject to all existing controls normally applied in commercial transactions.

Regardless of whether or not wastes are included on the list of wastes subject to the Green Control Procedure (Appendix 3), they may not be subject to the Green control procedure if they are contaminated by other materials to an extent which (a) increases the risks associated with the wastes sufficiently to render them appropriate for submission to the amber control procedure, when taking into account the criteria in Appendix 6 to this Decision, or (b) prevents the recovery of the wastes in an environmentally sound manner.

D. AMBER CONTROL PROCEDURE

(1) Conditions

a) Contracts

Transboundary movements of wastes under the Amber control procedure may only occur under the terms of a valid written contract, or chain of contracts, or equivalent arrangements between facilities controlled by the same legal entity, starting with the exporter and terminating at the recovery facility. All persons involved in the contracts, or arrangements shall have appropriate legal status.

The contracts shall:

- i) Clearly identify: the generator of each type of waste, each person who shall have legal control of the wastes and the recovery facility;
- ii) Provide that relevant requirements of this Decision are taken into account and are binding on all parties to the contracts.
- iii) Specify which party to the contract (i) shall assume responsibility for an alternative management of the wastes in compliance with applicable laws and regulations including, if necessary, the return of the wastes in accordance with section D. (3) (a) below and (ii), as the case may be, shall provide the notification for re-export in accordance with section D.(3) (b) below.

Upon the request of the competent authorities of the countries of export or import, the exporter shall provide copies of such contracts or portions thereof.

Any information contained in the contracts provided under terms of the above paragraph shall be held strictly confidential in accordance with and to the extent required by domestic laws.

b) Financial Guarantees

Where applicable, the exporter or the importer shall provide financial guarantees in accordance with national or international law requirements, for alternative recycling, disposal or other means of environmentally sound management of the wastes in cases where arrangements for the transboundary movement and the recovery operations cannot be carried out as foreseen.

c) Transboundary Movements of Amber Wastes for Laboratory Analysis

Member countries may exempt a transboundary movement of a waste from the Amber control procedure, if it is explicitly destined for laboratory analysis to assess its physical or chemical characteristics or to determine its suitability for recovery operations. The amount of such waste so exempted shall be determined by the minimum quantity reasonably needed to adequately perform the analysis in each particular case, but not more than 25 kg. Analytical samples must be appropriately packaged and labelled and they remain subject to the conditions set out in Chapter II Section B. (1)(c) and (d) of this Decision. Where a competent authority of a country of import or country of export is required to be informed under its domestic legislation, the exporter shall inform that authority of a transboundary movement of a laboratory sample.

(2) Functioning of the Amber Control Procedure:

Procedures are provided under the Amber control procedure for the following two cases:

Case 1: individual transboundary movements or multiple shipments to a recovery facility;

Case 2: transboundary movements to pre-consented recovery facilities

Case 1: Individual transboundary movements of wastes or multiple shipments to a recovery facility.

- a) Prior to commencement of each transboundary movement of wastes, the exporter shall provide written notification ("**single notification**") to the competent authorities of the countries concerned. The notification document shall include all of the information listed in Appendix 8.A to this Decision. In accordance with domestic laws, the competent authorities of the country of export, instead of the exporter, may themselves transmit this notification.
- b) In instances where competent authorities acting under the terms of their domestic laws are required to review the contracts referred to in section D. (1) above, the contract(s) or portions thereof to be reviewed must be sent together with the notification document in order that such review may be appropriately performed.
- c) The competent authorities of the countries concerned may request additional information if the notification is not complete. Upon receipt of the complete notification document referred to in paragraph (a) above, the competent authorities of the country of import and, if applicable, of the country of export shall transmit an **acknowledgement** to the exporter with a copy to the competent authorities of all other countries concerned within three (3) working days of the receipt of the notification.
- d) The competent authorities of the countries concerned shall have **thirty (30) days to object**, according to their domestic laws, to the proposed transboundary movement of wastes. The thirty (30)-day period for possible objection shall commence upon issuance of the acknowledgement of the competent authority of the country of import.

- e) **Any objection** by any of the competent authorities of the countries concerned must be provided in writing to the exporter and to the competent authorities of all other countries concerned within the thirty (30)-day period.
- f) If no objection has been lodged (**tacit consent**), the transboundary movement of wastes may commence after this thirty (30)-day period has passed. Tacit consent expires within one (1) calendar year from the end of the thirty (30)-day period.
- g) In cases where the competent authorities of the countries concerned do not object and decide to provide **written consent**, it shall be issued within the thirty (30)-day period commencing upon issuance of the acknowledgement of the receipt of notification by the competent authority of the country of import. The transboundary movement of wastes may commence after all consents are received. Copies of the written consent(s) shall be sent to competent authorities of all countries concerned. Written consent is valid for up to one (1) calendar year from the date of its issuance.
- h) Objection or written consent may be provided by post, e-mail with a digital signature, e-mail without digital signature followed by post, or telefax followed by post.
- i) The transboundary movement of wastes may only take place during the period when the consents of all competent authorities (tacit or written consent) are valid.
- j) Each transboundary movement of wastes shall be accompanied by a **movement document** which includes the information listed in Appendix 8.B to this Decision.
- k) Within three (3) days of the receipt of the wastes by the recovery facility, the recovery facility shall return **a signed copy of the movement document** to the exporter and to the competent authorities of the countries of export, transit and import. Those countries of transit that do not wish to receive a signed copy of the movement document shall inform the OECD Secretariat. The recovery facility shall retain the original of the movement document for three (3) years.
- l) As soon as possible, but no later than thirty (30) days after the completion of recovery and no later than one (1) calendar year following the receipt of the waste, the recovery facility shall send **a certificate of recovery** to the exporter and to the competent authorities of the countries of export and import by post, e-mail with a digital signature, email without digital signature followed by post, or telefax followed by post.
- m) In cases where essentially similar wastes (e.g. those having essentially similar physical and chemical characteristics) are to be sent periodically to the same recovery facility by the same exporter, the competent authorities of the countries concerned may elect to accept one "**general notification**" for such multiple shipments for a period of up to one year. Each shipment must be accompanied by its own movement document, which includes the information listed in Appendix 8.B to this Decision.
- n) Revocation of the acceptance in (m) above may be accomplished by means of an official notice to the exporter from any of the competent authorities of the countries concerned. Notice of revocation of acceptance for transboundary movements previously granted under this provision shall be given to the competent authorities of all countries concerned by the competent authorities of the country that revokes such acceptance.

Case 2: *Transboundary movements of wastes to pre-consented recovery facilities*

- a) Competent authorities having jurisdiction over specific recovery facilities in the country of import may decide not to raise objections concerning transboundary movements of certain types of wastes to a specific recovery facility (**pre-consented recovery facility**). Such decisions can be limited to a specified period of time and can be revoked at any time.

- b) Competent authorities that elect this option shall inform the OECD secretariat of the recovery facility name, address, technologies employed, waste types to which the pre-consent applies, and the period covered. The OECD secretariat must also be notified of any revocations.
- c) For all transboundary movements of wastes to such facilities paragraphs (a), (b) and (c) of Case 1 shall apply.
- d) The competent authorities of the countries of export and transit shall have seven (7) working days to object, according to their domestic laws, to the proposed transboundary movement of wastes. The seven (7) working days period for possible objection shall commence upon issuance of the acknowledgement of the competent authority of the country of import. In exceptional cases where the competent authority of the country of export needs more than seven (7) working days in order to receive additional information from the exporter as necessary to meet the requirements of its domestic law, it may inform the exporter within the seven (7) working days that additional time is needed. This additional time may be up to thirty (30) days starting from the day of the issuance of the acknowledgement of the competent authority of the country of import.
- e) Paragraphs (e), (f) and (g) of Case 1 shall apply with a period of seven (7) working days instead of thirty (30) days but for the exceptional cases mentioned in paragraph (d) above, in which case the period shall remain thirty (30) days.
- f) Paragraphs (h), (i), (j), (k) and (l) of Case 1 shall apply.
- g) In the case of the acceptance of a general notification, paragraph (m) of Case 1 shall apply with the exception that the shipments can cover a period of up to three (3) years. For the revocation of this acceptance, paragraph (n) in Case 1 shall apply.

(3) Duty to Return or Re-export Wastes Subject to the Amber Control Procedure

When a transboundary movement of wastes subject to the Amber control procedure, to which countries concerned have given consent, cannot be completed in accordance with the terms of the contract, for any reason such as illegal shipments, the competent authority of the country of import shall immediately inform the competent authority of the country of export. If alternative arrangements cannot be made to recover these wastes in an environmentally sound manner in the country of import, the following provisions shall apply as the case may be:

- a) Return from a country of import to the country of export:

The competent authority of the country of import shall inform the competent authorities of the countries of export and transit, mentioning in particular the reason for returning the waste. The competent authority of the country of export shall admit the return of those wastes. In addition, the competent authorities of the countries of export and transit shall not oppose or prevent the return of these wastes. The return should take place within ninety (90) days from the time the country of import informs the country of export or such other period of time as the concerned Member countries agree. Any new transit country would require a new notification.

- b) Re-export from a country of import to a country other than the initial country of export:

Re-export from a country of import of wastes subject to the Amber control procedure may only occur following notification by an exporter in the country of import to the countries concerned, as well as to the initial country of export. The notification and control procedure shall follow the provisions set out in Case 1 of Section D. (2) with the addition that the provisions concerning the competent authorities of countries concerned shall also apply to the competent authority of the initial country of export.

(4) Duty to Return Wastes Subject to the Amber Control Procedure from a Country of Transit

When the competent authority of the country of transit observes that a transboundary movement of wastes subject to the Amber control procedure, to which countries concerned have given consent, does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, the competent authority of the country of transit shall immediately inform the competent authorities of the countries of export and import and any other countries of transit.

If alternative arrangements cannot be made to recover these wastes in an environmentally sound manner, the competent authority of the country of export shall admit the return of the shipment of these wastes. In addition, the competent authorities of the country of export and other countries of transit shall not oppose or prevent the return of the wastes. The return should take place within ninety (90) days from the time the country of transit informs the country of export or such other period of time as the concerned countries agree.

(5) Provisions Relating to Recognised Traders

- a) A recognised trader may act as an exporter or importer for wastes with all the responsibilities associated with being an exporter or importer.
- b) The notification document called for in Chapter II section D (2), case 1, a) above shall include a signed declaration by the exporter that the appropriate contracts referred to in Chapter II section D (1) (a) are in place and are legally enforceable in all countries concerned.

(6) Provisions Relating to Exchange (R12) and Accumulation (R13) Operations

For transboundary movements of wastes destined for exchange (R12) or accumulation (R13) operations paragraphs (a) to (j), (m) and (n) of Case 1 shall apply. In addition:

- a) If wastes are destined for a facility or facilities where a R12 or R13 recovery operation as designated in Appendix 5.B to this Decision takes place, the recovery facility or facilities where the subsequent R1-R11 recovery operation as designated in Appendix 5.B takes place or may take place, shall also be indicated in the notification document.
- b) Within three (3) days of the receipt of the wastes by the R12/R13 recovery facility or facilities, the facilit(y)ies shall return a signed copy of the movement document to the exporter and to the competent authorities of the countries of export and import. The facilit(y)ies shall retain the original of the movement document for three (3) years.
- c) As soon as possible but no later than thirty (30) days after the completion of the R12/R13 recovery operation and no later than one (1) calendar year following the receipt of the waste, the R12 or R13 facilit(y)ies shall send a certificate of recovery to the exporter and to the competent authorities of the countries of export and import by post, e-mail with a digital signature, email without digital signature followed by post, or telefax followed by post.
- d) When an R12/R13 recovery facility delivers wastes for recovery to an R1-R11 recovery facility located in the country of import, it shall obtain as soon as possible but no later than one calendar year following delivery of the waste, a certification from the R1-R11 facility that recovery of the wastes at that facility has been completed. The R12/R13 facility shall promptly transmit the applicable certification(s) to the competent authorities of the countries of import and export, identifying the transboundary movements to which the certification(s) pertain.
- e) When an R12/R13 recovery facility delivers wastes for recovery to an R1-R11 recovery facility located:
 - i) in the initial country of export, a new notification is required in accordance with Section D. (2); or

- ii) in a third country other than the initial country of export, a new notification is required in accordance with Section D. (3)(b).

APPENDIX 1

CATEGORIES OF WASTES TO BE CONTROLLED³

Waste Streams:

- Y1 Clinical wastes from medical care in hospitals, medical centres 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 oil/water, hydrocarbon/water mixtures, emulsions
- Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCB's) and/or polychlorinated terphenyls (PCT's) and/or polybrominated biphenyls (PBB's)
- Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment
- Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, laquers, 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 phosphorous compounds
Y38	Organic cyanides
Y39	Phenols; phenol compounds including chlorophenols
Y40	Ethers
Y41	Halogenated organic solvents
Y42	Organic solvents excluding halogenated solvents
Y43	Any congener of polychlorinated dibenzo-furan
Y44	Any congener of polychlorinated dibenzo-p-dioxin
Y45	Organohalogen compounds other than substances referred to in this Appendix (e.g. Y39, Y41, Y42 Y43, Y44)

APPENDIX 2

LIST OF HAZARDOUS CHARACTERISTICS⁴

<u>Code⁵</u>	<u>Characteristics</u>
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H1:	Explosive
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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 a speed as to cause damage to the surroundings.

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 vapour 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.)

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.

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 in contact with air, and being liable to catch fire.

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.

H5.1:	Oxidising
--------------	------------------

Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.

H5.2:	Organic Peroxides
--------------	--------------------------

Organic substances or wastes that contain the bivalent-O-O-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.

H6.1:	Poisonous (Acute)
--------------	--------------------------

Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.

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.

H8:	Corrosives
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Substances or wastes that, 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.

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.

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.

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.

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; objective tests to define quantitatively these hazards do not exist. Further research is necessary in order to develop means to characterise potential hazards posed to man and/or the environment by these wastes. Standardised tests have been derived with respect to pure substances and materials. Many Member countries have developed tests which can be applied to materials destined for disposal or recovery by means of operations listed in Appendices 5.A or 5.B in order to decide if these materials exhibit any of the characteristics listed in this Appendix.

APPENDIX 3

LIST OF WASTES SUBJECT TO THE GREEN CONTROL PROCEDURE

Regardless of whether or not wastes are included on this list, they may not be subject to the Green control procedure if they are contaminated by other materials to an extent which (a) increases the risks associated with the wastes sufficiently to render them appropriate for submission to the amber control procedure, when taking into account the criteria in Appendix 6, or (b) prevents the recovery of the wastes in an environmentally sound manner.

PART I:

Wastes listed in Annex IX of the Basel Convention.

For the purposes of this Decision:

- a) Any reference to list A in Annex IX of the Basel Convention shall be understood as a reference to Appendix 4 of this Decision.
- b) In Basel entry B1020 the term “bulk finished form” includes all metallic non-dispersible⁶ forms of the scrap listed therein.
- c) Pending approval by the Basel Convention, Basel entry B1030 shall read: “Residues containing refractory metals”.
- d) The part of Basel entry B1100 that refers to “Slags from copper processing” etc does not apply and OECD entry GB040 in Part II applies instead.
- e) Basel entry B1110 does not apply and OECD entries GC010 and GC020 in Part II apply instead.
- f) Basel entry B2050 does not apply and OECD entry GG040 in Part II applies instead.
- g) The reference in Basel entry B3010 to fluorinated polymer wastes shall be deemed to include polymers and co-polymers of fluorinated ethylene (PTFE).

PART II:

The following wastes will also be subject to the Green control procedure:

Metal Bearing Wastes Arising from Melting, Smelting and Refining of Metals

GB040	7112 262030 262090	Slags from precious metals and copper processing for further refining
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Other Wastes Containing Metals

GC010		Electrical assemblies consisting only of metals or alloys.
GC020		Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery.
GC030	ex 890800	Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste

GC050 Spent Fluid Catalytic Cracking (FCC) Catalysts (e.g.: aluminium oxide, zeolites)

Glass Waste in Non-dispersible Form

GE020 ex 7001 Glass Fibre Waste
ex 701939

Ceramic Wastes in Non-Dispersible Form

GF010 Ceramic wastes which have been fired after shaping, including ceramic vessels (before and/or after use)

Other Wastes Containing Principally Inorganic Constituents, Which May Contain Metals

and Organic Materials

GG030 ex 2621 Bottom ash and slag tap from coal fired power plants

GG040 ex 2621 Coal fired power plants fly ash

Solid Plastic Wastes

GH013 391530 Polymers of vinyl chloride
ex 390410-40

Wastes Arising from Tanning and Fellmongery Operations and Leather Use

GN010 ex 050200 Waste of pigs', hogs' or boars' bristles and hair or of badger hair and other brush making hair

GN020 ex 050300 Horsehair waste, whether or not put up as a layer with or without supporting material

GN030 ex 050590 Waste of skins and other parts of birds, with their feathers or down, of feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation

APPENDIX 4

LIST OF WASTES SUBJECT TO THE AMBER CONTROL PROCEDURE

PART I:

Wastes listed in Annexes II and VIII of the Basel Convention.

For the purposes of this Decision:

- a) Any reference to list B in Annex VIII of the Basel Convention shall be understood as a reference to Appendix 3 of this Decision.
- b) In Basel entry A1010, the term “excluding such wastes specifically listed on List B (Annex IX)” is a reference both to Basel entry B1020 and the note on B1020 in Appendix 3 to this Decision, Part I (b).
- c) Basel entries A1180 and A2060 do not apply and OECD entries GC010, GC020 and GG040 in Appendix 3 Part II apply instead when appropriate. Member countries may control these wastes differently in accordance with Chapter II B 6 of this Decision concerning wastes not listed in Appendices 3 or 4, and the chapeau of Appendix 3.
- d) Basel entry A4050 includes spent potlinings from aluminium smelting because they contain Y33 inorganic cyanides. If the cyanides have been destroyed, spent potlinings are assigned to Part II entry AB120 because they contain Y32, inorganic fluorine compounds excluding calcium fluoride.

PART II:

The following wastes will also be subject to the Amber control procedure:

Metal Bearing Wastes

AA010	261900	Dross, scalings and other wastes from the iron and steel industry ⁷
AA060	262050	Vanadium ashes and residues ⁸
AA190	810420 ex 810430	Magnesium waste and scrap that is flammable, pyrophoric or emits, upon contact with water, flammable gases in dangerous quantities

Wastes Containing Principally Inorganic Constituents, Which May Contain Metals and Organic Materials

AB030		Wastes from non-cyanide based systems which arise from surface treatment of metals
AB070		Sands used in foundry operations
AB120	ex 281290 ex 3824	Inorganic halide compounds, not elsewhere specified or included
AB130		Used blasting grit
AB150	ex 382490	Unrefined calcium sulphite and calcium sulphate from flue gas desulphurisation (FGD)

Wastes Containing Principally Organic Constituents, Which May Contain Metals and Inorganic Materials

AC060	ex 381900	Hydraulic fluids
AC070	ex 381900	Brake fluids
AC080	ex 382000	Antifreeze fluids
AC150		Chlorofluorocarbons
AC160		Halons
AC170	ex 440310	Treated cork and wood wastes
AC250		Surface active agents (surfactants)
AC260	ex 3101	Liquid pig manure; faeces
AC270		Sewage sludge

Wastes Which May Contain either Inorganic or Organic Constituents

AD090	ex 382490	Wastes from production, formulation and use of reprographic and photographic chemicals and materials not elsewhere specified or included
AD100		Wastes from non-cyanide based systems which arise from surface treatment of plastics
AD120	ex 391400 ex 3915	Ion exchange resins
AD150		Naturally occurring organic material used as a filter medium (such as bio-filters)

Wastes Containing Principally Inorganic Constituents, Which May Contain Metals and Organic Materials

RB020	ex 6815	Ceramic based fibres of physico-chemical characteristics similar to those of asbestos
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APPENDIX 5A

DISPOSAL OPERATIONS⁹

Appendix 5.A is meant to encompass all such disposal operations that occur in practice, whether or not they are adequate from the point of view of environmental protection.

- 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 or 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 Appendix which results in final compounds or mixtures which are discarded by means of any of the operations in Appendix 5.A
- D9 Physico chemical treatment not specified elsewhere in this Appendix which results in final compounds or mixtures which are discarded by means of any of the operations in Appendix 5.A, (e.g., evaporation, drying, calcination, 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 Appendix 5.A
- D14 Repackaging prior to submission to any of the operations in Appendix 5.A
- D15 Storage pending any of the operations in Appendix 5.A

APPENDIX 5B

RECOVERY OPERATIONS¹⁰

Appendix 5.B is meant to encompass all such operations with respect to materials considered to be or legally defined as wastes and which otherwise would have been destined for operations included in Appendix 5.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 Appendix 5.B

APPENDIX 6

CRITERIA FOR THE OECD RISK-BASED APPROACH

A. Properties

- 1) Does the waste normally exhibit any of the hazardous characteristics listed in Appendix 2 to this Decision? Furthermore, it is useful to know if the waste is legally defined as or considered to be a hazardous waste in one or more Member countries.
- 2) Is the waste typically contaminated?
- 3) What is the physical state of the waste?
- 4) What is the degree of difficulty of cleanup in the case of accidental spillage or mismanagement?
- 5) What is the economic value of the waste bearing in mind historical price fluctuations?

B. Management

- 6) Does the technological capability to recover the waste exist?
- 7) Is there a history of adverse environmental incidents arising from transboundary movements of the waste or associated recovery operations?
- 8) Is the waste routinely traded through established channels and is that evidenced by commercial classification?
- 9) Is the waste usually moved internationally under the terms of a valid contract or chain of contracts?
- 10) What is the extent of reuse and recovery of the waste and how is any portion separated from the waste but not subject to recovery managed?
- 11) What are the overall environmental benefits arising from the recovery operations?

APPENDIX 7

PRACTICAL INFORMATION TO BE PROVIDED BY MEMBER COUNTRIES

- (1) **Competent Authority**: indicates the address, telephone, e-mail and fax numbers of the regulatory authority having jurisdiction over transboundary movements of wastes destined for recovery operations. If separate competent authorities are known to exist for different types of movements (e.g. different authorities for transit than for import/export), this is also indicated. When applicable, indicate the code number of the national competent authorities.
- (2) **Contact Point**: provides the point of correspondence, including the address, telephone e-mail and fax numbers, through which individuals can, if desired, obtain additional or complementary information.
- (3) **Acceptable Languages**: indicates the languages that can be used by the exporter so that the notification document is understandable for the competent authority receiving it.
- (4) **Required Points of Entry/Exit**: notes if and when national regulations prescribe that shipments of recoverable wastes must enter or exit the territory through specific customs offices.
- (5) **Pre-consented Recovery Facilities**: indicates if a Member country has granted pre-consent for certain wastes to be accepted by one or more pre-consented recovery facilities within its jurisdiction, in conformity with Chapter II, D, (2), Case 2. Details on the company, the location, the expiry of pre-consent, the relevant waste types, and total quantity pre-consented is also indicated when known.
- (6) **Classification Differences**: this item is meant to indicate when divergent classifications exist between the OECD Appendices 3 and 4 and national waste lists, according to provisions of Section B(4) of this Decision. When known specific wastes and associated controls are cited.
- (7) **Prohibitions**: provides information on wastes specifically banned or prohibited for import or export under the Member country's pertinent national laws or regulations.
- (8) **Contractual Requirements**: notes requirements concerning contracts between the exporter and the importer, including whether the competent authority shall review the contract.
- (9) **Written Consent**: indicates if Member countries require written consent for exports or imports of wastes.
- (10) **Information related to Environmentally Sound Management**: Indicates additional information under the terms of domestic legislation on environmentally sound management of wastes.
- (11) **Notification for Export**: Indicates whether notifications for export are transmitted by the competent authorities instead of the exporter.
- (12) **Movement Document**: Indicates if a country of transit does not wish to receive a signed copy of the movement document, indicating the receipt of wastes by the recovery facility in the country of import.
- (13) **Financial Requirements**: If Member countries require financial guarantees for transboundary movements of recoverable wastes, such requirements would be specified under this entry. Information provided may *inter alia* include: the types of guarantee (e.g. insurance statement, bank letters, bonds, etc.), the amount of guarantee (minimum and maximum, if any), whether the guarantee varies according to amount and/or hazardousness of the waste, the damages to be covered.

(14) **Pertinent National Laws/Regulations**: provides citations to relevant domestic laws and regulations containing provisions that relate to the conditions of this Decision.

(15) **Other** is used to indicate:

- additional differences between this Decision and national provisions;
- pending amendments to pertinent national laws/regulations; and
- other requirements or issues deemed relevant by the Member country.

APPENDIX 8

NOTIFICATION AND MOVEMENT DOCUMENTS

A. Information to be Included in the Notification Document:

- 1) Serial number or other accepted identifier of notification document.
- 2) Exporter name, address, telephone, telefax, e-mail and contact person.
- 3) Recovery facility name, address, telephone, telefax, e-mail and technologies employed.
- 4) Importer name, address, telephone, telefax, e-mail.
- 5) Address, telephone, telefax, e-mail of any intended carrier(s) and/or their agents.
- 6) Country of export and relevant competent authority.
- 7) Countries of transit and relevant competent authorities.
- 8) Country of import and relevant competent authority.
- 9) Single notification or general notification. If general, period of validity requested.
- 10) Date(s) foreseen for commencement of transboundary movement(s).
- 11) Means of transport envisaged.
- 12) Certification that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.
- 13) Designation of waste type(s) on the appropriate list (Part I or II of Appendix 3 or 4) and their description(s), probable total quantity of each, and any hazardous characteristics.
- 14) Specification of the recovery operation(s) according to Appendix 5.B to this Decision.
- 15) Certification of the existence of written contract or chain of contracts or equivalent arrangement as required by this Decision.
- 16) Certification by the exporter that the information is complete and correct to the best of his knowledge.

B. Information to be Included in the Movement Document:

Include all information at A. above plus:

- a) Date shipment has commenced.
- b) Carrier(s) name, address, telephone, telefax, e-mail.
- c) Type of packaging envisaged.
- d) Any special precautions to be taken by carrier(s).
- e) Declaration by exporter that no objection has been lodged by the competent authorities of all countries concerned. This declaration requires signature of the exporter.
- f) Appropriate signatures for each custody transfer.

C. Recommended forms for the notification and movement documents (see Chapter I paragraph 3) for transboundary movements of wastes destined for recovery operations within the OECD area and instructions for completing those forms:

Notification document for transboundary movements/shipments of waste

1. Exporter - notifier Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	3. Notification No: Notification concerning A.(i) Individual shipment: <input type="checkbox"/> (ii) Multiple shipments: <input type="checkbox"/> B.(i) Disposal (1): <input type="checkbox"/> (ii) Recovery : <input type="checkbox"/> C. Pre-consented recovery facility (2;3) Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Importer - consignee Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	4. Total intended number of shipments:
8. Intended carrier(s) Registration No: Name (7): Address: Contact person: Tel: Fax: E-mail: Means of transport (5):	5. Total intended quantity (4): Tonnes (Mg): m ³ :
9. Waste generator(s) - producer(s) (1;7;8) Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Site and process of generation (6)	6. Intended period of time for shipment(s) (4): First departure: Last departure:
10. Disposal facility (2): <input type="checkbox"/> (2): <input type="checkbox"/> or recovery facility Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Actual site of disposal/recovery:	7. Packaging type(s) (5): Special handling requirements (6): Yes <input type="checkbox"/> No: <input type="checkbox"/>
15. (a) Countries/States concerned, (b) Code no. of competent authorities where applicable, (c) Specific points of exit or entry (border crossing or port)	11. Disposal / recovery operation(s) (2) D-code / R-code (5) : Technology employed (6): Reason for export (1;6):
State of export - dispatch State(s) of transit (entry and exit) State of import - destination	12. Designation and composition of the waste (6):
(a)	13. Physical characteristics (5): 14. Waste identification (fill in relevant codes) (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EC list of wastes: (iv) National code in country of export: (v) National code in country of import: (vi) Other (specify): (vii) Y-code: (viii) H-code (5): (ix) UN class (5): (x) UN Number: (xi) UN Shipping name: (xii) Customs code(s) (HS):

(b)						
(c)						
16. Customs offices of entry and/or exit and/or export (European Community):						
Entry:		Exit:		Export:		
17. Exporter's - notifier's / generator's - producer's (1) declaration:						
I certify that the information is complete and correct to my best knowledge. I also certify that legally enforceable written contractual obligations have been						
entered into and that any applicable insurance or other financial guarantee is or shall be in force						
covering the transboundary movement.						
Exporter's - notifier's name:		Date:		Signature:		18. Number of annexes attached
Generator's - producer's name:		Date:		Signature:		
FOR USE BY COMPETENT AUTHORITIES						
19. Acknowledgement from the relevant competent authority of countries of import - destination / transit (1) / export - dispatch (9):				20. Written consent (1;8) to the movement provided by the competent authority of (country):		
Country:				Consent given on:		
Notification received on:				Consent valid from:		
Acknowledgement sent on:				Specific conditions: No: <input type="checkbox"/> If Yes, see block 21 (6): <input type="checkbox"/>		
Name of competent authority:				Name of competent authority:		
Stamp and/or signature:				Stamp and/or signature:		
21. Specific conditions on consenting to the movement document or reasons for objecting						

- | | |
|--|--|
| <p>(1) Required by the Basel Convention</p> <p>(2) In the case of an R12/R13 or D13-D15 operation, also attach corresponding information on any subsequent R12/R13 or D13-D15 facilities and on the subsequent R1-R11 or D1-D12 facilities when required</p> <p>(3) To be completed for movements within the OECD area and only if B(ii) applies</p> <p>(4) Attach detailed list if multiple shipments</p> | <p>(5) See list of abbreviations and codes on the next page</p> <p>(6) Attach details if necessary</p> <p>(7) Attach list if more than one</p> <p>(8) If required by national legislation</p> <p>(9) If applicable under the OECD Decision</p> |
|--|--|

List of abbreviations and codes used in the notification document

DISPOSAL OPERATIONS (block 11)

- 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 or 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 list which results in final compounds or mixtures which are discarded by means of any of the operations in this list
- D9 Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g., evaporation, drying, calcination, 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 this list
- D14 Repackaging prior to submission to any of the operations in this list
- D15 Storage pending any of the operations in this list

RECOVERY OPERATIONS (block 11)

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy (Basel/OECD) - Use principally as a fuel or other means to generate energy (EU)
- 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 this list.

PACKAGING TYPES (block 7)

- 1. Drum
- 2. Wooden barrel
- 3. Jerrican
- 4. Box
- 5. Bag
- 6. Composite packaging
- 7. Pressure receptacle
- 8. Bulk
- 9. Other (specify)

MEANS OF TRANSPORT (block 8)

R = Road
T = Train/rail
S = Sea
A = Air
W = Inland waterways

PHYSICAL CHARACTERISTICS (block 13)

- 1. Powdery/powder
- 2. Solid
- 3. Viscous/paste
- 4. Sludgy

H-CODE AND UN CLASS (block 14)

UN Class		H-code	Characteristics
1		H1	Explosive
3		H3	Flammable liquids
4.1		H4.1	Flammable solids
4.2		H4.2	Substances or wastes liable to spontaneous combustion
4.3		H4.3	Substances or wastes which, in contact with water, emit flammable gases
5.1		H5.1	Oxidizing
5.2		H5.2	Organic peroxides
6.1		H6.1	Poisonous (acute)
6.2		H6.2	Infectious substances
8		H8	Corrosives
9		H10	Liberation of toxic gases in contact with air or water
9		H11	Toxic (delayed or chronic)
9		H12	Ecotoxic
9		H13	Capable, by any means, after disposal of yielding another material, e. g., leachate, which possesses any of the characteristics listed above

5. Liquid	
6. Gaseous	
7. Other (specify)	

Further information, in particular related to waste identification (block 14), i.e. on Basel Annexes VIII and IX codes, OECD codes and Y-codes, can be found in a Guidance/Instruction Manual available from the OECD and the Secretariat of the Basel Convention.

Movement document for transboundary movements/shipments of waste

1. Corresponding to notification No:		2. Serial/total number of / shipments:	
3. Exporter - notifier Registration No: Name: Address: Contact person: Tel: Fax: E-mail:		4. Importer - consignee Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	
5. Actual quantity: Tonnes (Mg): m ³ :		6. Actual date of shipment:	
7. Packaging Type(s) (1): Special handling requirements: (2) Yes: <input type="checkbox"/> No: <input type="checkbox"/>		Number of packages: <input type="checkbox"/> Yes <input type="checkbox"/> No	
8.(a) 1st Carrier (3): Registration No: Name: Address: Tel: Fax: E-mail:		8.(b) 2nd Carrier: Registration No: Name: Address: Tel: Fax: E-mail:	
		8.(c) Last Carrier: Registration No: Name: Address: Tel: Fax: E-mail:	
----- To be completed by carrier's representative -----		More than 3 carriers (2) <input type="checkbox"/>	
Means of transport (1): Date of transfer: Signature:		Means of transport (1): Date of transfer: Signature:	
9. Waste generator(s) - producer(s) (4;5;6): Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Site of generation (2):		12. Designation and composition of the waste (2):	
10. Disposal facility <input type="checkbox"/> or facility <input type="checkbox"/> recovery <input type="checkbox"/> Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Actual site of disposal/recovery (2)		13. Physical characteristics (1):	
11. Disposal/recovery operation(s) D-code / R-code (1):		14. Waste identification (fill in relevant codes) (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EC list of wastes: (iv) National code in country of export: (v) National code in country of import: (vi) Other (specify): (vii) Y-code: (viii) H-code (1): (ix) UN class (1): (x) UN Number: (xi) UN Shipping name: (xii) Customs code(s) (HS):	

15. Exporter's - notifier's / generator's - producer's (4) declaration:

I certify that the above information is complete and correct to my best knowledge. I also certify that legally enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantee is in force covering the transboundary movement and that all necessary consents have been received from the competent authorities of the countries concerned.

Name:

Date:

Signature:

16. For use by any person involved in the transboundary movement in case additional information is required**17. Shipment received by importer – consignee (if not facility):**

Date:

Name:

Signature:

TO BE COMPLETED BY DISPOSAL / RECOVERY FACILITY**18. Shipment received at disposal facility**☐**or recovery facility**☐

Date of reception:

Accepted:

☐

Rejected*:

☐Quantity received: Tonnes (Mg): m³:**immediately contact competent authorities*

Approximate date of disposal/recovery:

Disposal/recovery operation (1):

Name:

Date:

Signature:

19. I certify that the disposal/recovery of the waste described above has been completed.

Name:

Date:

Signature and stamp:

(1) See list of abbreviations and codes on the next page

(2) Attach details if necessary

(3) If more than 3 carriers, attach information as required in blocks 8 (a,b,c).

(4) Required by the Basel Convention

(5) Attach list if more than one

(6) If required by national legislation

FOR USE BY CUSTOMS OFFICES (if required by national legislation)			
20. Country of export - dispatch or customs office of exit The waste described in this movement document left the country on: Signature: Stamp:		21. Country of import - destination or customs office of entry The waste described in this movement document entered the country on: Signature: e: Stamp:	
22. Stamps of customs offices of transit countries			
Name of country: Entry:	Exit:	Name of country: Entry:	Exit:
Name of country: Entry:	Exit:	Name of country: Entry:	Exit:

List of Abbreviations and Codes Used in the Movement Document

DISPOSAL OPERATIONS (block 11) 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 or 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 list which results in final compounds or mixtures which are discarded by means of any of the operations in this list D9 Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g., evaporation, drying, calcination, 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 this list D14 Repackaging prior to submission to any of the operations in this list D15 Storage pending any of the operations in this list		RECOVERY OPERATIONS (block 11) R1 Use as a fuel (other than in direct incineration) or other means to generate energy (Basel/OECD) - Use principally as a fuel or other means to generate energy (EU) 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 this list	
PACKAGING TYPES (block 7) 1. Drum 2. Wooden barrel 3. Jerrican 4. Box 5. Bag 6. Composite packaging 7. Pressure receptacle 8. Bulk 9. Other (specify)	MEANS OF TRANSPORT (block 8) R = Road A = Air T = Train/rail W = Inland waterways S = Sea	H-CODE AND UN CLASS (block 14) UN Class H-code Characteristics 1 H1 Explosive 3 H3 Flammable liquids 4.1 H4.1 Flammable solids 4.2 H4.2 Substances or wastes liable to spontaneous combustion 4.3 H4.3 Substances or wastes which, in contact with water, emit flammable gases 5.1 H5.1 Oxidizing 5.2 H5.2 Organic peroxides 6.1 H6.1 Poisonous (acute) 6.2 H6.2 Infectious substances 8 H8 Corrosives 9 H10 Liberation of toxic gases in contact with air or water 9 H11 Toxic (delayed or chronic) 9 H12 Ecotoxic 9 H13 Capable, by any means, after disposal of yielding another material, e. g., leachate, which possesses any of the characteristics listed above	
PHYSICAL CHARACTERISTICS (block 13) 1. Powdery/powder 2. Solid 3. Viscous/paste 4. Sludgy 5. Liquid 6. Gaseous 7. Other (specify)			

Further information, in particular related to waste identification (block 14), i.e. on Basel Annexes VIII and IX codes, OECD codes and Y-codes, can be found in a Guidance/Instruction Manual available from the OECD and the Secretariat of the Basel Convention.

Instructions for completing the notification and movement documents

Introduction

International instruments have been established to control export and import of wastes which may pose a risk or a hazard to human health and the environment. The two such instruments with the greatest influence are the Basel Convention¹¹, whose secretariat is administered by the United Nations Environment Programme (UNEP), and the Organisation for Economic Co-operation and Development (OECD) Council Decision C(2001)107/FINAL, as amended (hereinafter “the OECD Decision”). Member States of the European Union are also obliged to comply with a European Community Regulation.¹² The Basel Convention and the European Community Regulation concern international movements of waste, whether destined for disposal or recovery, whereas the OECD Decision only concerns movements of wastes destined for recovery operations within the OECD area. All of the instruments operate subject to a range of administrative controls by the countries implementing them.

The present instructions provide the necessary explanations for completing the notification and movement documents. Both documents are compatible with the three instruments mentioned above, since they take into account the specific requirements set out in the Basel Convention, the OECD Decision and the European Community Regulation. Because the documents have been made broad enough to cover all three instruments, however, not all blocks in the document will be applicable to all of the instruments and it therefore may not be necessary to complete all of the blocks in a given case. Any specific requirements relating to only one control system have been indicated with the use of footnotes. It is also possible that national implementing legislation may use terminology that differs from that adopted in the Basel Convention and the OECD Decision. For example, the term “shipment” is used in the European Community Regulation instead of “movement” and the titles of the notification and movement documents therefore reflect this variation by employing the term “movement/shipment”.

The documents include both the term “disposal” and “recovery”, because the terms are defined differently in the three instruments. The European Community Regulation and the OECD Decision use the term “disposal” to refer to disposal operations listed in Annex IV.A of the Basel Convention and Appendix 5.A of the OECD Decision and “recovery” for recovery operations listed in Annex IV.B of the Basel Convention and Appendix 5.B of the OECD Decision. In the Basel Convention itself, however, the term “disposal” is used to refer to both disposal and recovery operations.

The competent national authorities in each country of export will be responsible for providing and issuing the notification and movement documents (in both paper and electronic versions when capability exists and relevant legal requirements are fulfilled¹³). When doing so, they will use a numbering system, which allows a particular consignment of waste to be traced. The numbering system should be prefixed with the country code that can be found in the ISO standard 3166 abbreviation list.

Countries may wish to issue the documents in a paper size format that conforms to their national standards (normally ISO A4, as recommended by the United Nations). In order to facilitate their use internationally, however, and to take into account the difference between ISO A4 and the paper size used in North America, the frame size of the forms should not be greater than 183 x 262 mm with margins aligned at the top and the left side of the paper.

Purpose of the notification and movement documents

The notification document is intended to provide the competent authorities of countries concerned with the information they need to assess the acceptability of proposed waste movements. The document includes space for the competent authorities to acknowledge receipt of the notification and, where required, to consent in writing to a proposed movement.

The movement document is intended to travel with a consignment of waste at all times from the moment it leaves the waste generator to its arrival at a disposal or recovery facility in another country. Each person who takes charge of a transboundary movement is to sign the movement document either upon delivery or receipt of the wastes in question. Space is provided in the document for

detailed information on all carriers of the consignment. There are also spaces in the movement document for recording passage of the consignment through the customs offices of all countries concerned (while not strictly required by applicable international instruments, national legislation in some countries requires such procedures, as well as information to ensure proper control over movement). Finally, the document is to be used by the relevant disposal or recovery facility to certify that the waste has been received and that the recovery or disposal operation has been completed.

General requirements

Those filling out printed copies of the documents should use typescript or block capitals in permanent ink throughout. Signatures should always be written in permanent ink and the name of the authorized representative should accompany the signature in capital letters. In the event of a minor mistake, for example the use of the wrong code for a waste, a correction can be made with the approval of the competent authorities. The new text must be marked and signed or stamped, and the date of the modification must be noted. For major changes or corrections, a new form must be completed.

The forms have also been designed to be easily completed electronically. Where this is done, appropriate security measures should be taken against any misuse of the forms. Any changes made to a completed form with the approval of the competent authorities should be visible. When using electronic forms transmitted by e-mail, a digital signature is necessary.

To simplify translation, the documents require a code, rather than text, for the completion of several blocks. Where text is required, however, it must be in a language acceptable to the competent authorities in the country of import and, where required, to the other concerned authorities.

A six digit format should be used to indicate the date. For example, 29 January 2006 should be shown as 29.01.06 (Day.Month.Year).

Where it is necessary to add annexes or attachments to the documents providing additional information, each attachment should include the reference number of the relevant document and cite the block to which it relates.

Specific instructions for completing the notification document

The exporter or the competent authority of the country of export, as appropriate, is to complete blocks 1–18 (except the notification number in block 3). The waste generator, where practicable, should also sign in block 17.

Blocks 1 and 2: Provide the registration number (where applicable), full name, address (including the name of the country), telephone and fax numbers (including the country code) and e-mail address of the exporter or the competent authority of the country of export, as appropriate, and importer,¹⁴ and also the name of a contact person responsible for the shipment. The phone and fax numbers and the e-mail address should facilitate contact of all relevant persons at any time regarding an incident during shipment.

Normally, the importer would be the disposal or recovery facility given in block 10. In some cases, however, the importer may be another person, for example a recognized trader, a dealer, a broker, or a corporate body, such as the headquarters or mailing address of the receiving disposal or recovery facility in block 10. In order to act as an importer, a recognized trader, dealer, broker or corporate body must be under the jurisdiction of the country of import and possess or have some other form of legal control over the waste at the moment the shipment arrives in the country of import. In such cases, information relating to the recognized trader, dealer, broker or corporate body should be completed in block 2.

Block 3: When issuing a notification document, a competent authority will, according to its own system, provide an identification number which will be printed in this block (see the fourth paragraph in the introduction above). The appropriate boxes should be ticked to indicate:

- a) Whether the notification covers one shipment (single notification) or multiple shipments (general notification);
- b) Whether the waste being shipped is destined for disposal (which, as noted in the first and third paragraph of the introduction above, is possible in the case of a shipment falling within the ambit of the Basel Convention or the European Community Regulation but not one within the ambit of the OECD Decision) or for recovery; and
- c) Whether the waste being shipped is destined for a facility which has been granted a pre-consent for receiving certain wastes subject to the Amber control procedure in accordance with case 2 of the “Functioning of the Amber Control Procedure” (see chapter II, section D of the OECD Decision).

Blocks 4, 5 and 6: For single or multiple shipments, give the number of shipments in block 4 and the intended date of a single shipment or, for multiple shipments, the dates of the first and last shipments, in block 6. In block 5, give the weight in tonnes (1 megagram (Mg) or 1,000 kg) or volume in cubic metres (1,000 litres) of the waste. Other units of the metric system, such as kilograms or litres, are also acceptable; when used, the unit of measure should be indicated and the unit in the document should be crossed out. Some countries may always require the weight to be quoted. For multiple shipments, the total quantity shipped must not exceed the quantity declared in block 5. The intended period of time for movements in block 6 may not exceed one year, with the exception of multiple shipments to pre-consented recovery facilities that fall under the OECD Decision (see the specific instructions on block 3, subparagraph (c)), for which the intended period of time may not exceed three years. In the case of multiple shipments, the Basel Convention requires the expected dates or the expected frequency and the estimated quantity of each shipment to be quoted in blocks 5 and 6 or attached in an annex. Where a competent authority issues a written consent to the movement and the validity period of that consent in block 20 differs from the period indicated in block 6, the decision of the competent authority overrides the information in block 6.

Block 7: Types of packaging should be indicated using the codes provided in the list of abbreviations and codes attached to the notification document. If special handling precautions are required, such as those required by producers’ handling instructions for employees, health and safety information, including information on dealing with spillage, and transport emergency cards, tick the appropriate box and attach the information in an annex.

Block 8: Provide the following necessary information on the carrier or carriers involved in the shipment: registration number (where applicable), full name, address (including the name of the country), telephone and fax numbers (including the country code), e-mail address and the name of a contact person responsible for the shipment. If more than one carrier is involved, append to the notification document a complete list giving the required information for each carrier. Where the transport is organized by a forwarding agent, the agent's details should be given in block 8 and the respective information on actual carriers should be provided in an annex. Means of transport should be indicated using the abbreviations provided in the list of abbreviations and codes attached to the notification document.

Block 9: Provide the required information on the generator of the waste. This information is required under the Basel Convention and many countries may require it under their national legislation.¹⁵ Such information is not required, however, for movements of wastes destined for recovery under the OECD Decision. The registration number of the generator should be given where applicable. If the exporter is the generator of the waste then write "Same as block 1". If the waste has been produced by more than one generator, write "See attached list" and append a list providing the requested information for each generator. Where the generator is not known, give the name of the person in possession or control of such wastes. The definition of "generator" used in the Basel Convention provides that in instances where the true generator of the waste is not known, the generator is deemed to be the person who is in possession or control of the waste. Also provide information on the process by which the waste was generated and the site of generation. Some countries may accept that information on the generator be given in a separate annex which would only be available to the competent authorities.

Block 10: Give the required information on the destination of the shipment by first ticking the appropriate type of facility: either disposal or recovery. The registration number should be given where applicable. If the disposer or recoverer is also the importer, state here "Same as block 2". If the disposal or recovery operation is a D13-D15 or R12 or R13 operation (according to the definitions of operations set out in the list of abbreviations and codes attached to the notification document), the facility performing the operation should be mentioned in block 10, as well as the location where the operation will be performed. In such a case, corresponding information on the subsequent facility or facilities, where any subsequent R12/R13 or D13-D15 operation and the D1-D12 or R1-R11 operation or operations takes or take place or may take place should be provided in an annex. Provide the information on the actual site of disposal or recovery if it is different from the address of the facility.

Block 11: Indicate the type of recovery or disposal operation by the using R-codes or D-codes provided in the list of abbreviations and codes attached to the notification document.¹⁶ The OECD Decision only covers transboundary movements of wastes destined for recovery operations (R-codes) within the OECD area. If the disposal or recovery operation is a D13-D15 or R12 or R13 operation, corresponding information on the subsequent operations (any R12/R13 or D13-D15 as well as D1-D12 or R1-R11) should be provided in an annex. Also indicate the technology to be employed. Specify also the reason for export (this is not required, however, by the OECD Decision).

Block 12: Give the name or names by which the material is commonly known or the commercial name and the names of its major constituents (in terms of quantity and/or hazard) and their relative concentrations (expressed as a percentage), if known. In the case of a mixture of wastes, provide the same information for the different fractions and indicate which fractions are destined for recovery. A chemical analysis of the composition of the waste may be required in accordance with national legislation. Attach further information in an annex if necessary.

Block 13: Indicate physical characteristics of the waste at normal temperatures and pressures by using the codes provided in the list of abbreviations and codes attached to the notification document.

Block 14: State the code that identifies the waste according to the system adopted under the Basel Convention (under subheading (i) in block 14) and, where applicable, the systems adopted in the OECD Decision (under subheading (ii)) and other accepted classification systems (under subheadings (iii) to (xii)). According to the OECD Decision, only one waste code (from either the Basel or OECD systems) should be given, except in the case of mixtures of wastes for which no individual entry exists. In such a case, the code of each fraction of the waste should be provided in order of importance (in an annex if necessary).

- i) Basel Convention Annex VIII codes should be used for wastes that are subject to control under the Basel Convention and the OECD Decision (see Part I of Appendix 4 in the OECD Decision); Basel Annex IX codes should be used for wastes that are not usually subject to control under the Basel Convention and the OECD Decision but which, for a specific reason such as contamination by hazardous substances or different classification according to national regulations, are subject to such control (see Part I of Appendix 3 in the OECD Decision). Basel Annexes VIII and IX can be found in the text of the Basel Convention as well as in the Instruction Manual available from the Secretariat of the Basel Convention. If a waste is not listed in Annexes VIII or IX of the Basel Convention, insert “not listed”.
- ii) OECD member countries should use OECD codes for wastes listed in Part II of Appendices 3 and 4 of the OECD Decision, i.e., wastes that have no equivalent listing in the Basel Convention or that have a different level of control under the OECD Decision from the one required by the Basel Convention. If a waste is not listed in Part II of Appendices 3 and 4 of the OECD Decision, insert “not listed”.
- iii) European Union Member States should use the codes included in the European Community list of wastes (see Commission Decision 2000/532/EC as amended).¹⁷
- iv and v) Where applicable, national identification codes used in the country of export and, if known, in the country of import should be used.
- vi) If useful or required by the relevant competent authorities, add here any other code or additional information that would facilitate the identification of the waste.
- vii) State the appropriate Y-code or Y-codes according to the “Categories of wastes to be controlled” (see Annex I of the Basel Convention and Appendix 1 of the OECD Decision), or according to the “Categories of wastes requiring special consideration” given in Annex II of the Basel Convention (see Appendix 2 of the Basel Instruction Manual), if it or they exist(s). Y-codes are not required by the OECD Decision except where the waste shipment falls under one of the two “Categories requiring special consideration” under the Basel Convention (Y46 and Y47 or Annex II wastes), in which case the Basel Y-code should be indicated.
- viii) If applicable, state here the appropriate H-code or H-codes, i.e., the codes indicating the hazardous characteristics exhibited by the waste (see the list of abbreviations and codes attached to the notification document).
- ix) If applicable, state here the United Nations class or classes which indicate the hazardous characteristics of the waste according to the United Nations classification (see the list of abbreviations and codes attached to the notification document) and are required to comply with international rules for the transport of hazardous materials (see the United Nations Recommendations on the Transport of Dangerous Goods. Model Regulations (Orange Book), latest edition).¹⁸
- x and xi) If applicable, state here the appropriate United Nations number or numbers and United Nations shipping name or names. These are used to identify the waste according to the United Nations classification system and are required to comply with international rules for transport of hazardous materials (see the United Nations Recommendations on the Transport of Dangerous Goods. Model Regulations (Orange Book), latest edition).⁸
- xii) If applicable, state here customs code or codes, which allow identification of the waste by customs offices (see the list of codes and commodities in the “Harmonized commodity description and coding system” produced by the World Customs Organization).

Block 15: The Basel Convention uses the term “States”, whereas the OECD Decision uses “Member countries” and the European Community Regulation uses “Member States”. On line (a) of block 15,

provide the name of the countries of export, transit and import or the codes for each country by using the ISO standard 3166 abbreviations.¹⁹ On line (b), provide the code number of the respective competent authority for each country if required by the national legislation of that country and on line (c) insert the name of the border crossing or port and, where applicable, the customs office code number as the point of entry to or exit from a particular country. For transit countries give the information in line (c) for points of entry and exit. If more than three transit countries are involved in a particular movement, attach the appropriate information in an annex.

Block 16: This block should be completed for movements involving entering, passing through or leaving Member States of the European Union.

Block 17: Each copy of the notification document is to be signed and dated by the exporter (or by the recognized trader, dealer or broker if acting as an exporter) or the competent authority of the country of export, as appropriate, before being forwarded to the competent authorities of the countries concerned. Under the Basel Convention, the waste generator is also required to sign the declaration; it is noted that this may not be practicable in cases where there are several generators (definitions regarding practicability may be contained in national legislation). Further, where the generator is not known, the person in possession or control of the waste should sign. Some countries may require that the declaration also certify the existence of insurance against liability for damage to third parties. Some countries may require proof of insurance or other financial guarantees and a contract to accompany the notification document.

Block 18: Indicate the number of annexes containing any additional information supplied with the notification document (see blocks 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 20 or 21). Each annex must include a reference to the notification number to which it relates, which is indicated in the corner of block 3.

Block 19: This block is for use by the competent authority to acknowledge receipt of the notification. Under the Basel Convention, the competent authority or authorities of the country or countries of import (where applicable) and transit issue such an acknowledgement. Under the OECD Decision, the competent authority of the country of import issues the acknowledgement. Some countries may, according to their national legislation, require that the competent authority of the country of export also issues an acknowledgement.

Blocks 20 and 21: Block 20 is for use by competent authorities of any country concerned when providing a written consent to a transboundary movement of waste. The Basel Convention (except if a country has decided not to require written consent with regard to transit and has informed the other Parties thereof in accordance with Article 6(4)) of the Basel Convention) and certain countries always require a written consent whereas the OECD Decision does not require a written consent. Indicate the name of the country (or its code by using the ISO standard 3166 abbreviations), the date on which the consent is provided and the date on which it expires. If the movement is subject to specific conditions, the competent authority in question should tick the appropriate box and specify the conditions in block 21 or in an annex to the notification document. If a competent authority wishes to object to the movement it should do so by writing "OBJECTION" in block 20. Block 21, or a separate letter, may then be used to explain the reasons for the objection.

Specific instructions for completing the movement document

The exporter or the competent authority of the country of export, as appropriate, is to complete blocks 2–16, except the means of transport, the date of transfer and the signature, which appear in blocks 8 (a) to 8 (c) and which are to be completed by the carrier or its representative. The importer is to complete block 17 in the event that it is not the disposer or recoverer and it takes charge of a shipment of waste after it arrives in the country of import.

Block 1: Enter the notification number of the consignment. This is copied from block 3 in the notification document.

Block 2: For a general notification for multiple shipments, enter the serial number of the shipment and the total intended number of shipments indicated in block 4 in the notification document. (for example, write “4” and “11” for the fourth shipment out of eleven intended shipments under the general notification in question). In the case of a single notification, enter 1/1.

Blocks 3 and 4: Reproduce the same information on the exporter or the competent authority of the country of export, as appropriate, and importer as given in blocks 1 and 2 in the notification document.

Block 5: Give the actual weight in tonnes (1 megagram (Mg) or 1,000 kg) or volume in cubic metres (1,000 litres) of the waste. Other units of the metric system, such as kilograms or litres, are also acceptable; when used, the unit of measure should be indicated and the unit in the form should be crossed out. Some countries may always require the weight to be quoted. Attach, wherever possible, copies of weighbridge tickets.

Block 6: Enter the date when the shipment actually starts. The starting dates of all shipments should be within the validity period issued by the competent authorities. Where the different competent authorities involved have granted different validity periods, the shipment or shipments may only take place in the time period during which the consents of all competent authorities are simultaneously valid.

Block 7: Types of packaging should be indicated using the codes provided in the list of abbreviations and codes attached to the movement document. If special handling precautions are required, such as those prescribed by producers’ handling instructions for employees, health and safety information, including information on dealing with spillage, and transport emergency cards, tick the appropriate box and attach the information in an annex. Also enter the number of packages making up the consignment.

Blocks 8 (a), (b) and (c): Enter the registration number (where applicable), name, address (including the name of the country), telephone and fax numbers (including the country code) and e-mail address of each actual carrier. When more than three carriers are involved, appropriate information on each carrier should be attached to the movement document. When transport is organized by a forwarding agent, the agent’s details should be given in block 8 and the information on each carrier should be provided in an annex. The means of transport, the date of transfer and a signature should be provided by the carrier or carrier’s representative taking possession of the consignment. A copy of the signed movement document is to be retained by the exporter. Upon each successive transfer of the consignment, the new carrier or carrier’s representative taking possession of the consignment will have to comply with the same request and also sign the document. A copy of the signed document is to be retained by the previous carrier.

Block 9: Reproduce the information given in block 9 of the notification document.

Blocks 10 and 11: Reproduce the information given in blocks 10 and 11 in the notification document. If the disposer or recoverer is also the importer, write in block 10: “Same as block 4”. If the disposal or recovery operation is a D13-D15 or R12 or R13 operation (according to the definitions of operations set out in the list of abbreviations and codes attached to the movement document), the information on the facility performing the operation provided in block 10 is sufficient. No further information on any subsequent facilities performing R12/R13 or D13-D15 operations and the subsequent facility(ies) performing the D1-D12 or R1-R11 operation(s) needs to be included in the movement document.

Blocks 12, 13 and 14: Reproduce the information given in blocks 12, 13 and 14 in the notification document.

Block 15: At the time of shipment, the exporter (or the recognized trader or dealer or broker if acting as an exporter) or the competent authority of the country of export, as appropriate, or the generator of the waste according to the Basel Convention, shall sign and date the movement document. Some countries may require copies or originals of the notification document containing the written consent, including any conditions, of the competent authorities concerned to be enclosed with the movement document.

Block 16: This block can be used by any person involved in a transboundary movement (exporter or the competent authority of the country of export, as appropriate, importer, any competent authority, carrier) in specific cases where more detailed information is required by national legislation concerning a particular item (for instance information on the port where a transfer to another transport mode occurs, the number of containers and their identification number, or additional proof or stamps indicating that the movement has been approved by the competent authorities).

Block 17: Not required under the OECD Decision. Under the Basel Convention, this block is to be completed by the importer in the event that it is not the disposer or recoverer and in case the importer takes charge of the waste after the shipment arrives in the country of import.

Block 18: This block is to be completed by the authorized representative of the disposal or recovery facility upon receipt of the waste consignment. Tick the box of the appropriate type of facility. With regard to the quantity received, please refer to the specific instructions on block 5 of the instructions for completing the movement document. A signed copy of the movement document is given to the last carrier. If the shipment is rejected for any reason, the representative of the disposal or recovery facility must immediately contact his or her competent authority. Under the OECD Decision, signed copies of the movement document must be sent within three working days to the exporter and the competent authority in the countries concerned (with the exception of those OECD transit countries which have informed the OECD Secretariat that they do not wish to receive such copies of the movement document). The original movement document shall be retained by the disposal or recovery facility.

Receipt of the waste consignment must be certified by any facility performing any disposal or recovery operation, including any D13-D15 or R12 or R13 operation. A facility performing any D13-D15 or R12/R13 operation or a D1-D12 or R1-11 operation subsequent to a D13-D15 or R12 or R13 operation in the same country, is not, however, required to certify receipt of the consignment from the D13-D15 or R12 or R13 facility. Thus, block 18 does not need to be used for the final receipt of the consignment in such a case. Indicate also the type of disposal or recovery operation by using the list of abbreviations and codes attached to the movement document and the approximate date by which the disposal or recovery of waste will be completed (this is not required by the OECD Decision).

Block 19: This block is to be completed by the disposer or recoverer to certify the completion of the disposal or recovery of the waste. Under the Basel Convention, signed copies of the document with block 19 completed should be sent to the exporter and competent authorities of the country of export. Under the OECD Decision, signed copies of the movement document with block 19 completed should be sent to the exporter and competent authorities of the countries of export and import as soon as possible, but no later than 30 days after the completion of the recovery and no later than one calendar year following the receipt of the waste. For disposal or recovery operations D13-D15 or R12 or R13, the information on the facility performing such an operation provided in block 10 is sufficient, and no further information on any subsequent facilities performing R12/R13 or D13-D15 operations and the subsequent facility(ies) performing the D1-D12 or R1-R11 operation(s) needs to be included in the movement document.

The disposal or recovery of waste must be certified by any facility performing any disposal or recovery operation, including a D13-D15 or R12 or R13 operation. Therefore, a facility performing any D13-D15 or R12/R13 operation or a D1-D12 or R1-R11 operation, subsequent to a D13-D15 or R12 or R13 operation in the same country, should not use block 19 to certify the recovery or disposal of the waste, since this block will already have been completed by the D13-D15 or R12 or R13 facility. The means of certifying disposal or recovery in this particular case must be ascertained by each country.

Blocks 20, 21 and 22: Not required by the Basel Convention or by the OECD Decision. The blocks may be used for control by customs offices at the borders of country of export, transit and import if so required by national legislation.

-
- ¹ In addition, certain Member countries have developed regulations used to determine whether or not wastes are controlled as hazardous wastes.
 - ² In addition, certain Member countries have developed regulations used to determine whether or not wastes are controlled as hazardous wastes
 - ³ This Appendix is identical to Annex I of the Basel Convention.
 - ⁴ Codes and hazardous characteristics are identical to those in Annex III of the Basel Convention.
 - ⁵ Corresponds to hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods (11th Revised Edition, UN, New York, October 1999) for H1 through H9; omissions of H2, H7 and H9 are deliberate. Codes H10-H13 correspond to UN class 9.
 - ⁶ “Non-dispersible” does not include any wastes in the form of powder, sludge, dust or solid items containing encased hazardous waste liquids.
 - ⁷ This listing includes wastes in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.
 - ⁸ This listing includes wastes in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.
 - ⁹ The wording of D1 to D15 in Appendix 5.A is identical to that of Annex IV.A of the Basel Convention.
 - ¹⁰ The wording of R1 to R13 in Appendix 5.B is identical to that of Annex IV.B of the Basel Convention.
 - ¹¹ Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 22 March 1989. See www.basel.int.
 - ¹² Regulation (EC) N° 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (Official Journal of the European Union No. L 190, 12.7.2006, page 1 (with amendments)). See <http://europa.eu.int/comm/environment/waste/shipments/index.htm>
 - ¹³ See for example Article 26, Section 4 of the Regulation (EC) N° 1013/2006 on shipments of waste.
 - ¹⁴ In the European Community, the terms “notifier” and “consignee” are used instead of “exporter” and “importer”.
 - ¹⁵ In the European Community, the term “producer” is used instead of “generator”.
 - ¹⁶ In the European Community Regulation, the definition of operation R1 in the list of abbreviations is different from that used in the Basel Convention and the OECD Decision; both wordings are therefore provided. There are other editorial differences between the terminology used in the European Community and that used in the Basel Convention and the OECD Decision, which are not contained in the list of abbreviations.
 - ¹⁷ See http://europa.eu.int/eur-lex/en/consleg/main/2000/en_2000D0532_index.html.
 - ¹⁸ See <http://www.unece.org/trans/danger/danger.htm>.
 - ¹⁹ In the European Community, the terms “dispatch” and “destination” are used instead of “export” and “import”.

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- **Recommendations:** OECD legal instruments which are not legally binding but practice accords them great moral force as representing the political will of Adherents. There is an expectation that Adherents will do their utmost to fully implement a Recommendation. Thus, Members which do not intend to do so usually abstain when a Recommendation is adopted, although this is not required in legal terms.
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Recommendation of the Council on the Environmentally Sound Management (ESM) of Waste

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Date(s)

Adopted on 09/06/2004
Amended on 16/10/2007

Background Information

The Recommendation on the Environmentally Sound Management (ESM) of Waste was adopted by the OECD Council on 9 June 2004 on the proposal of the Environment Policy Committee. The purpose of the Recommendation is to ensure that the management of waste throughout the OECD area is carried out in an economically efficient manner, resulting in a minimum of negative impacts on the environment. The Recommendation envisages implementation by Adhering governments of 11 general policy principles, combined with six types of practical measures to be implemented at the facility level. In particular, Adherents are recommended “to implement the technical guidance for environmentally sound management of waste that has been developed by the OECD and, where appropriate, work towards the implementation of other ESM guidance referred to in Annex III to this Recommendation”. Annex III to the Recommendation includes a list of selected technical guidance for the environmentally sound management of specific waste streams developed by other international organisations, and by the Basel Convention.

THE COUNCIL,

HAVING REGARD to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to Decision-Recommendation C(90)178/FINAL of 31 January 1991 on the Reduction of Transfrontier Movements of Wastes;

HAVING REGARD to Decision C(2001)107/FINAL issued in May 2002¹, which is a revision of Decision C(92)39/FINAL on the Control of Transboundary Movements of Wastes Destined for Recovery Operations;

HAVING REGARD to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989, in particular Article 4 of this Convention;

HAVING REGARD to the Guidance Document on the Preparation of Technical Guidelines for the Environmentally Sound Management of Wastes Subject to the Basel Convention, the Guidance Document on Transboundary Movements of Wastes destined for Recovery Operations, and the Basel Declaration on Environmentally Sound Management adopted by Ministers at the 5th Meeting of the Conference of the Parties in December 1999;

AGREEING that the implementation of environmentally sound and economically efficient management of waste² should achieve the following objectives:

1. Sustainable use of natural resources, minimisation of waste and protection of human health and the environment from adverse effects that may result from waste;
2. Fair competition between enterprises throughout the OECD area through the implementation of core “performance elements” (CPEs) by waste management facilities, thus contributing to a level playing field of high environmental standards;
3. Through incentives and measures, diversion of waste streams to the extent possible from facilities operating with low-standards to facilities that manage waste in an environmentally sound and economically efficient manner;

On the proposal of the Environment Policy Committee,

RECOMMENDS that Member countries elaborate and implement policies and/or programmes to ensure that waste be managed in an environmentally sound and economically efficient manner. Domestic policies and/or programmes implemented under this Recommendation shall not lead to or create unnecessary obstacles to international trade of waste destined for recovery operations.

For the purpose of this Recommendation, taking into account the size of the enterprise, especially the situation of small and medium size enterprises (SMEs), the type and amount of waste, the nature of the operation and their domestic legislation, Member countries should:

1. Have an adequate regulatory and enforcement infrastructure at an appropriate governmental level, consisting of legal requirements such as authorisations/licences/permits, or standards;

¹ This Decision was adopted in two steps by the OECD Council: Decision C(2001)107 was adopted on 14 June 2001 without section C of Appendix 8 to the Decision. Section C, which includes the forms for the notification and movement documents and the instructions to complete them, was adopted on 28 February 2002 as Addendum 1 to Decision C(2001)107. Section C was then incorporated into Decision C(2001)107 to form one single Act which was released as Decision C(2001)107/FINAL in May 2002.

² For the purpose of this Recommendation, wastes are substances or objects, other than radioactive materials covered by other international agreements, which:

- (i) are disposed of or are being recovered; or
- (ii) are intended to be disposed of or recovered; or
- (iii) are required, by the provisions of national law, to be disposed of or recovered.

Reference: OECD Decision C(2001)107/FINAL

Considering this definition of waste, “waste management facilities” include recovery facilities.

2. Develop and implement practices and instruments that facilitate the efforts of competent authorities to monitor the implementation of the CPEs listed in Annex I to this Recommendation and control compliance of waste management activities with applicable national and international rules and regulations. In case of non-compliance with existing rules, prompt, adequate and effective actions should be undertaken;
3. Ensure that waste management facilities are operating according to best available techniques³ while taking into consideration the technical, operational and economic feasibility of doing so, and work towards continually improving environmental performance;
4. Encourage, through appropriate measures, information exchange between producers, waste generators, waste managers and authorities, including participation in sectoral trade or industry association activities addressing these issues, in order to foster waste prevention, optimise recovery operations and minimise quantities as well as potential risk of waste destined for disposal or recovery;
5. Integrate into national policies and/or programmes the core performance elements listed in Annex I to this Recommendation, which constitute the basic requirements to ensure environmentally sound management of waste;
6. Consider incentives and/or relief measures for facilities that fulfil the core performance elements listed in Annex I to this Recommendation;
7. Implement the technical guidance for environmentally sound management of waste that has been developed by the OECD and, where appropriate, work towards the implementation of other ESM guidance referred to in Annex III to this Recommendation;
8. Move towards internalisation of environmental and human health costs in waste management, taking into account the differences between hazardous and non-hazardous waste;
9. Provide incentives to take part in environmentally sound recycling schemes;
10. Encourage the development and implementation of an environmental liability regime for facilities that carry out risky or potentially risky activities to ensure adequate measures upon definite cessation of activities and to prevent environmental damage;
11. Ensure that the implementation of the core performance elements listed in Annex I to this Recommendation does not discourage recycling in Member countries, recognising, in particular, the flexibility appropriate for each Member country to increase the rates of environmentally sound recovery of low risk waste.

INSTRUCTS the Environment Policy Committee to:

1. Update as necessary the Core Performance Elements listed in Annex I to this Recommendation;
2. Update as necessary the existing technical guidance for ESM of specific waste streams listed in Annex II to this Recommendation according to technological progress and develop technical guidance deemed useful for additional waste streams;
3. Report to the Council, on the basis of the information received from Member countries, three (3) years after the adoption, on the implementation of this Recommendation.

³ Use of best available techniques implies the use of technology, processes, equipment and operations that are based on scientific knowledge, whose functional value has been successfully tested in operative comparable plants.

ANNEX I

CORE PERFORMANCE ELEMENTS FOR THE ENVIRONMENTALLY SOUND MANAGEMENT OF WASTE

Waste management facilities, including recovery facilities, should, within the framework of laws, regulations and administrative practices in the countries in which they operate, and in consideration of applicable international agreements, principles, objectives and standards, take due account of the need to protect the environment, public health and safety, and generally conduct their activities in a manner contributing to the wider goals of sustainable development.

In particular, taking into account the size of the enterprise, especially the situation of SMEs, the type and amount of waste, the nature of the operation and domestic legislation, the following core performance elements would apply to waste management facilities:

1. The Facility should have an Applicable Environmental Management System (EMS) in Place

As an underlying principle of ESM, waste management facilities should have an applicable environmental management system (EMS) in place. A fully developed EMS should be certified by a recognised party and should include:

- Measurable objectives for continual improvements in environmental performance, including periodic review of the continuing relevance of these objectives;
- Regular monitoring and re-examination of progress toward environmental, health and safety objectives;
- Collection and evaluation of adequate and timely environmental, health and safety information regarding facility activities;
- Provisions included in CPEs 2 to 6;
- Applicable ESM technical guidance.

Licensed/authorised/permitted waste management facilities should be subject to periodic inspections and/or audits, normally on an annual basis, by a recognised independent auditor. The auditor shall:

- Verify the conformance of the facility with CPEs 2 to 6, relevant environmental regulations, and, if applicable, current EMS systems, such as the ISO 14 001 Environmental Management or the European Community Eco-Management and Audit Scheme (EMAS), or any other equivalent national or sub-national system;
- Assess the performance of the facility regarding environmental, health and safety aspects against measurable objectives.

The facility should make publicly available an annual report describing the firm's EMS system and the achieved environmental, health and safety performance.

Concerning SMEs, the procedures for achieving certification/registration and reporting should be simplified in comparison with large facilities. Because regular audits may create a burden and impose excessive costs on SMEs, their audits should be less complicated and could be carried out less frequently (normally every three years) than those of large facilities, while being consistent with the need to maintain an ESM of waste. Also the environment, health and safety report could be made publicly available every three years.

In addition, there are domestic EMS systems which are specifically tailored to address the needs of SMEs. Whatever EMS system will be selected, it is recommended that the government or large companies have a programme in place to provide support for SMEs in terms of information and know-how sharing.

2. The Facility should take Sufficient Measures to Safeguard Occupational and Environmental Health and Safety

Workers of facilities should not be exposed to unacceptable occupational health and accident risks, related to the content of the materials they are handling, emissions from those materials and the equipment being used. The waste may include hazardous chemicals or toxic metals; they may emit toxic gases or release harmful dust. Workers may have to handle heavy loads, be exposed to vibration and noise of machinery.

Also, the risk of fire, explosion, etc. may exist in some cases. Consequently, adequate measures should be taken to avoid unacceptable occupational health and safety risks.

People living and working in the vicinity of a waste management facility should also not be exposed to unacceptable environmental health and accident risks. These risks relate mainly to the emissions, including noise, from the process and transport to and from the facility. Therefore, adequate measures should also be taken to minimise these impacts to human health. Adequate measures may include national as well as international regulations, agreements, principles and standards, whether mandatory or voluntary.

3. The Facility should have an Adequate Monitoring, Recording and Reporting Programme

The facility should have a monitoring and recording programme which covers:

- Relevant legal requirements, including key process parameters;
- Compliance with applicable safety requirements;
- Effluents and emissions; and
- Incoming, stored and outgoing waste, in particular hazardous waste.

All relevant environmental records should be maintained and made available to competent authorities according to national legislation and/or local authorisation/license/permit requirements. Waste management facilities should maintain records on the generation, collection, recovery or disposal of waste, its types and amounts which are to be made available to the competent authorities upon request.

On-site recovery or disposal of waste generated by the process concerned must be carried out in compliance with applicable laws and regulations and should be recorded appropriately. In case of off-site recovery or disposal, outgoing waste should be recorded appropriately and handed over only to environmentally sound recovery and/or disposal operations.

Upon request, and taking into account business confidentiality and the protection of intellectual property rights, reliable information on the activities of the facility that may impact the environment or the health and safety of personnel should be made available to the public in a reliable and timely manner.

4. The Facility should have an Appropriate and Adequate Training Programme for the Personnel

The facility should have training in place for proper identification and handling of any hazardous components in incoming waste. Personnel involved in the management of waste and materials, in particular hazardous waste and materials, should be capable and adequately trained to be able to properly handle the materials, equipment and processes, eliminate risk situations, control releases and carry out safety and emergency procedures.

The facility should define and document the responsibility, authority and interrelations of key personnel who manage, perform and monitor the activities which may have adverse effects on the environment.

Adequate operative training programme for the personnel should be in place and properly documented.

5. The Facility should have an Adequate Emergency Plan

The facility should have a regularly updated plan for monitoring, reporting and responding to accidental or otherwise exceptional pollutant releases, including emergencies such as accidents, fires, explosion, abnormal operating conditions etc. The emergency plan should be based on the evaluation of existing and potential risks. An emergency co-ordinator should be designated to handle hazardous wastes. Large facilities would need a complete contingency plan. The plan should cover both short-term and long-term remedial activities. SMEs whose operation presents little or no risk would need a significantly more limited emergency plan. Any emergency plan should be periodically reviewed by the relevant authority and/or external auditor. Particularly, in case of SMEs the reviewing body could be the local fire fighting agency or corresponding municipal authority. This plan should be regularly tested and revised as appropriate, in particular after the occurrence of accidents or emergency situations.

6. The Facility should have an Adequate Plan for Closure and After-Care

Generally, the facility should have an adequate plan for closure and after-care. The need for closure plans and financial guarantees is determined by applicable laws and regulations, taking into consideration the level of risk. Closure plans should be updated periodically and financial guarantees should ensure that the necessary measures are undertaken upon definite cessation of activities to prevent any environmental damage and return the site of operation to a satisfactory state, as required by the applicable laws and regulations.

REVIEW AND UPDATE OF THE CORE PERFORMANCE ELEMENTS FOR THE ENVIRONMENTALLY SOUND MANAGEMENT OF WASTE

The core performance elements of the OECD for environmentally sound management (ESM) of waste should be periodically reviewed in order to adapt them to technical development. The OECD's Working Group on Waste Prevention and Recycling (WGWPR) would make proposals for this purpose as needed.

ANNEX II

TECHNICAL GUIDANCE DEVELOPED BY OECD FOR THE ENVIRONMENTALLY SOUND MANAGEMENT OF SPECIFIC WASTE STREAMS

Technical guidance for the environmentally sound management of the following waste/material streams has been developed (see: <http://www.oecd.org/env/waste>):

- i) **Used and Scrap Personal Computers** [ENV/EPOC/WGWPR(2001)3/FINAL]

ANNEX III

OTHER SELECTED TECHNICAL GUIDANCE FOR THE ENVIRONMENTALLY SOUND MANAGEMENT OF SPECIFIC WASTE STREAMS

“Technical guidelines” for the environmentally sound management of specific waste streams have also been developed by the Basel Convention and other international organisations and are considered useful for the implementation of the OECD Council Recommendation on ESM and the core performance elements:

1. Updated general technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants (POPs). Basel Convention, 2006.
2. Updated technical guidelines for the environmentally sound management of wastes containing or contaminated with polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs). Basel Convention, 2006.
3. Technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with the pesticides aldrin, chlordane, dieldrin, endrin, heptachlor, hexachlorobenzene (HCB), mirex or toxaphene or with HCB as an industrial chemical. Basel Convention, 2006.
4. Technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with 1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane (DDT). Basel Convention, 2006.
5. Technical guidelines for the environmentally sound management of wastes containing or contaminated with unintentionally produced polychlorinated dibenzo-p-dioxins (PCDDs), polychlorinated dibenzofurans (PCDFs), hexachlorobenzene (HCB) or polychlorinated biphenyls (PCBs). Basel Convention, 2006.
6. Technical guidelines on the environmentally sound recycling/reclamation of metals and metal compounds (R4). Basel Convention, 2004.
7. Technical guidelines for the environmentally sound management of biomedical and healthcare waste (Y1; Y3). Basel Convention, 2002.
8. Technical guidelines for the environmentally sound management of the full and partial dismantling of ships. Basel Convention, 2002.
9. Technical guidelines for the environmentally sound management of waste lead-acid batteries. Basel Convention, 2002.
10. Technical guidelines for the identification and environmentally sound management of plastic wastes and for their disposal. Basel Convention, 2002.
11. Technical guidelines on the identification and management of used tyres. Basel Convention, 1999.
12. Pollution Prevention and Abatement Handbook. World Bank, 1998.

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Decision of the Council on the
Control of Transboundary
Movements of Wastes Destined
for Recovery Operations

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Date(s)

Adopted on 30/03/1992
Amended on 23/07/1993
Amended on 28/07/1994
Amended on 28/07/1994
Amended on 21/09/1995
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Amended on 23/12/1998
Amended on 14/06/2001
Amended on 25/02/2002
Amended on 09/03/2004
Amended on 25/11/2005
Amended on 18/11/2008

Background Information

The Decision concerning the Control of Transboundary Movements of Wastes Destined for Recovery Operations was adopted on the occasion of the 14 June 2001 Ministerial meeting. The Decision revises the 1992 OECD Decision on the Control of Transfrontier Movements of Wastes Destined for Recovery Operations which provided a framework for Adherents to control transboundary movements of recoverable wastes within the OECD area in an environmentally sound and economically efficient manner. The original Decision was revised in order to harmonise its provisions with the Basel Convention in particular with regard to the classification of wastes subject to control. However, certain procedural elements of the original Decision, which do not exist in the Basel Convention, such as time limits for approval process, tacit consent and pre-consent procedures have been retained.

THE COUNCIL,

HAVING REGARD to Article 5a) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Decision of the Council of 30 March 1992 concerning the control of transfrontier movements of wastes destined for recovery operations C(92)39/FINAL, as amended, which establishes an operational control system for transboundary movements of wastes destined for recovery operations;

HAVING REGARD to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which entered into force on 5 May 1992, as amended on 6 November 1998 with Annexes VIII and IX listing respectively wastes characterised as hazardous pursuant to Article 1(1)(a) of the Convention and wastes not covered by Article 1(1)(a) of the Convention;

NOTING that most OECD Member countries (hereafter Member countries) and the European Community have become Parties to the Basel Convention;

NOTING that Member countries agreed at the Working Group on Waste Management Policy (WGWMP) meeting in Vienna in October 1998 to further harmonisation of procedures and requirements of OECD Decision C(92)39/FINAL with those of the Basel Convention;

NOTING that recovery of valuable materials and energy from wastes is an integral part of the international economic system and that well established international markets exist for the collection and processing of such materials within Member countries;

NOTING further that many industrial sectors in Member countries have already implemented waste recovery techniques in an environmentally sound and economically efficient manner, thus increasing resource efficiency and contributing to sustainable development, and convinced that further efforts to promote and facilitate waste recovery are necessary and should be encouraged;

RECOGNISING that the environmentally sound and economically efficient recovery of wastes may justify transboundary movements of wastes between Member countries;

RECOGNISING that the operational Control System established by Decision C(92)39/FINAL has provided a valuable framework for Member countries to control transboundary movements of wastes destined for recovery operations in an environmentally sound and economically efficient manner;

DESIRING, therefore, to continue this agreement or arrangement under Article 11.2 of the Basel Convention;

RECOGNISING that Member countries may, within their jurisdiction, impose requirements consistent with this Decision and in accordance with the rules of international law, in order to better protect human health and the environment; and

RECOGNISING the need to revise Decision C(92)39/FINAL in order to improve certain elements of the Control System and to enhance harmonisation with the Basel Convention,

On the proposal of the Environment Policy Committee:

DECIDES that the text of Decision C(92)39/FINAL is revised as follows:

CHAPTER I:

I. DECIDES that Member countries shall control transboundary movements of wastes destined for recovery operations within the OECD area in accordance with the provisions set out in Chapter II of this Decision and in the appendices to it.

II. INSTRUCTS the Environment Policy Committee in co-operation with other relevant OECD bodies, in particular the Trade Committee, to ensure that the provisions of this Control System remain compatible with the needs of Member countries to recover wastes in an environmentally sound and economically efficient manner.

III. RECOMMENDS Member countries to use for the Notification Document and Movement Document the forms contained in Appendix 8 to this Decision.

IV. INSTRUCTS the Environment Policy Committee to amend the forms for the Notification Document and Movement Document as necessary.

V. INSTRUCTS the Environment Policy Committee to review the procedure for amending the waste lists under Chapter II. B, (3) at the latest seven (7) years after the adoption of the present Decision.

VI. REQUESTS Member countries to provide the information that is necessary for the implementation of this Decision and is listed in Appendix 7 to this Decision.

VII. REQUESTS the Secretary General to transmit this Decision to the United Nations Environment Programme and the Secretariat of the Basel Convention.

CHAPTER II

A. DEFINITIONS

For the purposes of this Decision:

1. **WASTES** are substances or objects, other than radioactive materials covered by other international agreements, which:

- i) are disposed of or are being recovered; or
- ii) are intended to be disposed of or recovered; or
- iii) are required, by the provisions of national law, to be disposed of or recovered.

2. **HAZARDOUS WASTES** are:

- i) Wastes that belong to any category contained in Appendix 1 to this Decision unless they do not possess any of the characteristics contained in Appendix 2 to this Decision; and
- ii) Wastes that are not covered under sub-paragraph 2.(i) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Member country of export, import or transit. Member countries shall not be required to enforce laws other than their own.

3. **DISPOSAL** means any of the operations specified in Appendix 5.A to this Decision.

4. **RECOVERY** means any of the operations specified in Appendix 5.B to this Decision.

5. **TRANSBOUNDARY MOVEMENT** means any movement of wastes from an area under the national jurisdiction of a Member country to an area under the national jurisdiction of another Member country.

6. **RECOVERY FACILITY** means a facility which, under applicable domestic law, is operating or is authorised or permitted to operate in the country of import to receive wastes and to perform recovery operations on them.

7. **COUNTRY OF EXPORT** means a Member country from which a transboundary movement of wastes is planned to be initiated or is initiated.
8. **COUNTRY OF IMPORT** means a Member country to which a transboundary movement of wastes is planned or takes place.
9. **COUNTRY OF TRANSIT** means a Member country other than the country of export or import through which a transboundary movement of wastes is planned or takes place.
10. **COUNTRIES CONCERNED** means the countries of export and import and any country of transit, as defined above.
11. **OECD AREA** means all land and marine areas, under the national jurisdiction of any Member country.
12. **COMPETENT AUTHORITIES** means the regulatory authorities of countries concerned having jurisdiction over transboundary movements of wastes covered by this Decision.
13. **PERSON** means any natural or legal person.
14. **EXPORTER** means any person under the jurisdiction of the country of export who initiates the transboundary movement of wastes or who has, at the time the planned transboundary movement commences, possession or other forms of legal control of the wastes.
15. **IMPORTER** means any person under the jurisdiction of the country of import to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the country of import.
16. **RECOGNISED TRADER** means any person under the jurisdiction of a Member country who, with appropriate authorisation of countries concerned, acts in the role of principal to purchase and subsequently sell wastes; such a person may act to arrange and facilitate transboundary movements of wastes destined for recovery operations.
17. **GENERATOR** means any person whose activities create wastes.
18. **A MIXTURE OF WASTES** means a waste that results from an intentional or unintentional mixing of two or more different wastes. A single shipment of wastes, consisting of two or more wastes, where each waste is separated, is not a mixture of wastes.

B. GENERAL PROVISIONS

1. Conditions

The following conditions shall apply to transboundary movements of wastes subject to this Decision:

- a) The wastes shall be destined for recovery operations within a recovery facility which will recover the wastes in an environmentally sound manner according to national laws, regulations and practices to which the facility is subject.
- b) All persons involved in any contracts or arrangements for transboundary movements of wastes destined for recovery operations should have the appropriate legal status, in accordance with domestic legislation and regulations.
- c) The transboundary movements shall be carried out under the terms of applicable international transport agreements.
- d) Any transit of wastes through a non-member country shall be subject to international law and to all applicable national laws and regulations.

2. Control Procedures

A two-tiered system serves to delineate controls to be applied to such transboundary movements of wastes:

a) Green Control Procedure:

Wastes falling under the Green control procedure are those wastes in Appendix 3 to this Decision. This Appendix has two parts:

- Part I contains the wastes in Annex IX of the Basel Convention, some of which are subject to a note for the purposes of this Decision;
- Part II contains additional wastes that OECD Member countries agreed to be subject to the Green control procedure, in accordance with criteria referred to in Appendix 6 to this Decision.

The Green control procedure is described in Section C.

b) Amber Control Procedure:

Wastes falling under the Amber control procedure are those wastes in Appendix 4 to this Decision. This Appendix has two parts:

- Part I contains the wastes in Annexes II and VIII of the Basel Convention, some of which are subject to a note for the purposes of this Decision;
- Part II contains additional wastes that OECD Member countries agreed to be subject to the Amber control procedure, in accordance with criteria referred to in Appendix 6 to this Decision.

The Amber control procedure is described in Section D.

3. Procedure for Amendments to the Lists of Wastes in Appendices 3 and 4

Normally, and without any other formal decision, amendments made to Annex IX under the Basel Convention will be incorporated into Part I of Appendix 3 to this Decision and amendments made to Annexes II and VIII under the Basel Convention will be incorporated into Part I of Appendix 4 to this Decision, entering into effect from the date on which the amendment to the Basel Convention (hereafter the Amendment) becomes effective for the Parties to the Convention. On that same date any relevant change will be automatically made to Part II of Appendices 3 or 4.

In exceptional cases:

- a) A Member country that determines, in accordance with the criteria referred to in Appendix 6, that a different level of control is justified for one or more wastes covered by the Amendment, may object in writing to the OECD Secretariat within sixty (60) days following the adoption of the Amendment by the Conference of the Parties to the Basel Convention. Such an objection, which shall provide an alternative proposal for inclusion into the relevant appendix or appendices to this Decision, will be immediately disseminated by the OECD Secretariat to all Member countries.
- b) The notification of an objection to the OECD Secretariat suspends the incorporation of the waste(s) concerned into the relevant appendix to this Decision. Pending examination of the objection by the appropriate OECD body, the waste(s) concerned shall be subject to the provisions of Section 6 (b) and 6 (c) hereunder.
- c) The appropriate OECD body shall promptly examine the objection and the related alternative proposal and shall reach a conclusion one month before the Amendment becomes effective for the Parties to the Basel Convention.

- d) If consensus is reached within the appropriate OECD body during that period, the relevant Appendix to this Decision will be modified as appropriate. Any modification becomes effective on the same date on which the amendment to the Basel Convention becomes effective for the Parties to the Convention.
- e) If no consensus is reached within the appropriate OECD body during that period, the Amendment will not be applied within the OECD Control System. With respect to the waste(s) concerned, the relevant appendix to this Decision will be modified as appropriate. Each Member country retains its right to control such waste(s) in conformity with its domestic legislation and international law.

4. Provision for Specific National Control

- a) This Decision does not prejudice the right of a Member country to control, on an exceptional basis, certain wastes differently, in conformity with domestic legislation and the rules of international law, in order to protect human health and the environment.
- b) Thus, a Member country may control wastes subject to the Green control procedure as if those wastes had been subject to the Amber control procedure.
- c) A Member country may, in conformity with domestic legislation, legally define or consider a waste subject to the Amber control procedure as subject to the Green control procedure because it does not exhibit any of the hazardous characteristics listed in Appendix 2 of this Decision, as determined using national procedures.¹
- d) In the case of a transboundary movement of wastes where the wastes are legally defined as, or considered to be, wastes subject to the Amber control procedure only by the country of import, the requirements of section D that apply to the exporter and the country of export, shall apply mutatis mutandis to the importer and the country of import, respectively.

5. Information Requirements

Any Member country exercising the right to apply a different level of control shall immediately inform the OECD secretariat citing the specific waste(s) and applicable legislative requirements. Member countries which prescribe the use of certain tests and testing procedures in order to determine whether a waste exhibits one or more of the hazardous characteristics listed in Appendix 2 of this Decision shall also inform the OECD secretariat concerning which tests and testing procedures are being so utilised; and, if possible, which wastes would or would not be legally defined or considered to be hazardous wastes based upon application of these national procedures. All the above information requirements are specified in Appendix 7 to this Decision.

6. Wastes not Listed in Appendices 3 or 4 to this Decision

Wastes which are destined for recovery operations but have not yet been assigned to Appendices 3 or 4 of this Decision, shall be eligible for transboundary movements pursuant to this Decision subject to the following conditions:

- a) Member countries shall identify such wastes and, if appropriate, make applications to the Technical Working Group of the Basel Convention in order to amend the relevant Annexes of the Basel Convention;
- b) Pending assignment to a list, such wastes shall be subject to the controls required for the transboundary movements of wastes by the domestic legislation of the countries concerned in order that no country is obliged to enforce laws other than its own;
- c) However, if such wastes exhibit a hazardous characteristic listed in Appendix 2 to this Decision as determined by using national procedures² and any applicable international agreements, such wastes shall be subject to the Amber control procedure.

7. Generator of Mixed or Transformed Waste

If two or more lots of wastes are mixed and/or otherwise subjected to physical or chemical transformation operations, the person who performs these operations shall be deemed to be the generator of the new wastes resulting from these operations.

8. Procedures for Mixtures of Wastes

Having regard to paragraph 11 of the preamble of this Decision, a mixture of wastes, for which no individual entry exists, shall be subject to the following control procedure:

- i) A mixture of two or more Green wastes shall be subject to the Green control procedure, provided the composition of this mixture does not impair its environmentally sound recovery;
- ii) A mixture of a Green waste and more than a de minimis amount of an Amber waste or a mixture of two or more Amber wastes shall be subject to the Amber control procedure, provided the composition of this mixture does not impair its environmentally sound recovery.

C. GREEN CONTROL PROCEDURE

Transboundary movements of wastes subject to the Green control procedure shall be subject to all existing controls normally applied in commercial transactions.

Regardless of whether or not wastes are included on the list of wastes subject to the Green Control Procedure (Appendix 3), they may not be subject to the Green control procedure if they are contaminated by other materials to an extent which (a) increases the risks associated with the wastes sufficiently to render them appropriate for submission to the amber control procedure, when taking into account the criteria in Appendix 6 to this Decision, or (b) prevents the recovery of the wastes in an environmentally sound manner.

D. AMBER CONTROL PROCEDURE

(1) Conditions

a) Contracts

Transboundary movements of wastes under the Amber control procedure may only occur under the terms of a valid written contract, or chain of contracts, or equivalent arrangements between facilities controlled by the same legal entity, starting with the exporter and terminating at the recovery facility. All persons involved in the contracts, or arrangements shall have appropriate legal status.

The contracts shall:

- i) Clearly identify: the generator of each type of waste, each person who shall have legal control of the wastes and the recovery facility;
- ii) Provide that relevant requirements of this Decision are taken into account and are binding on all parties to the contracts.
- iii) Specify which party to the contract (i) shall assume responsibility for an alternative management of the wastes in compliance with applicable laws and regulations including, if necessary, the return of the wastes in accordance with section D. (3) (a) below and (ii), as the case may be, shall provide the notification for re-export in accordance with section D.(3) (b) below.

Upon the request of the competent authorities of the countries of export or import, the exporter shall provide copies of such contracts or portions thereof.

Any information contained in the contracts provided under terms of the above paragraph shall be held strictly confidential in accordance with and to the extent required by domestic laws.

b) Financial Guarantees

Where applicable, the exporter or the importer shall provide financial guarantees in accordance with national or international law requirements, for alternative recycling, disposal or other means of environmentally sound management of the wastes in cases where arrangements for the transboundary movement and the recovery operations cannot be carried out as foreseen.

c) Transboundary Movements of Amber Wastes for Laboratory Analysis

Member countries may exempt a transboundary movement of a waste from the Amber control procedure, if it is explicitly destined for laboratory analysis to assess its physical or chemical characteristics or to determine its suitability for recovery operations. The amount of such waste so exempted shall be determined by the minimum quantity reasonably needed to adequately perform the analysis in each particular case, but not more than 25 kg. Analytical samples must be appropriately packaged and labelled and they remain subject to the conditions set out in Chapter II Section B. (1)(c) and (d) of this Decision. Where a competent authority of a country of import or country of export is required to be informed under its domestic legislation, the exporter shall inform that authority of a transboundary movement of a laboratory sample.

(2) Functioning of the Amber Control Procedure:

Procedures are provided under the Amber control procedure for the following two cases:

Case 1: individual transboundary movements or multiple shipments to a recovery facility;

Case 2: transboundary movements to pre-consented recovery facilities

Case 1: Individual transboundary movements of wastes or multiple shipments to a recovery facility.

- a) Prior to commencement of each transboundary movement of wastes, the exporter shall provide written notification ("**single notification**") to the competent authorities of the countries concerned. The notification document shall include all of the information listed in Appendix 8.A to this Decision. In accordance with domestic laws, the competent authorities of the country of export, instead of the exporter, may themselves transmit this notification.
- b) In instances where competent authorities acting under the terms of their domestic laws are required to review the contracts referred to in section D. (1) above, the contract(s) or portions thereof to be reviewed must be sent together with the notification document in order that such review may be appropriately performed.
- c) The competent authorities of the countries concerned may request additional information if the notification is not complete. Upon receipt of the complete notification document referred to in paragraph (a) above, the competent authorities of the country of import and, if applicable, of the country of export shall transmit an **acknowledgement** to the exporter with a copy to the competent authorities of all other countries concerned within three (3) working days of the receipt of the notification.
- d) The competent authorities of the countries concerned shall have **thirty (30) days to object**, according to their domestic laws, to the proposed transboundary movement of wastes. The thirty (30)-day period for possible objection shall commence upon issuance of the acknowledgement of the competent authority of the country of import.

- e) **Any objection** by any of the competent authorities of the countries concerned must be provided in writing to the exporter and to the competent authorities of all other countries concerned within the thirty (30)-day period.
- f) If no objection has been lodged (**tacit consent**), the transboundary movement of wastes may commence after this thirty (30)-day period has passed. Tacit consent expires within one (1) calendar year from the end of the thirty (30)-day period.
- g) In cases where the competent authorities of the countries concerned do not object and decide to provide **written consent**, it shall be issued within the thirty (30)-day period commencing upon issuance of the acknowledgement of the receipt of notification by the competent authority of the country of import. The transboundary movement of wastes may commence after all consents are received. Copies of the written consent(s) shall be sent to competent authorities of all countries concerned. Written consent is valid for up to one (1) calendar year from the date of its issuance.
- h) Objection or written consent may be provided by post, e-mail with a digital signature, e-mail without digital signature followed by post, or telefax followed by post.
- i) The transboundary movement of wastes may only take place during the period when the consents of all competent authorities (tacit or written consent) are valid.
- j) Each transboundary movement of wastes shall be accompanied by a **movement document** which includes the information listed in Appendix 8.B to this Decision.
- k) Within three (3) days of the receipt of the wastes by the recovery facility, the recovery facility shall return **a signed copy of the movement document** to the exporter and to the competent authorities of the countries of export, transit and import. Those countries of transit that do not wish to receive a signed copy of the movement document shall inform the OECD Secretariat. The recovery facility shall retain the original of the movement document for three (3) years.
- l) As soon as possible, but no later than thirty (30) days after the completion of recovery and no later than one (1) calendar year following the receipt of the waste, the recovery facility shall send **a certificate of recovery** to the exporter and to the competent authorities of the countries of export and import by post, e-mail with a digital signature, email without digital signature followed by post, or telefax followed by post.
- m) In cases where essentially similar wastes (e.g. those having essentially similar physical and chemical characteristics) are to be sent periodically to the same recovery facility by the same exporter, the competent authorities of the countries concerned may elect to accept one "**general notification**" for such multiple shipments for a period of up to one year. Each shipment must be accompanied by its own movement document, which includes the information listed in Appendix 8.B to this Decision.
- n) Revocation of the acceptance in (m) above may be accomplished by means of an official notice to the exporter from any of the competent authorities of the countries concerned. Notice of revocation of acceptance for transboundary movements previously granted under this provision shall be given to the competent authorities of all countries concerned by the competent authorities of the country that revokes such acceptance.

Case 2: *Transboundary movements of wastes to pre-consented recovery facilities*

- a) Competent authorities having jurisdiction over specific recovery facilities in the country of import may decide not to raise objections concerning transboundary movements of certain types of wastes to a specific recovery facility (**pre-consented recovery facility**). Such decisions can be limited to a specified period of time and can be revoked at any time.

- b) Competent authorities that elect this option shall inform the OECD secretariat of the recovery facility name, address, technologies employed, waste types to which the pre-consent applies, and the period covered. The OECD secretariat must also be notified of any revocations.
- c) For all transboundary movements of wastes to such facilities paragraphs (a), (b) and (c) of Case 1 shall apply.
- d) The competent authorities of the countries of export and transit shall have seven (7) working days to object, according to their domestic laws, to the proposed transboundary movement of wastes. The seven (7) working days period for possible objection shall commence upon issuance of the acknowledgement of the competent authority of the country of import. In exceptional cases where the competent authority of the country of export needs more than seven (7) working days in order to receive additional information from the exporter as necessary to meet the requirements of its domestic law, it may inform the exporter within the seven (7) working days that additional time is needed. This additional time may be up to thirty (30) days starting from the day of the issuance of the acknowledgement of the competent authority of the country of import.
- e) Paragraphs (e), (f) and (g) of Case 1 shall apply with a period of seven (7) working days instead of thirty (30) days but for the exceptional cases mentioned in paragraph (d) above, in which case the period shall remain thirty (30) days.
- f) Paragraphs (h), (i), (j), (k) and (l) of Case 1 shall apply.
- g) In the case of the acceptance of a general notification, paragraph (m) of Case 1 shall apply with the exception that the shipments can cover a period of up to three (3) years. For the revocation of this acceptance, paragraph (n) in Case 1 shall apply.

(3) Duty to Return or Re-export Wastes Subject to the Amber Control Procedure

When a transboundary movement of wastes subject to the Amber control procedure, to which countries concerned have given consent, cannot be completed in accordance with the terms of the contract, for any reason such as illegal shipments, the competent authority of the country of import shall immediately inform the competent authority of the country of export. If alternative arrangements cannot be made to recover these wastes in an environmentally sound manner in the country of import, the following provisions shall apply as the case may be:

- a) Return from a country of import to the country of export:

The competent authority of the country of import shall inform the competent authorities of the countries of export and transit, mentioning in particular the reason for returning the waste. The competent authority of the country of export shall admit the return of those wastes. In addition, the competent authorities of the countries of export and transit shall not oppose or prevent the return of these wastes. The return should take place within ninety (90) days from the time the country of import informs the country of export or such other period of time as the concerned Member countries agree. Any new transit country would require a new notification.

- b) Re-export from a country of import to a country other than the initial country of export:

Re-export from a country of import of wastes subject to the Amber control procedure may only occur following notification by an exporter in the country of import to the countries concerned, as well as to the initial country of export. The notification and control procedure shall follow the provisions set out in Case 1 of Section D. (2) with the addition that the provisions concerning the competent authorities of countries concerned shall also apply to the competent authority of the initial country of export.

(4) Duty to Return Wastes Subject to the Amber Control Procedure from a Country of Transit

When the competent authority of the country of transit observes that a transboundary movement of wastes subject to the Amber control procedure, to which countries concerned have given consent, does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, the competent authority of the country of transit shall immediately inform the competent authorities of the countries of export and import and any other countries of transit.

If alternative arrangements cannot be made to recover these wastes in an environmentally sound manner, the competent authority of the country of export shall admit the return of the shipment of these wastes. In addition, the competent authorities of the country of export and other countries of transit shall not oppose or prevent the return of the wastes. The return should take place within ninety (90) days from the time the country of transit informs the country of export or such other period of time as the concerned countries agree.

(5) Provisions Relating to Recognised Traders

- a) A recognised trader may act as an exporter or importer for wastes with all the responsibilities associated with being an exporter or importer.
- b) The notification document called for in Chapter II section D (2), case 1, a) above shall include a signed declaration by the exporter that the appropriate contracts referred to in Chapter II section D (1) (a) are in place and are legally enforceable in all countries concerned.

(6) Provisions Relating to Exchange (R12) and Accumulation (R13) Operations

For transboundary movements of wastes destined for exchange (R12) or accumulation (R13) operations paragraphs (a) to (j), (m) and (n) of Case 1 shall apply. In addition:

- a) If wastes are destined for a facility or facilities where a R12 or R13 recovery operation as designated in Appendix 5.B to this Decision takes place, the recovery facility or facilities where the subsequent R1-R11 recovery operation as designated in Appendix 5.B takes place or may take place, shall also be indicated in the notification document.
- b) Within three (3) days of the receipt of the wastes by the R12/R13 recovery facility or facilities, the facilit(y)ies shall return a signed copy of the movement document to the exporter and to the competent authorities of the countries of export and import. The facilit(y)ies shall retain the original of the movement document for three (3) years.
- c) As soon as possible but no later than thirty (30) days after the completion of the R12/R13 recovery operation and no later than one (1) calendar year following the receipt of the waste, the R12 or R13 facilit(y)ies shall send a certificate of recovery to the exporter and to the competent authorities of the countries of export and import by post, e-mail with a digital signature, email without digital signature followed by post, or telefax followed by post.
- d) When an R12/R13 recovery facility delivers wastes for recovery to an R1-R11 recovery facility located in the country of import, it shall obtain as soon as possible but no later than one calendar year following delivery of the waste, a certification from the R1-R11 facility that recovery of the wastes at that facility has been completed. The R12/R13 facility shall promptly transmit the applicable certification(s) to the competent authorities of the countries of import and export, identifying the transboundary movements to which the certification(s) pertain.
- e) When an R12/R13 recovery facility delivers wastes for recovery to an R1-R11 recovery facility located:
 - i) in the initial country of export, a new notification is required in accordance with Section D. (2); or

- ii) in a third country other than the initial country of export, a new notification is required in accordance with Section D. (3)(b).

APPENDIX 1

CATEGORIES OF WASTES TO BE CONTROLLED³

Waste Streams:

- Y1 Clinical wastes from medical care in hospitals, medical centres 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 oil/water, hydrocarbon/water mixtures, emulsions
- Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCB's) and/or polychlorinated terphenyls (PCT's) and/or polybrominated biphenyls (PBB's)
- Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment
- Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, laquers, 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 phosphorous compounds
Y38	Organic cyanides
Y39	Phenols; phenol compounds including chlorophenols
Y40	Ethers
Y41	Halogenated organic solvents
Y42	Organic solvents excluding halogenated solvents
Y43	Any congener of polychlorinated dibenzo-furan
Y44	Any congener of polychlorinated dibenzo-p-dioxin
Y45	Organohalogen compounds other than substances referred to in this Appendix (e.g. Y39, Y41, Y42 Y43, Y44)

APPENDIX 2

LIST OF HAZARDOUS CHARACTERISTICS⁴

<u>Code⁵</u>	<u>Characteristics</u>
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H1:	Explosive
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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 a speed as to cause damage to the surroundings.

H3:	Flammable Liquids
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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 vapour 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.)

H4.1:	Flammable Solids
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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.

H4.2:	Substances or Wastes Liable to Spontaneous Combustion
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Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up in contact with air, and being liable to catch fire.

H4.3:	Substances or Wastes which, in Contact with Water, Emit Flammable Gases
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Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.

H5.1:	Oxidising
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Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.

H5.2:	Organic Peroxides
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Organic substances or wastes that contain the bivalent-O-O-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.

H6.1:	Poisonous (Acute)
--------------	--------------------------

Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.

H6.2:	Infectious Substances
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Substances or wastes containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

H8:	Corrosives
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Substances or wastes that, 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.

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.

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.

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.

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; objective tests to define quantitatively these hazards do not exist. Further research is necessary in order to develop means to characterise potential hazards posed to man and/or the environment by these wastes. Standardised tests have been derived with respect to pure substances and materials. Many Member countries have developed tests which can be applied to materials destined for disposal or recovery by means of operations listed in Appendices 5.A or 5.B in order to decide if these materials exhibit any of the characteristics listed in this Appendix.

APPENDIX 3

LIST OF WASTES SUBJECT TO THE GREEN CONTROL PROCEDURE

Regardless of whether or not wastes are included on this list, they may not be subject to the Green control procedure if they are contaminated by other materials to an extent which (a) increases the risks associated with the wastes sufficiently to render them appropriate for submission to the amber control procedure, when taking into account the criteria in Appendix 6, or (b) prevents the recovery of the wastes in an environmentally sound manner.

PART I:

Wastes listed in Annex IX of the Basel Convention.

For the purposes of this Decision:

- a) Any reference to list A in Annex IX of the Basel Convention shall be understood as a reference to Appendix 4 of this Decision.
- b) In Basel entry B1020 the term “bulk finished form” includes all metallic non-dispersible⁶ forms of the scrap listed therein.
- c) Pending approval by the Basel Convention, Basel entry B1030 shall read: “Residues containing refractory metals”.
- d) The part of Basel entry B1100 that refers to “Slags from copper processing” etc does not apply and OECD entry GB040 in Part II applies instead.
- e) Basel entry B1110 does not apply and OECD entries GC010 and GC020 in Part II apply instead.
- f) Basel entry B2050 does not apply and OECD entry GG040 in Part II applies instead.
- g) The reference in Basel entry B3010 to fluorinated polymer wastes shall be deemed to include polymers and co-polymers of fluorinated ethylene (PTFE).

PART II:

The following wastes will also be subject to the Green control procedure:

Metal Bearing Wastes Arising from Melting, Smelting and Refining of Metals

GB040	7112 262030 262090	Slags from precious metals and copper processing for further refining
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Other Wastes Containing Metals

GC010		Electrical assemblies consisting only of metals or alloys.
GC020		Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery.
GC030	ex 890800	Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste

GC050 Spent Fluid Catalytic Cracking (FCC) Catalysts (e.g.: aluminium oxide, zeolites)

Glass Waste in Non-dispersible Form

GE020 ex 7001 Glass Fibre Waste
ex 701939

Ceramic Wastes in Non-Dispersible Form

GF010 Ceramic wastes which have been fired after shaping, including ceramic vessels (before and/or after use)

Other Wastes Containing Principally Inorganic Constituents, Which May Contain Metals

and Organic Materials

GG030 ex 2621 Bottom ash and slag tap from coal fired power plants

GG040 ex 2621 Coal fired power plants fly ash

Solid Plastic Wastes

GH013 391530 Polymers of vinyl chloride
ex 390410-40

Wastes Arising from Tanning and Fellmongery Operations and Leather Use

GN010 ex 050200 Waste of pigs', hogs' or boars' bristles and hair or of badger hair and other brush making hair

GN020 ex 050300 Horsehair waste, whether or not put up as a layer with or without supporting material

GN030 ex 050590 Waste of skins and other parts of birds, with their feathers or down, of feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation

APPENDIX 4

LIST OF WASTES SUBJECT TO THE AMBER CONTROL PROCEDURE

PART I:

Wastes listed in Annexes II and VIII of the Basel Convention.

For the purposes of this Decision:

- a) Any reference to list B in Annex VIII of the Basel Convention shall be understood as a reference to Appendix 3 of this Decision.
- b) In Basel entry A1010, the term “excluding such wastes specifically listed on List B (Annex IX)” is a reference both to Basel entry B1020 and the note on B1020 in Appendix 3 to this Decision, Part I (b).
- c) Basel entries A1180 and A2060 do not apply and OECD entries GC010, GC020 and GG040 in Appendix 3 Part II apply instead when appropriate. Member countries may control these wastes differently in accordance with Chapter II B 6 of this Decision concerning wastes not listed in Appendices 3 or 4, and the chapeau of Appendix 3.
- d) Basel entry A4050 includes spent potlinings from aluminium smelting because they contain Y33 inorganic cyanides. If the cyanides have been destroyed, spent potlinings are assigned to Part II entry AB120 because they contain Y32, inorganic fluorine compounds excluding calcium fluoride.

PART II:

The following wastes will also be subject to the Amber control procedure:

Metal Bearing Wastes

AA010	261900	Dross, scalings and other wastes from the iron and steel industry ⁷
AA060	262050	Vanadium ashes and residues ⁸
AA190	810420 ex 810430	Magnesium waste and scrap that is flammable, pyrophoric or emits, upon contact with water, flammable gases in dangerous quantities

Wastes Containing Principally Inorganic Constituents, Which May Contain Metals and Organic Materials

AB030		Wastes from non-cyanide based systems which arise from surface treatment of metals
AB070		Sands used in foundry operations
AB120	ex 281290 ex 3824	Inorganic halide compounds, not elsewhere specified or included
AB130		Used blasting grit
AB150	ex 382490	Unrefined calcium sulphite and calcium sulphate from flue gas desulphurisation (FGD)

Wastes Containing Principally Organic Constituents, Which May Contain Metals and Inorganic Materials

AC060	ex 381900	Hydraulic fluids
AC070	ex 381900	Brake fluids
AC080	ex 382000	Antifreeze fluids
AC150		Chlorofluorocarbons
AC160		Halons
AC170	ex 440310	Treated cork and wood wastes
AC250		Surface active agents (surfactants)
AC260	ex 3101	Liquid pig manure; faeces
AC270		Sewage sludge

Wastes Which May Contain either Inorganic or Organic Constituents

AD090	ex 382490	Wastes from production, formulation and use of reprographic and photographic chemicals and materials not elsewhere specified or included
AD100		Wastes from non-cyanide based systems which arise from surface treatment of plastics
AD120	ex 391400 ex 3915	Ion exchange resins
AD150		Naturally occurring organic material used as a filter medium (such as bio-filters)

Wastes Containing Principally Inorganic Constituents, Which May Contain Metals and Organic Materials

RB020	ex 6815	Ceramic based fibres of physico-chemical characteristics similar to those of asbestos
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APPENDIX 5A

DISPOSAL OPERATIONS⁹

Appendix 5.A is meant to encompass all such disposal operations that occur in practice, whether or not they are adequate from the point of view of environmental protection.

- 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 or 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 Appendix which results in final compounds or mixtures which are discarded by means of any of the operations in Appendix 5.A
- D9 Physico chemical treatment not specified elsewhere in this Appendix which results in final compounds or mixtures which are discarded by means of any of the operations in Appendix 5.A, (e.g., evaporation, drying, calcination, 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 Appendix 5.A
- D14 Repackaging prior to submission to any of the operations in Appendix 5.A
- D15 Storage pending any of the operations in Appendix 5.A

APPENDIX 5B

RECOVERY OPERATIONS¹⁰

Appendix 5.B is meant to encompass all such operations with respect to materials considered to be or legally defined as wastes and which otherwise would have been destined for operations included in Appendix 5.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 Appendix 5.B

APPENDIX 6

CRITERIA FOR THE OECD RISK-BASED APPROACH

A. Properties

- 1) Does the waste normally exhibit any of the hazardous characteristics listed in Appendix 2 to this Decision? Furthermore, it is useful to know if the waste is legally defined as or considered to be a hazardous waste in one or more Member countries.
- 2) Is the waste typically contaminated?
- 3) What is the physical state of the waste?
- 4) What is the degree of difficulty of cleanup in the case of accidental spillage or mismanagement?
- 5) What is the economic value of the waste bearing in mind historical price fluctuations?

B. Management

- 6) Does the technological capability to recover the waste exist?
- 7) Is there a history of adverse environmental incidents arising from transboundary movements of the waste or associated recovery operations?
- 8) Is the waste routinely traded through established channels and is that evidenced by commercial classification?
- 9) Is the waste usually moved internationally under the terms of a valid contract or chain of contracts?
- 10) What is the extent of reuse and recovery of the waste and how is any portion separated from the waste but not subject to recovery managed?
- 11) What are the overall environmental benefits arising from the recovery operations?

APPENDIX 7

PRACTICAL INFORMATION TO BE PROVIDED BY MEMBER COUNTRIES

- (1) **Competent Authority**: indicates the address, telephone, e-mail and fax numbers of the regulatory authority having jurisdiction over transboundary movements of wastes destined for recovery operations. If separate competent authorities are known to exist for different types of movements (e.g. different authorities for transit than for import/export), this is also indicated. When applicable, indicate the code number of the national competent authorities.
- (2) **Contact Point**: provides the point of correspondence, including the address, telephone e-mail and fax numbers, through which individuals can, if desired, obtain additional or complementary information.
- (3) **Acceptable Languages**: indicates the languages that can be used by the exporter so that the notification document is understandable for the competent authority receiving it.
- (4) **Required Points of Entry/Exit**: notes if and when national regulations prescribe that shipments of recoverable wastes must enter or exit the territory through specific customs offices.
- (5) **Pre-consented Recovery Facilities**: indicates if a Member country has granted pre-consent for certain wastes to be accepted by one or more pre-consented recovery facilities within its jurisdiction, in conformity with Chapter II, D, (2), Case 2. Details on the company, the location, the expiry of pre-consent, the relevant waste types, and total quantity pre-consented is also indicated when known.
- (6) **Classification Differences**: this item is meant to indicate when divergent classifications exist between the OECD Appendices 3 and 4 and national waste lists, according to provisions of Section B(4) of this Decision. When known specific wastes and associated controls are cited.
- (7) **Prohibitions**: provides information on wastes specifically banned or prohibited for import or export under the Member country's pertinent national laws or regulations.
- (8) **Contractual Requirements**: notes requirements concerning contracts between the exporter and the importer, including whether the competent authority shall review the contract.
- (9) **Written Consent**: indicates if Member countries require written consent for exports or imports of wastes.
- (10) **Information related to Environmentally Sound Management**: Indicates additional information under the terms of domestic legislation on environmentally sound management of wastes.
- (11) **Notification for Export**: Indicates whether notifications for export are transmitted by the competent authorities instead of the exporter.
- (12) **Movement Document**: Indicates if a country of transit does not wish to receive a signed copy of the movement document, indicating the receipt of wastes by the recovery facility in the country of import.
- (13) **Financial Requirements**: If Member countries require financial guarantees for transboundary movements of recoverable wastes, such requirements would be specified under this entry. Information provided may *inter alia* include: the types of guarantee (e.g. insurance statement, bank letters, bonds, etc.), the amount of guarantee (minimum and maximum, if any), whether the guarantee varies according to amount and/or hazardousness of the waste, the damages to be covered.

(14) **Pertinent National Laws/Regulations**: provides citations to relevant domestic laws and regulations containing provisions that relate to the conditions of this Decision.

(15) **Other** is used to indicate:

- additional differences between this Decision and national provisions;
- pending amendments to pertinent national laws/regulations; and
- other requirements or issues deemed relevant by the Member country.

APPENDIX 8

NOTIFICATION AND MOVEMENT DOCUMENTS

A. Information to be Included in the Notification Document:

- 1) Serial number or other accepted identifier of notification document.
- 2) Exporter name, address, telephone, telefax, e-mail and contact person.
- 3) Recovery facility name, address, telephone, telefax, e-mail and technologies employed.
- 4) Importer name, address, telephone, telefax, e-mail.
- 5) Address, telephone, telefax, e-mail of any intended carrier(s) and/or their agents.
- 6) Country of export and relevant competent authority.
- 7) Countries of transit and relevant competent authorities.
- 8) Country of import and relevant competent authority.
- 9) Single notification or general notification. If general, period of validity requested.
- 10) Date(s) foreseen for commencement of transboundary movement(s).
- 11) Means of transport envisaged.
- 12) Certification that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.
- 13) Designation of waste type(s) on the appropriate list (Part I or II of Appendix 3 or 4) and their description(s), probable total quantity of each, and any hazardous characteristics.
- 14) Specification of the recovery operation(s) according to Appendix 5.B to this Decision.
- 15) Certification of the existence of written contract or chain of contracts or equivalent arrangement as required by this Decision.
- 16) Certification by the exporter that the information is complete and correct to the best of his knowledge.

B. Information to be Included in the Movement Document:

Include all information at A. above plus:

- a) Date shipment has commenced.
- b) Carrier(s) name, address, telephone, telefax, e-mail.
- c) Type of packaging envisaged.
- d) Any special precautions to be taken by carrier(s).
- e) Declaration by exporter that no objection has been lodged by the competent authorities of all countries concerned. This declaration requires signature of the exporter.
- f) Appropriate signatures for each custody transfer.

C. Recommended forms for the notification and movement documents (see Chapter I paragraph 3) for transboundary movements of wastes destined for recovery operations within the OECD area and instructions for completing those forms:

Notification document for transboundary movements/shipments of waste

1. Exporter - notifier Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	3. Notification No: Notification concerning A.(i) Individual shipment: <input type="checkbox"/> (ii) Multiple shipments: <input type="checkbox"/> B.(i) Disposal (1): <input type="checkbox"/> (ii) Recovery : <input type="checkbox"/> C. Pre-consented recovery facility (2;3) Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Importer - consignee Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	4. Total intended number of shipments:
8. Intended carrier(s) Registration No: Name (7): Address: Contact person: Tel: Fax: E-mail: Means of transport (5):	5. Total intended quantity (4): Tonnes (Mg): m ³ :
9. Waste generator(s) - producer(s) (1;7;8) Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Site and process of generation (6)	6. Intended period of time for shipment(s) (4): First departure: Last departure:
10. Disposal facility (2): <input type="checkbox"/> (2): <input type="checkbox"/> or recovery facility Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Actual site of disposal/recovery:	7. Packaging type(s) (5): Special handling requirements (6): Yes <input type="checkbox"/> No: <input type="checkbox"/>
15. (a) Countries/States concerned, (b) Code no. of competent authorities where applicable, (c) Specific points of exit or entry (border crossing or port)	11. Disposal / recovery operation(s) (2) D-code / R-code (5) : Technology employed (6): Reason for export (1;6):
State of export - dispatch State(s) of transit (entry and exit) State of import - destination	12. Designation and composition of the waste (6):
(a)	13. Physical characteristics (5): 14. Waste identification (fill in relevant codes) (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EC list of wastes: (iv) National code in country of export: (v) National code in country of import: (vi) Other (specify): (vii) Y-code: (viii) H-code (5): (ix) UN class (5): (x) UN Number: (xi) UN Shipping name: (xii) Customs code(s) (HS):

(b)						
(c)						
16. Customs offices of entry and/or exit and/or export (European Community):						
Entry:		Exit:		Export:		
17. Exporter's - notifier's / generator's - producer's (1) declaration:						
I certify that the information is complete and correct to my best knowledge. I also certify that legally enforceable written contractual obligations have been						
entered into and that any applicable insurance or other financial guarantee is or shall be in force						
covering the transboundary movement.						
Exporter's - notifier's name:		Date:		Signature:		18. Number of annexes attached
Generator's - producer's name:		Date:		Signature:		
FOR USE BY COMPETENT AUTHORITIES						
19. Acknowledgement from the relevant competent authority of countries of import - destination / transit (1) / export - dispatch (9):				20. Written consent (1;8) to the movement provided by the competent authority of (country):		
Country:				Consent given on:		
Notification received on:				Consent valid from:		
Acknowledgement sent on:				Specific conditions: No: <input type="checkbox"/> If Yes, see block 21 (6): <input type="checkbox"/>		
Name of competent authority:				Name of competent authority:		
Stamp and/or signature:				Stamp and/or signature:		
21. Specific conditions on consenting to the movement document or reasons for objecting						

- | | |
|--|--|
| <p>(1) Required by the Basel Convention</p> <p>(2) In the case of an R12/R13 or D13-D15 operation, also attach corresponding information on any subsequent R12/R13 or D13-D15 facilities and on the subsequent R1-R11 or D1-D12 facilities when required</p> <p>(3) To be completed for movements within the OECD area and only if B(ii) applies</p> <p>(4) Attach detailed list if multiple shipments</p> | <p>(5) See list of abbreviations and codes on the next page</p> <p>(6) Attach details if necessary</p> <p>(7) Attach list if more than one</p> <p>(8) If required by national legislation</p> <p>(9) If applicable under the OECD Decision</p> |
|--|--|

List of abbreviations and codes used in the notification document

DISPOSAL OPERATIONS (block 11)

- 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 or 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 list which results in final compounds or mixtures which are discarded by means of any of the operations in this list
- D9 Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g., evaporation, drying, calcination, 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 this list
- D14 Repackaging prior to submission to any of the operations in this list
- D15 Storage pending any of the operations in this list

RECOVERY OPERATIONS (block 11)

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy (Basel/OECD) - Use principally as a fuel or other means to generate energy (EU)
- 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 this list.

PACKAGING TYPES (block 7)

- 1. Drum
- 2. Wooden barrel
- 3. Jerrican
- 4. Box
- 5. Bag
- 6. Composite packaging
- 7. Pressure receptacle
- 8. Bulk
- 9. Other (specify)

MEANS OF TRANSPORT (block 8)

R = Road
T = Train/rail
S = Sea
A = Air
W = Inland waterways

PHYSICAL CHARACTERISTICS (block 13)

- 1. Powdery/powder
- 2. Solid
- 3. Viscous/paste
- 4. Sludgy

H-CODE AND UN CLASS (block 14)

UN Class		H-code	Characteristics
1		H1	Explosive
3		H3	Flammable liquids
4.1		H4.1	Flammable solids
4.2		H4.2	Substances or wastes liable to spontaneous combustion
4.3		H4.3	Substances or wastes which, in contact with water, emit flammable gases
5.1		H5.1	Oxidizing
5.2		H5.2	Organic peroxides
6.1		H6.1	Poisonous (acute)
6.2		H6.2	Infectious substances
8		H8	Corrosives
9		H10	Liberation of toxic gases in contact with air or water
9		H11	Toxic (delayed or chronic)
9		H12	Ecotoxic
9		H13	Capable, by any means, after disposal of yielding another material, e. g., leachate, which possesses any of the characteristics listed above

5. Liquid	
6. Gaseous	
7. Other (specify)	

Further information, in particular related to waste identification (block 14), i.e. on Basel Annexes VIII and IX codes, OECD codes and Y-codes, can be found in a Guidance/Instruction Manual available from the OECD and the Secretariat of the Basel Convention.

Movement document for transboundary movements/shipments of waste

1. Corresponding to notification No:		2. Serial/total number of / shipments:	
3. Exporter - notifier Registration No: Name: Address: Contact person: Tel: Fax: E-mail:		4. Importer - consignee Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	
5. Actual quantity: Tonnes (Mg): m ³ :		6. Actual date of shipment:	
7. Packaging Type(s) (1): Special handling requirements: (2) Yes: <input type="checkbox"/> No: <input type="checkbox"/>		Number of packages: <input type="checkbox"/> Yes <input type="checkbox"/> No	
8.(a) 1st Carrier (3): Registration No: Name: Address: Tel: Fax: E-mail:		8.(b) 2nd Carrier: Registration No: Name: Address: Tel: Fax: E-mail:	
		8.(c) Last Carrier: Registration No: Name: Address: Tel: Fax: E-mail:	
----- To be completed by carrier's representative -----		More than 3 carriers (2) <input type="checkbox"/>	
Means of transport (1): Date of transfer: Signature:		Means of transport (1): Date of transfer: Signature:	
9. Waste generator(s) - producer(s) (4;5;6): Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Site of generation (2):		12. Designation and composition of the waste (2):	
10. Disposal facility <input type="checkbox"/> or facility <input type="checkbox"/> recovery Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Actual site of disposal/recovery (2)		13. Physical characteristics (1):	
11. Disposal/recovery operation(s) D-code / R-code (1):		14. Waste identification (fill in relevant codes) (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EC list of wastes: (iv) National code in country of export: (v) National code in country of import: (vi) Other (specify): (vii) Y-code: (viii) H-code (1): (ix) UN class (1): (x) UN Number: (xi) UN Shipping name: (xii) Customs code(s) (HS):	

15. Exporter's - notifier's / generator's - producer's (4) declaration:

I certify that the above information is complete and correct to my best knowledge. I also certify that legally enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantee is in force covering the transboundary movement and that all necessary consents have been received from the competent authorities of the countries concerned.

Name:

Date:

Signature:

16. For use by any person involved in the transboundary movement in case additional information is required**17. Shipment received by importer – consignee (if not facility):**

Date:

Name:

Signature:

TO BE COMPLETED BY DISPOSAL / RECOVERY FACILITY**18. Shipment received at disposal facility**☐**or recovery facility**☐

Date of reception:

Accepted:

☐

Rejected*:

☐Quantity received: Tonnes (Mg): m³:**immediately contact competent authorities*

Approximate date of disposal/recovery:

Disposal/recovery operation (1):

Name:

Date:

Signature:

19. I certify that the disposal/recovery of the waste described above has been completed.

Name:

Date:

Signature and stamp:

(1) See list of abbreviations and codes on the next page

(2) Attach details if necessary

(3) If more than 3 carriers, attach information as required in blocks 8 (a,b,c).

(4) Required by the Basel Convention

(5) Attach list if more than one

(6) If required by national legislation

FOR USE BY CUSTOMS OFFICES (if required by national legislation)			
20. Country of export - dispatch or customs office of exit The waste described in this movement document left the country on: Signature: Stamp:		21. Country of import - destination or customs office of entry The waste described in this movement document entered the country on: Signature: e: Stamp:	
22. Stamps of customs offices of transit countries			
Name of country: Entry:	Exit:	Name of country: Entry:	Exit:
Name of country: Entry:	Exit:	Name of country: Entry:	Exit:

List of Abbreviations and Codes Used in the Movement Document

DISPOSAL OPERATIONS (block 11) 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 or 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 list which results in final compounds or mixtures which are discarded by means of any of the operations in this list D9 Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g., evaporation, drying, calcination, 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 this list D14 Repackaging prior to submission to any of the operations in this list D15 Storage pending any of the operations in this list		RECOVERY OPERATIONS (block 11) R1 Use as a fuel (other than in direct incineration) or other means to generate energy (Basel/OECD) - Use principally as a fuel or other means to generate energy (EU) 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 this list	
PACKAGING TYPES (block 7) 1. Drum 2. Wooden barrel 3. Jerrican 4. Box 5. Bag 6. Composite packaging 7. Pressure receptacle 8. Bulk 9. Other (specify)	MEANS OF TRANSPORT (block 8) R = Road A = Air T = Train/rail W = Inland waterways S = Sea	H-CODE AND UN CLASS (block 14) UN Class H-code Characteristics 1 H1 Explosive 3 H3 Flammable liquids 4.1 H4.1 Flammable solids 4.2 H4.2 Substances or wastes liable to spontaneous combustion 4.3 H4.3 Substances or wastes which, in contact with water, emit flammable gases 5.1 H5.1 Oxidizing 5.2 H5.2 Organic peroxides 6.1 H6.1 Poisonous (acute) 6.2 H6.2 Infectious substances 8 H8 Corrosives 9 H10 Liberation of toxic gases in contact with air or water 9 H11 Toxic (delayed or chronic) 9 H12 Ecotoxic 9 H13 Capable, by any means, after disposal of yielding another material, e. g., leachate, which possesses any of the characteristics listed above	
PHYSICAL CHARACTERISTICS (block 13) 1. Powdery/powder 2. Solid 3. Viscous/paste 4. Sludgy 5. Liquid 6. Gaseous 7. Other (specify)			

Further information, in particular related to waste identification (block 14), i.e. on Basel Annexes VIII and IX codes, OECD codes and Y-codes, can be found in a Guidance/Instruction Manual available from the OECD and the Secretariat of the Basel Convention.

Instructions for completing the notification and movement documents

Introduction

International instruments have been established to control export and import of wastes which may pose a risk or a hazard to human health and the environment. The two such instruments with the greatest influence are the Basel Convention¹¹, whose secretariat is administered by the United Nations Environment Programme (UNEP), and the Organisation for Economic Co-operation and Development (OECD) Council Decision C(2001)107/FINAL, as amended (hereinafter “the OECD Decision”). Member States of the European Union are also obliged to comply with a European Community Regulation.¹² The Basel Convention and the European Community Regulation concern international movements of waste, whether destined for disposal or recovery, whereas the OECD Decision only concerns movements of wastes destined for recovery operations within the OECD area. All of the instruments operate subject to a range of administrative controls by the countries implementing them.

The present instructions provide the necessary explanations for completing the notification and movement documents. Both documents are compatible with the three instruments mentioned above, since they take into account the specific requirements set out in the Basel Convention, the OECD Decision and the European Community Regulation. Because the documents have been made broad enough to cover all three instruments, however, not all blocks in the document will be applicable to all of the instruments and it therefore may not be necessary to complete all of the blocks in a given case. Any specific requirements relating to only one control system have been indicated with the use of footnotes. It is also possible that national implementing legislation may use terminology that differs from that adopted in the Basel Convention and the OECD Decision. For example, the term “shipment” is used in the European Community Regulation instead of “movement” and the titles of the notification and movement documents therefore reflect this variation by employing the term “movement/shipment”.

The documents include both the term “disposal” and “recovery”, because the terms are defined differently in the three instruments. The European Community Regulation and the OECD Decision use the term “disposal” to refer to disposal operations listed in Annex IV.A of the Basel Convention and Appendix 5.A of the OECD Decision and “recovery” for recovery operations listed in Annex IV.B of the Basel Convention and Appendix 5.B of the OECD Decision. In the Basel Convention itself, however, the term “disposal” is used to refer to both disposal and recovery operations.

The competent national authorities in each country of export will be responsible for providing and issuing the notification and movement documents (in both paper and electronic versions when capability exists and relevant legal requirements are fulfilled¹³). When doing so, they will use a numbering system, which allows a particular consignment of waste to be traced. The numbering system should be prefixed with the country code that can be found in the ISO standard 3166 abbreviation list.

Countries may wish to issue the documents in a paper size format that conforms to their national standards (normally ISO A4, as recommended by the United Nations). In order to facilitate their use internationally, however, and to take into account the difference between ISO A4 and the paper size used in North America, the frame size of the forms should not be greater than 183 x 262 mm with margins aligned at the top and the left side of the paper.

Purpose of the notification and movement documents

The notification document is intended to provide the competent authorities of countries concerned with the information they need to assess the acceptability of proposed waste movements. The document includes space for the competent authorities to acknowledge receipt of the notification and, where required, to consent in writing to a proposed movement.

The movement document is intended to travel with a consignment of waste at all times from the moment it leaves the waste generator to its arrival at a disposal or recovery facility in another country. Each person who takes charge of a transboundary movement is to sign the movement document either upon delivery or receipt of the wastes in question. Space is provided in the document for

detailed information on all carriers of the consignment. There are also spaces in the movement document for recording passage of the consignment through the customs offices of all countries concerned (while not strictly required by applicable international instruments, national legislation in some countries requires such procedures, as well as information to ensure proper control over movement). Finally, the document is to be used by the relevant disposal or recovery facility to certify that the waste has been received and that the recovery or disposal operation has been completed.

General requirements

Those filling out printed copies of the documents should use typescript or block capitals in permanent ink throughout. Signatures should always be written in permanent ink and the name of the authorized representative should accompany the signature in capital letters. In the event of a minor mistake, for example the use of the wrong code for a waste, a correction can be made with the approval of the competent authorities. The new text must be marked and signed or stamped, and the date of the modification must be noted. For major changes or corrections, a new form must be completed.

The forms have also been designed to be easily completed electronically. Where this is done, appropriate security measures should be taken against any misuse of the forms. Any changes made to a completed form with the approval of the competent authorities should be visible. When using electronic forms transmitted by e-mail, a digital signature is necessary.

To simplify translation, the documents require a code, rather than text, for the completion of several blocks. Where text is required, however, it must be in a language acceptable to the competent authorities in the country of import and, where required, to the other concerned authorities.

A six digit format should be used to indicate the date. For example, 29 January 2006 should be shown as 29.01.06 (Day.Month.Year).

Where it is necessary to add annexes or attachments to the documents providing additional information, each attachment should include the reference number of the relevant document and cite the block to which it relates.

Specific instructions for completing the notification document

The exporter or the competent authority of the country of export, as appropriate, is to complete blocks 1–18 (except the notification number in block 3). The waste generator, where practicable, should also sign in block 17.

Blocks 1 and 2: Provide the registration number (where applicable), full name, address (including the name of the country), telephone and fax numbers (including the country code) and e-mail address of the exporter or the competent authority of the country of export, as appropriate, and importer,¹⁴ and also the name of a contact person responsible for the shipment. The phone and fax numbers and the e-mail address should facilitate contact of all relevant persons at any time regarding an incident during shipment.

Normally, the importer would be the disposal or recovery facility given in block 10. In some cases, however, the importer may be another person, for example a recognized trader, a dealer, a broker, or a corporate body, such as the headquarters or mailing address of the receiving disposal or recovery facility in block 10. In order to act as an importer, a recognized trader, dealer, broker or corporate body must be under the jurisdiction of the country of import and possess or have some other form of legal control over the waste at the moment the shipment arrives in the country of import. In such cases, information relating to the recognized trader, dealer, broker or corporate body should be completed in block 2.

Block 3: When issuing a notification document, a competent authority will, according to its own system, provide an identification number which will be printed in this block (see the fourth paragraph in the introduction above). The appropriate boxes should be ticked to indicate:

- a) Whether the notification covers one shipment (single notification) or multiple shipments (general notification);
- b) Whether the waste being shipped is destined for disposal (which, as noted in the first and third paragraph of the introduction above, is possible in the case of a shipment falling within the ambit of the Basel Convention or the European Community Regulation but not one within the ambit of the OECD Decision) or for recovery; and
- c) Whether the waste being shipped is destined for a facility which has been granted a pre-consent for receiving certain wastes subject to the Amber control procedure in accordance with case 2 of the “Functioning of the Amber Control Procedure” (see chapter II, section D of the OECD Decision).

Blocks 4, 5 and 6: For single or multiple shipments, give the number of shipments in block 4 and the intended date of a single shipment or, for multiple shipments, the dates of the first and last shipments, in block 6. In block 5, give the weight in tonnes (1 megagram (Mg) or 1,000 kg) or volume in cubic metres (1,000 litres) of the waste. Other units of the metric system, such as kilograms or litres, are also acceptable; when used, the unit of measure should be indicated and the unit in the document should be crossed out. Some countries may always require the weight to be quoted. For multiple shipments, the total quantity shipped must not exceed the quantity declared in block 5. The intended period of time for movements in block 6 may not exceed one year, with the exception of multiple shipments to pre-consented recovery facilities that fall under the OECD Decision (see the specific instructions on block 3, subparagraph (c)), for which the intended period of time may not exceed three years. In the case of multiple shipments, the Basel Convention requires the expected dates or the expected frequency and the estimated quantity of each shipment to be quoted in blocks 5 and 6 or attached in an annex. Where a competent authority issues a written consent to the movement and the validity period of that consent in block 20 differs from the period indicated in block 6, the decision of the competent authority overrides the information in block 6.

Block 7: Types of packaging should be indicated using the codes provided in the list of abbreviations and codes attached to the notification document. If special handling precautions are required, such as those required by producers’ handling instructions for employees, health and safety information, including information on dealing with spillage, and transport emergency cards, tick the appropriate box and attach the information in an annex.

Block 8: Provide the following necessary information on the carrier or carriers involved in the shipment: registration number (where applicable), full name, address (including the name of the country), telephone and fax numbers (including the country code), e-mail address and the name of a contact person responsible for the shipment. If more than one carrier is involved, append to the notification document a complete list giving the required information for each carrier. Where the transport is organized by a forwarding agent, the agent's details should be given in block 8 and the respective information on actual carriers should be provided in an annex. Means of transport should be indicated using the abbreviations provided in the list of abbreviations and codes attached to the notification document.

Block 9: Provide the required information on the generator of the waste. This information is required under the Basel Convention and many countries may require it under their national legislation.¹⁵ Such information is not required, however, for movements of wastes destined for recovery under the OECD Decision. The registration number of the generator should be given where applicable. If the exporter is the generator of the waste then write "Same as block 1". If the waste has been produced by more than one generator, write "See attached list" and append a list providing the requested information for each generator. Where the generator is not known, give the name of the person in possession or control of such wastes. The definition of "generator" used in the Basel Convention provides that in instances where the true generator of the waste is not known, the generator is deemed to be the person who is in possession or control of the waste. Also provide information on the process by which the waste was generated and the site of generation. Some countries may accept that information on the generator be given in a separate annex which would only be available to the competent authorities.

Block 10: Give the required information on the destination of the shipment by first ticking the appropriate type of facility: either disposal or recovery. The registration number should be given where applicable. If the disposer or recoverer is also the importer, state here "Same as block 2". If the disposal or recovery operation is a D13-D15 or R12 or R13 operation (according to the definitions of operations set out in the list of abbreviations and codes attached to the notification document), the facility performing the operation should be mentioned in block 10, as well as the location where the operation will be performed. In such a case, corresponding information on the subsequent facility or facilities, where any subsequent R12/R13 or D13-D15 operation and the D1-D12 or R1-R11 operation or operations takes or take place or may take place should be provided in an annex. Provide the information on the actual site of disposal or recovery if it is different from the address of the facility.

Block 11: Indicate the type of recovery or disposal operation by the using R-codes or D-codes provided in the list of abbreviations and codes attached to the notification document.¹⁶ The OECD Decision only covers transboundary movements of wastes destined for recovery operations (R-codes) within the OECD area. If the disposal or recovery operation is a D13-D15 or R12 or R13 operation, corresponding information on the subsequent operations (any R12/R13 or D13-D15 as well as D1-D12 or R1-R11) should be provided in an annex. Also indicate the technology to be employed. Specify also the reason for export (this is not required, however, by the OECD Decision).

Block 12: Give the name or names by which the material is commonly known or the commercial name and the names of its major constituents (in terms of quantity and/or hazard) and their relative concentrations (expressed as a percentage), if known. In the case of a mixture of wastes, provide the same information for the different fractions and indicate which fractions are destined for recovery. A chemical analysis of the composition of the waste may be required in accordance with national legislation. Attach further information in an annex if necessary.

Block 13: Indicate physical characteristics of the waste at normal temperatures and pressures by using the codes provided in the list of abbreviations and codes attached to the notification document.

Block 14: State the code that identifies the waste according to the system adopted under the Basel Convention (under subheading (i) in block 14) and, where applicable, the systems adopted in the OECD Decision (under subheading (ii)) and other accepted classification systems (under subheadings (iii) to (xii)). According to the OECD Decision, only one waste code (from either the Basel or OECD systems) should be given, except in the case of mixtures of wastes for which no individual entry exists. In such a case, the code of each fraction of the waste should be provided in order of importance (in an annex if necessary).

- i) Basel Convention Annex VIII codes should be used for wastes that are subject to control under the Basel Convention and the OECD Decision (see Part I of Appendix 4 in the OECD Decision); Basel Annex IX codes should be used for wastes that are not usually subject to control under the Basel Convention and the OECD Decision but which, for a specific reason such as contamination by hazardous substances or different classification according to national regulations, are subject to such control (see Part I of Appendix 3 in the OECD Decision). Basel Annexes VIII and IX can be found in the text of the Basel Convention as well as in the Instruction Manual available from the Secretariat of the Basel Convention. If a waste is not listed in Annexes VIII or IX of the Basel Convention, insert “not listed”.
- ii) OECD member countries should use OECD codes for wastes listed in Part II of Appendices 3 and 4 of the OECD Decision, i.e., wastes that have no equivalent listing in the Basel Convention or that have a different level of control under the OECD Decision from the one required by the Basel Convention. If a waste is not listed in Part II of Appendices 3 and 4 of the OECD Decision, insert “not listed”.
- iii) European Union Member States should use the codes included in the European Community list of wastes (see Commission Decision 2000/532/EC as amended).¹⁷
- iv and v) Where applicable, national identification codes used in the country of export and, if known, in the country of import should be used.
- vi) If useful or required by the relevant competent authorities, add here any other code or additional information that would facilitate the identification of the waste.
- vii) State the appropriate Y-code or Y-codes according to the “Categories of wastes to be controlled” (see Annex I of the Basel Convention and Appendix 1 of the OECD Decision), or according to the “Categories of wastes requiring special consideration” given in Annex II of the Basel Convention (see Appendix 2 of the Basel Instruction Manual), if it or they exist(s). Y-codes are not required by the OECD Decision except where the waste shipment falls under one of the two “Categories requiring special consideration” under the Basel Convention (Y46 and Y47 or Annex II wastes), in which case the Basel Y-code should be indicated.
- viii) If applicable, state here the appropriate H-code or H-codes, i.e., the codes indicating the hazardous characteristics exhibited by the waste (see the list of abbreviations and codes attached to the notification document).
- ix) If applicable, state here the United Nations class or classes which indicate the hazardous characteristics of the waste according to the United Nations classification (see the list of abbreviations and codes attached to the notification document) and are required to comply with international rules for the transport of hazardous materials (see the United Nations Recommendations on the Transport of Dangerous Goods. Model Regulations (Orange Book), latest edition).¹⁸
- x and xi) If applicable, state here the appropriate United Nations number or numbers and United Nations shipping name or names. These are used to identify the waste according to the United Nations classification system and are required to comply with international rules for transport of hazardous materials (see the United Nations Recommendations on the Transport of Dangerous Goods. Model Regulations (Orange Book), latest edition).⁸
- xii) If applicable, state here customs code or codes, which allow identification of the waste by customs offices (see the list of codes and commodities in the “Harmonized commodity description and coding system” produced by the World Customs Organization).

Block 15: The Basel Convention uses the term “States”, whereas the OECD Decision uses “Member countries” and the European Community Regulation uses “Member States”. On line (a) of block 15,

provide the name of the countries of export, transit and import or the codes for each country by using the ISO standard 3166 abbreviations.¹⁹ On line (b), provide the code number of the respective competent authority for each country if required by the national legislation of that country and on line (c) insert the name of the border crossing or port and, where applicable, the customs office code number as the point of entry to or exit from a particular country. For transit countries give the information in line (c) for points of entry and exit. If more than three transit countries are involved in a particular movement, attach the appropriate information in an annex.

Block 16: This block should be completed for movements involving entering, passing through or leaving Member States of the European Union.

Block 17: Each copy of the notification document is to be signed and dated by the exporter (or by the recognized trader, dealer or broker if acting as an exporter) or the competent authority of the country of export, as appropriate, before being forwarded to the competent authorities of the countries concerned. Under the Basel Convention, the waste generator is also required to sign the declaration; it is noted that this may not be practicable in cases where there are several generators (definitions regarding practicability may be contained in national legislation). Further, where the generator is not known, the person in possession or control of the waste should sign. Some countries may require that the declaration also certify the existence of insurance against liability for damage to third parties. Some countries may require proof of insurance or other financial guarantees and a contract to accompany the notification document.

Block 18: Indicate the number of annexes containing any additional information supplied with the notification document (see blocks 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 20 or 21). Each annex must include a reference to the notification number to which it relates, which is indicated in the corner of block 3.

Block 19: This block is for use by the competent authority to acknowledge receipt of the notification. Under the Basel Convention, the competent authority or authorities of the country or countries of import (where applicable) and transit issue such an acknowledgement. Under the OECD Decision, the competent authority of the country of import issues the acknowledgement. Some countries may, according to their national legislation, require that the competent authority of the country of export also issues an acknowledgement.

Blocks 20 and 21: Block 20 is for use by competent authorities of any country concerned when providing a written consent to a transboundary movement of waste. The Basel Convention (except if a country has decided not to require written consent with regard to transit and has informed the other Parties thereof in accordance with Article 6(4)) of the Basel Convention) and certain countries always require a written consent whereas the OECD Decision does not require a written consent. Indicate the name of the country (or its code by using the ISO standard 3166 abbreviations), the date on which the consent is provided and the date on which it expires. If the movement is subject to specific conditions, the competent authority in question should tick the appropriate box and specify the conditions in block 21 or in an annex to the notification document. If a competent authority wishes to object to the movement it should do so by writing "OBJECTION" in block 20. Block 21, or a separate letter, may then be used to explain the reasons for the objection.

Specific instructions for completing the movement document

The exporter or the competent authority of the country of export, as appropriate, is to complete blocks 2–16, except the means of transport, the date of transfer and the signature, which appear in blocks 8 (a) to 8 (c) and which are to be completed by the carrier or its representative. The importer is to complete block 17 in the event that it is not the disposer or recoverer and it takes charge of a shipment of waste after it arrives in the country of import.

Block 1: Enter the notification number of the consignment. This is copied from block 3 in the notification document.

Block 2: For a general notification for multiple shipments, enter the serial number of the shipment and the total intended number of shipments indicated in block 4 in the notification document. (for example, write “4” and “11” for the fourth shipment out of eleven intended shipments under the general notification in question). In the case of a single notification, enter 1/1.

Blocks 3 and 4: Reproduce the same information on the exporter or the competent authority of the country of export, as appropriate, and importer as given in blocks 1 and 2 in the notification document.

Block 5: Give the actual weight in tonnes (1 megagram (Mg) or 1,000 kg) or volume in cubic metres (1,000 litres) of the waste. Other units of the metric system, such as kilograms or litres, are also acceptable; when used, the unit of measure should be indicated and the unit in the form should be crossed out. Some countries may always require the weight to be quoted. Attach, wherever possible, copies of weighbridge tickets.

Block 6: Enter the date when the shipment actually starts. The starting dates of all shipments should be within the validity period issued by the competent authorities. Where the different competent authorities involved have granted different validity periods, the shipment or shipments may only take place in the time period during which the consents of all competent authorities are simultaneously valid.

Block 7: Types of packaging should be indicated using the codes provided in the list of abbreviations and codes attached to the movement document. If special handling precautions are required, such as those prescribed by producers’ handling instructions for employees, health and safety information, including information on dealing with spillage, and transport emergency cards, tick the appropriate box and attach the information in an annex. Also enter the number of packages making up the consignment.

Blocks 8 (a), (b) and (c): Enter the registration number (where applicable), name, address (including the name of the country), telephone and fax numbers (including the country code) and e-mail address of each actual carrier. When more than three carriers are involved, appropriate information on each carrier should be attached to the movement document. When transport is organized by a forwarding agent, the agent’s details should be given in block 8 and the information on each carrier should be provided in an annex. The means of transport, the date of transfer and a signature should be provided by the carrier or carrier’s representative taking possession of the consignment. A copy of the signed movement document is to be retained by the exporter. Upon each successive transfer of the consignment, the new carrier or carrier’s representative taking possession of the consignment will have to comply with the same request and also sign the document. A copy of the signed document is to be retained by the previous carrier.

Block 9: Reproduce the information given in block 9 of the notification document.

Blocks 10 and 11: Reproduce the information given in blocks 10 and 11 in the notification document. If the disposer or recoverer is also the importer, write in block 10: “Same as block 4”. If the disposal or recovery operation is a D13-D15 or R12 or R13 operation (according to the definitions of operations set out in the list of abbreviations and codes attached to the movement document), the information on the facility performing the operation provided in block 10 is sufficient. No further information on any subsequent facilities performing R12/R13 or D13-D15 operations and the subsequent facility(ies) performing the D1-D12 or R1-R11 operation(s) needs to be included in the movement document.

Blocks 12, 13 and 14: Reproduce the information given in blocks 12, 13 and 14 in the notification document.

Block 15: At the time of shipment, the exporter (or the recognized trader or dealer or broker if acting as an exporter) or the competent authority of the country of export, as appropriate, or the generator of the waste according to the Basel Convention, shall sign and date the movement document. Some countries may require copies or originals of the notification document containing the written consent, including any conditions, of the competent authorities concerned to be enclosed with the movement document.

Block 16: This block can be used by any person involved in a transboundary movement (exporter or the competent authority of the country of export, as appropriate, importer, any competent authority, carrier) in specific cases where more detailed information is required by national legislation concerning a particular item (for instance information on the port where a transfer to another transport mode occurs, the number of containers and their identification number, or additional proof or stamps indicating that the movement has been approved by the competent authorities).

Block 17: Not required under the OECD Decision. Under the Basel Convention, this block is to be completed by the importer in the event that it is not the disposer or recoverer and in case the importer takes charge of the waste after the shipment arrives in the country of import.

Block 18: This block is to be completed by the authorized representative of the disposal or recovery facility upon receipt of the waste consignment. Tick the box of the appropriate type of facility. With regard to the quantity received, please refer to the specific instructions on block 5 of the instructions for completing the movement document. A signed copy of the movement document is given to the last carrier. If the shipment is rejected for any reason, the representative of the disposal or recovery facility must immediately contact his or her competent authority. Under the OECD Decision, signed copies of the movement document must be sent within three working days to the exporter and the competent authority in the countries concerned (with the exception of those OECD transit countries which have informed the OECD Secretariat that they do not wish to receive such copies of the movement document). The original movement document shall be retained by the disposal or recovery facility.

Receipt of the waste consignment must be certified by any facility performing any disposal or recovery operation, including any D13-D15 or R12 or R13 operation. A facility performing any D13-D15 or R12/R13 operation or a D1-D12 or R1-11 operation subsequent to a D13-D15 or R12 or R13 operation in the same country, is not, however, required to certify receipt of the consignment from the D13-D15 or R12 or R13 facility. Thus, block 18 does not need to be used for the final receipt of the consignment in such a case. Indicate also the type of disposal or recovery operation by using the list of abbreviations and codes attached to the movement document and the approximate date by which the disposal or recovery of waste will be completed (this is not required by the OECD Decision).

Block 19: This block is to be completed by the disposer or recoverer to certify the completion of the disposal or recovery of the waste. Under the Basel Convention, signed copies of the document with block 19 completed should be sent to the exporter and competent authorities of the country of export. Under the OECD Decision, signed copies of the movement document with block 19 completed should be sent to the exporter and competent authorities of the countries of export and import as soon as possible, but no later than 30 days after the completion of the recovery and no later than one calendar year following the receipt of the waste. For disposal or recovery operations D13-D15 or R12 or R13, the information on the facility performing such an operation provided in block 10 is sufficient, and no further information on any subsequent facilities performing R12/R13 or D13-D15 operations and the subsequent facility(ies) performing the D1-D12 or R1-R11 operation(s) needs to be included in the movement document.

The disposal or recovery of waste must be certified by any facility performing any disposal or recovery operation, including a D13-D15 or R12 or R13 operation. Therefore, a facility performing any D13-D15 or R12/R13 operation or a D1-D12 or R1-R11 operation, subsequent to a D13-D15 or R12 or R13 operation in the same country, should not use block 19 to certify the recovery or disposal of the waste, since this block will already have been completed by the D13-D15 or R12 or R13 facility. The means of certifying disposal or recovery in this particular case must be ascertained by each country.

Blocks 20, 21 and 22: Not required by the Basel Convention or by the OECD Decision. The blocks may be used for control by customs offices at the borders of country of export, transit and import if so required by national legislation.

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- ¹ In addition, certain Member countries have developed regulations used to determine whether or not wastes are controlled as hazardous wastes.
 - ² In addition, certain Member countries have developed regulations used to determine whether or not wastes are controlled as hazardous wastes
 - ³ This Appendix is identical to Annex I of the Basel Convention.
 - ⁴ Codes and hazardous characteristics are identical to those in Annex III of the Basel Convention.
 - ⁵ Corresponds to hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods (11th Revised Edition, UN, New York, October 1999) for H1 through H9; omissions of H2, H7 and H9 are deliberate. Codes H10-H13 correspond to UN class 9.
 - ⁶ “Non-dispersible” does not include any wastes in the form of powder, sludge, dust or solid items containing encased hazardous waste liquids.
 - ⁷ This listing includes wastes in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.
 - ⁸ This listing includes wastes in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.
 - ⁹ The wording of D1 to D15 in Appendix 5.A is identical to that of Annex IV.A of the Basel Convention.
 - ¹⁰ The wording of R1 to R13 in Appendix 5.B is identical to that of Annex IV.B of the Basel Convention.
 - ¹¹ Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 22 March 1989. See www.basel.int.
 - ¹² Regulation (EC) N° 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (Official Journal of the European Union No. L 190, 12.7.2006, page 1 (with amendments)). See <http://europa.eu.int/comm/environment/waste/shipments/index.htm>
 - ¹³ See for example Article 26, Section 4 of the Regulation (EC) N° 1013/2006 on shipments of waste.
 - ¹⁴ In the European Community, the terms “notifier” and “consignee” are used instead of “exporter” and “importer”.
 - ¹⁵ In the European Community, the term “producer” is used instead of “generator”.
 - ¹⁶ In the European Community Regulation, the definition of operation R1 in the list of abbreviations is different from that used in the Basel Convention and the OECD Decision; both wordings are therefore provided. There are other editorial differences between the terminology used in the European Community and that used in the Basel Convention and the OECD Decision, which are not contained in the list of abbreviations.
 - ¹⁷ See http://europa.eu.int/eur-lex/en/consleg/main/2000/en_2000D0532_index.html.
 - ¹⁸ See <http://www.unece.org/trans/danger/danger.htm>.
 - ¹⁹ In the European Community, the terms “dispatch” and “destination” are used instead of “export” and “import”.

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Decision-Recommendation of the Council on the Reduction of Transfrontier Movements of Wastes

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Date(s)

Adopted on 31/01/1991
Amended on 25/10/2001

Background Information

The Decision-Recommendation on the Reduction of Transfrontier Movements of Wastes was adopted by the OECD Council on 31 January 1991 on the proposal of the Environment Committee (now called Environment Policy Committee). This Decision-Recommendation is the first OECD Act concluded after the adoption of the Basel Convention. It is also the first Act regulating transfrontier movements of non-hazardous wastes, in addition to those of hazardous wastes. The Decision calls on Adherents to reduce to a minimum the exports of all wastes for final disposal, in accordance with environmentally sound and efficient management practices. It also encourages Adherents to establish additional and appropriate waste management infrastructure within their own territory and to develop bilateral or regional plans to ensure the environmentally sound management of those wastes, in the case where such infrastructure cannot be established. The Decision recognises the desirability of appropriately controlled international trade in waste materials destined for recovery, and that efficient and environmentally sound management of waste may justify some transfrontier movements in order to make use of adequate recovery or disposal facilities in other countries.

THE COUNCIL,

HAVING REGARD to Articles 5 a) and 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Decision-Recommendation of the Council of 1 February 1984 on Transfrontier Movements of Hazardous Waste [C(83)180(Final)] which requires Member countries to control transfrontier movements of hazardous wastes;

HAVING REGARD to the Decision-Recommendation of the Council of 5 June 1986 on Exports of Hazardous Wastes from the OECD Area [C(86)64(Final)] which, inter alia, prohibits movements of hazardous wastes to a final destination in a non-member country without the consent of that country and the prior notification to any transit countries of the proposed movements;

HAVING REGARD to the Decision of the Council of 27 May 1988 on Transfrontier Movements of Hazardous Wastes [C(88)90(Final)] which defines "wastes", identifies those wastes referred to as hazardous wastes in relevant Council Acts, and sets out a classification system for wastes subject to transfrontier movements;

HAVING REGARD to the Resolution of the Council of 18-20 July 1989 on the Control of Transfrontier Movements of Hazardous Wastes [C(89)112(Final)];

HAVING REGARD to the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, adopted in Basel on 22 March 1989;

HAVING REGARD to the Resolution of the Council of Ministers of the European Economic Community of 7 May 1990 on Waste Policy;

NOTING that each Party to the Basel Convention of 22 March 1989 is obligated to "take appropriate measures to ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes, that shall be located, to the extent possible, within it, whatever the place of their disposal";

RECOGNISING the desirability of appropriately controlled international trade in waste materials destined for environmentally sound operations leading to resource recovery, recycling, reclamation, direct re-use or alternative uses (hereafter referred to as "Recovery Operations");

CONVINCED of the need to reduce transfrontier movements of all wastes to the minimum consistent with environmentally sound and efficient management;

CONVINCED that the basic principles for the management of wastes must be, first, to prevent and reduce, as far as possible, the generation of such wastes and, secondly, to increase the proportion of such wastes that is recycled or re-used;

NOTING that many industrial sectors are already implementing waste recovery techniques in an economically and environmentally satisfactory fashion, and convinced that further efforts in this direction are necessary and should be encouraged;

RECOGNISING that efficient and environmentally sound management of wastes may justify some transfrontier movements of such wastes in order to make use of adequate recovery or disposal facilities in other countries;

NOTING that most Member countries and the European Economic Community have become signatories to the Basel Convention of 22 March 1989;

CONVINCED that international co-operation concerning the management of wastes should be founded upon agreements at governmental level;

NOTING that some Member countries and the European Economic Community have already taken action to prevent the export of wastes subject to control under terms of the Basel Convention of 22 March 1989 toward developing countries;

On the proposal of the Environment Committee:

I. DECIDES that, for wastes not to be subjected to recovery operations, Member countries shall:

- a) Consistent with environmentally sound and efficient management practices insofar as possible dispose in their own territory the wastes produced therein;
- b) Take action to reduce their transfrontier movements to the minimum justified by environmentally sound and efficient management;
- c) On a continuing basis identify those wastes that cannot be managed in an environmentally sound manner within their territory. They shall encourage the establishment of additional and appropriate waste management infrastructure so that these wastes can be managed within their own territory and if such infrastructure cannot be established they shall co-operate by means of bilateral or regional plans agreed at governmental level meant to ensure environmentally sound management of the wastes.

II. DECIDES that Member countries shall co-operate in the collection of harmonised data on waste imports and exports and make these data publicly available consistent with their national laws on the confidentiality of business information.

III. RECOMMENDS that Member countries co-operate in developing and implementing the guidelines concerning reduction of transfrontier movements of wastes set out in the Annex to this Decision-Recommendation and in collecting the necessary data.

IV. RECOMMENDS that the initial plans referred to in Paragraph I c) of this Decision-Recommendation be substantially completed prior to 1 January 1995.

V. INSTRUCTS the Environment Committee to consider further harmonisation of Member country lists of wastes, the transfrontier movements of which are subject to control.

VI. INSTRUCTS the Environment Committee in co-operation with other relevant OECD bodies, in particular the Trade Committee and the High Level Group on Commodities, to develop and implement a programme of activities concerning wastes destined for recovery operations. This programme, which shall take into account the work of, and shall be conducted in co-operation with, other international organisations and bodies, in particular the United Nations Environment Programme, the UN Economic Commission for Europe and the Commission of the European Communities, should in particular:

- a) Clarify the definition of wastes and characterize those wastes which may require differing levels of control;
- b) Identify and assess environmentally sound and economically efficient practices for recovery operations;
- c) Develop means to appropriately determine quantities of wastes subjected to recovery operations as compared to those finally disposed;

- d) Establish the current and potential role of the uses of wastes in substituting for primary raw materials and in preserving natural resources;
- e) Delineate such controls as may be appropriate for the transfrontier movements of waste materials destined for recovery operations;
- f) After assessment of the results of elements a) through e), if appropriate, develop the basis of a multilateral agreement pursuant to Article 11 of the Basel Convention of 22 March 1989 which would govern transfrontier movements of these wastes exclusively among Member countries.

VII. INSTRUCTS the Environment Committee and other relevant OECD Committees to review periodically action taken by Member countries in pursuance of this Decision-Recommendation.

ANNEX

GUIDELINES CONCERNING REDUCTION OF TRANSFRONTIER MOVEMENTS OF WASTES

The following guidelines are designed to aid in the development of harmonized policies concerning reduction of transfrontier movements of wastes.

1. Countries should determine quantities of wastes generated by type, e.g. wastes listed in the Annexes to the Basel Convention of 22 March 1989, and develop a compatible methodology for reporting the data:
2. Countries should periodically compile and make available data concerning generation of wastes within their jurisdiction:
3. Countries should take steps to reduce to the greatest extent practicable the generation of wastes in particular by the promotion of clean technologies and clean products and to encourage recycling, reclamation, resource recovery, direct re-use or alternative uses for any waste generated:
4. Countries should take steps to determine the capacity needed for environmentally sound treatment and disposal of those wastes generated within their jurisdiction:
5. Countries should take all practicable steps to ensure that adequate capacity for environmentally sound treatment and disposal of wastes is available within their jurisdiction:
6. For wastes which are subjected to transfrontier movements, e.g. those to be reported under terms of Council Resolution C(89)112(Final), countries should co-operate in further harmonizing the notification systems and procedures for control of such movements:
7. Countries through their co-ordination in the programme referred to in Paragraph VI of this Decision-Recommendation, should delineate appropriate controls for managing transfrontier movements of wastes which are destined for recovery operations in order that these activities are promoted while ensuring that human health and the environment are protected:
8. Where there is a lack of appropriate waste management infrastructure or where objective evaluations involving all parties-of-interest suggest that management of certain wastes in the country where they are generated is not justified, countries should, in conformity with Paragraph I c) of this Decision-Recommendation, co-operate by means of bilateral or regional plans meant to ensure environmentally sound management of the wastes:

9. In the interest of promoting environmentally sound management of wastes, appropriate steps should be taken to provide technical assistance and training in the field of waste management to those countries in need of such assistance and who request it.

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Decision-Recommendation of the Council on Exports of Hazardous Wastes from the OECD area

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Date(s)

Adopted on 05/06/1986
Amended on 12/07/2017

Background Information

The Decision-Recommendation on Exports of Hazardous Wastes from the OECD area was adopted by the OECD Council on 5 June 1986 on the proposal of the Environment Committee (now called Environment Policy Committee). The instrument sets requirements for Adherents to monitor and control hazardous waste exports to a final destination outside the OECD area and prohibits export of hazardous waste to non-OECD countries unless those countries have adequate disposal facilities.

THE COUNCIL,

HAVING REGARD to Articles 5 a) and 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Decision-Recommendation of the Council of 1 February 1984 on Transfrontier Movements of Hazardous Wastes [C(83)180(Final)] and without prejudice to that Decision-Recommendation;

HAVING REGARD to the Resolution of the Council of 20 June 1985 on International Co-operation concerning Transfrontier Movements of Hazardous Wastes [C(85)100] by which it has been decided to develop an international system for effective control of transfrontier movements of hazardous wastes, including an international agreement of a legally binding character;

CONSIDERING the European Communities Council Directive of 6 December 1984 on the Supervision and Control within the European Community of the Transfrontier Shipment of Hazardous Wastes [84/631/EEC] supplemented by the Decision of the Council of the European Communities of 6 March 1986;

CONSIDERING the work carried out within the United Nations Environment Programme on the environmentally sound management of hazardous wastes;

CONSIDERING the particular nature of wastes and the distinction between wastes and products which are traded internationally;

CONVINCED that the exports of hazardous wastes may, if not properly monitored and controlled, result in serious risks to health and the environment;

On the proposal of the Environment Policy Committee;

I. DECIDES that Member countries shall:

- i) Monitor and control exports of hazardous wastes to a final destination which is outside the OECD area; and for this purpose shall ensure that their competent authorities are empowered to prohibit such exports in appropriate instances;
- ii) Apply no less strict controls on transfrontier movements of hazardous wastes involving non-member countries than they would on movements involving only Member countries;
- iii) Prohibit movements of hazardous wastes to a final destination in a non-member country without the consent of that country and the prior notification to any transit countries of the proposed movements;
- iv) Prohibit movements of hazardous wastes to a non-member country unless the wastes are directed to an adequate disposal or recovery facility in that country.

II. RECOMMENDS that, to implement this Decision, Member countries should:

- i) Seek to conclude bilateral or multilateral agreements with nonmember countries to which frequent exports of hazardous wastes are taking place or are foreseen to take place;
- ii) Apply the measures set out below concerning the control of exports of hazardous wastes to a final destination outside the OECD area.

III. INSTRUCTS the Environment Policy Committee to take account of the elements of this Decision-Recommendation in developing the draft international agreement referred to in the Resolution of the Council on International Co-operation Concerning Transfrontier Movements of Hazardous Wastes [C(85)100].

MEASURES CONCERNING THE CONTROL OF EXPORTS OF HAZARDOUS WASTES

1. The following measures are designed to facilitate the harmonisation of policies concerning transfrontier movements of hazardous wastes to a final destination outside the OECD area. They do not prejudice the implementation of stricter measures which have been or might be adopted at national, regional or world level to reduce the dangers associated with the transport and disposal of hazardous wastes.

2. These measures should apply in the absence of a bilateral or multilateral agreement concerning transfrontier movements of hazardous wastes between the exporting Member country and the importing non-member country concerned, and should be taken into account in the negotiation of such an agreement.

3. Member countries should require, with respect to any export of hazardous wastes to a final destination outside the OECD area, that the measures set out below be taken by the exporter or by the competent authorities of the exporting country.

4. The exporter should:

- a) Provide the competent authorities of the importing country (and of any transit countries) with at least the same information that he would provide them if they were Member countries;
- b) Inform the competent authorities of the importing country of any specific disposal or recovery methods legally required or forbidden for such wastes in the exporting country;
- c) Provide to the competent authorities of the exporting country:
 - i) The information used by the exporter to assure himself that the proposed disposal or recovery operation can be performed in an environmentally sound manner;
 - ii) Certification that the proposed disposal facility may, under the laws and regulations of the importing country, dispose of the kinds of wastes whose export is proposed;
 - iii) A copy of an undertaking by the operator of the proposed disposal or recovery facility that he will dispose of the wastes as foreseen in the disposal contract, and in the facility specified therein;
 - iv) A copy of the information transmitted to the competent authorities of the importing country to obtain their written consent to the import and disposal of the wastes;
 - v) A copy of the written consent of the competent authorities of the importing country, and confirmation that the competent authorities of any transit countries have received delivery of notification;
- d) Demand and receive from the disposer or the recoverer documents confirming that the wastes have been handed over to the disposer or the recoverer and disposed of or recovered as foreseen, and put these documents at the disposition of the competent authorities of the exporting country.

5. Member countries may choose to charge their competent authorities instead of the exporter with some of the tasks listed above.

6. The competent authorities of the exporting country should:

- a) Before any final decision is taken, inform the competent authorities of the importing country when they have specific environmental concerns regarding the proposed disposal or recovery operation;
- b) Prohibit the export of the hazardous wastes whenever:
 - i) They are not satisfied with the information provided under 4 c) above;
 - ii) An objection is made by any country of transit and no appropriate alternative route can be found by the exporter;
 - iii) The proposed disposal or recovery operation is not in conformity with applicable international law;

- c) Prohibit additional exports of hazardous wastes to a given destination when the documents specified in 4 d) above were not provided to the exporter by the disposer or the recoverer after a previous export to the same destination;
- d) Notify the exporter promptly whether or not they object to the proposed transfrontier movement;
- e) Notify the competent authorities of the importing country if they have prohibited the export of the wastes.

Definitions

For the purpose of this Decision-Recommendation:

- a) "Waste" is defined in the Decision of the Council on the Control of Transboundary Movements of wastes destined for Recovery Operations [C(2001)107/FINAL];
- b) "Hazardous waste" is defined in the Decision of the Council on the Control of Transboundary Movements of wastes destined for Recovery Operations [C(2001)107/FINAL];
- c) "Transfrontier movement of hazardous wastes" means any shipment of wastes from one country to another, where the wastes are considered as being hazardous wastes in at least one of the countries concerned. Hazardous wastes arising from the normal operation of ships, including slops and residues, shall not be considered a transfrontier movement covered by this Decision-Recommendation;
- d) "Exporting country" means any country from which a transfrontier movement of hazardous wastes is initiated or is envisaged;
- e) "Importing country" means any country to which a transfrontier movement of hazardous wastes takes place or is envisaged for purpose of disposal (treatment, landfill, storage, dumping or incineration at sea);
- f) "Transit country" means any country other than the exporting or importing country across which a transfrontier movement of hazardous wastes takes place or is envisaged;
- g) "Exporter" means the generator of the wastes or the person in the exporting country who arranges for exporting the wastes at the request and on behalf of the generator;
- h) "OECD area" means all land or marine areas under the national jurisdiction of any OECD Member country;
- i) "Disposal" is defined in the Decision of the Council on the Control of Transboundary Movements of wastes destined for Recovery Operations [C(2001)107/FINAL];
- j) "Recovery" is defined in the Decision of the Council on the Control of Transboundary Movements of wastes destined for Recovery Operations [C(2001)107/FINAL].

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Date(s)

Adopted on 01/02/1984
Amended on 25/10/2001
Amended on 12/07/2017

Background Information

The Decision-Recommendation on Transfrontier Movements of Hazardous Wastes was adopted by the OECD Council on 1 February 1984 on the proposal of the Environment Committee (now called Environment Policy Committee). This instrument sets requirements for Adherents to monitor and control hazardous waste exports and imports within and outside the OECD area in order to protect human health and the environment.

THE COUNCIL,

HAVING REGARD to Articles 5 a) and 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Recommendation of the Council of 28 September 1976 on a Comprehensive Waste Management Policy [C(76)155(Final)];

BEARING IN MIND that the Governments of the OECD Member countries have recognised “the responsibility they share to safeguard and improve the quality of the environment, both nationally and in a global context” and have declared that “the protection and progressive improvement of the quality of the environment is a major objective of the OECD Member countries” (Declaration on Environmental Policy, 1974);

CONSIDERING that a number of OECD Member countries generate substantial amounts of hazardous waste and that a significant proportion of such waste is subject to transfrontier movements;

CONSIDERING that efficient and environmentally sound management of hazardous waste may justify some transfrontier movements of such waste in order to make use of appropriate disposal or recovery facilities in other countries;

CONSIDERING that the generator of a hazardous waste has responsibilities to ensure that the disposal or recovery of its waste is carried out in a manner consistent with the protection of the environment, whatever the place of disposal;

CONSIDERING that countries have the sovereign right to manage hazardous waste within their jurisdiction pursuant to their own environmental policies and legislation, taking account of the rules of international law;

CONSIDERING the need for concerted action among Member countries to protect man and his environment against pollution which may arise in connection with hazardous waste management;

On the proposal of the Environment Policy Committee;

I. DECIDES that Member countries shall control the transfrontier movements of hazardous waste and, for this purpose, shall ensure that the competent authorities of the countries concerned are provided with adequate and timely information concerning such movement.

II. RECOMMENDS that, to implement this Decision, countries apply the principles concerning transfrontier movements of hazardous waste set out below.

III. INSTRUCTS the Environment Policy Committee, having regard to work of other international organisations, to elaborate a programme of activities to develop further the principles set out below and facilitate their implementation, and to explore what additional international action may be necessary concerning transfrontier movements of hazardous waste.

IV. INSTRUCTS the Environment Policy Committee to review periodically action taken by Member countries in pursuance of this Decision and Recommendation.

Principles Concerning Transfrontier Movements of Hazardous Waste

The following principles are designed to facilitate the development of harmonized policies concerning transfrontier movements of hazardous waste. They do not prejudice the implementation of more favourable measures for the protection of the environment than are now in force or that may be adopted; neither do they prejudice the application of any international agreement dealing with the free trade of goods or services or the transport of dangerous goods.

Definitions of terms used in these Principles are given in the Appendix.

General Principles

1. Countries should ensure that hazardous waste situated within the limits of their jurisdiction is managed in such a way as to protect man and the environment. For this purpose, countries should promote the establishment of appropriate disposal or recovery installations and should adopt all necessary measures to enable their authorities to control the activities related to generation, transport and disposal or recovery of hazardous waste, and to ensure compliance with the laws and regulations in force.

2. In respect of the management of hazardous waste that is subject to transfrontier movements countries should require that:

- a) The entities concerned abstain from participation in transfrontier movements which do not comply with the laws and regulations applicable in the countries concerned;
- b) The entities involved in transport or disposal or recovery be authorized for this purpose.

3. Furthermore, with regard to any specific transfrontier movement of hazardous waste, countries should require that the generator of the waste should:

- a) Take all practicable steps to ensure that the transport and disposal or recovery of its waste be undertaken in accordance with the laws and regulations applicable in the countries concerned;
- b) In particular, obtain assurances that all entities concerned with the transfrontier movement or the disposal or recovery of its waste have the necessary authorisations to perform their activities in accordance with the laws and regulations applicable in the countries concerned;
- c) Reassume responsibility for the proper management of its waste, including if necessary the re-importation of such waste, if arrangements for safe disposal or recovery cannot be completed.

4. Countries should apply their laws and regulations on control of hazardous waste movements as stringently in the case of waste intended for export as in the case of waste managed domestically.

International Pre-Notification and Co-operation

5. Countries should co-operate in the control, from the place of generation to the place of disposal, or recovery of all hazardous waste that is subject to transfrontier movements.

5.1. For this purpose, and given the Decision, countries should take the measures necessary to ensure that the entities within their jurisdiction provide, directly or indirectly, the authorities of the exporting, importing and transit countries with adequate and timely information.

5.2. This information should specify the origin, nature, composition, and quantities of waste intended to be exported, the conditions of carriage, the nature of environmental risks involved, the type of disposal or recovery and the identity of all entities concerned with the transfrontier movement or the disposal of the waste.

6. Exporting countries should take the measures necessary to ensure that a request from an importing or transit country for relevant information elicits a constructive and diligent response.

7. Countries should adopt the measures necessary to enable their authorities to object to or, if necessary, prohibit the entrance of a consignment of hazardous waste into their territory, for either disposal, recovery or transit, if the information provided is insufficient or inaccurate or the arrangements made for transport or disposal are not in conformity with their legislation.

8. Countries should take all practicable steps to ensure that a projected transfrontier movement of hazardous waste is not initiated if one of the countries concerned has decided in conformity with its legislation to oppose the import or transit of the waste and has so informed the entities or authorities concerned in the exporting country.

9. When an importing or transit country opposes in conformity with its legislation a transfrontier movement into its territory and the waste has already left the exporting country, the latter should not oppose reimport of the waste.

APPENDIX

DEFINITIONS

For the purposes of the above principles:

- a) "Waste" is defined in the Decision of the Council on the Control of Transboundary Movements of wastes destined for Recovery Operations [C(2001)107/FINAL];
- b) "Hazardous waste" is defined in the Decision of the Council on the Control of Transboundary Movements of wastes destined for Recovery Operations [C(2001)107/FINAL];
- c) "Transfrontier movement of hazardous waste" means any shipment of waste from one country to another, where the waste is considered as being hazardous waste in at least one of the countries concerned. Hazardous waste arising from the normal operation of ships, including slops and residues, shall not be considered a transfrontier movement covered by this Decision-Recommendation;
- d) "Exporting country" means any country from which a transfrontier movement of hazardous waste is initiated or is envisaged;
- e) "Importing country" means any country to which a transfrontier movement of hazardous waste takes place or is envisaged for purpose of disposal (treatment, landfill, storage, dumping or incineration at sea);
- f) "Transit country" means any country other than the exporting or importing country across which a transfrontier movement of hazardous waste takes place or is envisaged;
- g) "Countries concerned" mean the exporting, transit and importing countries;
- h) "Entity" means the waste generator and any natural or legal, public or private person, acting on his own behalf or as contractor or subcontractor (export, import, transport, collection, disposal, etc.), who owns or has the possession of the waste;
- i) "Disposal" is defined in the Decision of the Council on the Control of Transboundary Movements of wastes destined for Recovery Operations [C(2001)107/FINAL];
- j) "Recovery" is defined in the Decision of the Council on the Control of Transboundary Movements of wastes destined for Recovery Operations [C(2001)107/FINAL].

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- **Recommendations:** OECD legal instruments which are not legally binding but practice accords them great moral force as representing the political will of Adherents. There is an expectation that Adherents will do their utmost to fully implement a Recommendation. Thus, Members which do not intend to do so usually abstain when a Recommendation is adopted, although this is not required in legal terms.
- **Declarations:** OECD legal instruments which are prepared within the Organisation, generally within a subsidiary body. They usually set general principles or long-term goals, have a solemn character and are usually adopted at Ministerial meetings of the Council or of committees of the Organisation.
- **International Agreements:** OECD legal instruments negotiated and concluded within the framework of the Organisation. They are legally binding on the Parties.
- **Arrangement, Understanding and Others:** several ad hoc substantive legal instruments have been developed within the OECD framework over time, such as the Arrangement on Officially Supported Export Credits, the International Understanding on Maritime Transport Principles and the Development Assistance Committee (DAC) Recommendations.



Recommendation of the Council on a Comprehensive Waste Management Policy

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Date(s)

Adopted on 28/09/1976

Background Information

The Recommendation on a Comprehensive Waste Management Policy was adopted by the OECD Council on 28 September 1976 on the proposal of the Environment Committee (now called Environment Policy Committee). The Recommendation includes seven principles of comprehensive management of waste which protects the environment in its entirety, ensures rational use of energy and resources and does not create detrimental effects on other countries.

THE COUNCIL,

HAVING REGARD to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Recommendation of the Council of 26 May 1972 on Guiding Principles concerning International Economic Aspects of Environmental Policies [C(72)128];

HAVING REGARD to the Recommendation of the Council of 14 November 1974 on the Implementation of the Polluter-Pays Principle [C(74)223];

CONSIDERING that the quantities of waste to be disposed of have increased substantially in many areas;

CONSIDERING that the incorporation in waste of a wide range of hazardous materials makes waste disposal more and more difficult and expensive;

CONSIDERING that waste recycling and prevention can make a major contribution to resource saving policies and waste disposal policies;

CONSIDERING that measures taken to protect one particular sector of the environment (water, air, sea, soil) sometimes result in transferring pollution problems to another sector;

HAVING REGARD to the Report by the Environment Committee on Waste Management in OECD Member countries [C(76)154];

On the proposal of the Environment Committee;

I. RECOMMENDS that Member countries develop and implement, where appropriate, comprehensive waste management policies which fully satisfy the objectives of environmental protection and rational use of energy and resources while taking account of economic constraints and differences in local conditions, and that they apply in so doing the principles concerning a comprehensive waste management policy contained in this Recommendation and its Annex, which is an integral part of this Recommendation.

II. RECOMMENDS that these comprehensive waste management policies be developed and implemented in such a way that they aim at the protection of the entire environment and not of one of its constituent sectors, by taking care that measures to protect one sector do not result in transferring environmental problems to another sector.

III. RECOMMENDS that Member countries collaborate and work closely together to ensure that specific measures taken in implementation of such comprehensive waste management policies do not have a detrimental effect on other countries and in particular do not lead to distortions in international trade.

IV. INSTRUCTS the Environment Committee to pursue, taking account of the work undertaken by other OECD bodies and other international organisations, a programme of work designed to elaborate further these principles concerning a comprehensive waste management policy, make them more specific as appropriate, and facilitate their practical implementation, by promoting co-operation among Member countries.

ANNEX

PRINCIPLES CONCERNING A COMPREHENSIVE WASTE MANAGEMENT POLICY

1. Definition

For the purposes of this Recommendation a "comprehensive waste management policy" means a coherent system of measures concerning the design, manufacture and use of products as well as the

reclamation and disposal of waste, and aiming at the most efficient and economic reduction of the nuisances and costs generated by waste.

2. Protection of the Environment

Member countries should ensure that the necessity to protect human and natural environment is duly taken into account at every stage of the production-consumption-disposal chain, including the transformation operations designed for reclamation or recycling, especially as concerns toxic and hazardous waste.

3. Reduction at Source

Member countries should examine and, where appropriate, encourage measures aiming at avoiding or reducing the generation of waste, when beneficial on a social cost basis. These measures should concern waste generated at both the production level and the consumption level. Such measures might, in particular, concern:

- The design and marketing of products including the rational use of packaging and, where appropriate, the extension of product life;
- Changes in manufacturing processes;
- The re-use of products, packaging in particular (where appropriate through standardization);
- The use of alternative products;
- The information to, and education of, the public on the waste generating effects of different ways of consumption.

4. Reclamation and Recycling

Member countries should develop and implement appropriate measures with a view to promoting recycling in all cases where waste reclamation and upgrading is beneficial on a social cost basis taking account of the possibility of using waste for land reclamation or fertilisation, the possibility of using waste as a source of raw materials or energy, and the possibility of reclaiming part of the energy value incorporated in the products.

The advisability of implementing such measures should also be assessed in view of possible pollution transfer to which they may give rise, and the associated energy costs.

5. Policy Instruments and Cost Allocation

It is noted that the application of the Polluter-Pays Principle should encourage waste prevention and recycling by allowing market forces to work on a more rational basis. However, Member countries might, where appropriate, use specific policy instruments to stimulate the implementation of measures aiming at waste prevention and recycling as defined under points 3 and 4 above, provided these instruments are in conformity with the Recommendation of the Council on Guiding Principles concerning International Economic Aspects of Environmental Policies [C(72)128] and the subsequent Recommendation of the Council on the Implementation of the Polluter-Pays Principle [C(74)223].

6. Access to Information

Member countries should develop and implement appropriate measures so that competent authorities can receive all necessary information to ensure that waste disposal or reclamation is realised in the most economic and judicious way with regard to environmental protection. Such measures should also apply to approved disposal firms, as concerns waste for which they take disposal responsibility on behalf of third parties.

In application of such measures the necessary information might also concern the products manufactured or imported, to the extent to which these products generate waste which can be harmful to the environment.

7. Administrative Arrangements

In application of the principles defined hereabove Member countries should, where jurisdiction permits, adopt administrative arrangements designed to organise waste management on as rational a basis as possible. Such arrangements could concern, in particular:

- The inventory of types and quantities of wastes to be disposed of;
- The organisation of waste collection in order to facilitate reclamation (for example by presorting, special collection schemes, "waste markets");
- The setting up of disposal centres whose operations cover a sufficiently large geographical area to ensure that these operations are carried out under economically acceptable conditions;
- The promotion of research and development on disposal methods and low waste technology, including as appropriate financial aid to research and demonstration plants;
- The encouragement to the setting up of market for recycled products;
- The organisation of information systems and campaigns, for both the industrialist and the public, to reduce wastage, encourage waste reclamation, and promote the use of products made of recovered materials.

Such arrangements might, *inter alia*, result in certain waste management responsibilities being entrusted to bodies whose competence extends beyond traditional administrative limits; they might also include the possibility of solving waste management problems by international co-operation.

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