

Model National Legislation on the Management of Hazardous Wastes and Other Wastes as well as on the Control of Transboundary Movements of Hazardous Wastes and Other Wastes and their Disposal

Model National Legislation was developed by the Legal Working Group on the basis of existing national legislation and institutional arrangements in various countries. It is designed to assist Parties in developing and/or up-dating their national legislation and institutional arrangements to ensure the environmentally sound management of hazardous wastes and their disposal and to facilitate and ensure the compliance of Contracting Parties with the provisions of the Convention.

Introduction

1. In order to provide assistance to States to comply with paragraph 4 of Article 4 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which requests the Parties to take appropriate legal, administrative and other measures to implement and enforce the provisions of the Convention, the Secretariat of the Basel Convention has prepared draft Model National Legislation comprising elements for inclusion in legislation on the management of hazardous wastes and other wastes and a draft Model Law on the Control of Transboundary Movements of Hazardous Wastes and other Wastes and their Disposal. These Elements and Model were accepted by the second meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Geneva, 21 to 25 March 1994) by its Decision II/5 entitled "Model National Legislation for the Transboundary Movement and Management of Hazardous Wastes".
2. By the same Decision, the Secretariat was further requested to update the draft Model National Legislation as necessary. Such revision has been undertaken by the Secretariat taking into consideration views expressed by States and appropriate consultation. By its decision III/6 entitled "Model national legislation for the transboundary movement and management of hazardous wastes", the third meeting of the Conference of the Parties to the Basel Convention (18-22 September 1995) approved the revised model for immediate use and requested the Secretariat to disseminate to all States.
3. The elements for inclusion in legislation on the management of hazardous wastes and other wastes specify the aim, the Authority responsible for the implementation of a law in this regard and its obligation, as well as the control of the management and monitoring of the generation of hazardous wastes and other wastes.
4. These elements do not deal with the issue of civil liability and compensation for damage arising from the management of hazardous wastes and other wastes. This subject may be dealt with in separate model national legislation which could be formulated at a later stage. The objective of any such future model legislation would be to provide for a comprehensive regime for liability and for adequate and prompt compensation, including reinstatement of the environment.

5. Furthermore, these elements do not contain a section on a public right to information on the generation and management of hazardous wastes and other wastes. Such a provision is not exclusively linked to the management of hazardous wastes but to general environmental matters which should be addressed in general environmental legislation.

6. The Model National Law on the Control of Transboundary Movements of Hazardous Wastes and Other Wastes and their Disposal sets out the aim of the national legislation, defines relevant terms, provides for the establishment of a regulatory authority, and addresses export, import, transit and illegal traffic in hazardous wastes and other wastes.

7. Both the Elements and Model National Law are intended solely as guidance to States. They do not constitute a legal interpretation of the Basel Convention and are not intended, nor can they be relied upon, to create obligations that are binding upon any Party to the Basel Convention.

8. As reflected in Article 4, paragraph 11, "Nothing in this Convention shall prevent a Party from imposing additional requirements that are consistent with the provisions of this Convention, and are in accordance with the rules of international law, in order better to protect human health and the environment".

9. States may also wish to consult existing relevant national legislation, in particular the compilation of the provisions of national legislation related to the control of transboundary movements of hazardous wastes and their disposal and to the environmentally sound management of hazardous wastes prepared by the Secretariat and updated on a regular basis.

A. Elements proposed for inclusion in legislation on the management of hazardous wastes and other wastes

I. Aim of this law

The aim of this Law is to minimize the generation of hazardous wastes or other wastes as well as to promote the environmentally sound management of such wastes.

II. The Authority

The ... () () is the Authority for the purpose of regulating the generation and management of hazardous wastes and other wastes.

III. Definitions

1. "Hazardous Wastes" are substances or objects which are disposed of, or are intended to be disposed of, or are required to be disposed of, and which belong to any category contained in Section I of Appendix II to this Law, unless they do not possess any of the characteristics contained in Section II of Appendix II to this law. (It is left to governments to take, as a minimum, the lists of the Basel Convention.)

2. "Other Wastes" are substances or objects which are disposed of, or are intended to be disposed of, or are required to be disposed of, and which belong to any category contained in Appendix III to this Law. (It is left to governments to take, as a minimum, the lists of the Basel Convention.)

3. "Management" means the collection, transport and disposal of hazardous wastes and/or other wastes, including after-care of disposal sites.

4. "Collection" means the collection including the environmentally sound mixing, bulking and sorting of wastes and interim storage at an approved site or facility of hazardous wastes and other wastes including those generated in small quantities within ...

5. "Transport" means the movement of hazardous wastes from the place at which they are generated until they arrive for disposal.

6. "Disposal" means any operations specified in Appendix IV to this law or further defined in ...

7. "After-care of disposal site" means the after-care of a site which is still in operation as well as of a site which is no longer in operation.

8. "Approved site or facility" means the site or facility approved for the purpose of disposal by the prior written authorization of the Authority.

9. "Storage" means to store the wastes for a minimum reasonable period under conditions which will prevent their release to the environment until appropriate recovery, treatment or disposal facilities are provided.

10. "Persons" means any natural or legal person.

IV. Obligations of the Authority

(a) The Authority shall ensure the monitoring of the effects on human health and the environment of the management of hazardous wastes or other wastes;

(b) The Authority shall encourage the adoption of new environmentally sound technologies aiming at minimizing the generation of hazardous wastes or other wastes;

- (c) The Authority shall ensure to the extent possible that adequate recovery and disposal facilities are located as close as possible to the sites of generation of hazardous wastes or other wastes, and, if appropriate, that an integrated network of such facilities is established;
- (d) The Authority shall endeavour to establish funding arrangements for assistance in emergency situations at both the national and local levels;
- (e) The Authority shall envisage taking, encouraging and facilitating preventive measures.

V. Control of the management of hazardous wastes and other wastes

1. All persons involved in the management of hazardous wastes or other wastes within ... shall take such steps as are necessary to prevent pollution due to hazardous wastes and other wastes arising from such management and, if such pollution occurs, to minimize the consequences thereof for human health and the environment.
2. A person who wants to collect, transport or dispose of hazardous wastes or other wastes shall apply to the Authority in accordance with the approved form for a general permit to collect, transport or dispose of hazardous wastes or other wastes as the case may be. The permit shall be granted for a maximum period of ... and may be renewed.
3. The Authority shall ensure that hazardous wastes are not mixed with non-hazardous waste unless the generator, collector, storer, transporter or disposer prove that such mixing is more environmentally sound.
4. The Authority may require that further information in addition to that in the approved form be provided in writing in order to deal with the application.
5. The Authority shall grant a permit sought by a person making an application if the application in question is in conformity with the requirements of this law and, in addition, the Authority is satisfied that the management will not pose a risk to human health and the environment.
6. The generator, collector, storer, transporter and disposer shall maintain adequate insurance cover.
7. The Authority shall monitor activities conducted pursuant to any permit granted by it and, if the conditions of the permit have not been met, may amend them as necessary.
8. The Authority will establish waste management plans consistent with this law and the Basel Convention taking into consideration this law and Framework Document on the Preparation of Technical Guidelines for the Environmentally Sound Management of Hazardous Wastes subject to the Basel Convention. This management plan should be periodically reviewed taking into consideration the development of new environmentally sound technologies and management practices.
9. Generators shall develop wastes management plans. These plans may be reviewed by the Authority to make sure that they are consistent with the aim of this law.
10. The Authority shall maintain a record or database on permits granted under this law.
11. Holders of permits shall maintain a register to record the quantity, type, quality and origin of hazardous wastes or other wastes generated, collected, stored, transported, recovered and disposed of by them and provide the Authority every year with such information related to the previous year. Such a register shall be subjected to inspection by the Authority.

12. The generator, collector, storer, transporter and disposer of hazardous wastes or other wastes shall ensure that all his employees are adequately trained in handling hazardous wastes or other wastes and shall report to the Authority on an annual basis the steps taken to ensure that their employees are so trained.

13. The generator, collector, storer, transporter and disposer of hazardous wastes or other wastes is responsible for the health and safety of all his employees.

14. The generator, collector, storer, transporter and disposer of hazardous wastes or other wastes shall have an emergency action plan approved by the Authority. This plan shall be kept up to date and all employees shall have adequate instruction and training to enable them to implement it.

15. Any extension of the activities covered by this law, and outside the scope of an existing permit, by the generator, collector, storer, transporter and disposer of hazardous wastes or other wastes cannot be undertaken without prior authorization by the Authority.

16. The Authority shall not allow the wastes to be transported from the site of generation unless the packaging and containers for their transport are labelled accordingly in a clearly visible form. A movement document shall accompany the transportation.

17. The Authority shall have the power to withdraw any permit for breaches of this law.

VI. Monitoring of the generation of hazardous wastes and other wastes

1. The Generator shall inform the Authority every year of the quantity and characteristics of hazardous wastes or other wastes it generated in the previous year.

2. The Generator shall inform the Authority on a yearly basis on measures adopted to implement its waste management plan.

3. The Generator shall provide the Authority with information on accidents which have occurred during or as a result of the generation of hazardous wastes or other wastes.

VII. Enforcement

1. The Authority shall have the power to conduct both regular and random inspections of sites, facilities and cargo.

2. Any person who contravenes any provision of Part V of this law commits a violation and will be subject to appropriate administrative and/or penal sanctions.

B. Draft Model National Law on the Control of Transboundary Movements of Hazardous Wastes and other Wastes and their Disposal

Part I Aim and Scope

- a. The aim of this Law is to control the export, import, transit and disposal of hazardous wastes or other wastes to ensure that all operations relating to export, import, transit and disposal will be undertaken in an environmentally sound manner.
- b. The scope of this Law is confined to hazardous wastes or other wastes that are subject to the terms of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.
- c. Nothing in this legislation shall detract from the obligation to comply with other relevant environmental and health legislation.
- d. In case of reasonable doubt about the wastes to be defined/covered by this Law, the Authority shall make the distinction
 - (a) ex officio;
 - (b) by way of a declaratory decision.

Part II Definitions

1. "Hazardous Wastes" are substances or objects which are disposed of, or are intended to be disposed of, or are required to be disposed of, and which belong to any category contained in Section I of Appendix II to this Law, unless they do not possess any of the characteristics contained in Section II of Appendix II. (It is left to governments to take, as a minimum, the lists of the Basel Convention.)
2. "Other Wastes" are substances or objects which are disposed of, or are intended to be disposed of, or are required to be disposed of, and which belong to any category contained in Appendix III to this Law. (It is left to governments to take, as a minimum, the lists of the Basel Convention.)
3. "Management" means the collection, transport and disposal of hazardous wastes and other wastes including after-care of disposal sites.
4. "Transboundary movement" means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one State to, or through an area under the national jurisdiction of another State, or to or through an area not under the national jurisdiction of any State, provided that at least two States are involved in the movement.
5. "Disposal" means any operations specified in Appendix IV to this law or further defined in ...
6. "Environmentally sound management of hazardous wastes or other wastes" means taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes.
7. "Environmentally sound manner" means in a manner which will protect human health and the environment against the adverse effects which may result from hazardous wastes and other wastes.
8. "Approved site or facility" means a site or facility for the disposal of hazardous wastes or other wastes which is authorized or permitted to operate for this purpose by the Regulatory Authority.

9. "Regulatory Authority" is the Minister/Ministry of ...
10. "Competent Authority" is the authority responsible for receiving the notification of a transboundary movement, and any information related to it, and for responding to such a notification as provided in this law. It is responsible for the control of transboundary movements of hazardous wastes and other wastes.
11. "The Focal Point" is responsible for receiving and submitting information on hazardous wastes and other wastes.
12. "Area under the national jurisdiction of a State" means any land, marine area or air space within which this State exercises administrative and regulatory responsibility, in regard to the protection of human health and/or the environment.
13. "State of export" means the State from which a transboundary movement of hazardous wastes or other wastes is initiated or is planned to be initiated.
14. "State of import" means a State to which a transboundary movement of hazardous wastes or other wastes is planned, or takes place for the purpose of disposal therein, or for the purpose of loading prior to disposal in an area that is not under the national jurisdiction of any State.
15. "Import" means any entry into the national territory other than entry for transit.
16. "State of transit" means any State, other than the State of export or import, through which a movement of hazardous wastes or other wastes is planned to take place.
17. "Transit" means the continuous passage from one border to another border through the national territory without storage, other than temporary storage incidental to transport.
18. "Person" means any natural or legal person.
19. "Exporter" means any person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported.
20. "Importer" means any person under the jurisdiction of the State of import who arranges for hazardous wastes or other wastes to be imported.
21. "Carrier" means any person who carries out the transport of hazardous wastes and other wastes.
22. "Generator" means any person whose activity produces hazardous wastes or other wastes or, if that person is not known, the person who is in possession and/or control of those wastes.
23. "Disposer" means any person to whom hazardous wastes or other wastes are shipped and who carries out the disposal of such wastes.
24. "State concerned" means any State of export or import, or transit.
25. "Illegal Traffic" means any transboundary movement of hazardous wastes or other wastes as specified in part VII.

Part III Regulatory Authority and Implementation of Legislation

1. The Regulatory Authority is hereby established as the Focal Point and Competent Authority of ...

2. The Regulatory Authority or, according to national circumstances, the relevant national legislative-making bodies shall, in consultation with each other and other national authorities, formulate and adopt rules, regulations, schemes and guidelines in order to implement this law.
3. The Regulatory Authority shall maintain a record or database on matters related to this law.

Part IV Exporting Hazardous Wastes and Other Wastes

Option 1:

The export of hazardous wastes and other wastes will only be allowed:

- (a) if does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound and efficient manner; or
- (b) if the wastes in question are required as raw material for recycling or recovery industries in the State of import; or
- (c) if the export is in accordance with an agreement or arrangement that conforms to the requirements of Article 11 of the Basel Convention.

Option 2:

1. The Competent Authority shall not permit exports of hazardous wastes and other wastes in the following circumstances:
 - (a) If such wastes can be recycled or re-used locally in an environmentally sound manner; or
 - (b) If such wastes can be disposed of locally in an environmentally sound manner.
2. Transboundary movements are prohibited:
 - (a) To any point south of 60 degrees South latitude;
 - (b) To any State which has imposed a ban on the import of such wastes and has so notified ... or the Secretariat of the Basel Convention;
 - (c) To any State which cannot provide assurance as to its capacity to dispose of such wastes in an environmentally sound manner;
 - (d) To any State which is not a Party to the Basel Convention except in the case of a State which is party to any bilateral, multilateral or regional agreement, or arrangement which stipulates provisions not less environmentally sound than those provided by the Basel Convention and to which ... is also a Party;
3. Where export is allowed under paragraph 1, the Competent Authority may permit the exportation of hazardous wastes and other wastes only after satisfying itself that the following conditions have been fulfilled:
 - (a) The exporter has formally applied for the transboundary movement of such wastes and has provided the Competent Authority with the information requested in the notification form attached as Appendix V to this law as well as details on labelling in relation to the hazardous wastes and other wastes he intends to export.
 - (b) An adequate contract exists between the exporter and the disposer specifying environmentally sound management of the waste in question.

- (c) Packaging, labelling and transportation are in conformity with the recognized international rules, standards and practices.
 - (d) The written consent of the competent authorities of the other States concerned have been received by the exporter in accordance with Paragraph 3 of this Part.
 - (e) In the case of a transit-State which has either no policy of granting written consent in such cases, or has waived the requirement of written consent, "tacit consent" shall be presumed after 60 days of acknowledged receipt (by the transit-State) of the request from the Competent Authority or the Generator (for consent) - so long as no other conditions are imposed or objections raised by the transit-State in question during this sixty-day period.
4. Transboundary movements are subject to the following conditions:
 - (a) A movement document signed by the person in charge of the transboundary movement shall accompany the hazardous wastes in question. (The movement document is attached as Appendix VI)
 - (b) Any transboundary movement of hazardous wastes or other wastes shall be covered by insurance, bond or other guarantee.
 5. The Competent Authority shall notify or ask the Exporter to notify, in writing, the competent authorities of the States concerned, in a language acceptable to them, of the proposed transboundary movement. Such notification shall contain detailed information as required by Annex V A of the Basel Convention.
 6. If a transboundary movement of hazardous wastes or other wastes, to which consent of the States concerned has been given, subject to the provisions of article ... of this law, cannot be completed in accordance with the terms of the contract, the Competent Authority shall require the exporter to take the wastes back if alternative arrangements cannot be made for their disposal in an environmentally sound manner, within 90 days from the time that the Competent Authority of the State of import informed the Competent Authority of ... or the Generator and the Secretariat of the Basel Convention, or such other period of time as the Parties concerned agree.
 7. A permit for the multiple export of hazardous wastes or other wastes can be granted, subject to the written consent of the States concerned, for a maximum period of one year, if:
 - (a) they have the same physical and chemical characteristics, and
 - (b) they are shipped regularly to the same disposer via the same customs office and via the same entry customs office of the importing country, and
 - (c) in the case of transit, via the same customs office of entry and exit of the State or States of transit, and
 - (d) the countries concerned agree to grant a similar permit.

Part V Importing of Hazardous Wastes or Other Wastes

Two alternatives

First option - Prohibition of imports of hazardous wastes and other wastes:

The import of hazardous wastes and other wastes into the national territory of ... is prohibited.

Second option - Import of hazardous wastes and other wastes:

1. Hazardous wastes or other wastes may only be imported subject to the written authorization or permission of the Authority.
2. The Competent Authority may consent in a written form to the import of hazardous wastes and other wastes provided the following conditions are met:
 - (a) The exporting State is a Party to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal or is Party to a bilateral, multilateral or regional agreement or arrangement regarding transboundary movement of hazardous wastes or other wastes in accordance with Article 11 of the Basel Convention.
 - (b) It is not possible to dispose of the wastes within the territory of the exporting State in an environmentally sound and efficient manner or the wastes in question are required as raw material for recycling or recovery industries in the State of import, or the import is in accordance with an agreement or arrangement that conforms with the requirements of Article 11 of the Basel Convention.
 - (c) The request which complies with the requirements of part IV (2) has been received for a transboundary movement containing the information required by Annex V of the Basel Convention and the Competent Authority is satisfied with such information.
 - (d) The labelling, packaging and transportation identified in the notification conforms to the requirements of recognized international rules, standards and practices.
 - (e) The specified approved site or facility is capable of managing and disposing of the waste in an environmentally sound manner.
 - (f) The disposer guarantees in his contract with the exporter the environmentally sound management of the wastes in question.
 - (g) The disposer is obliged to inform the exporter, the Competent Authority of the State of export, and the Competent Authority of ... of receipt of the hazardous wastes in question and, in due course, the completion of disposal as specified in the notification.
 - (h) An adequate binding contract exists between the exporter and disposer specifying environmentally sound management of the wastes in question.
 - (i) The importer and the disposer have a valid license to deal with the categories of hazardous wastes or other wastes proposed for importation.
 - (j) The generator, exporter, importer, disposer and carrier have appropriate insurance or other adequate financial guarantee.
 - (k) The importer or any agent acting on his/her behalf are resident in the country of import, or in the case of a corporation, have a place of business in the country of import.
3. A permit for the multiple import of hazardous wastes and other wastes can be granted to the same disposer subject to the written consent of the States concerned, for a maximum period of one year, if:
 - (a) they have the same physical and chemical characteristics, and
 - (b) they are shipped regularly via the same customs office and via the same entry customs office of the importing country, and

- (c) in the case of transit, via the same customs office of entry and exit of the State or States of transit, and
 - (d) the countries concerned agree to grant a similar permit.
4. The Competent Authority may, at any time after issuing the written consent to the import of hazardous wastes and other wastes, revoke the permit if it has reason to believe that the wastes will not be managed in an environmentally sound manner. The importer should inform the Competent Authority upon receipt of each shipment of its details as referred to in the notification document.

Part VI Hazardous Wastes or Other Wastes in Transit through the Area under the National Jurisdiction of ...

First Option - Prohibition of Transit of Hazardous Wastes or Other Wastes

The transit of hazardous wastes and other wastes through the national territory of ... is prohibited.

Second Option - Transit of Hazardous Wastes or Other Wastes

1. The Competent Authority shall be notified of any proposed transboundary movements of hazardous wastes or other wastes through the area under the national jurisdiction of ...
 The notification shall include details of:
 - (a) The final destination of the waste.
 - (b) A timetable specifying expected dates of transit through the area under the national jurisdiction of ...
 - (c) Proof that the exporter, the carrier, the disposer, and the site or facility for disposal are authorized to carry out the operations in question in relation to the waste.
 - (d) Information detailing emergency procedures in case of accidents.
 - (e) Information related to insurance.
2. The language of the notification and the emergency procedure should be accepted to ...
3. Labelling and packaging should conform to international standards.
4. The Competent Authority shall seek additional information where necessary.
5. No transit of hazardous wastes and other wastes through the area of jurisdiction of ... shall occur without prior written consent of the Competent Authority. The Competent Authority reserves the right to deny any transit of hazardous wastes or other wastes.
6. The Competent Authority shall promptly acknowledge the receipt of any notification under paragraph 1 of this part.
7. The Competent Authority shall make a decision pursuant to paragraph 4 of this part which may include specific conditions relating to the transport of hazardous wastes and other wastes within 60 days of the receipt of notification under paragraph 1 of this part and inform the exporter or the Competent Authority of the State of export as appropriate.
8. In case of a transboundary movement by land through a transit country, the Authority, at the point of entry into its territory, shall ensure that the container is sealed. The Authority should ensure, at the point of exit, that such a seal has not been broken/is still valid.

Part VII Illegal Traffic

1. Any transboundary movement of hazardous wastes or other wastes shall be deemed illegal traffic, if carried out:
 - (a) Without notification pursuant to Article ... of the provisions of this Law;
 - (b) Without the consent required under Article ... of this Law;
 - (c) With consent which has been obtained through falsification, misrepresentation or fraud;
 - (d) In a manner not in conformity in a material way with the documentation specified under this Law and/or the rules and regulations formulated by the Competent Authority;
 - (e) In a manner that results in the deliberate disposal (e.g. dumping) of hazardous wastes or other wastes in contravention to the provisions of this Law.
2. A person commits a crime under this Law if:
 - (a) He carries out a transboundary movement of hazardous wastes or other wastes in a manner described in paragraph 1;
 - (b) He aids, abets or conspires with any other person to carry out a transboundary movement of hazardous wastes or other wastes in a manner described in paragraph 1;
 - (c) He attempts to carry out a transboundary movement of hazardous wastes or other wastes in a manner described in paragraph 1.
3. The relevant authorities shall have the power to conduct both regular and random inspections of sites, facilities and cargo, and to seize the shipments of hazardous wastes or other wastes that are the object of illegal traffic.
4. The person found guilty of a crime described under paragraph 2 shall be punished by ...
5. In the case of an illegal transboundary movement to another country as a result of conduct on the part of the exporter or generator, he/she shall ensure that the wastes are taken back, or the Regulatory Authority will take them back at the expense of the exporter or generator.
6. In the case such re-import is impracticable, or in the case the illegal transboundary movement cannot be attributed to a particular person, the Regulatory Authority and the Regulatory Authority of the other States concerned shall ensure that the wastes are otherwise disposed of in an environmentally sound manner and in accordance with the provisions of this law.
7. In the case of an illegal transboundary movement to ... as a result of conduct on the part of the importer or of the disposer he/she shall, in addition to the penal punishment stipulated in paragraph 3 of part VII of this law, ensure the environmentally sound management of hazardous wastes and/or pay the appropriate sum estimated by the Authority in order to ensure the environmentally sound disposal of the imported hazardous wastes or other wastes.

Appendix I

(General) Application for the Management of Hazardous Wastes and Other Wastes

Form 1

To be filled by all applicants

1. Name of applicant _____

2. Address _____

Telephone no _____

Telex no _____

Fax no _____

3. Qualification to engage in the activity covered by the permit including insurance cover available

4. Previous violations of this law, if any

5. Types of wastes to be dealt with

6. Arrangements for security and emergency procedures

To be filled by Collector only

1. Method of collection _____

2. Details related to storage _____

3. Other relevant information _____

To be filled by Carrier only

1. Mode of transportation to be used

2. Range of coverage

3. Other relevant information _____

To be filled by Disposer only

1. Description of the site(s) or facility(ies) _____

2. Location of the site(s) or facility(ies) _____

3. Methods for the disposal _____

4. Other relevant information _____

Appendix II

Section I

Categories of Wastes to be Controlled

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 oils/water, hydrocarbons/water mixtures, emulsions
- Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybromated biphenyls (PBBs)
- Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment
- Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
- Y13 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives
- Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known
- Y15 Wastes of an explosive nature not subject to other legislation
- Y16 Wastes from production, formulation and use of photographic chemicals and processing materials
- Y17 Wastes resulting from surface treatment of metals and plastics
- Y18 Residues arising from industrial waste disposal operations

Wastes having as constituents:

- Y19 Metal carbonyls
- Y20 Beryllium, beryllium compounds
- Y21 Hexavalent chromium compounds
- Y22 Copper compounds
- Y23 Zinc compounds
- Y24 Arsenic; arsenic compounds
- Y25 Selenium; selenium compounds
- Y26 Cadmium; cadmium compounds
- Y27 Antimony; antimony compounds
- Y28 Tellurium; tellurium compounds
- Y29 Mercury; mercury compounds
- Y30 Thallium; thallium compounds
- Y31 Lead; lead compounds
- Y32 Inorganic fluorine compounds excluding calcium fluoride
- Y33 Inorganic cyanides
- Y34 Acidic solutions or acids in solid form
- Y35 Basic solutions or bases in solid form
- Y36 Asbestos (dust and fibres)
- Y37 Organic phosphorus compounds
- Y38 Organic cyanides
- Y39 Phenols; phenol compounds including chlorophenols
- Y40 Ethers
- Y41 Halogenated organic solvents
- Y42 Organic solvents excluding halogenated solvents
- Y43 Any congener of polychlorinated dibenzo-furan
- Y44 Any congener of polychlorinated dibenzo-p-dioxin
- Y45 Organohalogen compounds other than substances referred to in this Annex (eg. Y39, Y41, Y42, Y43, Y44)

Section II

List of Hazardous Characteristics

UN Class	Code	Characteristics
1	H3	Explosive An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such speed as to cause damage to the surroundings.
3	H3	Flammable liquids The word "flammable" has the same meaning as "inflammable." Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5E C, closed-cup test, or not more than 65.6EC, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition.)
4.1	H4.1	Flammable solids Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
4.2	H4.2	Substances or wastes liable to spontaneous combustion Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.
4.3	H4.3	Substances or wastes which, in contact with water emit flammable gases Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.
5.1	H5.1	Oxidizing Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.

5.2	H5.2	<p>Organic Peroxides</p> <p>Organic substances or wastes which contain the bivalent-O-O-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.</p>
6.1	H6.1	<p>Poisonous (Acute)</p> <p>Substances or wastes liable either to cause death or serious injury or to harm health if swallowed or inhaled or by skin contact.</p>
6.2	H6.2	<p>Infectious substances</p> <p>Substances or wastes containing viable micro organisms or their toxins which are known or suspected to cause disease in animals and humans.</p>
8	H8	<p>Corrosives</p> <p>Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.</p>
9	H30	<p>Liberation of toxic gases in contact with air or water</p> <p>Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.</p>
9	H31	<p>Toxic (delayed or chronic)</p> <p>Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.</p>
9	H32	<p>Ecotoxic</p> <p>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.</p>
9	H33	<p>Capable, by means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.</p>

Appendix III

This provides for two categories of *wastes requiring special consideration* under the Convention. They are:

Y46 - Wastes collected from households

Y47 - Residues arising from the incineration of household wastes

Appendix IV

DISPOSAL OPERATIONS

A. Operations which do not Lead to the Possibility of Resource Recovery, Recycling, Reclamation, Direct Re-use or Alternative Uses

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

- D1 Deposit into or onto land, (e.g., landfill, etc.)
- D2 Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)
- D3 Deep injection, (e.g., injection of pumpable discards into wells, salt domes of naturally occurring repositories, etc.)
- D4 Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)
- D5 Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D6 Release into a water body except seas/oceans
- D7 Release into seas/oceans including sea-bed insertion
- D8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A
- D9 Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A, (e.g., evaporation, drying, calcination, neutralization, precipitation, etc.)
- D10 Incineration on land
- D11 Incineration at sea
- D12 Permanent storage (e.g., emplacement of containers in a mine, etc.)
- D13 Blending or mixing prior to submission to any of the operations in Section A
- D14 Repackaging prior to submission to any of the operations in Section A
- D15 Storage pending any of the operations in Section A

B. Operations which may Lead to Resources Recovery, Recycling Reclamation, Direct Re-use or Alternative Uses

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

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy
- R2 Solvent reclamation/regeneration
- R3 Recycling/reclamation of organic substances which are not used as solvents
- R4 Recycling/reclamation of metals and metal compounds
- R5 Recycling/reclamation of other inorganic materials
- R6 Regeneration of acids or bases
- R7 Recovery of components used for pollution abatement
- R8 Recovery of components from catalysts
- R9 Used oil re-refining or other reuses of previously used oil
- R10 Land treatment resulting in benefit to agriculture or ecological improvement
- R11 Uses of residual materials obtained from any of the operations numbered R1-R10
- R12 Exchange of wastes for submission to any of the operations numbered R1-R11
- R13 Accumulation of material intended for any operation in Section B

Appendix V

Appendix VI