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## *3b Restrictions on Exports for IV A*

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### *All Regions/Countries, Parties of the Basel Convention*

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#### *UN Region: Africa*

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##### **Burkina Faso**

**2008** Burkina Faso has no restrictions on the export of hazardous wastes and other wastes for final disposal.

##### *Legislation*

##### *Countries*

**Remarks** According to article 39 of the Law 005/97/ADP establishing the Environmental Code for Burkina Faso, any activity regarding the transit, import, purchase, sale, transport, treatment, deposit or storage of hazardous wastes is prohibited in Burkina Faso.

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##### **Egypt**

**2008** Egypt restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** The national legislation does not ban export of hazardous waste and other waste outside Egypt for final disposal, but follow some restrictions in order to ensure that any exportation (if happened) is regulated within the provisions of the Basel convention and destined only to countries those are parties to the Basel convention and have capabilities to manage the waste in environmentally sound manner.

**Countries** Export for final disposal take place and destined (if happened) only to countries those are parties to the convention and have enough technical capacity to manage the hazardous waste in environmentally sound manner.

**Remarks** All export of hazardous waste should be under Basel Convention control regime.

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##### **Madagascar**

**2008** Madagascar is in a preparatory process to restrict the export of hazardous wastes and other wastes for final disposal.

##### *Legislation*

##### *Countries*

##### *Remarks*

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##### **Nigeria**

**2008** Nigeria restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Degree No. 42 of 1988.

**Countries** Applied for all countries

**Remarks** Degree No. 42 of 1988

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##### **Senegal**

**2008** Senegal restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** The Law pertaining to the Environment Code, Art. L39, which entered into force in 2001.

**Countries** All hazardous wastes and all countries.

##### *Remarks*

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##### **Tanzania (United Republic of)**

**2008** Tanzania (United Republic of) has no restrictions on the export of hazardous wastes and other wastes for final disposal.

**Legislation** According to the Environmental Management Act, 2004 of Tanzania, Provision 133(1) of this Act, it states that 'It shall be an offence to import into or export from Tanzania, hazardous waste without a permit granted by the Minister. Furthermore article 135 (1) It states that 'The Minister shall ensure that any movement of hazardous waste within and through Tanzania shall be conducted in a manner that prevents or minimizes adverse effects to human health and the environment and shall conform to the movement procedures as may be prescribed in the Regulations. Provision 136 (2) of this Act request an EIA to be carried out before hazardous waste is disposed of into soil, land, air or body of water. The President of United Republic of Tanzania signed this Environment Management Act of 2004 in early February 2005. This legislation is operational since 1st July 2005.

**Countries** All countries worldwide.

**Remarks**

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## **Tunisia**

**2008** Tunisia restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** By law n°96-41 on wastes and the control of their management and disposal (entered into force on the 10 June 1996) as amended and complemented by law n° 2001-14 dated 30 January 2001 which make distinction between hazardous waste management requiring authorization and management of non hazardous wastes requiring "Terms and Conditions" document, the export of hazardous wastes, as defined by national legislation, for final disposal and for recovery, to any State that prohibits the import of such wastes, is banned. Also is banned the export of hazardous wastes, for final disposal and for recovery, to any State that does not prohibit the import of such wastes in the case of the absence of its specific written consent.

The authorization of export is not attributed unless the following conditions are met:  
Due account is taken of international rules and standards in the field of packaging, labelling and transport;

The presentation of a written contract between the exporter and the disposer/person in charge of the recovery;

The presentation of an insurance contract presenting sufficient financial guarantees; and

The presentation of the movement document signed by the person who takes charge of the transboundary movement of the wastes in question.

Pursuant to the decree n°94-1742 of August 29, 1994 regarding the list of products submitted to foreign trade procedures, authorization from the Minister in charge of Trade after consultation with other relevant Ministries, is required for the import and export of non hazardous waste.

**Countries** All countries are covered by this restriction.

**Remarks**

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## **Uganda**

**2008** Uganda restricts the export of hazardous wastes and other wastes for final disposal.  
**Legislation** The National Environment Statue, 1995  
The National Environment (Waste Management) Regulations, 1999  
**Countries** Restriction to all countries in the world covering all categories of waste.  
**Remarks** No export of hazardous wastes and other wastes is allowed in the country for final disposal without possession of adequate and appropriate movement documents issued by this authority in accordance with the Basel Convention.

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**UN Region: Asia and Pacific**

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**Azerbaijan**

**2008** Azerbaijan restricts the export of hazardous wastes and other wastes for final disposal.  
**Legislation** The export of non-ferrous and black metals was temporarily stopped by president's decree on dated 17.04.2001.  
**Countries** The restriction covers non-ferrous and black metals.  
**Remarks**

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**Bahrain**

**2008** Bahrain is in a preparatory process to restrict the export of hazardous wastes and other wastes for final disposal.  
**Legislation**  
**Countries**  
**Remarks**

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**Brunei Darussalam**

**2008** Brunei Darussalam is in a preparatory process to restrict the export of hazardous wastes and other wastes for final disposal.  
**Legislation**  
**Countries**  
**Remarks** This subject matter will be covered in the Draft Pollution Control Order of Negara Brunei Darussalam.

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**China**

**2008** China restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** China:  
The relevant legislation complies with the Basel Convention and Measures for Administration of Hazardous Waste Export Approval (No. 47 ORDER of SEPA) .

**Countries**

**Remarks** China  
The export for final disposal is allowed when there are no adequate disposal facilities in China capable of disposing the waste in an environmental sound manner. While we don't have such restrictions on the export for recovery. The export of hazardous waste for disposal for which there are no adequate disposal facilities in China must comply with the requirements of the Basel Convention and Measures for Administration of Hazardous Waste Export Approval (No. 47 ORDER of SEPA) . The transboundary movement can only take place upon prior written notification from the competent authorities of the states of export, to the competent authorities of the states of import and transit, and upon consent from these authorities. Furthermore, each shipment of hazardous waste should be accompanied by a movement document from the point at which the movement begins to the point of disposal.

Hong Kong Special Administrative Region, China

In addition to the Basel Convention requirements, the export of any waste for a purpose other than re-use, recovery, reprocessing or recycling (e.g. for final disposal including landfilling and incineration) of the waste is subject to control by the same procedure as that of the control of export of hazardous waste.

Macao Special Administrative Region, China

The export of waste for the purpose of final disposal will be subject to the controls according to the Basel Convention requirements.

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**Cyprus**

**2008** Cyprus restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Law on the Management of Solid and Hazardous Waste (December 12, 2002). A Law ratifying the amendment of the Basel Convention has been passed on 14.4.2000 (No. 12(III)/2000).

**Countries**

**Remarks** E.U legislation has been adopted concerning the export of hazardous wastes and other wastes for final disposal.

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**Japan**

**2008** Japan restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** The Waste Management Law (originally enacted in 1970) was amended and put into force to regulated import and export of waste in 1993.  
The Basel Law was entered into force in 1993.

**Countries** All countries and regions.

**Remarks** Basel Law: Ministry of the Environment (MOE) shall examine whether sufficient measures will be taken for preventing environmental pollution, and thereafter notify the Ministry of Economy, Trade and Industry (METI) of the result of its examination. METI is not able to issue export permission without the notification by MOE certifying that necessary measures will be taken for preventing environmental pollution.

Waste Management Law: Export of wastes for final disposal (Annex IV A) is prohibited.

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### **Malaysia**

**2008** Malaysia restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** The Environmental Quality Act 1974, (Amendment 2005) Section 34B; and the Customs (Prohibition of Export) Order 1998 Amendment 2008.

**Countries** All countries.

**Remarks** Export of hazardous wastes for final disposal is not allowed unless the technology of final disposal for certain hazardous waste are not available in the country.

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### **Qatar**

**2008** Qatar restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** The Environment Protection Law No.30 of 2002, The Rules on the Transboundary Movement of Hazardous Wastes, 1997, published by the State of Qatar and the relevant protocol under the Kuwait Convention, 1978.

**Countries** The restriction covers state of Qatar and the signatories of the protocol of the Kuwait Convention and Basel Convention Parties.

**Remarks** Export of hazardous waste and other wastes will be permitted only if the necessary facilities and technical capacity are not available in Qatar to ensure the disposal of the wastes in question in an environmentally sound manner.

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### **Republic of Korea**

**2008** Republic of Korea restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** The "Act on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal," which entered into force in May 1994.

**Countries** It is prohibited to export hazardous wastes and other wastes to any country other than those countries party to the Basel convention and those countries with bilateral, multilateral or regional agreements.

**Remarks** According to Articles 6, 10 and 16 of this Act, the export, import and transit of hazardous wastes is strictly prohibited unless prior written approval is obtained from a competent authority. Also, the Ministry of Environment (MOE) has the authority to limit or ban the export and import of specific wastes which may be of significant impact on human health or the environment if and when considered necessary. In principle, the export of hazardous wastes for final disposal is prohibited. However, exceptions can be made in the case where Korea does not possess adequate facilities and/or technologies to properly dispose of the given hazardous waste for which importing countries have the capacity to dispose of in the environmentally sound manner.

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### **Singapore**

**2008** Singapore restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** The Hazardous Waste (Control of Export, Import or Transit) Act (HWA), which entered into force in May 1998.

**Countries**

**Remarks** The exporter needs to obtain a Basel export permit from Pollution Control Department prior to the export.

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### **Sri Lanka**

**2008** Sri Lanka has no restrictions on the export of hazardous wastes and other wastes for final disposal.

**Legislation**

**Countries**

**Remarks** However, export of hazardous waste is carried out under the provisions provided under the Basel Convention.

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### **Thailand**

**2008** Thailand restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** The production, import, export and possession of the hazardous substances as well as hazardous wastes within the Kingdom of Thailand shall be followed the procedure under the Ministerial Regulations B.E.2537 (1994) issued under the Hazardous Substance Act B.E.2535 (1992) which has entered into force since 1994.

**Countries** The restriction covers all countries. However, Thailand might export wastes listed in the Basel Convention for which there are no appropriate disposal facilities under the restricted control.

**Remarks**

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### **United Arab Emirates**

**2008** United Arab Emirates has no restrictions on the export of hazardous wastes and other wastes for final disposal.

**Legislation**

**Countries**

**Remarks**

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**Yemen**

**2008** Yemen restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Environment Protection law No. (26) Year 1995 and by-law (148) 2000.  
The National Strategy of Integrated Management of Hazardous Waste for the Implementation of Basel Convention in Republic of Yemen July 2005.

**Countries** All countries in accordance with Yemeni, Basel convention.

**Remarks** Does not allow the import of hazardous wastes from outside the Republic of Yemen.

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**UN Region:** *Western Europe and Others*

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**Andorra**

**2008** Andorra has no restrictions on the export of hazardous wastes and other wastes for final disposal.

**Legislation** See article 27, 1-2-5 (law: "Llei 25/2004, del 14 de desembre, de residus")

**Countries**

**Remarks**

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**Australia**

2008 Australia restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Section 17 of the Hazardous Waste (Regulation of Exports and Imports) Act 1989 (the Act) : Grant of Basel import permits and Basel export permits.

Subsection 17(1) provides that the Minister must grant a Basel export permit if the Minister is satisfied:

(a) that dealing with the hazardous waste concerned in accordance with the import proposals or export proposals would be consistent with the environmentally sound management of the hazardous waste; and

(b) if the permit sought is a Basel export permit authorising the export of hazardous waste to a particular foreign country: (i) that the competent authority of the country has given written consent to the grant of the permit; and (ii) that the consent was given in accordance with Article 6 of the Basel Convention; and

(ba) if the permit sought is a Basel export permit—that the hazardous waste will be allowed to be transported through any foreign country through which the waste is proposed to be transported; and

© that, having regard to: (i) the applicant's financial viability; and (ii) the applicant's previous record in relation to environmental matters; and (iii) any other relevant matters; the applicant is a suitable person to be granted a Basel permit; and (d) that the applicant has appropriate insurance. (Note: Section 18 specifies circumstances in which the applicant has appropriate insurance).

Subsection 17(2) provides that even if the Minister is satisfied as mentioned in subsection (1), the Minister may decide under subsection (2A), (3), (4) or (5) not to grant the permit.(2A) The Minister may decide not to grant the permit if:

(a) the permit sought is a Basel export permit; and

(b) having regard to the requirements of paragraph 3(b) of Article 6 of the Basel Convention, the Minister thinks that it would not be appropriate to grant the permit.

Subsection 17(3) provides that the Minister may decide not to grant the permit if the Minister thinks that it would not be in the public interest to grant the permit.

Subsection 17(4) provides that the Minister may decide not to grant the permit if the Minister thinks that:

(a) there is another way in which the hazardous waste could be dealt with; and

(b) dealing with the waste in the other way would not pose a significant risk of injury or damage to human beings or the environment; and

© having regard to Australia's international obligations, the waste should be dealt with in the other way rather than in accordance with the import proposals or export proposals.

Subsection 17(5) provides that the Minister may decide not to grant the permit if the permit sought is a Basel export permit and the Minister thinks that:

(a) the hazardous waste could be disposed of safely and efficiently by using a facility in Australia; and

(aa) such a disposal would be consistent with the environmentally sound management of the waste; and

(b) having regard to the desirability of using facilities in Australia for the disposal of hazardous waste, the waste should be disposed of by using that facility rather than in accordance with the export proposals.

Subsection 17(6) provides that the Minister must not grant a Basel export permit or a Basel import permit if the Minister is satisfied that the grant could result in hazardous



waste being brought into Antarctica.

(8) The Minister must not grant a Basel import permit authorising the import of hazardous waste from a foreign country that is not a party to the Basel Convention.

17A Grant of transit permits

(1) This section applies if the permit sought by a permit application is a Basel transit permit.

(2) The Minister must grant the permit sought by a permit application if the Minister is satisfied:

(a) that carrying out the transit proposals will not pose a significant risk of injury or damage to human beings or the environment; and

(b) that, having regard to:

(i) the applicant's financial viability; and

(ii) the applicant's previous record in relation to environmental matters; and

Part 2 Import permits, export permits and transit permits

Division 3 Grant of Basel permits

Section 18

Section 18A also provides that the Minister must not grant a Basel export permit if the applicant proposes that the hazardous waste will be disposed of by a method that is within the scope of Section A of Annex IV to the Basel Convention, unless the Minister is satisfied that there are exceptional circumstances. In deciding whether there are exceptional circumstances the Minister must have regard to the following: whether there will be significant risk of injury or damage to human beings or the environment if the permit is not granted; whether the waste is needed for research into improving the management of hazardous waste; and whether the waste is needed for testing for the purposes of improving the management of hazardous waste.

The Minister also has discretion to decide not to grant a permit under the Act if there is reason to believe that the hazardous waste could be disposed of safely, efficiently and in an environmentally sound manner at a facility in Australia.

Entry into force: 12 December 1996.

Subsection 17(7) provides that the Minister must not grant a Basel export permit authorising the export of hazardous waste to a foreign country that is not a party to the Basel Convention.

Subsection 17(8) provides that the Minister must not grant a Basel import permit authorising the import of hazardous waste from a foreign country that is not a party to the Basel Convention.

Section 18A also provides that the Minister must not grant a Basel export permit if the applicant proposes that the hazardous waste will be disposed of by a method that is within the scope of Section A of Annex IV to the Basel Convention, unless the Minister is satisfied that there are exceptional circumstances. In deciding whether there are exceptional circumstances the Minister must have regard to the following:

whether there will be significant risk of injury or damage to human beings or the environment if the permit is not granted;  
whether the waste is needed for research into improving the management of hazardous waste; and  
whether the waste is needed for testing for the purposes of improving the management of hazardous waste.

Entry into force: 12 December 1996. Further information including the full text of the Act is available at:

<http://www.environment.gov.au/settlements/chemicals/hazardous-waste/guide.html>

**Countries** The restriction covers all countries and regions and all hazardous wastes.

**Remarks**

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**Austria**

**2008** Austria restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Federal Waste Management Plan 2006, which statutes the principle of self-sufficiency for final disposal. Based on this principle objections are raised in case of exports for final disposal provided there is a suitable disposal option in Austria.. In line with the EU Regulation 1013/2006/EC final disposal is allowed only within the European Economic Area (EEA).

**Countries** Exports for final disposal are allowed only to member countries of the European Union or the European Free Trade Association. The export can be allowed only if there is no adequate disposal option in Austria.

**Remarks**

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**Belgium**

**2008** Belgium restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Belgium fulfils the Provision of the Council Regulation (EC) N° 1013/2006 on the supervision and control of shipments of waste within, into and out of the European Community. The export of hazardous waste and other waste for final disposal to non-EU is prohibited, with the exception of EFTA countries. Regulation (EC) N° 1013/2006 entered into force on 12 July 2007.

**Countries**

**Remarks**

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**Canada**

**2008** Canada restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** In Canada, the following legislation applies to restrictions on the export of hazardous wastes, hazardous recyclable material and other wastes for final disposal: Canadian Environmental Protection Act, 1999 (CEPA 1999) ([http://www.ec.gc.ca/ceparegistry/the\\_act/default.cfm](http://www.ec.gc.ca/ceparegistry/the_act/default.cfm)).

The following legislation applies to restrictions on the export of hazardous wastes and hazardous recyclable materials only: Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations, (EIHWHRM), which came into force on November 1, 2005; and PCB Waste Export Regulations, 1996 (PCBWER), came into force on February 4, 1997.

National stakeholders consultations have been completed in the development of regulations on the transboundary movement of non-hazardous wastes for final disposal.

**Countries** Exports are restricted to Parties of the Basel Convention or to non-parties which are subject to an Article 11 agreement (for example, Canada – USA Agreement; OECD Decision C(2001)107/FINAL). In addition, Canada permits the export of Canadian PCB wastes only to the United States and only for the purpose of destruction.

**Remarks** Under the Export and Import of Hazardous Waste and Hazardous Recyclable Materials Regulations (EIHWHRM), Canada defines a hazardous waste or a hazardous recyclable material to include “waste” that is prohibited by a country for import and is considered hazardous under their domestic legislation in accordance with the Basel Convention. Exports to non-parties are not permitted unless subject to an Article 11 agreement (for example, Canada - USA Agreement; OECD Decision C(2001)107/FINAL).

The EIHWHRM place the following number of strict conditions on the export of hazardous waste and hazardous recyclable materials:

- Exports of hazardous wastes and hazardous recyclable material can only take place to countries that are party to the Basel Convention or are covered under an Article 11 agreement with Canada and the import is not prohibited by that country;
- Requirement for mandatory prior notification of, and consent from (i.e. prior informed consent, (PIC)), the importing country;
- Exports can only take place with a permit issued by Environment Canada;
- Mandatory use of a movement document as a tracking system to ensure that hazardous wastes and hazardous recyclable materials actually arrive at the intended authorized facilities; and are treated, disposed of or recycled as per the export permit;
- All disposal and recycling operations to be followed up with a certificate of disposal or recycling;
- Require every exporter and carrier to obtain insurance to cover environmental and third party damages should an accident occur during the transboundary movement of hazardous wastes or hazardous recyclable materials; and
- Requirements for the return or alternate arrangements of shipments for which the disposal or recycling operation cannot be completed as set out in the permit, to prevent them from becoming "orphans".

If the Minister is of the opinion that the hazardous waste or hazardous recyclable material will not be managed in a manner that will protect the environment and human health against the adverse effects that may result from that waste or material, the Minister may refuse to issue a permit under subsection 185(2) of the CEPA 1999

taking into account the criteria set out in the EIHWHRMR.

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## **Denmark**

**2008** Denmark restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Paragraph 10 in Statutory Order no. 799 on shipment of waste has a general prohibition on import and export of waste destined for final disposal (excluding D10 incineration on land according to Statutory Order 1221 of 27. of November 2008). This prohibition is in accordance with EU Shipment Regulation 1013/2006 article 11.1 (a)

## **Countries**

## **Remarks**

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## **Finland**

**2008** Finland restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste. The regulation came into force in Finland on 12 July 2007. The amendment 747/2007 to the Waste Act (1072/1993) came into force on 12 July 2007. Waste Act (1072/1993) has further been amended by 806/2008 (see 3 d(ii)).

**Countries** According to the Regulation (EC) No 1013/2006 of the European Parliament and of the Council, all exports of waste for final disposal outside the European Community are prohibited except to those EFTA countries that are also parties to the Basel Convention. The export ban for final disposal covers both hazardous and non-hazardous wastes.

According to Section 46 of the amendment 747/2007, exports of all wastes to disposal operations are permitted if

- 1) there are not technical or economical prerequisites or facilities needed to dispose the waste in approved manner
- 2) waste is disposed with a higher standard of environmental protection than in Finland
- 3) waste is disposed with approvable standard of environmental protection and with lower costs than in Finland or
- 4) shipment is performed to test a new method of disposal or the shipment in question is for some other experimentation.

## **Remarks**

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## **Germany**

**2008** Germany restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** In Germany the provisions of the Waste Shipment Regulation apply since May 1994, especially referring to Article 34.

**Countries** The export of waste for final disposal into non-EU/non-EFTA countries is prohibited.

## **Remarks**

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## **Greece**

**2008** Greece restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Regulation (EC) no 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste.

## **Countries**

**Remarks** Export only within EU and after the consensus of the importing country's authorities.

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## **Ireland**

**2008** Ireland restricts the export of hazardous wastes and other wastes for final disposal.  
**Legislation** As a member of the European Community (EC) Ireland is bound by Council Regulation (EC) No. 1013/2006 on the supervision and control of shipments of waste within, into and out of the European Community. Article 34 prohibits the export of waste for disposal outside the Community except to EFTA (European Free Trade Agreement) States, which are Parties to the Basel Convention.

**Countries**

**Remarks**

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**Israel**

**2008** Israel restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Israel controls the export of hazardous and other wastes for final disposal according to the Hazardous Substances Regulations (Import and Export of Hazardous Substances Waste), 1994.

**Countries** The restriction on the export of hazardous wastes for final disposal applies to all countries. When exception is made (as described above), waste is exported only to EC or OECD countries that are parties to the convention.

**Remarks** In 2008 the regulations were amended.

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**Italy**

**2008** Italy restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Council Regulation EC 1013/2006 from 12 July 2007.

**Countries** The restriction covers all exports of waste for disposal are banned outside the EFTA countries.

**Remarks**

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**Luxembourg**

**2008** Luxembourg restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** A special authorization is required by the modified Waste Management Law of 17th June 1994 for the export of waste to non-EU countries; prohibition of export of waste to non-OECD countries, unless the carrier has a waste carrier authorization delivered according to the modified Waste Management Law.

**Countries**

**Remarks**

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**Malta**

**2008** Malta restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Environment Protection (Control of Transboundary Movement of Toxic and other Substances) Regulations, 2000 (LN205/00), which entered into force on 17 September 2000.

**Countries** All countries / regions and all waste covered by the above-mentioned Regulations are covered by this restriction.

**Remarks** As per Provision 8 to the Environment Protection (Control of Transboundary Movement of Toxic and other Substances) Regulations, 2000 (LN205/00), the Competent Authority may take any action whatsoever in order to ban, restrict and control the management, transit, export and import of hazardous waste or other waste.

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**Netherlands**

**2008** Netherlands restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** From 12 July 2007 onwards Regulation (EC)1013/2006 gives restrictions to the export of hazardous waste.  
Furthermore the national policy on waste is given in the Waste policy plan 2002-2012. This plan also describes the required treatment for waste.

**Countries** All countries/regions and all waste.

**Remarks** In general, the Netherlands objects to the export of hazardous waste when the waste is exported outside the EU and EFTA countries. There will always be an objection to the export when the waste is destined for landfilling.

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#### **New Zealand**

**2008** New Zealand restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Imports and Exports (Restrictions) Prohibition Order (No 2) 2004

**Countries** As per Basel Convention/OECD requirements.

**Remarks** The Waigani Convention came into force on 21 October 2001 and New Zealand is prohibited from exporting hazardous wastes to Parties to the Waigani Convention.

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#### **Portugal**

**2008** Portugal restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Regulation (EC) No 1013/2006 of the European Parliament and the Council entered into to force in 12 July 2007.

**Countries** The export of waste (hazardous and non hazardous) for final disposal outside the European Community is prohibited, except those EFTA countries that are also parties of Basel Convention.

**Remarks**

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#### **Spain**

**2008** Spain restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** The Article 14 of Council Regulation (EEC) No. 259/93 (entered into force on 09.02.93) which bans all export of wastes intended for final disposal, except for wastes destined to EFTA countries that are also Parties to the Basel Convention.

Notice.- As of 12 July 2007, REGULATION (EC) No 1013/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, of 14 June 2006, ON SHIPMENTS OF WASTE, applies in Spain and Council Regulation 259/93 has been repealed. Article 34 states export prohibition except for EFTA Countries.

**Countries** The restriction in Article 14 of Council Regulation (EEC) No. 259/93 applies to all countries, except Member States of the European Union, Norway, Switzerland, Iceland and Liechtenstein; and to all wastes.

The restriction in Article 34 of Regulation 1013/2006 covers exportation to all third Countries except for EFTA ones.

**Remarks** Article 14 of Council Regulation (EEC) No. 259/93 also lays down restrictions, in certain circumstances, on the export of wastes to EFTA countries which are Parties to the Basel Convention.

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#### **Sweden**

**2008** Sweden restricts the export of hazardous wastes and other wastes for final disposal.  
**Legislation** The EU Regulation 1013/2006 on shipments of waste. This Regulation applies from 12 July 2007.  
**Countries** Exports of waste for disposal is prohibited except those to EFTA countries which are also parties to the Basel Convention.

**Remarks**

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**United Kingdom of Great Britain and Northern Ireland**

**2008** United Kingdom of Great Britain and Northern Ireland restricts the export of hazardous wastes and other wastes for final disposal.  
**Legislation** Article 34 of the WSR prohibits the export of wastes for disposal, except to other EU and EFTA countries which are part to the Basel Convention. However, the UK prohibits the export of all wastes for disposal as set out in the UK Plan for Shipment of Waste (2007).  
**Countries** Non-Annex VII (Basel Convention) countries for export of hazardous wastes. All countries for exports for final disposal.  
**Remarks** None.

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**UN Region: Central and Eastern Europe**

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**Bosnia & Herzegovina**

**2008** Bosnia & Herzegovina has no restrictions on the export of hazardous wastes and other wastes for final disposal.

**Legislation**

**Countries**

**Remarks**

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**Bulgaria**

**2008** Bulgaria restricts the export of hazardous wastes and other wastes for final disposal.  
**Legislation** Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste in force since July 13, 2007.  
**Countries** The export of hazardous wastes or other wastes to other countries for final disposal is prohibited, except to member countries of EU and EFTA.  
**Remarks** The exports of waste for final disposal and shipments to other EU countries requires notification and written consent in accordance with the Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste in force since July 13, 2007.

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**Croatia**

*Legislation*

Regulation on supervision of transboundary movement of waste, OG No 69/06 which came into force on 1st September 2006, regulates restrictions on transboundary movement of waste.

Croatia restricts the export of hazardous wastes and other wastes for final disposal and for recovery by the orders of Articles 50., 51. (for hazardous waste) and 53. (for non-hazardous waste) of the Waste Act, Official Gazette, No. 178/04, 111/06, 80/06 as follows:

## Article 50

(1) For the export of hazardous waste, the person doing the exporting must obtain the decision prescribed by this Act.

(2) Export referred to in paragraph 1 of this Article shall be permitted to a person registered for carrying out one of the hazardous waste management activities (hereinafter referred to as: the exporter), at the person's request, if the following requirements are met:

1. authorisation for import is granted by the state importing the hazardous waste,
2. the exporter provides a written statement on the type, quantity, composition and origin of hazardous waste, as well as on the reasons for export,
3. a contract is concluded between the exporter and importer of hazardous waste,
4. authorisation is issued by the states through which the hazardous waste will transit on its way to the final destination or no written declaration has been issued by the transit state within 60 days from the day of receiving the notification on the intended transboundary transport of hazardous waste,
5. data is provided on the tariff number, hazardous waste key number, the mode of transport, the border crossing for export,
6. a document notifying the intended transboundary transport of waste is enclosed – Document on movement in accordance with the Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal,
7. the exporter has an appropriate insurance policy or bank guarantee for the amount necessary to cover the costs of the hazardous waste recovery and/or disposal without posing a risk to the environment,
8. the exporter has an appropriate insurance policy or bank guarantee for the amount necessary to cover the environmental remediation costs in case of an accident.

## Article 51

(1) The Ministry shall decide on the request to export hazardous waste. The decision shall also determine the period for which the decision is valid.

(2) The exporter shall submit a report to the Ministry on the exported quantities and types of hazardous waste by 31 March of the current year, for the previous year.

(3) An appeal shall not be permitted against the decision referred to in paragraph 1 of this Article, but an administrative dispute may be instituted.

## Article 53

(1) The person registered for export activity cannot begin to export hazardous waste before registering into the register and obtaining the certificate on registration in the Register of Non-Hazardous Waste Exporters.

(2) The Ministry shall keep the register referred to in paragraph 1 of this Article.

(3) The exporter of non-hazardous waste shall submit to the Ministry a report on the types and quantities of non-hazardous waste exported in the previous year by 1 February of the current year.

(4) If the Ministry rejects the application for registering into the Register referred to in paragraph 1 of this Article, it shall do so by decision.

(5) An appeal shall not be permitted against the decision referred to in paragraph 4 of



this Article, but an administrative dispute may be instituted.

(6) The Minister shall prescribe by a special regulation the content and method for keeping the Register referred to in paragraph 1 of this Article, content and method for applying for registration into the Register, as well as waste lists.

**Countries** All country.

**Remarks**

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### **Czech Republic**

**2008** Czech Republic restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Regulation (EC) No. 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (applicable from 12 July 2007).

**Countries** All exports of wastes (both hazardous and non-hazardous) for final disposal are prohibited except those to EU Member countries and EFTA countries that are also Parties to the Basel Convention (CH, IS, LI, NO).

**Remarks** According to the Act on Waste No. 185/2001 Coll. waste generated in the Czech Republic shall be preferentially disposed of in the Czech Republic. According to the Waste Management Plan of the Czech Republic (Government Decree No. 197/2003 Coll.) the export of wastes for the purpose of disposal shall be permitted only if there is not sufficient capacity in the Czech Republic for environmentally sound disposal of the specific kind of waste.

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### **Estonia**

**2008** Estonia has no restrictions on the export of hazardous wastes and other wastes for final disposal.

**Legislation**

**Countries**

**Remarks**

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### **Georgia**

**2008** Georgia has no restrictions on the export of hazardous wastes and other wastes for final disposal.

**Legislation**

**Countries**

**Remarks**

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### **Hungary**

**2008** Hungary restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Regulation (EC) No 1013/2006 of the European Parliament and of the Council on Shipment of Waste.  
The regulation entered into force on 15.07.2006

**Countries** Art. 34. All export of waste from the Community destined for disposal shall be prohibited.

**Remarks** The regulation shall apply from 12 July 2007.

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### **Latvia**

**2008** Latvia restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Latvia accessed to European Union on 1st of May, 2004. Council Regulation No 259/93 of 1st February 1993 on the supervision and control of shipments of waste within, into and out of the European Community has been replaced by Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste is directly applicable in Latvia since July 13, 2006.

**Countries** In accordance with provisions of Article 34 of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste:

1. All exports of waste from the Community destined for disposal shall be prohibited.
2. The prohibition in paragraph 1 shall not apply to exports of waste destined for disposal in EFTA countries which are also Parties to the Basel Convention.
3. However, exports of waste for disposal to an EFTA country Party to the Basel Convention shall also be prohibited:
  - (a) where the EFTA country prohibits imports of such waste; or
  - (b) if the competent authority of dispatch has reason to believe that the waste will not be managed in an environmentally sound manner, as referred to in Article 49, in the country of destination concerned.
4. This provision shall be without prejudice to the take-back obligations as laid down in Articles 22 and 24.

**Remarks**

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**Poland**

**2008** Poland restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Regulation (EC) no 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipment of waste which became applicable since 12.07.2007.

**Countries** The restriction covers all countries except for EU and EFTA countries which are also Parties to Basel Convention.

**Remarks**

- Shipments within the EU:  
Shipments of waste destined for disposal operations between Member States of the EU are subject to notification procedure stipulated in articles 3 - 11 of the Regulation No 1013/2006.
- Export outside the EU:  
In general all exports of waste for disposal are prohibited except for those to EFTA countries which are Party to Basel Convention (art. 34). In case of export of waste for disposal to EFTA countries, notification procedure stipulated in art. 35 should be applied.

Since 12.07.2007:

- Shipments within the EU:  
Shipments of waste destined for disposal operations between Member States of the EU are subject to notification procedure stipulated in articles 3 - 11 of the Regulation No 1013/2006.
- Export outside the EU:  
In general all exports of waste for disposal are prohibited except for those to EFTA countries which are Party to Basel Convention (art.34). In case of export of waste for disposal to EFTA countries, notification procedure stipulated in art. 35 should be applied.

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**Republic of Moldova**

**2008** Republic of Moldova has no restrictions on the export of hazardous wastes and other wastes for final disposal.

**Legislation**

**Countries**

**Remarks**

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**Romania**

**2008** Romania has no restrictions on the export of hazardous wastes and other wastes for final disposal.

**Legislation**

**Countries**

**Remarks**

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**Serbia**

**2008** Serbia restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Serbia restricts the export of hazardous wastes and other wastes for final disposal. The restriction is in accordance with the provisions of the Basel Convention and its Ban amendment.

**Countries** The restriction covers all countries.

**Remarks**

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**Slovakia**

**2008** Slovakia restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Since 12 July 2007 the transboundary movements of wastes have been regulated by the Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste. According to the Regulation (EC) No 1013/2006, Article 3 (1) a shipments of all wastes shall be subject to the procedure of prior written notification and consent if destined for disposal operations. Objections to shipments of waste destined for disposal can be raised in compliance with an Article 11 of the Regulation (EC) No 1013/2006. Article 34 deals with an export prohibition (export of waste for disposal) except to EFTA countries.

Based on the objectives of the Waste Management Programme of the Slovak Republic the Ministry of Environment of the Slovak Republic applies objections to shipments of waste destined for disposal pursuant to Article 11 of the Regulation (EC) No 1013/2006.

**Countries**

**Remarks** Annex IV A of the Basel Convention is equal to Annex III of the national Act No. 223/2001 Coll. as amended by subsequent regulations.

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**Slovenia**

**2008** Slovenia restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Regulation (EC) 1013/2006, especially art. 34, 39 and 40. Entry into force: July 2006.

**Countries** Prohibition of exports of waste destined for operations set out in Annex IVA of Basel Convention (D-codes) into non-EU/non-EFTA countries.

**Remarks**

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**Ukraine**

**2008** Ukraine has no restrictions on the export of hazardous wastes and other wastes for final disposal.

***Legislation***

***Countries***

***Remarks***

Export of hazardous wastes is carried out in accordance with the Basel Convention provisions.

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***UN Region: Latin America and the Caribbean***

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**Argentina**

**2008** Argentina has no restrictions on the export of hazardous wastes and other wastes for final disposal.

***Legislation***

***Countries***

***Remarks***

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**Barbados**

**2008** Barbados has no restrictions on the export of hazardous wastes and other wastes for final disposal.

***Legislation***

***Countries***

***Remarks***

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**Bolivia**

**2008** Bolivia has no restrictions on the export of hazardous wastes and other wastes for final disposal.

***Legislation*** Bolivia con relación a las exportaciones de desechos peligrosos se enmarca y trabaja en el marco de las convenciones de Basilea y Rotterdam.

***Countries***

***Remarks***

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**Brazil**

**2008** Brazil has no restrictions on the export of hazardous wastes and other wastes for final disposal.

***Legislation***

***Countries***

***Remarks*** Although there are not restrictions, this practice is not usual due to ethical aspects. Some exportations happen just for recycling and treatment.

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**Colombia**

**2008** Colombia restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation**

**Countries**

**Remarks** Colombian Law No. 1252 as of November 27, 2008 provides in its article 13, that the only hazardous wastes which can be exported from the Colombian territory, those which due to their complexity cannot be treated in a sound environmental and sanitary way in the Colombian territory. In such case, the producer, transporter and recipient of hazardous wastes must comply with the provisions of the Basel Convention and other regulations in force ruling the matter.

In addition to rules adopted by the Basel Convention, in those cases when the exporter requires temporary storage of these wastes, he must previously obtain Environmental Licensing for Waste Storage in accordance with the dispositions of Art. 9, num. 9 of National Decree No. 1220 of 2005.

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**Cuba**

**2008** Cuba restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** The Resolution 136/2009 of the CITMA (entry into force 28/09/2009). In their article 69 prohibit all transboundary movement of hazardous biological wastes (Annex I of the Resolution).

**Countries** All the countries.

**Remarks**

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**Ecuador**

**2008** Ecuador restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** Environmental Law Unified Text of Ecuadorian Environmental Ministry published in the Official Registration No. 2 of March 31, 2003.  
Book VI of the Environmental Quality, Title V "Regulation for the prevention and control of the contamination by dangerous waste"

**Countries** To national level.

**Remarks** The Ministry of Environment is the National Environmental Authority. The Environment Ministry will permit to export dangerous waste when themselves be not incurred in situations predicted in the previous articles and fulfilled the following conditions:

- 1.The exporter has obtained the environmental license given by Ministry of Environment(MAE)
  - 2.The packing, the identification and the transportation are made in accordance with the established law, technical guides and international practices
  - 3.The environmental authority of the import country has approved the import
  - 4.The exporter include the corresponding insurance that covers damages that could cause to the environment or to legal entities and individuals
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**Guatemala**

**2008** Guatemala has no restrictions on the export of hazardous wastes and other wastes for final disposal.

**Legislation**

**Countries**

**Remarks**

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## **Guyana**

**2008** Guyana is in a preparatory process to restrict the export of hazardous wastes and other wastes for final disposal.

**Legislation** Environmental Protection (Export and Intransit of Hazardous Waste) Regulations  
Environmental Protection (Export of Hazardous Waste) Regulations  
Both pieces of Legislation have been drafted but need to be finalized.  
N.B Hazardous waste is not exported from Guyana for final disposal but for recovery purposes.

**Countries**

**Remarks**

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## **Honduras**

**2008** Honduras has no restrictions on the export of hazardous wastes and other wastes for final disposal.

**Legislation**

**Countries**

**Remarks**

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## **Jamaica**

**2008** Jamaica restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** The Natural Resources (Hazardous Waste)(Control of Transboundary Movement) Regulations, 2002

**Countries** An area south of 60o latitude, whether or not the waste is subject to transboundary movement

**Remarks**

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## **Mexico**

**2008** Mexico restricts the export of hazardous wastes and other wastes for final disposal.

**Legislation** In accordance with Article 50, Fraction X, of the General Law of Prevention and Integral Management of Wastes (LGPGIR) requires authorization of the Secretariat for the import and export of hazardous wastes.

The article 85 of the LGPGIR, establishes the follow, “The import and export of hazardous wastes will subject to the restrictions or conditions established in the Law, its Regulation, the Law of Foreign Trade, the Federal Law of Economic Competition, the International Treaties of which Mexico is part and the other applicable orderings.

Also, in accordance with Article 87 of the LGPGIR: “The authorizations for the export of hazardous wastes will be only emitted when that ask for them count on the previous consent of the import country and, in its case of the governments of the countries by which the wastes journey.

**Countries** The restriction covers all countries.

**Remarks**

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## **Saint Lucia**

**2008** Saint Lucia has no restrictions on the export of hazardous wastes and other wastes for final disposal.

*Legislation*

*Countries*

*Remarks*

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**Uruguay**

**2008** Uruguay has no restrictions on the export of hazardous wastes and other wastes for final disposal.

*Legislation*

*Countries*

*Remarks*

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