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Open-ended Working Group of the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Eleventh meeting

Geneva, 3−6 September 2018

Item 3 (a) (ii) of the provisional agenda[[2]](#footnote-3)\*\*

Matters related to the work programme of the
Open-ended Working Group for 2018–2019:
strategic issues: development of guidelines for

environmentally sound management

**Draft practical manual for stakeholders to ensure that notifications of transboundary movements meet environmentally sound management requirements**

 Note by the Secretariat

 As referred to in the note by the Secretariat on development of guidelines for environmentally sound management (UNEP/CHW/OEWG.11/3), the annex to the present note sets out a draft practical manual for stakeholders to ensure that notifications of transboundary movements meet environmentally sound management requirements, as prepared by the expert working group on environmentally sound management. The present note, including its annex, has not been formally edited.

**Annex**

**Draft practical manual for stakeholders to ensure that notifications of transboundary movements meet environmentally sound management requirements**

 **I. Introduction**

1. In accordance with the Basel Convention, transboundary movements (TBM) of hazardous wastes and other wastes must follow a Prior Informed Consent (PIC) procedure. This means that planned TBMs must be notified in advance by the exporter to all competent authorities of the countries involved and can only be undertaken if all competent authorities have given their written consent to the movement. In addition, it must be ensured that the wastes will be disposed of in an environmentally sound manner.
2. The responsibilities of the stakeholders involved in such a TBM (competent authorities, exporters and generators) are outlined in the Basel Convention. From a legal point of view, the required procedures for planning and undertaking TBMs of hazardous wastes and other wastes are clear. However, in practice, the situation can be complex. One of the main complexities is how to ensure that the wastes subject to a TBM will be disposed of in an environmentally sound manner.

 **II. Objective and scope**

1. This practical manual serves as a reference for decision-making related to the authorization of a TBM of hazardous waste and other wastes. The manual identifies elements of information useful in determining whether the wastes subject to a TBM will be managed in an environmentally sound manner. The manual is intended for use by competent authorities of exporting countries, and also provides guidance for consideration by the competent authorities of importing and transit countries. Use of this practical manual is voluntary.

 **III. Use of the manual**

1. The key duties of the competent authorities of the countries involved in a TBM and the exporter/notifier or generator with respect to the prior informed consent (PIC) procedure outlined in Article 6 of the Basel Convention are highlighted below. For a complete description of responsibilities, refer to the Guide to the Control System.[[3]](#footnote-4)
2. The exporting country is responsible for notifying the countries of import and transit that a TBM of hazardous wastes or other wastes is planned, and shall not allow a TBM to commence unless the importing country has provided consent.
3. The importing country responds to the notification by either consenting or objecting to the notification or requesting additional information. If the importing country consents to the TBM, it should confirm the existence of a contract specifying environmentally sound management (ESM) of the wastes between the exporter and the disposal facility.
4. The transit country responds to the notification by either consenting (written or tacit consent) or objecting to the notification within 60 days.
5. The exporter/notifier or generator must complete a notification and establish a contract with the disposal facility. The exporter or generator is also responsible for completing a movement document and for ensuring that the disposal facility is aware of its responsibility with respect to the certification of receipt and disposal of the waste.
6. This practical manual should not be used in isolation by the competent authorities for consenting to or rejecting a transboundary movement of hazardous waste, as it is not sufficiently comprehensive for environmentally sound management of hazardous waste and other waste as required by the Basel Convention.

 **IV. Assessing whether a TBM meets ESM standards during the PIC process**

 **A. Competent authority of an exporting country**

1. During the PIC process, the competent authorities of the countries involved in the TBM can use this practical manual as a reference to assess, as far as practicable, whether the waste will be managed in an environmentally sound manner. The following elements should be considered during the PIC process.

 **1. Administrative requirements**

1. Such administrative requirements include:
2. Ensuring that the notification form is complete;
3. Taking all necessary steps to notify the competent authorities of all transit and importing countries concerning the proposed TBM;
4. Making available for review the contract between the exporter and the disposal facility specifying environmentally sound management of the waste subject to TBM, if requested.

 **2. Supplemental technical information**

**(a) Assess whether the proposed recovery or final disposal operation is environmentally sound**

1. Such an assessment should include:
2. Identifying the recovery or disposal operation that will be applied to the waste;
3. Identifying where and how the residues from the disposal operation will be treated. Residues arising from the treatment of hazardous wastes can also be hazardous, perhaps even more hazardous than the original wastes. Consequently, environmentally sound and safe disposal of these wastes should be ensured;
4. Identifying the potential hazardous characteristics of the waste;
5. Assessing whether the technology and recovery or disposal operation is appropriate and provides for environmentally sound management of the waste;
6. Verifying that the disposal facility has all necessary valid licenses for the intended recovery or disposal operation.

**(b) Assess the ESM capacity of the disposal facility**

1. Such an assessment should include:
2. Evaluating whether the disposal facility (including for storage, as applicable) is authorized and has the technological capacity to complete the proposed recovery or disposal of the waste;
3. Determining whether the storage of the waste prior to recovery or disposal is adequate and environmentally sound;
4. Identifying and reviewing relevant anecdotal information gleaned about the performance of the disposal facility, if available;
5. Evaluating whether the standards of the disposal facility in the importing country are acceptable to the exporting country;
6. Determining whether the personnel employed at the disposal facility are trained for managing the wastes pursuant to labour safety measures. Checking the certification schemes of the site or facility is recommended.

**(c) Evaluate whether pollution control measures are adequate**

1. Such an evaluation should include:
2. Assess whether the importing country has pollution control measures in place that address air emissions, effluent and soil contamination;
3. Identify whether the facility has policies and activities in place to prevent, treat and mitigate potential releases from the proposed recovery or disposal operation;
4. Evaluate whether the facility has procedures or other measures in place to respond to emergencies during waste handling.

 **3. Additional possibilities to ensure the environmentally sound management of the wastes**

1. If it is unclear whether a disposal facility can ensure the ESM of the wastes in question, the competent authority of the exporting country may impose additional measures. Additional measures may also be applied directly at the border.
2. **Additional requirements established by the competent authority**
3. The competent authority should provide the notifier with a detailed explanation of what additional information is required. (For example, the authorization of an initial proposed “test” export may be subject to a detailed report of the results of the disposal operation. Subsequent proposed exports will be subject to the results of this report; interviewing exporter about importer for first time notification).
4. **Independent audit of the disposal facility**
5. The competent authority may require an independent audit of the disposal facility receiving an initial export. This detailed audit report should inform the competent authority in evaluating the proposed TBM. The competent authority may use this information to evaluate subsequent notifications for exports to the same disposal facility based upon the results of this audit.
6. **Additional/special controls at the border**
7. Border personnel should be made aware of additional/special controls that can be made at the border. For example, verification that the wastes intended for export correspond to the description on the notification.
8. **Potential resources for information about the importing country and disposal facility**
9. Such resources include:
10. Tools on the Basel Convention website;
11. National reports on Basel Convention website;
12. Websites of disposal facilities;
13. ISO database of certified facilities;
14. Website of environmental agencies of importing countries;
15. References from industry, including trade associations;
16. Competent authorities may choose to establish a databank of relevant information on disposal facilities in importing countries;
17. Previous assessments performed by exporting country of the facilities, technologies and regulations in the importing country;
18. Prior TBMs of hazardous waste to the importing country and to the facility.

 **B. Competent authority of a transit country**

1. If the competent authority of a transit country receives a notification for a TBM of hazardous waste or other wastes, the competent authority should take the necessary steps to ensure that the planned transit through its territory will exclude possible damage to the environment in the transit country. Additionally, random checks may be useful or in suspected cases during transit.
2. The following elements should be considered during the PIC process.

 **1. Administrative requirements**

1. If a competent authority of a transit country receives a notification, it should in every case acknowledge receipt of the notification to the import and export state in order to fix the date when the 60-day period commences.
2. If a transit country decides not to require prior written consent, either generally or under specific conditions for transit, it shall inform the Secretariat of the Basel Convention (pursuant to Article 13). In such cases, after 60 days upon acknowledgment of receipt of the notification to the exporting country, the exporting country can assume that the transit country does not object to the notified transit through its state territory:
3. If that the information notification form is complete concerning the information needed in case of an emergency during the transport;
4. If the conclusion is that the transit is environmentally sound: give written consent to the exporting country within 60 days;
5. If the conclusion is that the transit is environmentally sound but transport restrictions must be respected: give written consent to the exporting country fixing the conditions to be respected within 60 days (see 2. below);
6. If needed information is lacking: inform the exporting country asking for the needed information enabling an informed final decision concerning the transit as soon as possible and not later than 60 days (see 2. below);
7. If the conclusion is that the transit is not environmentally sound: prohibit in writing to the exporting country the planned transboundary movement (see section 2 below).

 **2. Points that should be checked for evaluating a transit**

1. In order to ensure that a transit of hazardous waste or other wastes is environmentally sound, the following points should be considered:
2. Is the means of transport adequate for transporting the waste in question? Use the waste classification and description, the description of the hazardous components contained in the waste and the hazardous characteristics of the waste to make an informed decision;
3. Are there restrictions on the notified transportation route? (e.g. tunnels where explosive or flammable wastes are not allowed to be transported, or sea routes where certain materials are not allowed to be transported);
4. Is the information needed in case of an emergency (e.g. accident, fire) available in the notification (and respective movement document) for adequate action;
5. Does the required insurance for the transport exist?

 **3. Additional possibilities to ensure the environmentally sound management of the wastes**

1. If the competent authority of the transit country is aware of information that the foreseen disposal facility in the importing country cannot ensure the ESM of the wastes in question (e.g. the facility is no longer operating), the exporting country should be informed about this and the transit should be stopped / prohibited.

 **4. Additional possibilities to ensure the environmentally sound transit of the wastes**

1. Border personnel should be made aware of additional/special controls that can be made at the border. For example, verification that the wastes intended for export correspond to the description on the notification.

 **C. Competent authority of an importing country**

1. If the competent authority of an importing country receives a notification for a TBM of hazardous waste or other wastes, the competent authority should take into consideration the guidance provided in the Checklist for Self-Assessment of National Environmentally Sound Management Capacity[[4]](#footnote-5) to ensure that the waste is managed in an environmentally sound manner.

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1. \* Reissued for technical reasons on 20 July 2018. [↑](#footnote-ref-2)
2. \*\* UNEP/CHW/OEWG.11/1/Rev.1. [↑](#footnote-ref-3)
3. UNEP/CHW.12/9/Add.3/Rev.1. [↑](#footnote-ref-4)
4. http://www.basel.int/Implementation/CountryLedInitiative/EnvironmentallySoundManagement/ESMToolkit/Selfassessmentchecklist/tabid/5849/Default.aspx. [↑](#footnote-ref-5)