

BASEL CONVENTION

Secretariat of the Basel Convention

United Nations Environment Programme

Office Address : International Environment House 1, 11-13, chemin des Anémones, 1219 Châtelaine, Geneva, Switzerland

Postal Address: c/o Palais des Nations, 8-14, avenue de la Paix, 1211 Geneva 10, Switzerland

Tel.: +41 (0) 22 917 8271 | Fax: +41 (0) 22 917 8098 | E-mail: bs@un.org

Date: 30 April 2024

Subject: Invitation to provide information to facilitate the inclusion of waste covered by the Basel Convention in the Harmonized Commodity Description and Coding System

Dear Sir, dear Madam,

In paragraph 3 (a) of decision BC-14/9, attached, the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal requested the Secretariat to submit to the World Customs Organization a proposal for amending the Harmonized Commodity Description and Coding System (hereinafter the Harmonized System) to allow the identification of 13 types of wastes.

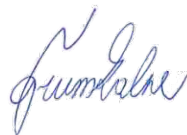
Amendments for the identification of B1110 and A1180 – Electrical and electronic assemblies and A1160 – Waste lead-acid batteries, whole or crushed were included in the 7th edition of the Harmonized System that entered into force in January 2022. The Secretariat has submitted proposals for amending the Harmonized System with respect to the following three types of wastes set out in paragraph 3 (a) of decision BC-14/9, for consideration by the World Customs Organization in the seventh review cycle of the Harmonized System: A3020 – waste mineral oils unfit for their originally intended use, together with A3180 – wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl, polychlorinated terphenyl, polychlorinated naphthalene or polybrominated biphenyl, or any other polybrominated analogues of these compounds; A3210, B3011, Y48 – plastic waste; and B3140 – waste pneumatic tyres.

Pursuant to paragraph 2 of decision BC-16/8, you are invited to provide the Secretariat with information to assist it in preparing proposals for amending the Harmonized System with respect to the types of wastes set out in paragraph 3 (a) of decision BC-14/9, for which proposals have not yet been developed. You will find attached to this letter the elements on which information is requested.

Please send your submissions to the Secretariat, Ms. Melisa Lim (Email: melisa.lim@un.org) by **14 June 2024**.

Yours sincerely

Fax:



Rolph Payet
Executive Secretary

BC-14/9: Cooperation with the World Customs Organization on the Harmonized Commodity Description and Coding System

The Conference of the Parties

1. Takes note of the report on the status of work of the World Customs Organization on the Harmonized Commodity Description and Coding System related to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal;¹

2. Also takes note of the revised list of types of wastes submitted by Parties in response to decision BC-10/10, taking into account the progress made by the Harmonized System Committee and its Harmonized System Review Subcommittee, as well as of the information received from Parties on the types of wastes for which it would be useful to request the World Customs Organization to introduce codes in the Harmonized Commodity Description and Coding System;²

3. Requests the Secretariat:

(a) To submit to the World Customs Organization a proposal for amending the Harmonized Commodity Description and Coding System to allow the identification of the following types of wastes:

- (i) With higher priority:³
 - 1. B1110 and A1180 – Electrical and electronic assemblies;⁴
 - 2. A1160 – Waste lead-acid batteries, whole or crushed;⁵
 - 3. A3210, B3011, Y48 – Plastic waste;
 - 4. A1010, A1020, A1030, A1040 – Metal wastes/compounds;
 - 5. A3020 – Waste mineral oils unfit for their originally intended use, together with A3180 – Wastes, substances and articles containing, consisting of or contaminated with PCB, PCT, PCN or PBB or any other polybrominated analogues of these compounds;
 - 6. A4030 – Wastes from production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides;
 - 7. B1250 – Waste end-of-life motor vehicles, containing neither liquids nor other hazardous components;
 - 8. B3140 – Waste pneumatic tyres;
- (ii) With medium priority:⁶
 - 1. A3090 – Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides;
 - 2. A3100 – Waste paring and other waste of leather;

¹ UNEP/CHW/OEWG.11/INF/34; UNEP/CHW.14/INF/14, annex I.

² UNEP/CHW.14/INF/14, annex II.

³ For the full entries, see Annexes VIII and IX to the Basel Convention.

⁴ Amendments to the Harmonized Commodity Description and Coding System to allow for the identification of this type of waste have been provisionally adopted by the Harmonized System Committee and will be included in the 2022 edition of the System, pending a final decision under the World Customs Organization.

⁵ Amendments to the Harmonized Commodity Description and Coding System to allow for the identification of this type of waste have been provisionally adopted by the Harmonized System Committee and will be included in the 2022 edition of the System, pending final decision under the World Customs Organization.

⁶ For the full entries, see Annexes VIII and IX to the Basel Convention.

3. A3110 – Fellingmongery wastes containing hexavalent chromium compounds or biocides;
4. A4130 – Waste packages and containers containing Annex I substances;
5. A4080 – Wastes of an explosive nature (but excluding such wastes specified on list B);

(b) To continue, under the guidance of the Open-ended Working Group, its cooperation with the Harmonized System Committee and relevant subcommittees of the World Customs Organization in order to facilitate the inclusion of wastes covered by the Basel Convention in the Harmonized Commodity Description and Coding System;

(c) To report on progress achieved in the implementation of the present decision to the Open-ended Working Group at its twelfth meeting and the Conference of the Parties at its fifteenth meeting.

I. Call for information with respect to A1010, A1020, A1030, A1040 – Metal wastes/compounds

A. Background⁷

1. The 7th edition of the Harmonized System (HS2022) contains HS codes corresponding to wastes of some of the metals covered by entry A1010, as shown in table 1 below. For the purposes of the HS, antimony, beryllium, cadmium, lead, and thallium are identified as base metals and classified in the respective chapters in section XV of the HS. Arsenic, mercury, selenium and tellurium are not identified as base metals and are classified in Chapter 28 of the HS.

2. As shown in table 1, HS2022 contain codes for waste and scrap of the base metals, antimony, beryllium, cadmium, lead, and thallium. The definition of waste and scrap of such metals is provided in Note 8 to Section XV that reads:

“In this Section, the following expressions have the meanings hereby assigned to them :

- (a) Waste and scrap
 - (i) All metal waste and scrap;
 - (ii) Metal goods definitely not usable as such because of breakage, cutting up, wear or other reasons.”

3. HS2022 does not contain specific codes for waste and scrap of arsenic, mercury, selenium and tellurium. Depending on the composition of the wastes for these metals, they could be classified under the respective headings in Chapter 28

Table 1. Possible HS classification for wastes listed in entry A1010

Metal wastes and waste consisting of alloys of any of the following	Harmonized System code	HS description	Scope
Antimony	8110.20	Waste and scrap (under heading 81.10: antimony and articles thereof, including waste and scrap)	Note 8 (a) to Section XV
Arsenic	?		
Beryllium	8112.13	Waste and scrap (under 81.12.10: -Beryllium)	Note 8 (a) to Section XV
Cadmium	8112.61	Waste and scrap (under 8112.60: -Cadmium)	Note 8 (a) to Section XV
Lead	7802.00	Lead waste and scrap	Note 8 (a) to Section XV
Mercury	?		
Selenium	?		
Tellurium	?		
Thallium	8112.52	Waste and scrap (under 8112.10: -Thallium)	Note 8 (a) to Section XV

4. Regarding wastes having as constituents or contaminants the metal compounds (except for selenium and tellurium) listed under Annex VIII entries A1020, A1030 and A1040, these could be classified in Chapter 26 of the HS under heading 26.20 (Slag, ash and residues (other than from the manufacture of iron or steel) containing metals, arsenic, or their compounds.). The scope of heading 26.20 is defined by Note 3 to Chapter 26 that reads:

“3.- Heading 26.20 applies only to :

- (a) Slag, ash and residues of a kind used in industry either for the extraction of metals or as a basis

⁷ HS2022 provides full descriptions of all HS codes mentioned herein

for the manufacture of chemical compounds of metals, excluding ash and residues from the incineration of municipal waste (heading 26.21); and
 (b) Slag, ash and residues containing arsenic, whether or not containing metals, of a kind used either for the extraction of arsenic or metals or for the manufacture of their chemical compounds.”.

5. Alternatively, some wastes having as constituents or contaminants the metal compounds listed under Annex VIII entries A1020, A1030 and A1040, could be classified under heading 38.25 (Residual products of the chemical or allied industries, not elsewhere specified or included; municipal waste; sewage sludge; other wastes specified in Note 6 to this Chapter.), more specifically under 3825.50 (-Wastes of metal pickling liquors, hydraulic fluids, brake fluids and anti-freeze fluids) or 3825.69 (-- Other wastes from chemical or allied industries). Heading 38.25 excludes goods covered by heading 26.20.

6. As shown in tables 2, 3 and 4 below, Chapter 26 of HS2022 contains specific subheadings for slags, ashes and residues containing several of the metals compounds listed in Annex VIII entries A1020, A1030 and A1040. There are no specific subheadings for slags, ashes and residues containing selenium and tellurium in Chapter 26. Amendments to the HS to specifically identify these metals and their compounds could therefore be proposed, as set out in the annex to the present call for information with respect to A1010, A1020, A1030, A1040 – Metal wastes/compounds. According to the Technical guidelines on the environmentally sound recycling/reclamation of metals and metal compounds (R4), the quantities of selenium and tellurium or their compounds destined for recycling range from extremely small to negligible. Parties are therefore invited to consider whether the amendment proposal set out in the aforementioned annex would be useful for implementation of the Basel Convention.

7. Regarding wastes having as constituents metal carbonyls covered by entry A1040 of Annex VIII, these could be classified under 3825.90 (-Other) but detailed information is needed on the goods considered as waste covered by entry A1040 and the chemical identity of the carbonyls they contain in order to develop proposals for more specific HS codes.

Table 2. Possible HS classification for wastes listed in entry A1020

Waste having as constituents or contaminants, excluding metal waste in massive form, any of the following	Harmonized System code	HS description	Scope
Antimony; antimony compounds	2620.91	-- Containing antimony, beryllium, cadmium, chromium or their Mixtures	Note 3 to Chapter 26
Beryllium; beryllium compounds	2620.91	-- Containing antimony, beryllium, cadmium, chromium or their mixtures	Note 3 to Chapter 26
Cadmium; cadmium compounds	2620.91	-- Containing antimony, beryllium, cadmium, chromium or their mixtures	Note 3 to Chapter 26
Lead; lead compounds	2620.21/ 2620.29	-- Leaded gasoline sludges and leaded anti-knock compound sludges/ -Containing mainly lead : -- Other	Note 3 to Chapter 26
Selenium; selenium compounds	3825.50/3825.69	-Wastes of metal pickling liquors, hydraulic fluids, brake	Note 6 (d) to Chapter 38

		fluids and anti-freeze fluids /-Other wastes from chemical or allied industries : -- Other	
Tellurium; tellurium compounds	3825.50/3825.69	-Wastes of metal pickling liquors, hydraulic fluids, brake fluids and anti-freeze fluids /-Other wastes from chemical or allied industries: -- Other	Note 6 (d) to Chapter 38

Table 3. Possible HS classification for wastes listed in entry A1030

Wastes having as constituents or contaminants any of the following	Harmonized System code	HS description	Scope
Arsenic; arsenic compounds	2620.60	-Containing arsenic, mercury, thallium or their mixtures, of a kind used for the extraction of arsenic or those metals or for the manufacture of their chemical compounds	Note 3 to Chapter 26
Mercury; mercury compounds	2620.60	-Containing arsenic, mercury, thallium or their mixtures, of a kind used for the extraction of arsenic or those metals or for the manufacture of their chemical compounds	Note 3 to Chapter 26
Thallium; thallium compounds	2620.60	-Containing arsenic, mercury, thallium or their mixtures, of a kind used for the extraction of arsenic or those metals or for the manufacture of their chemical compounds	Note 3 to Chapter 26

Table 4. Possible HS codes for wastes listed in entry A1040

Wastes having as constituents or contaminants any of the following	Harmonized System code	HS description	Scope
Metal carbonyls	?		
Hexavalent chromium compounds	2620.91	-- Containing antimony, beryllium, cadmium, chromium or their mixtures	Note 3 to Chapter 26

B. Information requested

- 1) Comments on the possible classifications set out in part A (Background).
- 2) Comments on the proposed amendments set out in annex to the present call for information with respect to A1010, A1020, A1030, A1040 – Metal wastes/compounds and on whether such an amendment would be useful for Parties.
- 3) Information on goods regarded as waste containing metal carbonyls (and the chemical identity of such carbonyls) for which specific HS codes should be developed.
- 4) Any national subdivisions/codes in the national tariff/statistical nomenclatures for wastes covered by Annex VIII entries A1010, A1020, A1030, A1040.

Annex to the call for information with respect to A1010, A1020, A1030, A1040 – Metal wastes/compounds

Draft possible amendments to the HS with respect to slag, ash and residues containing selenium and tellurium

CHAPTER 26.

Note 3 (b).

Delete and substitute :

“(b) Slag, ash and residues containing arsenic, selenium or tellurium, whether or not containing metals, of a kind used either for the extraction of arsenic, selenium, tellurium or metals or for the manufacture of their chemical compounds.”.

Heading 26.20. Heading text.

Delete and substitute :

“**26.20 Slag, ash and residues (other than from the manufacture of iron or steel) containing metals, arsenic, selenium, tellurium or their compounds.**”.

Subheading 2620.60. Subheading text.

Delete and substitute :

“2620.60 - Containing arsenic, mercury, thallium, selenium, tellurium or their mixtures, of a kind used for the extraction of arsenic, selenium, tellurium or those metals or for the manufacture of their chemical compounds”.

CHAPTER 38.

Note 1 (d).

Delete and substitute :

“(d) Slag, ash and residues (including sludges, other than sewage sludge), containing metals, arsenic, selenium. Tellurium, selenium, tellurium or their mixtures and meeting the requirements of Note 3 (a) or 3 (b) to Chapter 26 (heading 26.20);”.

II. Call for information with respect to A4030 – Wastes from production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides

A. Background⁸

1. Annex VIII entry A4030 (Wastes from the production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides and herbicides which are off-specification, outdated, or unfit for their originally intended use) describes wastes based on how they are generated, such as production, formulation or use of pesticides, without specifying the characteristic or nature of wastes at issue. HS2022 does not contain specific codes for separate identification of wastes from productions, formulation and use of biocides and phytopharmaceuticals, including waste pesticides.

2. Wastes from production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides could be classified under heading 38.25 (Residual products of the chemical or allied industries, not elsewhere specified or included; municipal waste; sewage sludge; other wastes specified in Note 6 to this Chapter.), more specifically subheading 3825.6 (-Other wastes from chemical or allied industries).

3. The HS classifications of goods, including wastes, is to be decided based on the objective nature and character of goods, when presented to Customs, in order to ensure the uniform application of the HS throughout the world. For the purpose of examining their HS classifications and developing proposals for specific codes for their separate identification, more detailed information (e.g., physical and chemical natures, including compositions) on goods that are regarded as wastes from production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides, is needed.

B. Information requested

- 1) Comments on possible classifications set out in part A (Background).
- 2) Information on goods regarded as wastes covered by Annex VIII entry A4030, for which specific codes should be developed, including the physical nature and chemical composition of such wastes.
- 3) Any national subdivisions/codes in the national tariff/statistical nomenclatures for wastes covered by Annex VIII entry A4030.

⁸ HS2022 provides full descriptions of all HS codes mentioned herein

III. Call for information with respect to B1250 – Waste end-of-life motor vehicles, containing neither liquids nor other hazardous components

A. Background⁹

1. In the HS Nomenclature, vehicles are classified in Chapter 87 (Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof). HS2022 does not contain specific HS codes for waste vehicles in Chapter 87.

2. The HS classifications of goods, including wastes, is to be decided based on the objective nature and character of goods, when presented to Customs, in order to ensure the uniform application of the HS throughout the world. Therefore, for the purpose of examining their HS classifications and developing proposals for specific codes for separate identification of waste motor vehicles, containing neither liquids nor other hazardous components, more detailed information on characteristics of goods that are regarded as such waste is needed. In particular, objective criteria for distinguishing waste vehicles from used vehicles would be helpful.

B. Information requested

1) Any national subdivisions/codes in the national tariff/statistical nomenclatures for waste vehicles.

2) Information on the nature of goods regarded as wastes covered by Annex IX entry B1250, for which specific HS codes should be developed, including their physical composition.

3) Any objective criteria for distinguishing such wastes from used vehicles.

⁹ HS2022 provides full descriptions of all HS codes mentioned herein

IV. Call for information with respect to A3090 (Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides) and A3100 (Waste paring and other waste of leather or of composition leather not suitable for the manufacture of leather articles containing hexavalent chromium compounds or biocides)

A. Background¹⁰

1. Chapter 41 of HS2022 covers goods considered to be raw hides and skins (other than furskins) and leather. Waste of some of such goods could be classified under heading 41.15 (Composition leather with a basis of leather or leather fibre, in slabs, sheets or strip, whether or not in rolls; parings and other waste of leather or of composition leather, not suitable for the manufacture of leather articles; leather dust, powder and flour.).

2. The following explanations are provided in the Explanatory Notes regarding heading 41.15:

(I) Composition leather

This group covers **only** composition leather with a basis of natural leather or leather fibres. It is to be noted that it **does not apply** to imitation leathers not based on natural leather, such as plastics (**Chapter 39**), rubber (**Chapter 40**), paper and paperboard (**Chapter 48**) or coated textile fabrics (**Chapter 59**).

Composition leather, which is also known as “bonded leather”, may be made by various processes :

- (1) By agglomerating parings and small waste pieces of leather with glue or other binder.
- (2) By agglomerating parings and small waste pieces of leather without a binder under strong compression.
- (3) By breaking down parings and waste into thin fibres by heating in hot water (without binders, like paper); the pulp thus obtained is formed into sheets by sieving, rolling and calendering.

Composition leather may be dyed, embossed, polished, grained or stamped, suede finished by grinding with carborundum or emery, varnished or metallised.

Such composition leather is classified in this heading when in slabs, sheets or strip, whether or not in rolls; if cut to shapes other than square or rectangular, it is classified in other Chapters, in particular **Chapter 42**.

(II) Parings and other waste

This group covers :

- (1) Parings and other waste of leather (including composition or parchment-dressed leather) resulting from the manufacture of leather goods, suitable for the production of composition leather or glue, etc., or for use as fertilisers.

¹⁰ HS2022 provides full descriptions of all HS codes mentioned herein

(2) Worn out articles of leather, incapable of further use for their original purpose, and not usable as leather for the production of other articles.

(3) Leather dust and powder (the waste of leather buffing and fluffing) used as a fertiliser or for making artificial suèdes, composition floorings, etc.

(4) Leather flour, produced by grinding waste leather and used in making suèded fabrics or as a filler in plastics, etc.

Scrap pieces of leather and worn out leather goods (e.g., old machinery belting) capable of being used in the manufacture of leather goods are classified as leather in the appropriate heading (**headings 41.07 or 41.12 to 41.14**).

The heading also **excludes** :

(a) Parings and similar waste of raw hides or skins (**heading 05.11**).

(b) Old footwear of **heading 63.09**.

3. Some types of wastes covered by Annex VIII entries A3090 and A3100 could possibly be classified under subheading 4115.20 (-Parings and other waste of leather or of composition leather, not suitable for the manufacture of leather articles; leather dust, powder and flour). To specifically identify those waste containing hexavalent chromium compounds and distinguish them from goods considered as waste covered by Annex IX entry B3100 and B3090, respectively, a subheading could be proposed under 4115.20. To develop such as proposal, further information about the chemical identity of the hexavalent chromium compounds contained in wastes covered by Annex VIII entries A3090 and A3100 and their concentration levels in such wastes is needed.

4. Regarding creating codes for wastes classified under entries A3090 and A3100 containing biocides, information is needed about the chemical identity of the biocides contained in the waste and their levels. This is because the HS classifications of goods, including wastes, is to be decided based on the objective nature and character of goods, when presented to Customs, in order to ensure the uniform application of the HS throughout the world.

B. Information requested

1) Any national subdivisions/codes in the national tariff/statistical nomenclatures for waste covered by Annex VIII entries A3090 and A3100.

2) Information about the chemical identity of the hexavalent chromium compounds contained in wastes covered by Annex VIII entries A3090 and A3100 and their concentration levels in such waste, as well as any concentration limit values to be applied for hazardous waste classification.

3) Information about the chemical identity of biocides contained in contained in wastes covered by Annex VIII entries A3090 and A3100, for which specific HS codes should be developed, and their concentration levels in such wastes, as well as any concentration limit values to be applied for hazardous waste classification.

V. Call for information with respect to A3110 – Fellmongery wastes containing hexavalent chromium compounds or biocides

A. Background¹¹

The HS classifications of goods, including wastes, is to be decided based on the objective nature and character of goods, when presented to Customs, in order to ensure the uniform application of the HS throughout the world. Therefore, for the purpose of examining their HS classifications and developing proposals for specific codes for separate identification of fellmongery wastes containing hexavalent chromium compounds or biocides, detailed information on the nature of goods that are regarded as such waste is needed. In addition, to specifically identify those wastes containing hexavalent chromium compounds and distinguish them from goods considered as waste covered by Annex IX entry B3110, information about the chemical identity of the hexavalent chromium compounds contained in wastes covered by Annex VIII entries A3110 and their concentration levels in such wastes is needed. Information about the chemical identity of the biocides contained in the waste and their levels is also needed.

B. Information requested

- 1) Any national subdivisions/codes in the national tariff/statistical nomenclatures for fellmongery wastes containing hexavalent chromium compounds or biocides.
- 2) Information on the nature of goods regarded as wastes covered by Annex VIII entry A3110, for which specific codes should be developed, including their physical and chemical composition.
- 3) Information about the chemical identity of the hexavalent chromium compounds contained in wastes covered by Annex VIII entry A3110 and their concentration levels in such wastes, as well as any concentration limit values to be applied for hazardous waste classification.
- 4) Information about the chemical identity of biocides contained in contained in wastes covered by Annex VIII by Annex VIII entry A3110 and their concentration levels in such wastes, as well as any concentration limit values to be applied for hazardous waste classification.

¹¹ HS2022 provides full descriptions of all HS codes mentioned herein

VI. Call for information with respect to A4130 – Waste packages and containers containing Annex I substances

A. Background¹²

The HS classifications of goods, including wastes, is to be decided based on the objective nature and character of goods, when presented to Customs, in order to ensure the uniform application of the HS throughout the world. Therefore, for the purpose of examining their HS classifications and developing proposals for specific codes for separate identification of waste packages and containers containing Annex I substances, detailed information on the nature of goods that are regarded as such waste and the Annex I substances concerned, is needed.

B. Information requested

- 1) Any national subdivisions/codes in the national tariff/statistical nomenclatures for waste packages and containers containing Annex I substances.
- 2) Information on the nature of goods regarded as wastes covered by Annex VIII A4130, including composition of the waste packages and containers concerned, for which specific HS codes should be developed.
- 3) Information about the chemical identity of Annex I substances contained in the wastes concerned, their concentration levels in such wastes, as well as any concentration limit values to be applied for hazardous waste classification.

¹² HS2022 provides full descriptions of all HS codes mentioned herein

VII. Call for information with respect to A4080 – Wastes of an explosive nature (but excluding such wastes specified on list B)

A. Background¹³

The HS classifications of goods, including wastes, is to be decided based on the objective nature and character of goods, when presented to Customs, in order to ensure the uniform application of the HS throughout the world. Therefore, for the purpose of examining their HS classifications and developing proposals for specific codes for separate identification of wastes of an explosive nature, detailed information on the nature of goods that are regarded as such waste is needed.

B. Information requested

- 1) Any national subdivisions/codes in the national tariff/statistical nomenclatures for wastes of an explosive nature.
- 2) Information on the nature of goods regarded as wastes covered by Annex VIII entry A4080, for which specific HS codes should be developed, including their physical and chemical composition.

¹³ HS2022 provides full descriptions of all HS codes mentioned herein