



The Basel Convention

Objectives, Obligations and Structure



2021

The health, socio-economic and environmental problem

Over 200 million tonnes of hazardous and household wastes are generated worldwide annually, of which at least 9.3 million tonnes move across national borders each year.

Illegal transboundary movements of chemicals and wastes are an increasing environmental concern globally.



UNEP 2015: Enforcement Handbook on Controlling Illegal Shipments of Chemicals and Waste – For Asia Enforcement Officers, https://wedocs.unep.org/bitstream/handle/20500.11822/9764/-Enforcement_Handbook_on_Controlling_Illegal_Shipments_of_Chemicals_and_Waste_-_For_Asia_EnforcementOfficers2015Enforcement-handbook-controllingill.pdf?sequence=3&%3BisAllowed=

The health, socio-economic and environmental problem

- The high costs of treating and disposing hazardous and other wastes
- Weak environmental regulations
- Weak enforcement
- and low environmental awareness,

have resulted in many developing countries becoming destination of illegal shipments of hazardous wastes and harmful chemicals with serious health and environmental consequences. (UNEP 2015).

UNEP 2015: Enforcement Handbook on Controlling Illegal Shipments of Chemicals and Waste – For Asia Enforcement Officers, https://wedocs.unep.org/bitstream/handle/20.500.11822/9764/-_Enforcement_Handbook_on_Controlling_Illegal_Shipments_of_Chemicals_and_Waste_-_For_Asia_Enforcement_Officers2015Enforcement-handbook-controllingill.pdf?sequence=3&%3BisAllowed=



The health, socio-economic and environmental problem

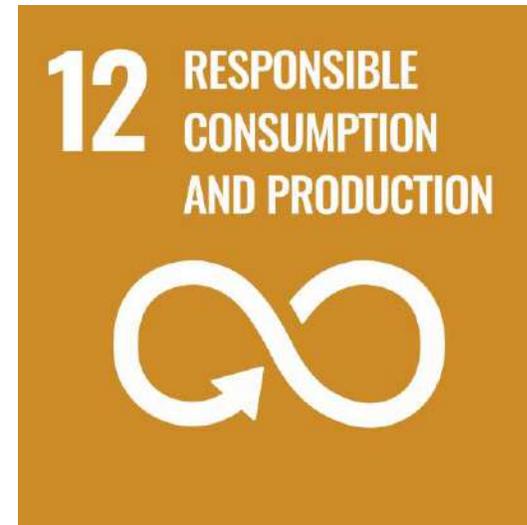


Therefore, comprehensive global approaches and instruments such as the Basel Convention to protect human health and the environment are needed.

Sustainable Development Goals (SDGs)

- Good waste management is key to deliver the SDGs
- Goal 12: Sustainable growth and development require minimizing the natural resources and toxic materials used, and the waste and pollutants generated.

**SUSTAINABLE
DEVELOPMENT
GOALS**



Sustainable Development Goals (SDGs)



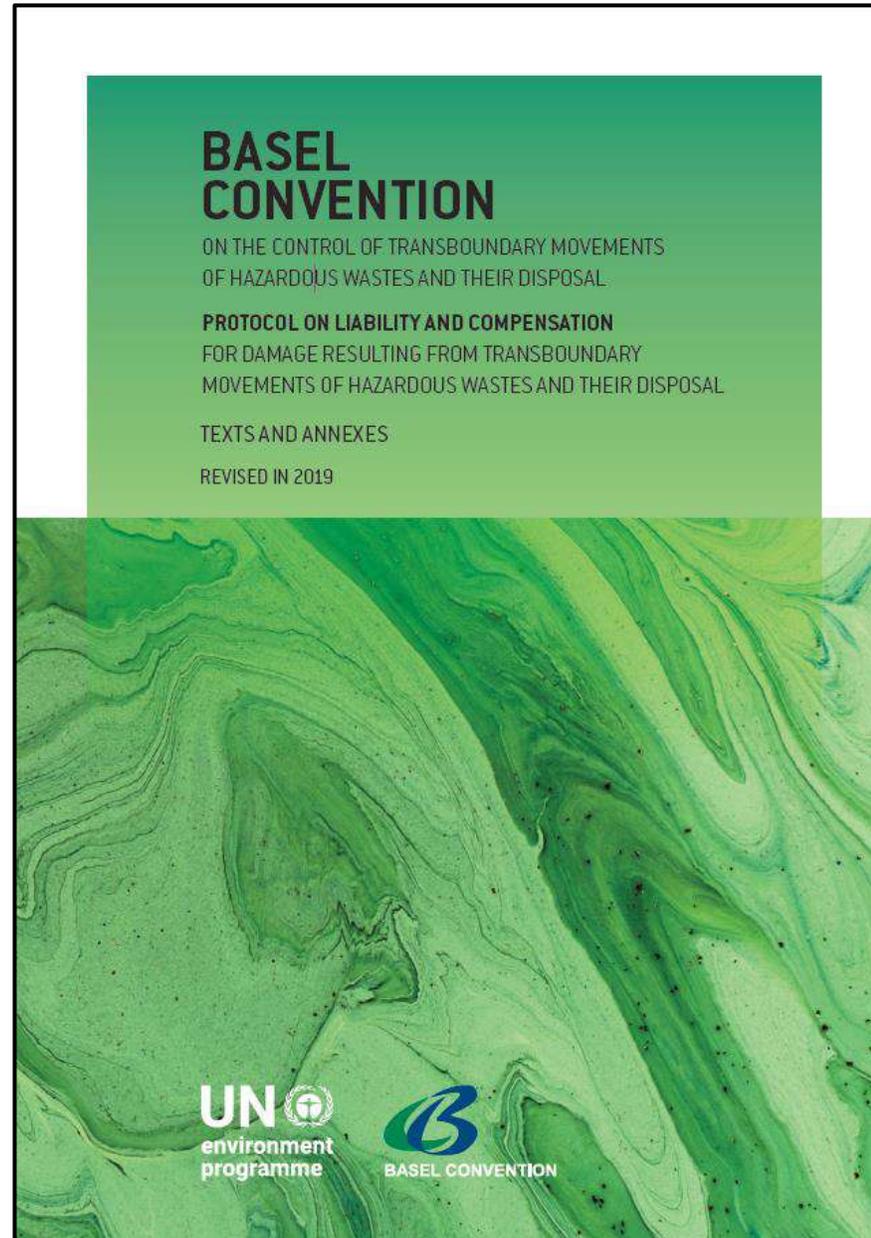
Goal 12 target 12.4:

- By 2020, achieve the environmentally sound management of chemicals and all wastes throughout their life cycle, in accordance with agreed international frameworks, and significantly reduce their release to air, water and soil in order to minimize their adverse impacts on human health and the environment

Progress example:

- In 2019, the amount of e-waste generated was 7.3 kg per capita, and only 1.7 kg per capita is documented to be managed in an environmentally sustainable manner.
- The realized annual growth rate of e-waste recycling in the past decade was 0.05 kg per capita and will need to be more than 10 times higher to ensure recycling of all e-waste by 2030.

Introduction



*This text of the Basel Convention is based on text and annexes revised in 2019 by BC COP 14, which became effective on 1 January 2021.

Introduction

The Basel Convention is a global treaty on the Control of Transboundary Movements of Hazardous Wastes and their Disposal to protect human health and the environment.



Initiation

The Convention was adopted in response to public outcry...

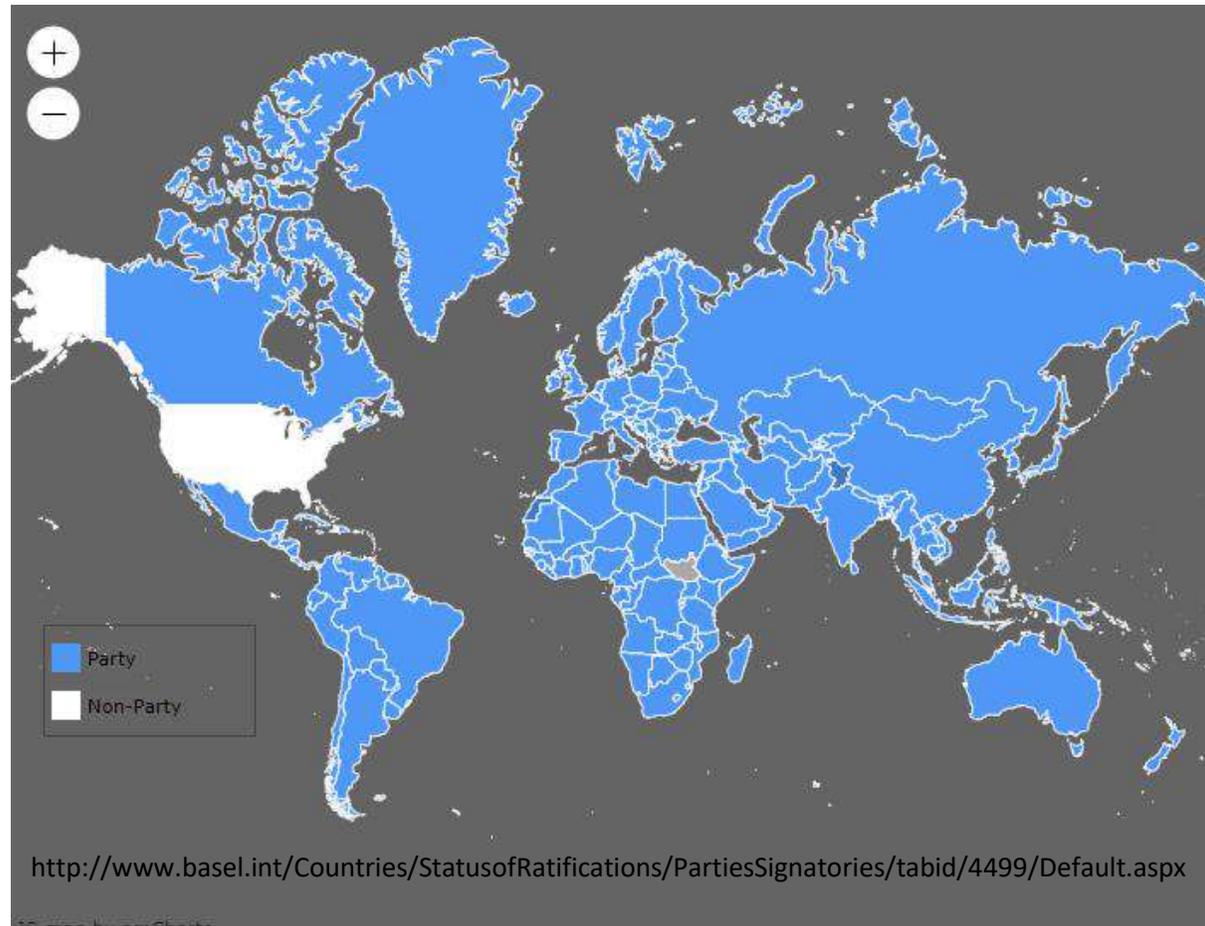


... after the discovery in the 1980s of deposits of toxic wastes imported from abroad into developing countries.

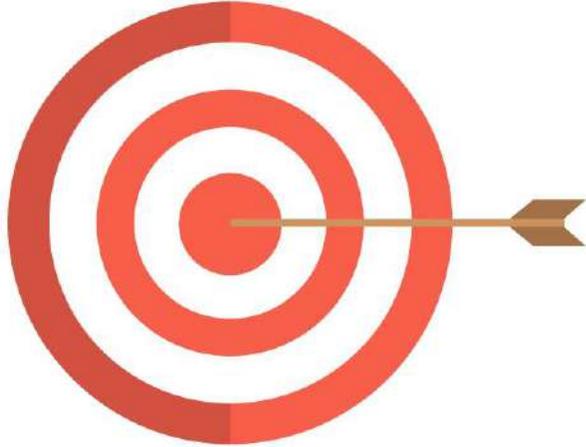
The Basel Convention – almost universal

The Convention was adopted at a Conference of Plenipotentiaries on 22 March 1989 in Basel, Switzerland.

- Entered into force on 5 May 1992
- As of July 2021, 188 Parties are bound to it



Main provisions of the Convention are:



- Reduction of hazardous waste and other waste generation and promotion of environmentally sound management of hazardous wastes
- Restriction of transboundary movements of hazardous wastes and other wastes except where it is perceived to be in accordance with the principles of environmentally sound management
- A regulatory system for cases where transboundary movements are permissible.

Structure of the Convention

In total 29 articles

- Scope of the Convention
- Definitions
- National Definitions of Hazardous Wastes
- General Obligations
- Designation of Competent Authorities and Focal Point
- Transboundary Movements between Parties and through non-Parties
- Duty to Re-import
- Illegal Traffic
- Transmission of information
- Articles 10-29 cover issues like liability, financial aspects, conference of the parties, secretariat, amendments and institutional aspects.

Article 1

Article 2

Article 3

Article 4, 4a

Article 5

Article 6, 7

Article 8

Article 9

Article 13

Structure of the Convention

9 annexes

- Categories of wastes to be controlled
- Categories of wastes requiring special consideration
- List of hazardous characteristics
- Disposal Operations
- Information to be provided for notification (A) and on the movement of documents (B)
- Arbitration
- Ban amendment
- Provide further elaboration as to the wastes regulated by the Convention as listed in Annexes I and III.

Annex I

Annex II

Annex III

Annex IV

Annex V

Annex VI

Annex VII

Annex VIII and IX

Article 1.1

1. The following wastes that are subject to transboundary movement shall be “hazardous wastes” for the purposes of this Convention:
 - a) Wastes that belong to any category contained in Annex I, unless they do not possess any of the characteristics contained in Annex III
 - b) Wastes that are not covered under paragraph (a) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit.



Article 1.2

2. "Other wastes" that belong to any category contained in Annex II that are subject to transboundary movement.

They refer to household wastes, incinerator ash and certain plastic wastes.



Article 1.3 and 1.4

3. Wastes which, as a result of being radioactive, are subject to other international control systems, including international instruments, applying specifically to radioactive materials, are excluded from the scope of this Convention.

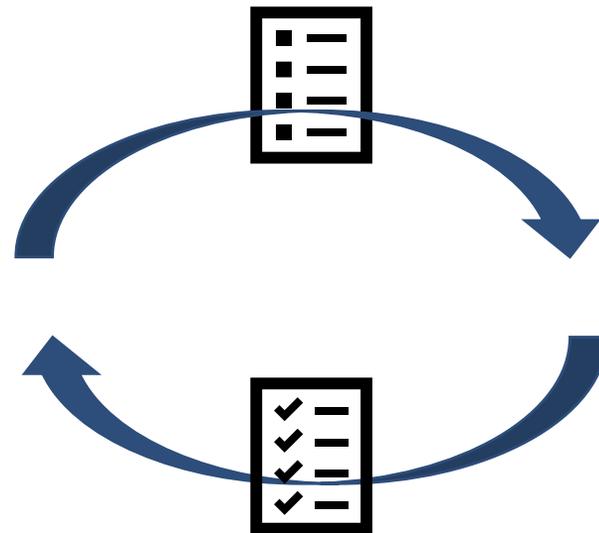


4. Wastes which derive from the normal operations of a ship, the discharge of which is covered by another international instrument, are excluded from the scope of this Convention.



Article 4.1

Article 4.1 sets out the conditions for Parties to ensure consents are in place before a transboundary movement takes place. This means that Parties have the right to prohibit imports of wastes for disposal.



Article 4.2

Article 4.2 sets out some of the general measures Parties need to take to ensure their obligations, including:

- Generation of hazardous and other wastes are reduced to a minimum.
- Adequate disposal facilities are available for the environmentally sound management of these wastes.
- Persons managing these waste takes necessary steps to prevent pollution.
- Transboundary movement is reduced to the minimum,
- And prevention of the import of such wastes if there is reason to believe that it will not be managed in an environmentally sound manner.

Article 4.3



In article 4.3 the Parties consider that illegal traffic of hazardous wastes or other wastes is criminal as further set out in Article 9.

Article 4.5

Article 4.5 prohibits hazardous wastes or other wastes to be exported to a non-Party or to be imported from a non-Party.



Article 4 A

Ban Amendment

The Ban Amendment provides for the prohibition by each Party included in the proposed new Annex VII of:

- all transboundary movements to States not included in Annex VII of hazardous wastes covered by the Convention that are intended for final disposal, and
- all transboundary movements to States not included in Annex VII of hazardous wastes covered by paragraph 1 (a) of Article 1 of the Convention that are destined for reuse, recycling or recovery operations.

Annex VII

Parties and other States which are members of OECD, EC, Liechtenstein

Article 6

Article 6 sets out a detailed Prior Informed Consent procedure with strict requirements for transboundary movement of hazardous wastes and other wastes.

The procedure forms the heart of the Basel Convention control system and is based on four key stages:

- (1) Written notification by State of export;
- (2) Written consent and issuance of movement document (See Article 6.9, 4.7(c) and Annex VB);
- (3) transboundary movement;
- (4) Certification of completion of environmentally sound disposal.

The transboundary movement must be held back from proceeding until the State of export receives written confirmation.

Article 6.2

Article 6.2 requires the State of import to respond to the notifier in writing, consenting with or without conditions, denying permission or requesting additional information.

State of Import

State of import to notifier:

- consenting with or without conditions
- denying permission
- requesting additional information

State of Export

State of export needs in writing:

- consent of the State of import
- contract between the exporter and disposer specifying environmentally sound management of the wastes (Article 6.3)

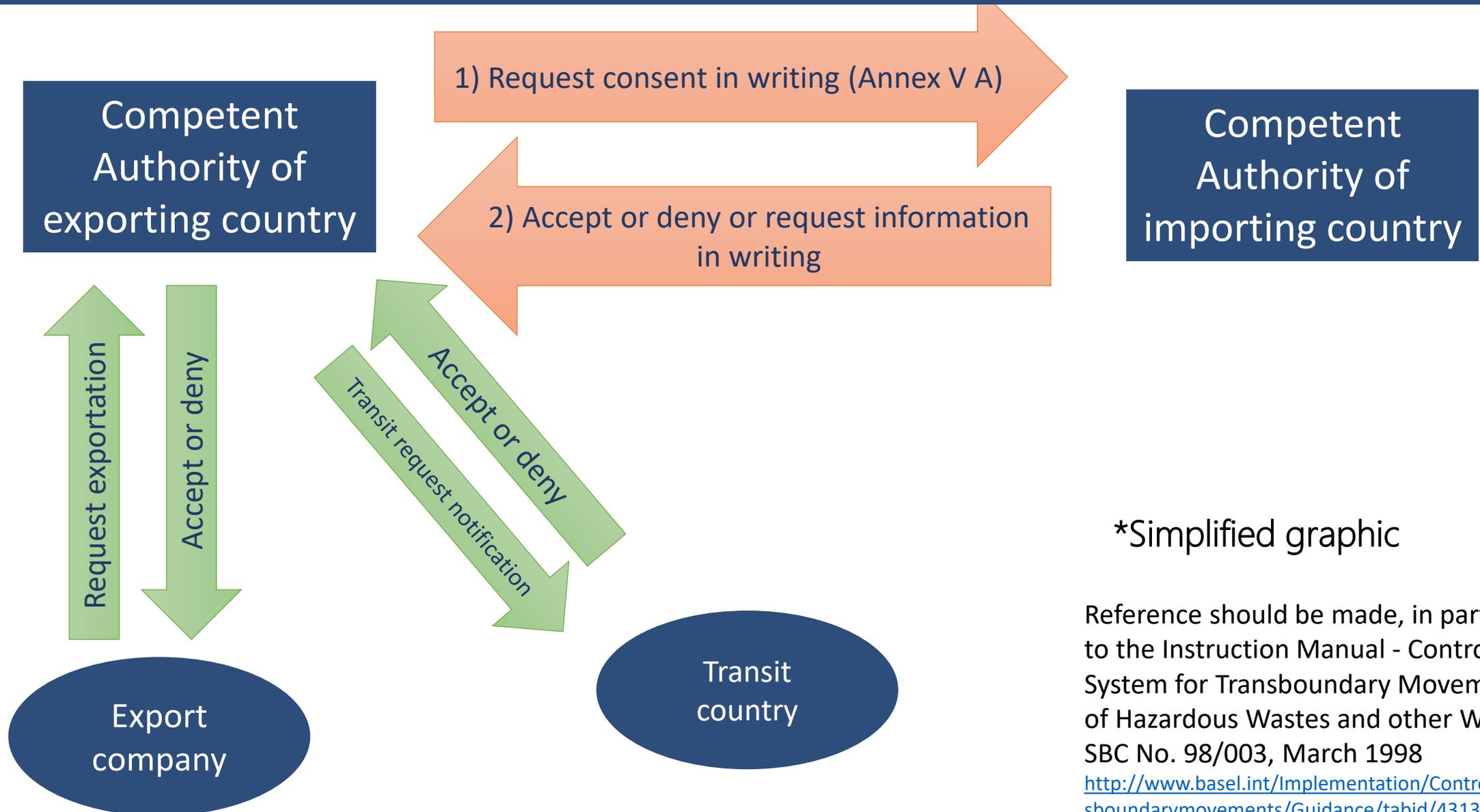
State of Transit

State of transit (which is a Party) to state of export:

- within 60 days of notification
- consenting with or without conditions
- denying permission
- requesting additional information

A state of transit may not to require prior written consent.

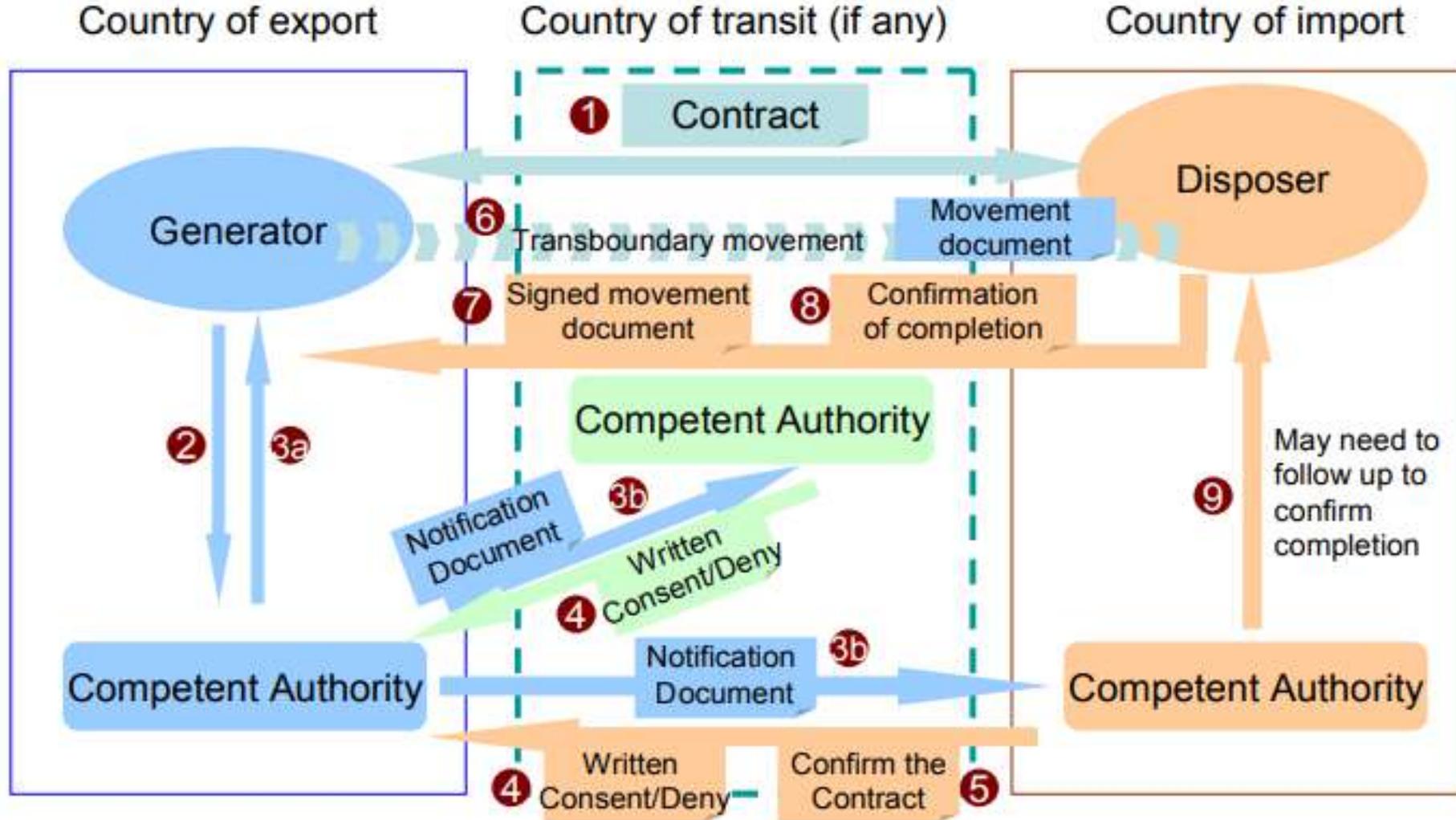
Article 6: Prior Informed Consent procedure



*Simplified graphic

Reference should be made, in particular, to the Instruction Manual - Control System for Transboundary Movements of Hazardous Wastes and other Wastes - SBC No. 98/003, March 1998
<http://www.basel.int/Implementation/Controllingtransboundarymovements/Guidance/tabid/4313/Default.aspx>

Article 6: Prior Informed Consent procedure



Source:

https://wedocs.unep.org/bitstream/handle/20.500.11822/9764/-Enforcement_Handbook_on_Controlling_Illegal_Shipments_of_Chemicals_and_Waste_-_For_Asia_Enforcement_Officers-2015Enforcement-handbook-controlling-ill.pdf?sequence=3&isAllowed=

The numbers and the direction of arrows indicate the sequences of the appropriate steps to be followed, please visit:

<http://www.basel.int/Portals/4/Basel%20Convention/docs/pub/leaflets/leaflet-control-procedures-en.pdf>

Categories of wastes to be controlled:

Y1	Clinical wastes from medical care in hospitals, medical centers and clinics
Y2	Wastes from the production and preparation of pharmaceutical products
Y3	Waste pharmaceuticals, drugs and medicines
Y4	Wastes from the production, formulation and use of biocides and phytopharmaceuticals
Y5	Wastes from the manufacture, formulation and use of wood preserving chemicals
Y6	Wastes from the production, formulation and use of organic solvents
Y7	Wastes from heat treatment and tempering operations containing cyanides
Y8	Waste mineral oils unfit for their originally intended use
Y9	Waste oils/water, hydrocarbons/water mixtures, emulsions
Y10	Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)
Y11	Waste tarry residues arising from refining, distillation and any pyrolytic treatment
Y12	Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
Y13	Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives
Y14	Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known
Y15	Wastes of an explosive nature not subject to other legislation
Y16	Wastes from production, formulation and use of photographic chemicals and processing materials

Annex I

Categories of wastes requiring special consideration:

Y46	Wastes collected from households
Y47	Residues arising from the incineration of household wastes
Y48 ^{6,7}	<p>Plastic waste, including mixtures of such waste, with the exception of the following:</p> <ul style="list-style-type: none"> • Plastic waste that is hazardous waste pursuant to paragraph 1 (a) of Article 1⁸ • Plastic waste listed below, provided it is destined for recycling⁹ in an environmentally sound manner and almost free from contamination and other types of wastes:¹⁰ <ul style="list-style-type: none"> - Plastic waste almost exclusively¹¹ consisting of one non-halogenated polymer, including but not limited to the following polymers: <ul style="list-style-type: none"> ▪ Polyethylene (PE) ▪ Polypropylene (PP) ▪ Polystyrene (PS) ▪ Acrylonitrile butadiene styrene (ABS) ▪ Polyethylene terephthalate (PET) ▪ Polycarbonates (PC) ▪ Polyethers

⁵ This amendment to Annex II whereby one new entry was added entered into force on 24 March 2020 [depository notification C.N. 432.2019], reflecting decision BC-14/12 adopted by the Conference of the Parties at its fourteenth meeting. For information on the status of individual Parties in relation to the amendment/s, please see the Status of Ratifications page on the Basel Convention website.

⁶ This entry becomes effective as of 1 January 2021.

⁷ Parties can impose stricter requirements in relation to this entry.

⁸ Note that this entry is not applicable to...

Annex II

List of hazardous characteristics:

UN Class ¹⁴	Code	Characteristics
1	H1	Explosive
		An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.
3	H3	Flammable liquids
		The word “flammable” has the same meaning as “inflammable”. Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5°C, closed-cup test, or not more than 65.6°C, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition.)
4.1	H4.1	Flammable solids
		Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.

Annex III

Disposal Operations

A. Operations which do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use or alternative uses

D1	Deposit into or onto land, (e.g., landfill, etc.)
D2	Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)
D3	Deep injection, (e.g., injection of pumpable discards into wells, salt domes of naturally occurring repositories, etc.)
D4	Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)
	Specially engineered landfill (e.g., placement into lined discrete cells

B. Operations which may lead to resource recovery, recycling, reclamation, direct re-use or alternative uses

R1	Use as a fuel (other than in direct incineration) or other means to generate energy
R2	Solvent reclamation/regeneration
R3	Recycling/reclamation of organic substances which are not used as solvents
R4	Recycling/reclamation of metals and metal compounds

Annex IV

Information to be provided for notification (A) and on the movement of documents (B)

ANNEX V A

Information to be provided on notification

1. Reason for waste export
2. Exporter of the waste 1/
3. Generator(s) of the waste and site of generation 1/
4. Disposer of the waste and actual site of disposal 1/
5. Intended carrier(s) of the waste or their agents, if known 1/
6. Country of export of the waste
Competent authority 2/

ANNEX V B

Information to be provided on the movement document

1. Exporter of the waste 1/
2. Generator(s) of the waste and site of generation 1/
3. Disposer of the waste and actual site of disposal 1/
4. Carrier(s) of the waste 1/ or his agent(s)
5. Subject of general or single notification
6. The date the transboundary movement started and date(s) and signature on receipt by each person who takes charge of the waste

...etc.

Annex V

Transmission of Information

Parties are expected to transmit a report to the Secretariat in accordance with Article 13 and relevant decisions of the Conferences of the Parties.

Some of the information to be included:

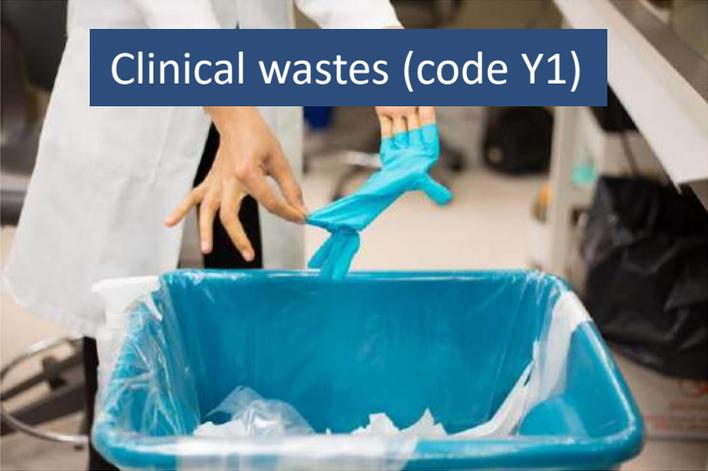
- Changes to designated competent authorities and/or focal points according to Article 5.
- Information regarding transboundary movements, including waste amounts imported and exported.
- Information on the measures adopted by the Party in implementation of this Convention

By 31 December of
each calendar year

Example:
report for 2020 by 31
December 2021

Which types of hazardous wastes and other wastes are regulated?

There are many, but just to name a few:



Guidance materials

UNITED NATIONS



BC

UNEP/CHW.13/6/Add.4/Rev.1

Date: General
13 July 2017
Original: English



Conference of the Parties to the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal
Thirteenth meeting
Geneva, 24 April-3 May 2017
Agenda item 4 (b) (i)

Matters related to the implementation of the Convention:
scientific and technical matters: technical guidelines

Technical guidelines

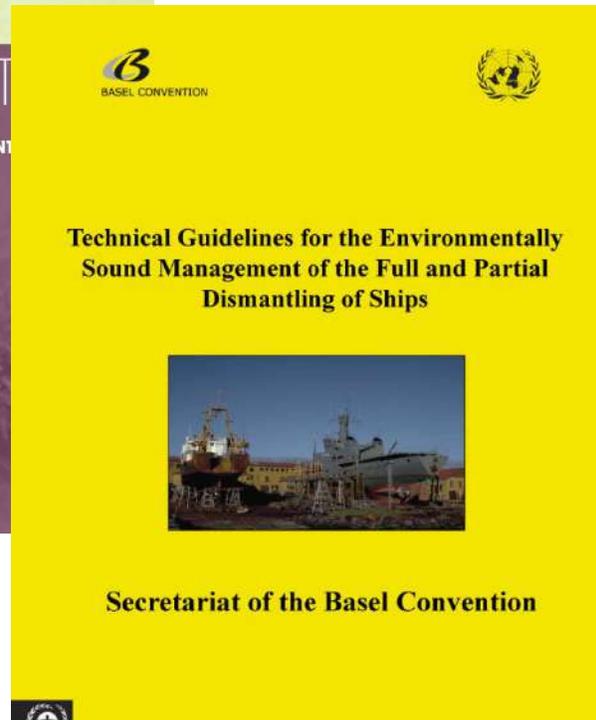
Addendum

Technical guidelines on the
consisting of, containing or
polychlorinated terphenyls,
biphenyls including hexabromobiphenyls

Note by the Secretariat

At its thirteenth meeting, the
of Transboundary Movements of
on technical guidelines on the
or contaminated with persistent org
ound management of wastes: con
biphenyls, polychlorinated terphen
including hexabromobiphenyl, on
UNEP/CHW.13/6/Add.4. The sect
coordination with the small enterpr
on persistent organic pollutants, on
other and comment provided at t
Convention. The technical guidelin
outcome of the face-to-face meetin
technical guidelines on persistent o
Germany (see document UNEP/CH
guidelines), as adopted, is set out in
has not been formally edited.

191217



Specific technical guidance materials are provided for the following wastes:

- E-waste
- Plastic wastes
- Mercury wastes
- POPs wastes
- Ship dismantling

Basel Protocol on Liability and Compensation



The objective:

- to provide for a comprehensive regime for liability as well as adequate and prompt compensation for damage resulting from the transboundary movement of hazardous wastes and other wastes, including incidents occurring because of illegal traffic in those wastes.

The Protocol addresses:

- who is financially responsible in the event of an incident. Each phase of a transboundary movement, from the point at which the wastes are loaded on the means of transport to their export, international transit, import, and final disposal, is considered.
- 32 Articles and Annex A and B

The Basel Convention Secretariat

- The Secretariat services the Convention by providing logistical and substantive support to the Parties (in accordance with mandates provided by the Convention and the COP)
- The Secretariat is administered by the United Nations Environment Programme (UNEP) and is based in Geneva.
- The Secretariat reports to the COP



For further information, please contact:
Secretariat of the Basel Convention
UNEP/SBC
International Environment House
13-15 Chemin des Anémones
1219 Châtelaine (Geneva)

Switzerland Tel. +41 22 917 82 18
Email: sbc@unep.c



Benefits from ratification

- Improved human health and quality of the environment
- Better protection for workers
- Enhanced information on transboundary movements of waste
- Reduced health and safety costs
- Government can attend Conferences of the Parties
 - Part of negotiations, as well as discussions and access to information
- Stakeholders within a country know that they are part of an internationally-agreed approach
- Ratification is a strong message that a country is committed to sound management of chemicals and waste, valuable for prospective donors and other forms of collaboration
- Sound management of waste is integral to the SDGs (especially Goal 12), and so can contribute to national achievement of the Goals



Support and funding available to Parties:

- GEF
- Special Programme
- Broader development funds (e.g. trade, labour/worker protection)
- Bilateral – based on national priorities
- Capacity-building, technical assistance and technology transfer





about the Basel Convention under www.basel.int.



Thank you for your attention !

<https://www.pcb.unitar.org/>



Additional information



Arbitration

ANNEX VI

ARBITRATION

Article 1

Unless the agreement referred to in Article 20 of the Convention provides otherwise, the arbitration procedure shall be conducted in accordance with Articles 2 to 10 below.

Article 2

The claimant Party shall notify the Secretariat that the Parties have agreed to submit the dispute to arbitration pursuant to paragraph 2 or paragraph 3 of Article 20 and include, in particular, the Articles of the Convention the interpretation or application of which are at issue. The Secretariat shall forward the information thus received to all Parties to the Convention.

Article 3

The arbitral tribunal shall consist of three members. Each of the Parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the chairman of the tribunal. The latter shall not be a national of one of the Parties to the dispute, nor have his usual place of residence in the territory of one of these Parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of either Party, designate him within a further two months period.
2. If one of the Parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other Party may inform the Secretary-General of the United Nations who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the

Annex VI

Annex VIII

ANNEX VIII¹⁶

List A

Wastes contained in this Annex are characterized as hazardous under Article 1, paragraph 1 (a), of this Convention, and their designation on this Annex does not preclude the use of Annex III to demonstrate that a waste is not hazardous.

A1 Metal and metal-bearing wastes

A1010	Metal wastes and waste consisting of alloys of any of the following: <ul style="list-style-type: none">• Antimony• Arsenic• Beryllium• Cadmium• Lead• Mercury• Selenium• Tellurium• Thallium but excluding such wastes specifically listed on list B.
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Annex IX

ANNEX IX²⁶

List B

Wastes contained in the Annex will not be wastes covered by Article 1, paragraph 1 (a), of this Convention unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic.

B1 Metal and metal-bearing wastes

B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: <ul style="list-style-type: none">• Precious metals (gold, silver, the platinum group, but not mercury)• Iron and steel scrap• Copper scrap• Nickel scrap• Aluminium scrap• Zinc scrap• Tin scrap• Tungsten scrap• Molybdenum scrap• Tantalum scrap
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²⁶ The amendment whereby Annex IX was added to the Convention entered into force on 6 November 1998, six months following the issuance of depositary notification C.N.77.1998 (reflecting Decision IV/9 adopted by the Conference of the Parties at its fourth meeting). The amendment to Annex IX whereby new entries

Definition of selected terms in the Basel Convention



Waste

Definition waste (Article 2 Paragraph 1):

“Wastes are substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law.”

*See wastes listed in Annex I and II, as well as national definitions

Disposal

Article 2 Paragraph 4:

“Disposal means any operation specified in Annex IV to this Convention.”