

GUIDANCE MANUAL FOR THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF RECOVERABLE WASTES



GUIDANCE MANUAL FOR THE IMPLEMENTATION OF
COUNCIL DECISION C(2001)107/FINAL, AS AMENDED,
ON
THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF WASTES
DESTINED FOR RECOVERY OPERATIONS



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FOREWORD

The successive amendments of Council Decision C(2001)107/FINAL [C(2004)20; C(2005)141; and C(2008)156] on the control of transboundary movements of waste destined for recovery operations, which concern the lists of wastes, necessitate the update of the relevant Guidance Manual for the implementation of this Decision. This document is a revised version of the former Guidance Manual [ENV/EPOC/WGWPR(2001)6/FINAL]. It includes:

- Detailed explanations on how to implement the OECD Decision C(2001)107/FINAL, as amended;
- The Decision C(2001)107/FINAL (Annex A), including Appendices 3 and 4, and Appendix 8 which have been amended by C(2008)156;
- The updated consolidated lists of waste subject to the Green and Amber control procedures (Annexes B and C);
- Other relevant information to facilitate the implementation of the OECD Decision C(2001)107/FINAL, such as applicable international transport agreements and a sample contract;
- Queries of the interactive database aiming to facilitate the paperwork of all parties involved in transboundary movements of wastes by providing the necessary information to complete the forms for the notification and movement documents. The database includes the information required by the Decision C(2001)107/FINAL, as amended and some practical information for each OECD member country (<http://www2.oecd.org/waste>).

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Further information related to the work of the OECD on transboundary movements of wastes, as well as this Guidance Manual itself, can be found on Internet at: <http://www.oecd.org/env/waste>.

This Manual is to be considered only as a supportive explanatory document to the OECD Council Decision C(2001)107/FINAL. It does not have any legal standing and does not, in any way, replace the Decision or any national legislation. In case of doubt on specific points in the Manual, please refer directly to the Decision, or contact national competent authorities.

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GUIDANCE MANUAL FOR THE IMPLEMENTATION OF DECISION C(2001)107/FINAL, AS AMENDED, ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF WASTES DESTINED FOR RECOVERY OPERATIONS

1. Introduction

Since March 1992, transboundary movements of wastes destined for recovery operations between member countries of the Organisation for Economic Co-operation and Development (OECD) have been supervised and controlled according to Council Decision C(92)39/FINAL on the Control of Transfrontier Movements of Wastes Destined for Recovery Operations.

The OECD Decision C(92)39/FINAL provided a framework for the OECD member countries to control transboundary movements of recoverable wastes within the OECD area in an environmentally sound and economically efficient manner. Compared to the Basel Convention, it gave a simplified and more explicit means of controlling such movements of wastes. It also facilitated transboundary movements of recoverable wastes between OECD member countries in the case where an OECD member country is not a Party to the Basel Convention.

The developments under the Basel Convention, in particular the adoption of two detailed lists of wastes as new Annexes VIII and IX to the Convention in November 1998, gave impetus to revise the OECD Decision C(92)39/FINAL in order to harmonise procedures and requirements and to avoid duplicate activities with the Basel Convention. This revision resulted in the adoption of Council Decision C(2001)107/FINAL in May 2002. Provisions of the revised OECD Decision have been harmonised with those of the Basel Convention in particular with regard to the classification of wastes subject to control. However, certain procedural elements of the original OECD Decision C(92)39/FINAL, which do not exist in the Basel Convention, such as time limits for approval process, tacit consent and pre-consent procedures have been retained. The OECD Decision C(2001)107/FINAL is appended in its entirety in Annex A of this Manual.

As OECD Council Decisions are legally binding for member countries, the OECD Decision C(2001)107/FINAL has to be implemented in member countries through the enactment of national legislation. This Guidance Manual is intended to help users of the OECD Decision C(2001)107/FINAL by providing an understanding of its functioning and assisting national governments and competent authorities in its implementation. It contributes to ensure a uniform application of the OECD Decision in member countries.

2. Background

2.1 *OECD Council Acts preceding the Basel Convention*

The control of transboundary movements of wastes, in particular that of hazardous wastes, has been a concern to OECD member countries since the early 1980s. Between 1984 and 1992 eight OECD Council Acts relating to transboundary movements of waste were adopted:

Decision and Recommendation C(83)180(Final) on Transfrontier Movements of Hazardous Wastes (1 February 1984): Member countries were required to control the transfrontier movements of hazardous waste. A comprehensive set of principles concerning such control was also recommended to member countries.

Resolution C(85)100 on International Co-operation Concerning Transfrontier Movements of Hazardous Waste (20 June 1985): This resolution confirmed the conclusions made by a high-level policy Conference on International Co-operation concerning Transfrontier Movements of Hazardous Waste, organised by the OECD and hosted by the Government of Switzerland on 26 and 27 March 1985 in Basel. The main conclusions were that, in order to achieve effective monitoring and control of hazardous wastes moving across national frontiers, the OECD should develop an international system for the control of transfrontier movements of hazardous waste which should also include provisions and principles with respect to transfrontier movements of hazardous wastes to or from non-OECD countries.

Decision-Recommendation C(86)64(Final) on Exports of Hazardous Wastes from the OECD Area (5 June 1986): In response to the mandate of OECD Council Resolution C(85)100, this Decision-Recommendation required to control exports of hazardous wastes to non OECD countries as strictly as exports of hazardous wastes to OECD member countries; not to allow movements of hazardous wastes to non-member countries to occur without the consent of the appropriate authorities of the importing country and of any non-member countries of transit, and unless the hazardous wastes were directed to adequate disposal facilities in the importing country.

Decision C(88)90(Final) on Transfrontier Movements of Hazardous Wastes (27 May 1988): This Decision, together with Decision and Recommendation C(83)180(Final) provided the basic foundation for the OECD draft international agreement called for in Council Resolution C(85)100. It defined the terms “waste”, “disposal” and “hazardous waste” for the purpose of controlling transfrontier movements of wastes. To this end the Decision established a “Core List” of wastes to be controlled. In addition to the wastes covered by the “Core List”, all other wastes considered to be or legally defined as hazardous in the country of export or the country of import were also subject to control under the terms of this Decision. The Decision also established a classification system for wastes subject to transfrontier movement, known as the International Waste Identification Code (IWIC). This code is no more required under Decision C(2001)107/FINAL.

Resolution C(89)1(Final) on the Control of Transfrontier Movements of Hazardous Wastes (30 January 1989), and Resolution C(89)112(Final) on the Control of Transfrontier Movements of Hazardous Wastes (18-20 July 1989): These resolutions expressed support to the work initiated under the auspices of the United Nations Environment Programme (UNEP), which aimed at preparing a global convention on transboundary movements of hazardous wastes. The earlier work on the OECD draft international agreement provided the foundation for these global efforts which finally resulted in the adoption of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal in 1989.

Decision-Recommendation C(90)178/FINAL on the Reduction of Transfrontier Movements of Wastes (31 January 1991): This Decision-Recommendation was the first OECD Act concluded after the adoption of the Basel Convention. It was also the first Act regulating transfrontier movements of non-hazardous wastes, in addition to those of hazardous wastes. The Decision called on member countries to reduce to a minimum the exports of all wastes for final disposal, in accordance with environmentally sound and efficient management practices. It also encouraged member countries to establish additional and appropriate waste management infrastructure within their own territory and to develop bilateral or regional plans to ensure the environmentally sound management of those wastes, in the case where such infrastructure cannot be established. The Decision recognised the desirability of appropriately controlled international trade in waste materials destined for recovery, and that efficient and environmentally sound management of waste may justify some transfrontier movements in order to make use of adequate recovery or disposal facilities in other countries. To that effect the Decision instructed the OECD Environment Committee to develop and implement a programme of activities concerning waste destined for recovery operations.

Decision C(92)39/FINAL Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations (30 March 1992): This Decision was developed in response to the mandate given by Decision-Recommendation C(90)178/FINAL and established an intra-OECD mechanism to control transfrontier movements of wastes destined for recovery operations. It provided a simplified and efficient means of controlling such transfrontier movements, compatible with the environmentally sound management of wastes as required by the Basel Convention. The Decision was adopted as an agreement or arrangement pursuant to Article 11 paragraph 2 of the Basel Convention.

2.2 *Basel Convention*

The Basel Convention entered into force on 5 May 1992 when 20 countries had ratified or acceded to the Convention. Since then, the number of countries has become such that, as of May 2008, 170 countries and the European Community were Parties to the Convention. All OECD member countries (see Annex E) are signatories to the Basel Convention and all except one have ratified the Convention, as originally adopted on 22 March 1989.

Since the entry into force of the Basel Convention, the Conference of the Parties has adopted two major amendments to the Convention. In 1995, Decision III/1 (hereinafter referred to as the export ban amendment) was adopted prohibiting transboundary movements of hazardous wastes from Parties listed in Annex VII of the Convention to all other countries (Annex VII includes all OECD member countries, the European Community and Liechtenstein). As of May 2008 the export ban amendment had yet to enter into force due to the insufficient number of ratifications. However, it has been transposed by a number of OECD countries (the EU member states) into their national legislation.

In order to further clarify which wastes were covered by the Basel Convention, including the export ban amendment, two new detailed waste lists were adopted as Annexes VIII and IX to the Convention in February 1998. The new Annexes became effective in November 1998.

Further amendments to Annexes VIII and IX, i.e. the lists of wastes, were adopted in 2002 and 2004 respectively at the 6th and 7th meetings of the Conference of the Parties of the Basel Convention.

2.3 *Harmonisation of the OECD Council Acts with the Basel Convention*

The developments under the Basel Convention during the late 1990's gave impetus to revise OECD Decision C(92)39/FINAL. The goal of the revision was, to the extent possible, to harmonise the procedures and requirements of this OECD Decision with those of the Basel Convention and to eliminate duplicate activities between the two international organisations. In May 2002, this work resulted in the issuance of the revised Council Decision C(2001)107/FINAL on the control of transboundary movements of wastes destined for recovery operations.

The major changes are as follows:

- The number of different levels of control is reduced from three (Green, Amber, Red) to two (Green, Amber) control procedures.
- The waste lists determining wastes subject to control are harmonised with the Basel Convention. Annexes II, VIII and IX of the Basel Convention replace the OECD green, amber and red lists of wastes. The OECD Green control procedure is applied to Basel Annex IX wastes as well as to some additional wastes which were included in earlier OECD green list of wastes. The OECD Amber control procedure is applied to Basel Annexes II and VIII wastes as well as to some additional wastes which were included in earlier OECD amber and red lists of wastes. However, some adjustments have been made with respect to certain entries in Annexes VIII and IX of the Basel Convention for the purposes of the OECD Decision. (See Section 3.3.1 for further details).
- The OECD Review Mechanism for the revision of the waste lists is eliminated. The amendments to the Basel waste lists agreed to under the Basel Convention will thus, under normal circumstances, be incorporated into the OECD Decision without a separate review procedure within the OECD. However, in exceptional cases and for the purpose of environmentally sound and economically efficient recovery of wastes within the OECD area, member countries may agree, in accordance with a specific procedure set out in the OECD Decision, to apply a different level of control to certain entries in the Basel waste lists (see Section 3.3.4).
- Most of the basic terms and definitions used in the OECD Decision, such as the terms waste and hazardous waste, have been harmonised with those of the Basel Convention. However, for the sake of clarity, the terms disposal and recovery are distinct in the revised OECD Decision, whereas in the Basel Convention, the term disposal covers both disposal and recovery operations (see Section 3.1).
- Some new elements have been added to the OECD Decision in order to further harmonise the procedures with the Basel Convention, such as the provisions concerning the return of wastes (Section 6.8), financial guarantees (Section 5.3) and a requirement for a recovery facility to provide a certificate of recovery after completion of the recovery operation (Section 5.5.4).
- The scope of control has been clarified, for example, with regard to mixtures of wastes (Section 6.2), and movements of wastes for laboratory analysis (Section 6.3).
- The control procedures have been clarified and made more precise, in particular with regard to Green-listed wastes which have been contaminated (Section 3.3.2), movements of wastes to pre-consented facilities (Sections 5.1 and 5.4) and to recovery operations R12 and R13 (Section 6.4).

In this context another draft Council Act was prepared, aiming at consolidating and updating all OECD Council Acts concerning transboundary movements of wastes referred to in Section 2.1 above, except Decision C(92)39/FINAL, into one Act. However, in the course of preparation of this Act, it

became evident that no consensus could be reached at this stage. Consequently, a Resolution was prepared, and finally adopted on 25 October 2001 as Council Resolution C(2001)208, instructing the OECD Environment Policy Committee (EPOC) to complete this work as soon as it deems possible. Pending the finalisation of this work, the application of certain reporting and data collection requirements set out in some of these Acts (i.e. C(83)180(Final), C(88)90(Final), and C(89)112(Final)) is suspended.

In the course of this harmonisation and streamlining work, member countries concluded that further steps should be taken towards harmonisation of the OECD and Basel lists of wastes and, if appropriate, of other relevant international control systems for transboundary movements of wastes. The ultimate goal is to achieve a globally harmonised control system by working in close co-operation with other international organisations, such as the Basel Convention and the European Union.

2.4 *Status of OECD Decision C(2001)107/FINAL*

Decision C(2001)107/FINAL, is a revision of C(92)39/FINAL and, as such, continues to be compatible with the environmentally sound management of hazardous wastes and other wastes pursuant to Article 11, paragraph 2 of the Basel Convention¹. Consequently, it is Decision C(2001)107/FINAL which applies when transboundary movements of wastes destined for recovery operations take place from one OECD member country to another.

OECD Decisions are legally binding to those member countries who have agreed to them, pursuant to Article 5(a) of the OECD Convention. Decision C(2001)107/FINAL has been agreed by all thirty member countries (see Annex E) and is to be implemented and promulgated through national legislation in each member country. For example, in the member states of the European Union, the OECD Decision is implemented through the EC Waste Shipment Regulation N° 1013/2006 as from 12 July 2007. In Canada, the *Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations* fully implement the requirements of the OECD Decision, the Basel Convention, and the Canada-US Agreement on Transboundary Movement of Hazardous Waste. In Switzerland, the OECD Decision is translated into national legislation through the Swiss Ordinance on the Movements of Waste of 22 June 2005, which entered into force on 1st January 2006. In Japan, the National Law for the Control of Export, Import of Specified Hazardous Wastes and other Wastes was revised and entered into force on 16 December 2001, as a new Ordinance called “Ordinance Designating Materials to be Controlled by the OECD Decision C(2001)107/FINAL Concerning the Control of Transboundary Movements of Wastes Destined for Recovery Operations”. In Korea, the requirements of the OECD Decision have been transposed into the “Act on the Control of Transboundary Movements of Hazardous Wastes and their Disposal”.

However, certain elements of the Decision may be implemented in different ways by different member countries. For example, member countries may impose, within their jurisdiction, further requirements in order to better protect human health and the environment. Such requirements shall be consistent with the Decision and in accordance with the rules of international law. Information on any relevant differences between the national provisions and the OECD Decision shall be made available to other member countries through a specific website developed by the OECD Secretariat (see Section 6.9).

¹ According to Article 11, paragraph 2 of the Basel Convention, Parties shall notify the Secretariat of any bilateral, multilateral or regional agreements or arrangements regarding transboundary movement of hazardous wastes or other wastes with Parties or non/Parties which they have entered into prior to the entry into force of the Convention for them, for the purpose of controlling transboundary movements of hazardous wastes and other wastes which take place entirely among Parties to such agreements. The provisions of the Basel Convention shall not affect transboundary movements which take place pursuant to such agreements provided that such agreements are compatible with the environmentally sound management of hazardous wastes and other wastes as required by the Convention.

3. Scope of the OECD Decision C(2001)107/FINAL

The OECD Decision C(2001)107/FINAL (hereinafter referred to as *the OECD Decision*) applies only to *transboundary movements of wastes* which are destined for *recovery operations within the OECD area*. The key factors determining the scope of the OECD Decision are schematically shown in Figure 1 and discussed in more detail below.

3.1 What is Waste?

In the revised OECD Decision, the definition of waste is slightly amended, in order for it to be further harmonised with that of the Basel Convention. According to the new definition, wastes are substances or objects which (i) are disposed of or are being recovered; or (ii) are intended to be disposed of or recovered; or (iii) are required, by the provisions of national law, to be disposed of or recovered.

The definition of waste is based on the destination of the material, i.e. whether the material is destined for disposal/recovery or not. Contrary to the Basel Convention and the previous OECD Decision C(92)39/FINAL, the revised OECD Decision distinguishes between the terms “disposal” and “recovery”. The disposal operations are specified in Appendix 5.A and recovery operations in Appendix 5.B of the Decision. These terms and definitions have been harmonised with those of the EU Waste Shipment Regulation, whereas, in the Basel Convention, the term “disposal” covers both disposal and recovery.

It should be noted that, although the definition of waste covers those wastes destined for both disposal and recovery, the OECD Decision only applies to wastes destined for recovery. Wastes destined for disposal are subject to different legal control, in particular those established by the Basel Convention and any applicable national law.

The definition of waste excludes radioactive wastes covered by other international agreements. In this regard, reference is made in particular to the IAEA Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management which entered into force on 18 June 2001 (further information is available from the website: www.nea.fr).

Member countries have different understandings of the definition of waste². Consequently, different decisions may be made in different countries about the status of the same material and therefore, the same material may be regarded as waste in one country but as a commodity or raw material in another country. See Section 6.1 for the procedures to be applied in the case of such differences.

3.2 Which transboundary movements are covered?

The OECD Decision defines transboundary movement as “any movement of wastes from an area under the national jurisdiction of a member country to an area under the national jurisdiction of another member country”. Thus, the OECD Decision applies only to those movements of wastes where both the country of export and the country of import are OECD member countries. It also applies where the countries of export and import are member countries but the country of transit is not a member country. See Section 6.6 of this Manual for control procedures to be applied in such cases.

The OECD Decision is not applicable to the movements of wastes which are destined for recovery within the same member country and transit through another member country. Such movements of waste shall be controlled according to relevant national procedures and possible bilateral agreements or

² For further information on the definition of waste, see the OECD document which was published in 1998: “Guidance Document for distinguishing waste from non-waste” [ENV/EPOC/WMP(98)1/REV1].

arrangements between the countries involved. In the case where the country of transit is not an OECD country, any relevant international control system, such as the Basel Convention, shall apply (see Section 6.6).

3.3 *OECD waste lists*

3.3.1 *Wastes falling under Green and Amber Control Procedures (see Figure 1)*

In the OECD Decision, the lists of wastes have been harmonised to a large extent with the lists of wastes of the Basel Convention. The earlier green, amber and red lists of wastes have been abolished and replaced by two categories of wastes (hereinafter referred to as *the OECD waste lists*) requiring different levels of control when destined for recovery in another OECD member country:

- a) *Wastes falling under the Green control procedure* are listed in Appendix 3 to the OECD Decision (see Annex A). These wastes do not typically exhibit hazardous characteristics and are deemed to pose negligible risks for human health and the environment during their transboundary movement for recovery within the OECD area. The Appendix is divided into two Parts:
 - *Part I* includes the wastes listed in Annex IX of the Basel Convention, i.e. wastes not characterised as hazardous in accordance with Article 1(1)a of the Convention. However, some adjustments have been made in respect of certain entries of Annex IX for the purposes of the OECD Decision. The entries included in this Part I are identified by a 5-digit code number consisting of the letter B and four numbers (e.g. B1010), in accordance with the coding system of the Basel waste lists.
 - *Part II* contains additional wastes subject to the Green control procedure which, according to a number of risk criteria (see Appendix 6 to the OECD Decision), are assessed as wastes that do not pose any risk for human health and the environment when destined for recovery within the OECD area. These entries are not listed under the Basel Convention but they were included in the earlier green list of wastes of Decision C(92)39/FINAL. The entries included in this Part II are identified by a 5-digit code number consisting of two letters (the first letter being G for “Green”) and three numbers (e.g. GA300), in accordance with the coding system used in Decision C(92)39/FINAL.

To facilitate the use of the OECD list of wastes subject to the Green control procedure, Parts I and II have been consolidated into one single list, consisting of wastes listed in Annex IX of the Basel Convention, to which adjustments made by OECD and mentioned in Part I of Appendix 3 to the OECD Decision have been applied. In addition, the wastes listed under Part II of Appendix 3 to the OECD Decision have been inserted into the appropriate categories of Basel Annex IX. Annex B of the Guidance Manual includes this consolidated list of wastes subject to the Green control procedure.

It should be noted that the chapeau attached to Annex IX of the Basel Convention³ is not applicable to Appendix 3 within the OECD Decision. Consequently, under the OECD Decision, it is possible, though highly unlikely, that a waste listed in Appendix 3 exhibits a hazardous characteristic but still benefits from the Green control procedure when it can be reliably assessed that such a movement of waste does not pose

³ The Chapeau of Annex IX of the Basel Convention reads as follows: “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”.

any risk for human health and the environment in accordance with the criteria of Appendix 6 to the OECD Decision.

The chapeau, specific to the OECD Decision, is included in Appendix 3 as a heading for all wastes subject to the Green control procedure and indicates that a waste may not be subject to the Green control procedure if it is contaminated by other materials to an extent which:

- sufficiently increases the risk associated with the waste to render it appropriate for submission to the Amber control procedure, when taking into account the criteria in Appendix 6 to the OECD Decision, or
- prevents the environmentally sound recovery of the waste.

For additional explanation on procedures for non-hazardous waste which is contaminated, see section 3.3.2 below.

b) *Wastes falling under the Amber control procedure* are listed in Appendix 4 to the OECD Decision (see Annex A). These wastes usually, but not always, exhibit one or more hazardous characteristic(s). Due to their hazardousness or other reason referred to in Appendix 6 to the OECD Decision, they may pose a risk for human health and the environment during their transboundary movement for recovery within the OECD area and are therefore subject to specific control procedures under the OECD Decision. The Appendix is divided into two Parts:

- *Part I* includes the wastes listed in Annexes II and VIII of the Basel Convention. Annex II refers to categories of wastes requiring special consideration under the Convention and contains two entries: Y46 - Wastes collected from households - and Y47 - Residues arising from the incineration of household wastes⁴. Annex VIII is a list of wastes characterised as hazardous pursuant to Article 1(1)a of the Basel Convention. The entries in Annex VIII are identified by a 5-digit code number consisting of the letter A and four numbers (e.g. A1010), in accordance with the coding system of the Basel waste lists. However, some adjustments have been made in respect to certain entries of Annex VIII for the purposes of the OECD Decision.
- *Part II* contains additional wastes subject to the Amber control procedure, which, according to a number of risk criteria (see Appendix 6 to the OECD Decision) are assessed to pose a risk for human health and the environment when destined for recovery within the OECD area. These entries are not listed under the Basel Convention but they were included in the earlier amber or red lists of wastes of Decision C(92)39/FINAL. The entries included in this Part are identified by a 5-digit code number consisting of two letters (the first letter being A for “Amber” or R for “Red”) and three numbers (e.g. AB030), in accordance with the coding system used in Decision C(92)39/FINAL.

⁴ It should be noted that wastes collected from households (Y46), shall not fall under the entry Y46 within the OECD Decision, as long as they consist of clean fractions of household wastes that have been source-separated for recovery purposes and are individually listed in Appendix 3 to the OECD Decision (e.g. glass, paper, metal, textile). Consequently, they shall not be subject to the Amber control procedure unless they are contaminated by hazardous materials or substances that may prevent their recovery in an environmentally sound manner.

To facilitate the use of the OECD list of wastes subject to the Amber control procedure, Parts I and II have been consolidated into one single list, consisting of wastes listed in Annexes II and VIII of the Basel Convention, to which the adjustments made by OECD and mentioned in Part I of Appendix 4 to the OECD Decision have been applied. In addition, the wastes listed under Part II of Appendix 4 to the OECD Decision have been inserted into the appropriate categories of Basel Annex VIII. Annex C of the Guidance Manual includes this consolidated list of wastes subject to the Amber control procedure.

It should be noted that the chapeau attached to Annex VIII of the Basel Convention⁵ is not applicable to Appendix 4 within the OECD Decision.

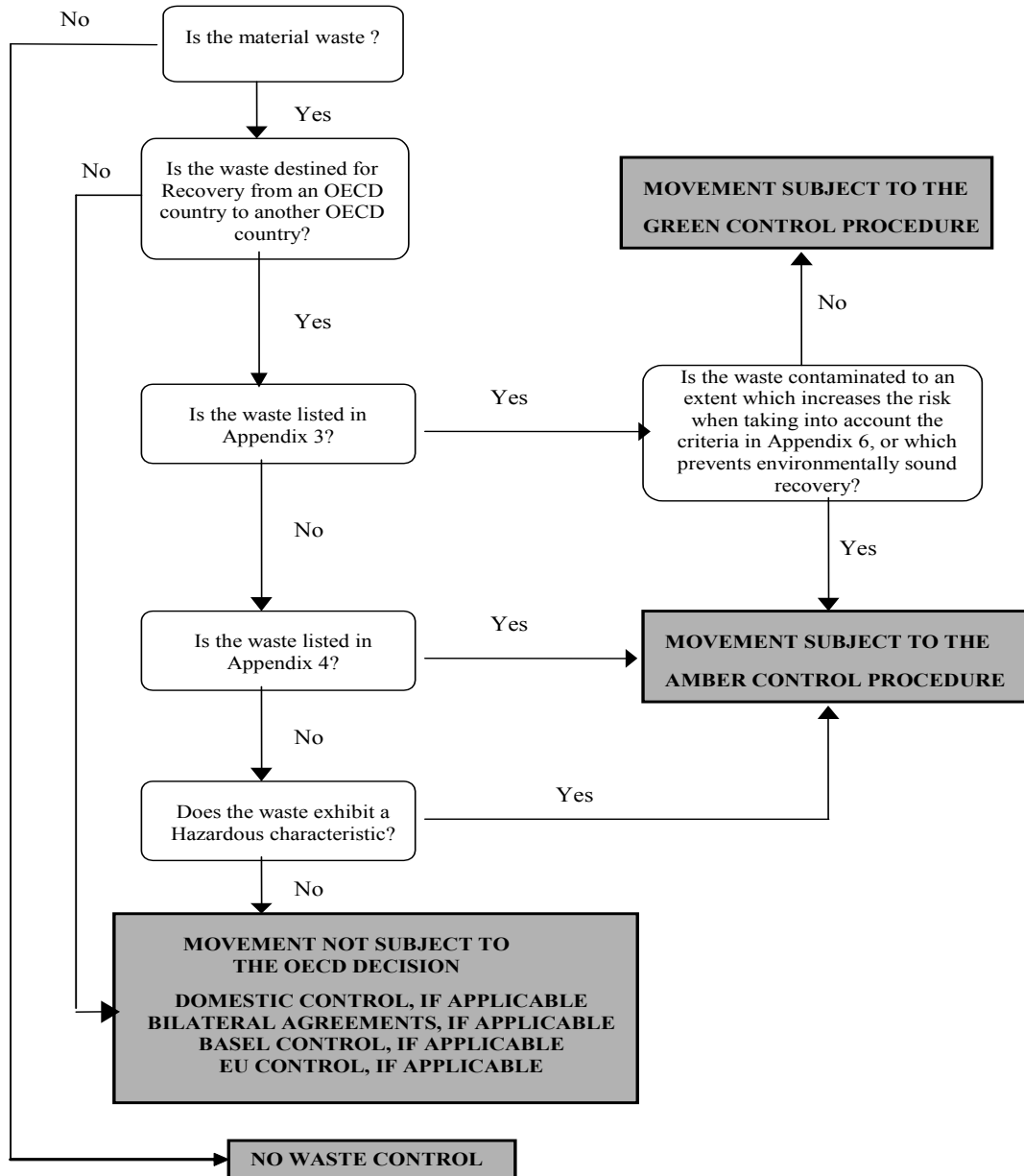
The level of control applied to the wastes listed in Appendices 3 and 4 to the OECD Decision has been commonly agreed by all OECD member countries. However, on a case by case basis and in exceptional circumstances, a different level of control may be applied by a member country, according to its domestic legislation and upon justification (see section 6.1).

The adjustments made to Parts I of the OECD waste lists are identified by a “note” referring to particular entries in Annexes VIII or IX of the Basel Convention. These notes either introduce an OECD specific interpretation/understanding of these entries or stipulate that a certain entry does not apply and instead the earlier respective entry of the OECD green, amber or red list applies.

The intention is to take further steps towards harmonisation of the OECD waste lists with those of the Basel Convention by submitting applications to the Open Ended Working Group (OEWG) of the Basel Convention in order to include wastes listed in Parts II of the OECD waste lists into the appropriate annexes of the Basel Convention. Until these wastes are explicitly listed under the Basel Convention, their inclusion in Part II ensures that the level of control applied to them within the OECD Decision continues to be the same as in the earlier Decision C(92)39/FINAL. Due to the intended transitional nature of Part II of the OECD waste lists, it was not considered necessary to introduce a uniform coding system for all wastes included in any part of these lists. Instead, as specified above, the coding system is based on the Basel Convention and with regards to Parts II, on the earlier OECD Decision C(92)39/FINAL.

⁵ The Chapeau of Annex VIII of the Basel Convention reads as follows: “Wastes contained in this Annex are characterised 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”.

Figure 1 – Identification of wastes subject to the OECD Decision



3.3.2. Contaminated Green-listed waste

If a shipment involves a Green-listed waste which is contaminated with hazardous substances or materials to the extent that it would be subject to the Amber control procedure in accordance with the chapeau under Appendix 3 (the Green list), it shall be notified.

If the Green-listed waste is contaminated to such an extent that it falls under the Amber list where it has a “mirror” entry, the relevant Amber code should be used. For example, if waste gypsum (entry B2080: Waste gypsum arising from chemical industry processes not included in Appendix 4) is contaminated with heavy metal compounds (e.g. lead compounds) to the extent that it exhibits a hazard characteristic, the Amber Code (A2040: Waste gypsum arising from chemical industry processes, when containing Appendix 1 constituents to the extent that it exhibits an Appendix 2 hazardous characteristic) should be used.

In some cases, however, a Green listed waste which is contaminated has no “mirror entry” on the Amber list. The chapeau of the Green list has been designed to deal with these particular cases. Thus, a contaminated Green-listed waste should be notified by using its relevant entry code on the Green list (which indicates the main constituent of the waste destined for recovery) but also by clearly indicating that the waste contains sufficient contamination to render the shipment as an Amber controlled waste, when taking into account the criteria in Appendix 6 “Criteria for the OECD risk-based approach” of OECD Decision C(2001)107/FINAL.

Therefore, the appropriate information on the contamination should be included in the notification and movement documents in Block 14 on “Waste Identification”. The relevant codes related to the hazardous substances or materials from which the contamination arises should be filled in: these are the Y-code (Categories of wastes to be controlled); the H-code (Hazardous characteristics) and UN class code.

Finally, information on the hazardous substances or materials (type and concentration, if known) which have contaminated the original Green-listed waste should also be indicated in Block 12 of the notification and movement documents. This Block, related to the “Designation and composition of the waste”, has been designed to provide additional information on the name by which the material is commonly known; the names of its major constituents (in terms of quantity and/or hazard) and if possible their relative concentrations.

3.3.3 Wastes not appearing on OECD waste lists

The OECD waste lists are not exhaustive, i.e. they do not list all possible types of wastes. In the case where a member country identifies wastes which are destined for recovery operations within the OECD area but have not yet been listed in the OECD waste lists, such country is requested, if appropriate, to make applications to the Basel Convention in order to amend the relevant Annexes of the Basel Convention. The amendments made to the waste lists of the Basel Convention will subsequently be incorporated into the OECD Decision, in accordance with the procedure described below in section 3.3.4.

Pending assignment to a list, domestic legislation of the countries concerned shall regulate the transboundary movements of such unlisted wastes. However, if the waste exhibits any of the hazardous characteristics listed in Appendix 2 to the OECD Decision, as determined by using national procedures, it shall fall under the Amber control procedure. If only one country involved in the movement of waste considers the waste to be hazardous, the responsibilities under the Amber control procedure shift to the relevant parties in that country, in accordance with the “*mutatis mutandis*” principle (see section 6.1 for further details). Unlisted wastes falling under the Amber control procedure shall be indicated on the notification and movement documents reproduced in Appendix 8 to the OECD Decision by specifying “Not listed” in the place where waste codes are requested, i.e. in Block 14.

3.3.4 Procedure for amending the OECD waste lists (see Figure 2)

To a large extent, the OECD waste lists are identical with those included in Annexes II, VIII and IX of the Basel Convention. The waste lists of the Basel Convention are regularly reviewed through a specific mechanism: Parties to the Convention submit applications to the Open-Ended Working Group (OEWG) for entries to be included in or deleted from the lists, or for modification of certain entries. The OEWG examines the applications and, if agreed, a proposal for the amendment of relevant Annexes of the Convention is submitted for adoption by the Conference of the Parties (COP).

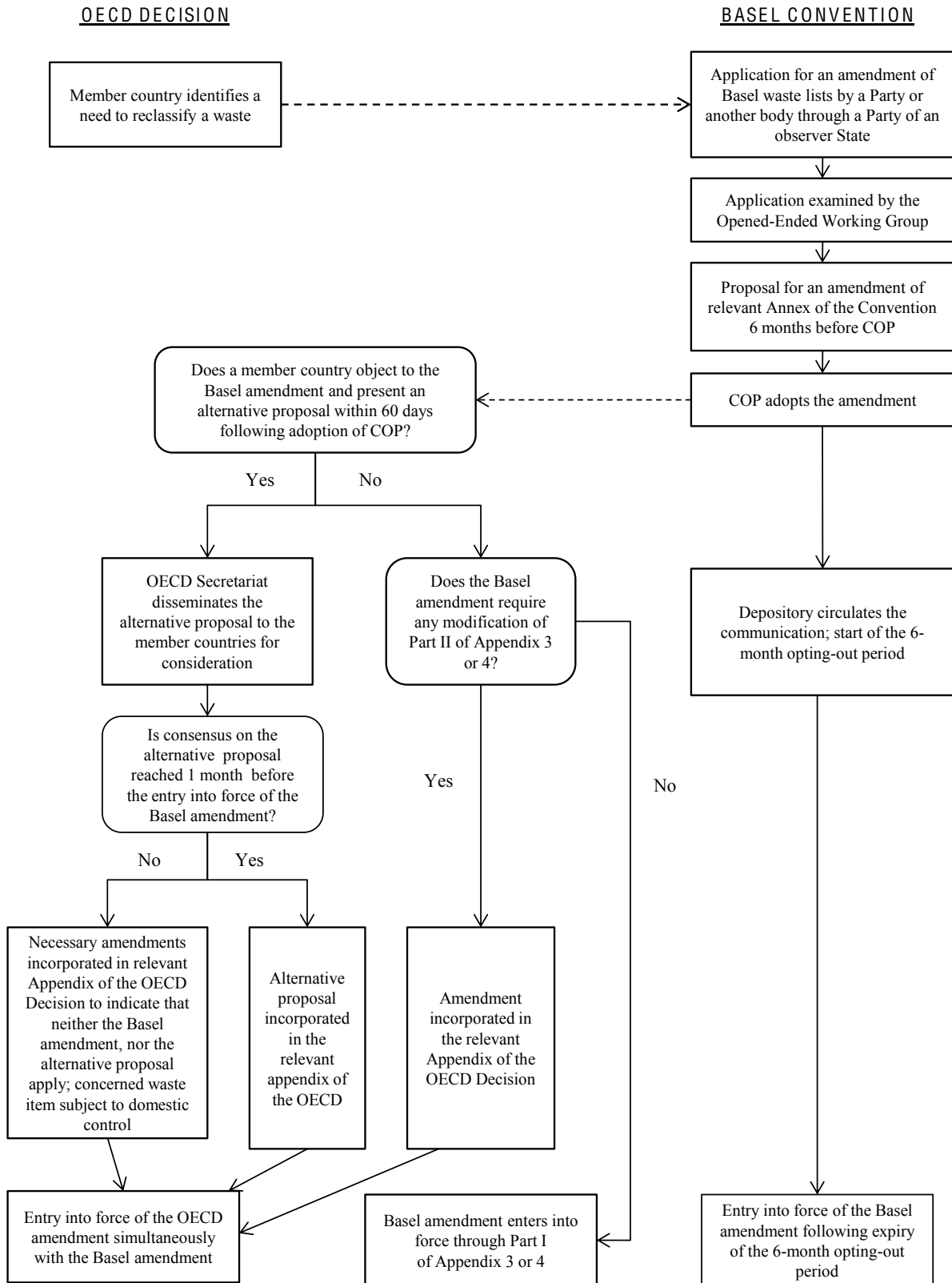
Since the purpose of the OECD Decision is to harmonise its waste lists with those of the Basel Convention, amendments made to Annexes of the Convention will also be incorporated in the relevant Appendices to the OECD Decision:

- amendments made to Annex IX of the Basel Convention will be incorporated into Part I of Appendix 3 to the OECD Decision;
- amendments made to Annexes II and VIII of the Basel Convention will be incorporated into Part I of Appendix 4 to the OECD Decision;

If all OECD member countries agree with amendments made under the Basel Convention, the amendments enter into effect from the date on which the amendments to the Basel Convention become effective, i.e. 6 months after having been approved by the Basel COP.

It may exceptionally happen that one or several member country(ies) disagree(s) with an amendment decided by the Basel COP: for example, the level of control decided for a waste within the Basel COP may not comply with the principles of economically efficient and environmentally sound recovery of waste within the OECD countries or with the risk associated with the waste shipment, as assessed according to the criteria listed in Appendix 6 of the OECD Decision. In this case, the member country(ies) is(are) allowed to raise an objection and make an alternative proposal according to the procedure set out in Chapter II, Section B(3) of the OECD Decision. If a consensus is reached between OECD countries on the raised objection and the alternative proposal, the OECD lists of wastes will be modified accordingly. If, on the contrary, no consensus can be reached, the Basel amendment will not be applied within the OECD Decision and each member country reserves its right to control the waste in question in accordance with its domestic legislation and international law (see Chapter II, section B(4) of the OECD Decision). This procedure and its link to the Basel Convention are described in Figure 2.

Figure 2 - Procedure for amending the OECD waste lists in relation to the Basel Convention



4. Green control procedure

Since the wastes subject to the Green control procedure are deemed to pose negligible risks for human health and the environment during their transboundary movement for recovery within the OECD area, they are not controlled under the OECD Decision. However, the OECD Decision imposes a general requirement that all wastes, including those subject to the Green control procedure, shall be destined for recovery operations within a recovery facility which will recover them in an environmentally sound manner according to national laws, regulations and practices⁶. Furthermore, it is required by the OECD Decision that all persons involved in any contracts or arrangements for such transboundary movements should have the appropriate legal status, in accordance with domestic legislation and regulations. Those movements shall also be subject to applicable international transport agreement (see Annex E) and other existing controls normally applied in commercial transactions.

It should also be noted that some member countries may impose specific requirements for the transboundary movements of wastes subject to the Green control procedure by their domestic legislation. For example, the European Community legislation requires that certain information, signed by the holder of wastes subject to the Green control procedure, accompanies each shipment of such waste, in order to assist the tracking of these shipments.

5. Amber control procedure

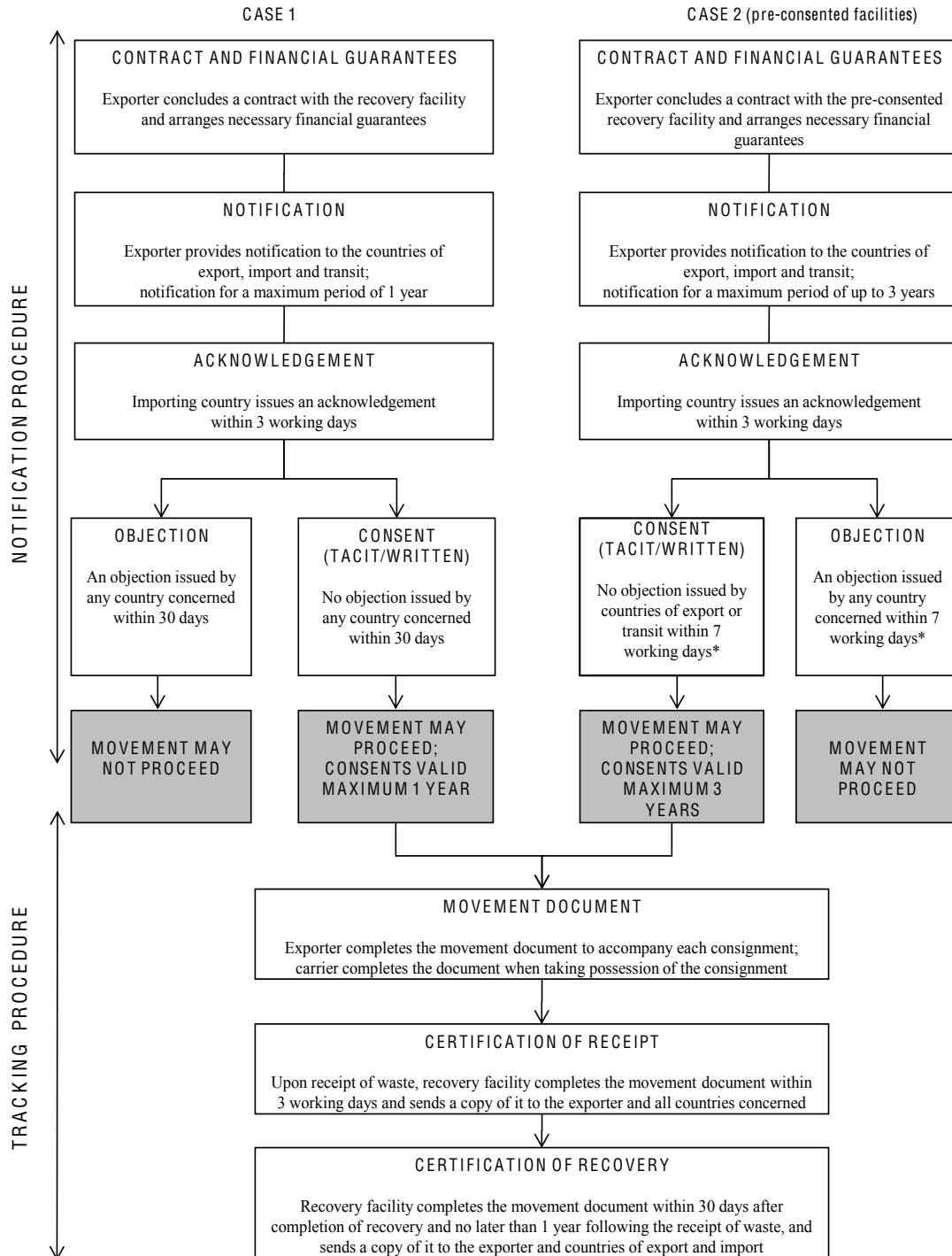
5.1 *Main features of Case 1 and Case 2 control procedures (see Figure 3)*

Within the OECD area, all transboundary movements of waste subject to the Amber control procedure can take place only upon prior written notification to the competent authorities of countries of export, import and transit (if any) and upon tacit or written consent from these authorities to the notified movement of waste. Furthermore, each shipment of waste shall be accompanied by a movement document from the point at which the transboundary movement begins to the point of recovery. These two elements of the Amber control procedure are hereinafter referred to as *the notification procedure* and *tracking procedure*, respectively.

Two cases exist within the Amber control procedure according to the type of facility to which wastes are destined. Actually, two types of facilities exist: most of the recovery facilities are “usual” recovery facilities, i.e. not subject to any particular procedure, requirement, or rule due to a special feature in relation to their activity. The other type of recovery facility is the so-called “pre-consented” facility. These facilities are less numerous and benefit from a specific provision due to the type of waste they recover and the frequency of their imports of the same waste. This specific provision, the “pre-consent”, is granted to the facility by the competent authority of its jurisdiction. To a large extent, these two cases are identical but they differ at a few stages of the notification procedure (see Figure 3):

⁶ An OECD Council Recommendation has been adopted by member countries for this purpose in 2004 [C(2004)100], which recommends a number of measures to be taken at the government level and at the facility level to ensure that waste is managed in an environmentally sound manner.

Figure 3 - Main Stages of the Amber Control Case 1 and Case 2 procedures (for more details see the text of this Manual)



* This period may be extended to 30 days by the country of export.

Case 1: Individual transboundary movements or multiple shipments to a recovery facility

This case refers to a “standard case” of transboundary movement subject to the Amber control procedure and destined to a “usual” recovery facility. The competent authority of the country of import shall issue an acknowledgement within three working days of the receipt of the notification. The competent authorities concerned have 30 days, following the issuance of the acknowledgement, to object to the movement or to issue a written consent to it. If no objection by any of the competent authorities concerned is lodged within 30 days, the movement may commence under a tacit consent. The tacit or written consent may cover one or several similar consignments of waste over a maximum period of one year.

Case 2: Transboundary movements to pre-consented recovery facilities

In order to simplify and accelerate the notification procedure, competent authorities have designated a number of *pre-consented recovery facilities* for which they do not raise objections concerning regular transboundary movements of certain types of wastes to such recovery facilities. The pre-consents may be given for a specific period of time and can be revoked at any time. Competent authorities must inform, normally through the contact point of the member country concerned, the OECD Secretariat of any pre-consent they grant to their recovery facilities, and of any revocations of pre-consents. This information shall also be made available to other member countries through a specific Internet system developed by the OECD Secretariat (see section 6.9).

Transboundary movements of waste to pre-consented recovery facilities shall be notified and acknowledged in the same way as in Case 1. However, only a 7-working day consideration period, following the issuance of the acknowledgement, is normally allowed for competent authorities of the countries of export and transit to issue an objection to the notified transboundary movement. This consideration period may be extended to 30 days on request by the competent authority of the country of export. A tacit or written consent may be granted for a period of one to three years maximum, depending on the type of notification (see section 5.4.1). In this way the notification procedure under Case 2 may be carried out quicker and the consent given for a longer period of time than in the Case 1 procedure.

The details of the Amber control procedure as well as the differences between the procedures of Cases 1 and 2 are dealt with in more detail below (see sections 5.4 and 5.5).

5.2 *Contracts*

Prior to any transboundary movement of waste falling under the Amber control procedure, the OECD Decision requires the existence of a valid written contract between the exporter and the importer or chain of contracts starting with the exporter and terminating at the recovery facility. Normally the importer would be the same as the recovery facility, but in some cases the importer can also be another person, for example a recognised trader, or a corporate body such as the headquarter/ mailing address for the recovery facility. Equivalent arrangements are required between facilities controlled by the same legal entity (e.g. multinational companies having different facilities in different countries).

The contract shall clearly identify the waste generator, each person who shall have legal control of the wastes and the recovery facility. All persons involved in the contract, or arrangements, shall have appropriate legal status. They must be licensed or otherwise authorised, approved or “recognised” by the competent authorities in the OECD countries concerned to transport, trade, or recover the waste in question.

The contract shall specify that requirements of the OECD Decision are taken into account and are binding on all relevant parties to the contract, like the provision by the exporter of a notification to the competent authorities concerned, and of a duly completed movement document for each shipment. The requirement for the recovery facility to certify receipt and recovery of the waste to the exporter and the competent authorities concerned shall be stipulated in the contract. The contract shall also specify which party to the contract shall assume responsibility for an alternative management of the wastes in cases where the transboundary movement cannot be completed in accordance with the original terms of the contract, due to illegal shipments, mishandling, accidents or other unforeseeable events. See section 6.8 for further details on measures to be taken in such cases.

A contract should be concluded before the notification is provided and the competent authorities issue their authorisations. Therefore, the contract may need to include a caveat stating that the enforcement of the contract is subject to the consent given by the competent authorities concerned by the shipment. This would avoid possible practical trade problems in the case of objection to the proposed movement of waste by the competent authorities.

Member countries may require by domestic law that the involved parties submit the contract (or portions thereof) to the competent authorities for review. Information on such requirements should be conveyed to other OECD member countries through a specific Internet system developed by the OECD secretariat (see section 6.9). In such cases, the contract, or portions thereof to be reviewed, must be sent together with the notification document in order that such review may be appropriately performed. Any information contained in the contract shall be held strictly confidential in accordance with and to the extent required by domestic laws.

Through contract, the exporter and the recovery facility agree on a number of commercial details essential for the business but not relevant for the control of transboundary movements of wastes. Therefore, some countries accept that the contract is made in two portions: one part dealing with normal commercial issues and another one containing all the items necessary for the control of the transboundary movement of waste. The latter portion of the contract would, when required, be provided to the competent authorities together with the notification. An example of such a portion of the contract is included in Annex F of this Manual. However, national regulations and practices may lead to different or additional requirements with regard to the content or formulation of the contract.

5.3 Financial guarantees

The OECD Decision requires that, where applicable, the exporter or the importer shall provide financial guarantees in accordance with national or international law requirements, in order to provide immediate funds for alternative recycling, disposal or other means of environmentally sound management of the wastes in cases where the transboundary movement and the recovery operations cannot be carried out as foreseen.

Some member countries require by domestic law that all transboundary movements be subject to the provision of a financial guarantee. A financial guarantee may take the form of an insurance policy, bank letters, bonds or other means of compensation, depending on the countries concerned. Member countries having established such provisions shall make this information available to other member countries through a specific Internet system developed by the OECD Secretariat (see section 6.9).

5.4 *Notification procedure*

5.4.1 *Purpose of the notification procedure*

Any transboundary movement of waste destined for recovery within the OECD area and subject to the Amber control procedure can take place only upon prior written notification to the competent authorities of countries of export, import and transit, if any, and upon tacit or written consent from these authorities. The purpose of the notification procedure set out by the OECD Decision is to provide the competent authorities concerned with detailed, accurate and complete information on the parties involved in the movement(s), the waste itself, the type of recovery operation to which the waste is destined, and other details relating to the proposed movement. This information will allow these competent authorities to be sufficiently informed to make a judgement on whether to object or consent to the movement, in accordance with the OECD Decision and relevant national legislation. The main stages of the notification procedure are shown in Figure 3.

The notification shall be made by means of a specific “notification document” (see Appendix 8.C to the OECD Decision). It covers a single shipment of one type of waste (*single notification*). It may also cover multiple shipments of waste (*general notification*) to be carried out over a certain period of time, provided the waste in question has essentially similar physical and chemical characteristics and will regularly be shipped to the same recovery facility by the same exporter via the same customs offices of entry and exit. The maximum period of time for a general notification is one year in the Case 1 procedure (i.e. for movements to “usual” recovery facilities) and three years in the Case 2 procedure (i.e. for movements to pre-consented recovery facilities).

5.4.2 *Who has the responsibility to notify?*

It is normally the responsibility of the exporter to provide a written notification to the competent authorities of the countries of export, import and transit, if any, prior to the commencement of any transboundary movement of wastes falling under the Amber control procedure.

The exporter is a person under the jurisdiction of the country of export, who initiates the transboundary movement of wastes or who has, at the time the planned transboundary movement commences, possession or other forms of legal control of the wastes. He/she is usually a waste generator, i.e. a person whose activities create wastes. Also a person, who mixes two or more lots of wastes or otherwise performs physical or chemical transformation operations which render the original wastes indistinguishable or inseparable from the resulting waste, is to be considered as a generator of the new waste. The exporter may also be a collector of waste, or a recognised trader who, with appropriate authorisation of countries concerned, acts in the role of principal to purchase and subsequently sell wastes. See section 6.5 for further details on recognised traders.

Member countries may also require, by domestic laws, that notification be transmitted to other countries concerned by the competent authority of the country of export, instead of the exporter. Such a requirement is considered useful by some member countries in order to ensure that the information provided in the notification is complete and uniform. Such requirement shall be conveyed to other member countries through a specific Internet system developed by the OECD secretariat (see section 6.9).

In the case where the waste is not subject to the Amber control procedure in the country of export but in the country of import (see section 6.1), the *mutatis mutandis* principle shall apply and the duty to notify shall shift to the recovery facility or the importer. This means that the recovery facility or the importer shall provide the notification to the competent authorities concerned. In practice, the recovery facility or the

importer may, through contracts for example, arrange that the exporter provides the notification to the competent authorities in accordance with the OECD Decision.

5.4.3 *Notification document*

The notification document shall contain all the information listed in Appendix 8.A to the OECD Decision and cover only one type of waste, except in the case of mixtures (see section 6.2). The notification shall be made in a language acceptable to the competent authorities of the country of import in particular but also to other countries concerned.

A recommended OECD form for the notification document (hereinafter referred to as *the OECD notification form*), together with detailed instructions for completing and using the form, are included in Appendix 8.C to the OECD Decision. This form was revised for the purposes of the OECD Decision so as to make it compatible with the other relevant international control regimes concerning transboundary movements of wastes, i.e. the Basel Convention and the European Community legislation. The form is to be supplemented with the necessary number of annexes giving the required information on, for example, additional carriers or generators of waste, recovery processes, properties of waste, or individual shipments covered by a general notification. If required, copies of the contracts or portions thereof shall also be attached to the notification (see section 5.2).

The notification document is to be issued by the relevant national competent authority, which in most cases is the competent authority of the country of export. In order to facilitate easy identification of notifications and tracing of a particular consignment, notification documents shall carry a unique code number, in accordance with a national numbering system.

Depending on the countries concerned, the notification may also be provided in electronic form. The OECD forms are designed to be easy to complete electronically and further efforts are being made to facilitate and encourage the use of electronic forms. The electronic notification form shall be secured with a digital signature or by sending the completed and signed form by post to competent authorities. Further instructions on the use of electronic forms should be available from the competent authorities of the countries involved in a particular movement of waste.

5.4.4 *Acknowledgement*

Upon receipt of the duly completed notification, the competent authority of the country of import shall transmit an acknowledgement to the exporter with a copy to the competent authorities of all other countries concerned within three (3) working days of receipt of the notification. Block 19 of the OECD notification form must be completed for acknowledgement.

If the notification document is deemed unacceptable due to errors or omissions, the competent authority of the country of import shall inform the exporter within three (3) working days of receipt of notification that the acknowledgement will be delayed until such time that the exporter provides the essential information. Also other competent authorities concerned may require further information.

Under the OECD Decision, it is obligatory for the competent authority of the country of import to issue an acknowledgement. Some countries may, according to their domestic law, require that an acknowledgement be also issued by the competent authority of the country of export and/or the country(ies) of transit. Information on such additional requirements shall be made available to other member countries through a specific Internet system developed by the OECD Secretariat (see section 6.9).

5.4.5 *Consent or objection by competent authorities*

The issuance of the acknowledgement by the competent authority of the country of import starts up a time period (*consideration period*) during which all competent authorities concerned shall decide whether they give a consent, with or without conditions, or object to the notified movement of waste.

In the Case 1 procedure (movement to a “usual” recovery facility, see section 5.1), the maximum length of this consideration period is 30 days following the issuance of the acknowledgement.

In the Case 2 procedure (movement to a “pre-consented” recovery facility, see section 5.1), the consideration period is only 7 working days following the issuance of the acknowledgement. However, in exceptional cases, this 7-working day period may be extended up to 30 days by the competent authority of the country of export if the authority requires additional information from the exporter in accordance with its domestic law. In such cases, the competent authority of the country of export shall inform the exporter of the additional time needed within 7 working days. It is recommended that the other competent authorities concerned be also informed of the extension of the consideration period. In the Case 2 procedure, the competent authority of the country of import is not obliged to react within the consideration period, since it has already given its general consent to the import of waste in its pre-consent granted to the recovery facility. In any case, this authority should check whether the notified transboundary movement complies with the conditions of the pre-consent and if not, issue an objection to the exporter with copies to the other competent authorities concerned.

Consent may be given in two ways to the proposed movement of waste:

- *Tacit consent*: If no objection has been lodged by any of the concerned countries within the consideration period, the movement may commence after the consideration period has passed.
- *Written consent*: Some or all competent authorities of concerned countries may decide to provide a written consent to the movement. This is made by returning a copy of the OECD notification document with block 20 completed to the exporter and the other competent authorities concerned. Conditions to the consent may be given in block 21 of the notification form or in an annexed letter. If all competent authorities issue a written consent, the movement may commence even before the end of the consideration period.

Any *objection* by any of the competent authorities of the countries concerned must be provided in writing to the exporter and to the competent authorities of all other countries concerned within the consideration period. The objection shall be indicated in Block 20 of the OECD notification form. Block 21 or a separate letter may be used to give reasons for the objection. If an objection is lodged by any of the countries concerned, the shipment may not proceed. In the case of an objection by a transit country, the exporter may either cancel the export or find an alternative route that is accepted by all relevant competent authorities. If the reason for the objection is later eliminated, some countries may accept lifting the objection on the basis of the earlier notification. However, some other countries may require that a new notification be made for the transboundary movement.

Any objection to, or conditions laid down for a transboundary movement of waste, shall be based on the domestic law of the member country in question. It shall be provided by post, e-mail with a digital signature, email followed by post, or telefax followed by post.

The consent may be given for a single movement of waste or for several shipments notified under a general notification. *As a general rule, the consent expires within one year from the end of the consideration period*, unless otherwise specified in the consent. However, in the Case 2 procedure the

consent may be given for a maximum period of three years. The consent granted on the basis of a general notification may be revoked at any time by any of the competent authorities concerned. The revocation shall be accomplished by means of an official notice to the exporter with copies to the other competent authorities concerned.

The transboundary movement may commence once the competent authorities concerned have granted all the necessary consents, whether tacit or written. The starting dates of all shipments covered by a particular notification should be within the validity period issued by the competent authority(ies). Where the different competent authorities involved have granted different validity periods, the consignment(s) may only commence in the time period during which the consents of all competent authorities are simultaneously valid.

5.4.6 Conditions for consenting to a transboundary movement

In assessing the acceptability of the notified transboundary movement of waste under the OECD Decision, the competent authorities shall make sure that the movement fulfils all the relevant provisions of national and international law, for example, that the transboundary movement is covered by a valid written contract or equivalent arrangements, starting with the exporter and terminating at the recovery facility (see section 5.2), the transboundary movement is carried out under the terms of applicable international transport agreements (see section 6.7), and any transit of wastes through a non-member country is subject to international law and to all applicable national laws and regulations (see section 6.6).

In particular, the competent authorities shall ensure that the movement is approved only if the waste is destined to a recovery facility in an OECD member country which will recover the wastes in an environmentally sound manner according to national laws, regulations and practices to which the facility is subject. It should be noted that OECD member countries adopted in 2004 a Council Recommendation on the Environmentally Sound Management (ESM) of Waste [C(2004)100] which includes a set of 11 policy recommendations for governments and a set of six criteria or “Core Performance Elements” for waste management facilities. Thus, the implementation by a recovery facility of the six Core Performance Elements is an indication that waste is managed in an environmentally sound manner within the facility. In addition a Guidance Manual was published by OECD in 2007 to help government officers in the implementation of the OECD ESM Recommendation and individual waste management facilities to continuously improve their environmental performance⁷.

5.5 Tracking procedure

5.5.1 Movement document

Once all consents have been obtained from the competent authorities concerned, the shipment of waste may proceed in accordance with the notification, possible conditions laid down in the consents by competent authorities, and the terms of the contract. Each consignment of waste is monitored under the tracking procedure set out by the OECD Decision (see Figure 3). The movement document is the core element of the tracking procedure. It provides all the relevant information on a particular consignment of waste and shall accompany the consignment from the time it is no longer in the care of the exporter to the time it arrives at the recovery facility and is recovered.

The movement document facilitates the identification of the waste as well as of the responsible parties and competent authorities to be contacted at any time, for example at the border control or other control points along transport routes, or in case of accident or other incident during the transport of the waste. It is

⁷ “Guidance Manual on Environmentally Sound Management of Waste”, OECD, 2007, Paris.

also an important tool for competent authorities to follow-up the different stages of the waste shipment and to ensure that it is carried out in accordance with the information given in the notification and possible conditions set out in their consents.

The movement document shall contain all the information listed in Appendix 8.B to the OECD Decision. It shall clearly identify the notification document to which the consignment pertains. A recommended OECD form for the movement document (hereinafter referred to as the *OECD movement document*), together with detailed instructions for completing and using the form are presented in Appendix 8.C to the OECD Decision. This form was revised for the purposes of the OECD Decision and in order to make it compatible with the other relevant international control regimes concerning transboundary movements of wastes, i.e. the Basel Convention and the European Community legislation.

In order to ensure that the consignment has the necessary consents from the competent authorities and to facilitate border control, some countries require a copy of the consent to be enclosed with the movement document. Some countries may also require that the competent authority verify the movement document. In the latter case, the exporter will have to provide the competent authority concerned with as many completed movement documents as intended consignments. The competent authority will verify each movement document (e.g. by stamping them) and return all of them together with the written consent to the exporter.

5.5.2 *Responsible Parties in the Circulation of the Movement Document*

There are several parties involved in the shipment of waste, each of which has specific responsibilities under the tracking procedure, as follows:

- *The exporter* shall complete and sign the movement document and provide all other required documentation at the time when the shipment commences. By signing the movement document, the exporter certifies that the given information is complete and correct to his/her best knowledge, legally-enforceable written contractual obligations have been entered into, any applicable insurance or other financial guarantee is in force covering the transboundary movement, and all necessary consents have been received from the competent authorities of the countries concerned. A copy of the signed movement document is to be retained by the exporter.
- *Each carrier or carrier's representative* shall complete and sign the movement document when taking possession of the waste. The carrier must retain a photocopy of the movement document giving appropriate information on the subsequent carrier to whom the consignment was released.
- *The recovery facility* shall, by completing and signing the appropriate blocks of the movement document, certify receipt (see section 5.5.3) then recovery (see section 5.5.4) of the waste to the exporter and the relevant competent authorities concerned. The original movement document is to be retained by the recovery facility for three years.

In addition, if required by domestic legislation, the *customs offices* of the countries of export, import or transit may use the movement document to certify the passage through the customs offices of entry and exit.

5.5.3 *Certification of receipt*

Upon receipt of a consignment at the designated recovery facility, a duly authorised representative of the facility must certify receipt of the consignment by completing Block 18 of the movement document which accompanies the waste. A signed copy of the completed document is given to the last carrier. Within

three working days of receipt of the consignment, the recovery facility shall forward signed copies of the movement document to the exporter and the competent authorities of the countries of export, import and transit. The recovery facility must retain the original of the movement document for three years counting from the date of certification of receipt of the waste.

Transit countries which do not wish to receive certification of receipt, shall inform the OECD secretariat thereof, who will make this information available to other member countries through a specific Internet system developed by the OECD secretariat (see section 6.9).

5.5.4 Certification of recovery

Once the recovery of waste is completed, a duly authorised representative of the recovery facility must certify that the recovery has been completed by filling in Block 19 of the movement document and sending signed copies of it to the exporter and to the competent authorities of the countries of export and import. Certification shall be provided as soon as possible, but no later than thirty days after the completion of recovery and no later than one calendar year following the receipt of waste. In practice, this time limit requires the recovery facility to ensure that the waste is processed as soon as possible and no later than one year after the receipt of waste.

6. Other issues of importance

6.1 Classification and interpretation differences between member countries

6.1.1 Reasons for differences

In some cases, certain wastes may not be legally defined or considered as wastes falling under the Amber control procedure by all the member countries involved in transboundary movement of such wastes. This may be due to the following reasons, for example:

- A member country may, according to Sections B(3) and B(4) of the OECD Decision and in accordance with its domestic legislation, also consider wastes, other than those listed in Appendix 4 to the Decision, to fall under the Amber control procedure. On the other hand, a member country may legally define or consider a waste listed in Appendix 4 to be subject to the Green control procedure on the basis that the waste does not exhibit any of the hazardous characteristics as determined by national procedures;
- Due to differences in national legislations as regards the definition of waste, a certain substance or object may not be considered as waste by all the member countries concerned, with the consequence that the same material is not subject to waste related controls (including the OECD Decision) in all countries involved in its transboundary movement; or
- The competent authorities may disagree on whether a certain waste possesses any of the hazardous characteristics referred to in Appendix 2 to the Decision or fulfils the criteria for the OECD risk-based approach referred to in Appendix 6 to the Decision.

6.1.2 How to deal with differences?

Member countries shall inform the OECD Secretariat of their decision, made in accordance with Sections B(3) and B(4) of the OECD Decision, to apply a different level of control. They shall specify the wastes concerned, relevant legislative requirements and, if applicable, information on the use of certain tests and testing procedures in order to determine whether a waste exhibits one or more of the hazardous

characteristics. This information shall also be made available to other member countries through a specific Internet system developed by the OECD Secretariat (see section 6.9).

Conform to the OECD Decision, the situations described above shall be managed according to the *mutatis mutandis* principle. The following examples show how this principle may be interpreted under the OECD Decision.

- If the waste is legally defined as or considered to be a waste subject to the Amber control procedure *only by the country of import, or the countries of import and transit*, the obligations associated with the Amber control procedure, that normally apply to the exporter and country of export, are to be performed by the recovery facility or the importer and the country of import, respectively. This means that either the recovery facility or the importer shall provide the notification to the competent authorities concerned. In practice, the recovery facility or the importer may arrange, within the contract for example, that the exporter provide the notification to competent authorities in accordance with the OECD Decision. Similarly, the competent authority of the country of import shall assume the responsibilities of the competent authority of the country of export;
- In case the wastes are legally defined as or considered to be wastes subject to the Amber control procedure *only by the country of export, or the countries of export and transit*, the competent authority of the country of export shall issue an acknowledgement and assume other responsibilities of the competent authority of the country of import. The exporter shall ensure, through contracts for example, that the recovery facility and/or the importer fulfil their responsibilities under the OECD Decision;
- The OECD Decision does not clearly define the procedures to be applied when the waste is legally defined as or considered to be a waste subject to the Amber control procedure *only by the country of transit*. For practical reasons, it is recommended that the exporter or the competent authority of the country of export, through negotiations or by some other means, arrange that the notification be provided to the competent authority of the country of transit in accordance with the OECD Decision.

6.2 *Mixtures of wastes*

The OECD Decision contains some new provisions in order to clarify the status of mixtures of wastes. The Decision defines a mixture of wastes as a waste that results from an intentional or unintentional mixing of two or more different wastes. However, a single shipment of wastes, consisting of two or more wastes, where each waste is separated, is not a mixture of wastes. Thus, for example, demolition waste containing different materials such as wood, bricks, plastic, paper, glass and metal is to be considered as a mixture of waste. On the other hand, glass, paper, plastic and metal wastes separately collected from households and transported in separate packages in the same consignment are not mixtures of waste under the OECD Decision.

With regard to the mixtures of wastes for which no individual entry exists in the OECD Decision, the following rule shall apply:

- A mixture of two or more Green wastes shall be subject to the Green control procedure;
- A mixture of a Green waste and more than a *de minimis* amount of an Amber waste, or a mixture of two or more Amber wastes, shall be subject to the Amber control procedure. The interpretation

of the term “a *de minimis* amount”, in absence of internationally accepted criteria, is to be defined according to national regulations and procedures.

However, if the composition of the two above mentioned mixtures of wastes does impair their recovery in an environmentally sound manner, then they cannot be shipped under the OECD Decision, according to the provision set in section B(1)(a) of the Decision.

Some mixtures of wastes can be explicitly identified by entries in Appendices 3 or 4 to the OECD Decision, for example, entry B1050 included in Part I of Appendix 3: "mixed non-ferrous metal, heavy fraction scrap, not containing Appendix 1 material in concentrations sufficient to exhibit Appendix 2 characteristics". Such mixtures will be controlled in accordance with the procedure relevant to the entry in question.

It should be noted that some member countries may require by domestic legislation that mixtures of different Green wastes be subject to the Amber control procedure. Information on such additional requirements shall be conveyed to other member countries through a specific Internet system developed by the OECD Secretariat (see section 6.9).

A transboundary movement of a mixture of wastes falling under the Amber control procedure shall be notified and controlled in accordance with the normal procedures described in section 5. The notification is to be made by a person performing the mixing operation (i.e. generator of the mixture) or any other person acting as an exporter under the OECD Decision. In the notification, relevant information on each fraction of the waste, including its code numbers, has to be given in order of importance.

6.3 *Transboundary movements for laboratory analysis*

For wastes, which are normally subject to the Amber control procedure but explicitly destined for laboratory analysis in order to assess their physical or chemical characteristics or to determine their suitability for recovery operations, member countries may decide, by domestic legislation, that the Amber control procedure shall not apply to such wastes when moved within the OECD area. In this case, the Green Control procedure applies.

The Decision already includes a provision according to which countries may not control wastes usually subject to the Amber control procedure if their national criteria and test methods differently assess the hazardousness of the waste. However, this particular exemption for wastes destined for laboratory analysis is still mentioned because such an exemption would not be justified by a different hazard assessment through national criteria and test methods, but only by the fact that this waste is destined for laboratory analysis. The hazardousness of the wastes used for testing is not questioned in that case and there is no need for a country to call upon "non-hazardousness" or specific testing procedures to exempt such movements from control, the only reason being that it is destined for laboratory analysis. The amount of such exempted waste shall not be more than the minimum quantity reasonably needed to adequately perform the analysis in each particular case and in any case not more than 25 kg.

In countries where the Green Control procedure is applied, the country of export and/or the country of import may also decide, according to national legislation, that the exporter of a waste sample for analysis has to inform the competent authorities of these countries of such movement.

In any case, analytical samples must be appropriately packaged and labelled and they shall be carried out under the terms of applicable international transport agreements (see Chapter 6.7). Any transit of such samples through non-member countries shall be subject to international law and to all applicable national laws and regulations.

The information on exemptions and any other national requirements concerning movements of waste for laboratory analysis shall be made available to other member countries through a specific internet system developed by the OECD Secretariat (see Chapter 6.9).

In cases where countries involved in a transboundary movement of wastes for laboratory analysis apply a different level of control for such shipments, the *mutatis mutandis* principle shall apply as described in the above section 6.1.2: “How to deal with differences”.

6.4 *Transboundary movements to recovery operations R12 or R13*

Some of the recovery operations listed in Appendix 5.B to the OECD Decision are to be considered as “intermediate or temporary operations”, since after these operations wastes still need to undergo further treatment before being finally recovered.

These operations are:

R12: Exchange of wastes for submission to any of the operations numbered R1-R11;

R13: Accumulation of material intended for any operation in Appendix 5.B.

Control procedures to be applied for transboundary movements destined for R12/R13 operations have been revised and made more explicit. The main purpose of the revision was to improve possibilities for the competent authorities to ensure that the subsequent recovery operation following the R12/R13 operation is environmentally sound and otherwise in accordance with the applicable law.

Wastes that are normally subject to the Amber control procedure but explicitly destined for R12/R13 operations shall be notified and controlled in accordance with the normal Amber control procedure described above. In addition, the foreseen recovery facility or facilities where the subsequent R1-R13 recovery operation takes place shall be indicated in the notification document.

In accordance with the Amber control procedure, the R12/R13 recovery facility shall certify the receipt of waste by filling in Block 18 of the movement document and sending a copy of the duly completed movement document within three (3) working days of the receipt of the wastes to the exporter and all competent authorities concerned. Similarly, the R12/R13 recovery facility has to certify the completion of the R12/R13 recovery operation by filling in Block 19 of the movement document. The facility shall then send a copy of the completed document to the exporter and the competent authorities of the countries of export and import as soon as possible but no later than thirty (30) days after the completion of the R12/R13 recovery operation, and no later than one (1) calendar year following the receipt of the waste. In practice, this means that the waste may not stay at the R12/R13 facility more than one calendar year before submission to an R1-R13 operation.

The control procedures applied to movements of waste from an R12/R13 recovery facility to a subsequent R1-R13 recovery facility vary depending on whether these facilities are located within the same member country or in different member countries:

- When they are located *within the same country*, the R12/R13 recovery facility shall obtain a certification from the subsequent R1-R13 facility that another recovery operation of the waste at that facility has been completed. The format of the certification of recovery by the R1-R13 facility is not fixed but it shall in any case identify the code number of the notification document and serial number of the movement documents to which it pertains. The initial R12/R13 facility shall transmit this certification to the competent authorities of the countries of import and export

as soon as possible but no later than one calendar year following delivery of the waste to the subsequent R1-R13 operation;

- When recovery facilities are located in *different member countries*, a new notification shall be made for the transboundary movement of waste by the R12/R13 facility. The applicable procedures differ according to the country where the final recovery operation takes place, as follows:
 - i) if the facility performing another R1-R13 recovery operation following the R12/R13 operation, is located in the initial country of export, then the Amber control procedure shall apply;
 - ii) if the facility performing another R1-R13 recovery operation following the R12/R13 operation, is located in another country than the initial country of export, then the Amber control procedure shall also apply, but with the following additional provision which is the same as in the case of re-export of a waste to a third country (see section 6.8): the competent authority of the initial country of export shall also be notified of the transboundary movement. This authority may also object to the re-export if the movement does not comply with the requirements set out by its domestic law.

6.5 *Recognised traders*

Under the OECD Decision, a recognised trader is a person in an OECD member country who acts in the role of principal to purchase and subsequently sell wastes. Such a person shall have appropriate authorisations (e.g. permit or registration) in accordance with the domestic legislation of the countries concerned.

A recognised trader may also act as an exporter or importer of wastes. In this case, the recognised trader shall assume all the responsibilities set out by the OECD Decision and assigned to the exporter or importer. When acting as an exporter, the recognised trader shall be located in the country of export. Also, a notification document concerning the transboundary movement of waste shall include a signed declaration by the exporter that the appropriate contracts are in place and are legally enforceable in all countries concerned. The purpose of this requirement is to ensure that a liable party can be identified at any given moment for possible adverse consequences resulting from mishandling, accident or any unforeseeable incident during a particular transboundary movement of waste.

6.6 *Transit through a non-OECD country*

If a waste destined for recovery from one OECD member country to another passes through a non-member country, the transit of waste through this country shall be notified and carried out in accordance with relevant international law and all applicable national laws and regulations. For example, if the country of transit is a Party to the Basel Convention, the transit of waste shall be notified and authorised in accordance with the provisions of the Basel Convention. Also the non-Parties to the Basel Convention should be notified of the transit of waste. According to the OECD Decision-Recommendation C(86)64(Final), a transit through a non-OECD country shall be prohibited without prior notification of the proposed movement. It is recommended that the transit be allowed only after the competent authority of that country has given consent to the movement.

Information on the competent authorities responsible for the control of transboundary movements of wastes under the Basel Convention is available from the secretariat of the Basel Convention and from their website (www.basel.int).

6.7 *International transport rules*

For all wastes subject to the OECD Decision, packing, labelling and transport of the wastes must be arranged in accordance with generally accepted and recognised international rules, standards and practices and any applicable international transport agreements. The UN publication, “United Nations Recommendations on the Transport of Dangerous Goods” (14th revised edition, UN, New York, 2005 – see: http://www.unece.org/trans/danger/publi/unrec/rev14/14files_e.html), provides basic details on these requirements. A list of international transport agreements for various modes of transport is included in Annex F of this Manual.

6.8 *Duty to return or re-export*

The OECD Decision contains particular provisions on measures to be taken in case a transboundary movement of waste subject to the Amber control procedure cannot be completed as intended, i.e. not in accordance with the notification, consents given by competent authorities or the terms of the contract. There may be different reasons for such an incident, for example, an accident during the transport of waste, discovery that the waste does not conform to the specifications of the notification or the contract, or any illegal action taken by any of the persons involved in the movement of waste.

In case of an incident, the competent authorities of the concerned countries shall cooperate to ensure that all necessary arrangements are made and action is taken in order to ensure the best alternative management of the waste. The common principle is to hold the generator responsible for his or her waste until the recovery takes place. However, the responsibility for arranging alternative management may also be specified to other parties in the contract.

In case *the incident takes place in the country of import*, the competent authority of that country shall immediately inform the competent authority of the country of export. First, alternative arrangements should be looked for in order to recover the wastes in an environmentally sound manner in the country of import. If this is not feasible, the waste should be returned to the country of export or re-exported to a third country:

- *The return of waste* to the country of export should take place within ninety (90) days from the time when the country of export was informed about the incident or such other period of time to which the concerned member countries agree. The competent authorities of the countries of export and transit shall be informed about the return of waste and their reasons. These authorities shall not oppose or prevent the return. If the waste is returned through a new country of transit, the competent authority of that country shall be notified in accordance with the normal Amber control procedure;
- *The re-export from a country of import to a third country* (i.e. another country than the initial country of export) is considered as a new transboundary movement of waste to which the Amber control procedure shall apply. The initial importer becomes a new exporter and shall notify the re-export to the competent authorities of initial and new countries of import and countries of transit, if any. In addition, the notification shall be made to the competent authority of the initial country of export who, in accordance with the Amber control procedure, may object to the re-export if the movement does not comply with the requirements set out by its domestic law.

If *the incident takes place in the country of transit*, the competent authority of the country of transit shall immediately inform the competent authorities of the countries of export and import and any other countries of transit. First, the exporter should endeavour for arrangements so that the waste is still recovered in an environmentally sound manner in the recovery facility of the importing country to where it

was originally destined. If this is not feasible, the waste should be returned to the country of export within ninety (90) days from the time when the country of export was informed about the incident or such other period of time as the concerned countries agree. The competent authorities of the country of export and other countries of transit shall be informed about the return but they shall not oppose or prevent the return of the wastes.

6.9 Practical information to be provided by member countries

A substantial amount of information is necessary for the efficient and effective implementation of the OECD control system throughout the OECD area. The Decision itself requests that such practical information be provided by each member country and made available to all other countries. For example, member countries are to designate competent authorities and contact points for the purpose of the OECD Decision, as well as to provide information on pre-consented facilities. The OECD Decision also includes a number of provisions which may differ between countries according to specific national regulations, for example, classification of wastes, contractual requirements, financial guarantees, prohibitions, and a number of detailed requirements related to the control procedure. The requirements for such practical information are listed in detail in Appendix 7 to the OECD Decision.

Member countries are also requested to keep the information updated. For this purpose, an interactive information database has been created on the public website of the OECD Environment Directorate and is available at the following address: <http://www2.oecd.org/waste> (see Annex G). The database gathers all necessary information by country for an easy implementation of the OECD Decision. Each country is responsible for entering and regularly updating its own data thanks to an individual password provided by the OECD Secretariat. Alternatively, anybody in the world wishing to obtain information necessary to proceed with a transboundary movement of wastes can consult this OECD Internet database which is freely available.

ANNEX A: OECD DECISION C(2001)107/FINAL, AS AMENDED BY
C(2004)20; C(2005)141 AND C(2008)156

NOTE

The original Decision concerning the control of transfrontier movements of waste destined for recovery operations [C(92)39/FINAL] was adopted by the OECD Council on 30 March 1992. Its appendices have been amended several times: C(93)74/FINAL; C(94)153/FINAL; C(94)154/FINAL; C(95)155/FINAL; C(96)231/FINAL; and C(98)202/FINAL.

The original text of the Decision C(92)39/FINAL was amended by C(2001)107/FINAL as follows:

- First, Decision C(2001)107 was adopted by the OECD Council on 14 June 2001, without Section C of Appendix 8 to the Decision, which was at that time still under development;

- Second, the completed Section C of Appendix 8 was adopted by the OECD Council as Addendum 1 to Decision C(2001)107 [C(2001)107/ADD1] on 28 February 2002. It includes the notification and movement documents and the instructions to complete them; and

- Finally, Section C of Appendix 8 was incorporated into Decision C(2001)107, to form one single Decision which was released in May 2002 as Decision C(2001)107/FINAL. The text was further corrected and final Decision C(2001)107/FINAL was released on 15 March 2004.

The appendices of Decision C(2001)107/FINAL have since been amended three times (C(2004)20; C(2005)141 and C(2008)156).

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REVISION OF COUNCIL DECISION C(92)39/FINAL ON THE CONTROL OF
TRANSBOUNDARY MOVEMENTS OF WASTES
DESTINED FOR RECOVERY OPERATIONS

THE COUNCIL,

1. Having regard to Article 5a) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;
2. Having regard to the Decision of the Council of 30 March 1992 concerning the control of transfrontier movements of wastes destined for recovery operations C(92)39/FINAL, as amended, which establishes an operational control system for transboundary movements of wastes destined for recovery operations;
3. Having regard to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which entered into force on 5 May 1992, as amended on 6 November 1998 with Annexes VIII and IX listing respectively wastes characterised as hazardous pursuant to Article 1(1)(a) of the Convention and wastes not covered by Article 1(1)(a) of the Convention;
4. Noting that most OECD member countries (hereafter member countries) and the European Community have become Parties to the Basel Convention;
5. Noting that member countries agreed at the Working Group on Waste Management Policy (WGWMP) meeting in Vienna in October 1998 to further harmonisation of procedures and requirements of OECD Decision C(92)39/FINAL with those of the Basel Convention;
6. Noting that recovery of valuable materials and energy from wastes is an integral part of the international economic system and that well established international markets exist for the collection and processing of such materials within member countries;
7. Noting further that many industrial sectors in member countries have already implemented waste recovery techniques in an environmentally sound and economically efficient manner, thus increasing resource efficiency and contributing to sustainable development, and convinced that further efforts to promote and facilitate waste recovery are necessary and should be encouraged;
8. Recognising that the environmentally sound and economically efficient recovery of wastes may justify transboundary movements of wastes between member countries;
9. Recognising that the operational Control System established by Decision C(92)39/FINAL has provided a valuable framework for member countries to control transboundary movements of wastes destined for recovery operations in an environmentally sound and economically efficient manner;
10. Desiring, therefore, to continue this agreement or arrangement under Article 11.2 of the Basel Convention;

11. Recognising that member countries may, within their jurisdiction, impose requirements consistent with this Decision and in accordance with the rules of international law, in order to better protect human health and the environment;
12. Recognising the need to revise Decision C(92)39/FINAL in order to improve certain elements of the Control System and to enhance harmonisation with the Basel Convention,

On the proposal of the Environment Policy Committee:

DECIDES that the text of Decision C(92)39/FINAL is revised as follows:

CHAPTER I

1. DECIDES that member countries shall control transboundary movements of wastes destined for recovery operations within the OECD area in accordance with the provisions set out in Chapter II of this Decision and in the appendices to it.
2. INSTRUCTS the Environment Policy Committee in co-operation with other relevant OECD bodies, in particular the Trade Committee, to ensure that the provisions of this Control System remain compatible with the needs of member countries to recover wastes in an environmentally sound and economically efficient manner.
3. RECOMMENDS member countries to use for the Notification Document and Movement Document the forms contained in Appendix 8 to this Decision.
4. INSTRUCTS the Environment Policy Committee to amend the forms for the Notification Document and Movement Document as necessary.
5. INSTRUCTS the Environment Policy Committee to review the procedure for amending the waste lists under Chapter II. B, (3) at the latest seven (7) years after the adoption of the present Decision.
6. REQUESTS member countries to provide the information that is necessary for the implementation of this Decision and is listed in Appendix 7 to this Decision.
7. REQUESTS the Secretary General to transmit this Decision to the United Nations Environment Programme and the Secretariat of the Basel Convention.

CHAPTER II

A. DEFINITIONS

For the purposes of this Decision:

1. WASTES are substances or objects, other than radioactive materials covered by other international agreements, which:
 - (i) are disposed of or are being recovered; or
 - (ii) are intended to be disposed of or recovered; or
 - (iii) are required, by the provisions of national law, to be disposed of or recovered.
2. HAZARDOUS WASTES are:
 - (i) Wastes that belong to any category contained in Appendix 1 to this Decision unless they do not possess any of the characteristics contained in Appendix 2 to this Decision;
 - (ii) Wastes that are not covered under sub-paragraph 2.(i) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the member country of export, import or transit. Member countries shall not be required to enforce laws other than their own.
3. DISPOSAL means any of the operations specified in Appendix 5.A to this Decision.
4. RECOVERY means any of the operations specified in Appendix 5.B to this Decision.
5. TRANSBOUNDARY MOVEMENT means any movement of wastes from an area under the national jurisdiction of a member country to an area under the national jurisdiction of another member country.
6. RECOVERY FACILITY means a facility which, under applicable domestic law, is operating or is authorised or permitted to operate in the country of import to receive wastes and to perform recovery operations on them.
7. COUNTRY OF EXPORT means a member country from which a transboundary movement of wastes is planned to be initiated or is initiated.
8. COUNTRY OF IMPORT means a member country to which a transboundary movement of wastes is planned or takes place.
9. COUNTRY OF TRANSIT means a member country other than the country of export or import through which a transboundary movement of wastes is planned or takes place.
10. COUNTRIES CONCERNED means the countries of export and import and any country of transit, as defined above.
11. OECD AREA means all land and marine areas, under the national jurisdiction of any member country.

12. **COMPETENT AUTHORITIES** means the regulatory authorities of countries concerned having jurisdiction over transboundary movements of wastes covered by this Decision.
13. **PERSON** means any natural or legal person.
14. **EXPORTER** means any person under the jurisdiction of the country of export who initiates the transboundary movement of wastes or who has, at the time the planned transboundary movement commences, possession or other forms of legal control of the wastes.
15. **IMPORTER** means any person under the jurisdiction of the country of import to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the country of import.
16. **RECOGNISED TRADER** means any person under the jurisdiction of a member country who, with appropriate authorisation of countries concerned, acts in the role of principal to purchase and subsequently sell wastes; such a person may act to arrange and facilitate transboundary movements of wastes destined for recovery operations.
17. **GENERATOR** means any person whose activities create wastes.
18. **A MIXTURE OF WASTES** means a waste that results from an intentional or unintentional mixing of two or more different wastes. A single shipment of wastes, consisting of two or more wastes, where each waste is separated, is not a mixture of wastes.

B. GENERAL PROVISIONS

(1) Conditions

The following conditions shall apply to transboundary movements of wastes subject to this Decision:

- (a) The wastes shall be destined for recovery operations within a recovery facility which will recover the wastes in an environmentally sound manner according to national laws, regulations and practices to which the facility is subject.
- (b) All persons involved in any contracts or arrangements for transboundary movements of wastes destined for recovery operations should have the appropriate legal status, in accordance with domestic legislation and regulations.
- (c) The transboundary movements shall be carried out under the terms of applicable international transport agreements.
- (d) Any transit of wastes through a non-member country shall be subject to international law and to all applicable national laws and regulations.

(2) Control procedures

A two-tiered system serves to delineate controls to be applied to such transboundary movements of wastes:

a) Green control procedure:

Wastes falling under the Green control procedure are those wastes in Appendix 3 to this Decision. This Appendix has two parts:

- Part I contains the wastes in Annex IX of the Basel Convention, some of which are subject to a note for the purposes of this Decision;
- Part II contains additional wastes that OECD member countries agreed to be subject to the Green control procedure, in accordance with criteria referred to in Appendix 6 to this Decision.

The Green control procedure is described in Section C.

b) Amber control procedure:

Wastes falling under the Amber control procedure are those wastes in Appendix 4 to this Decision. This Appendix has two parts:

- Part I contains the wastes in Annexes II and VIII of the Basel Convention, some of which are subject to a note for the purposes of this Decision;
- Part II contains additional wastes that OECD member countries agreed to be subject to the Amber control procedure, in accordance with criteria referred to in Appendix 6 to this Decision.

The Amber control procedure is described in Section D.

(3) Procedure for amendments to the lists of wastes in Appendices 3 and 4

Normally, and without any other formal decision, amendments made to Annex IX under the Basel Convention will be incorporated into Part I of Appendix 3 to this Decision and amendments made to Annexes II and VIII under the Basel Convention will be incorporated into Part I of Appendix 4 to this Decision, entering into effect from the date on which the amendment to the Basel Convention (hereafter the Amendment) becomes effective for the Parties to the Convention. On that same date any relevant change will be automatically made to Part II of Appendices 3 or 4.

In exceptional cases:

- a) A member country that determines, in accordance with the criteria referred to in Appendix 6, that a different level of control is justified for one or more wastes covered by the Amendment, may object in writing to the OECD Secretariat within sixty (60) days following the adoption of the Amendment by the Conference of the Parties to the Basel Convention. Such an objection, which shall provide an alternative proposal for inclusion into the relevant appendix or appendices to this Decision, will be immediately disseminated by the OECD Secretariat to all member countries;
- b) The notification of an objection to the OECD Secretariat suspends the incorporation of the waste(s) concerned into the relevant appendix to this Decision. Pending examination of the

objection by the appropriate OECD body, the waste(s) concerned shall be subject to the provisions of Section 6 (b) and 6 (c) hereunder;

- c) The appropriate OECD body shall promptly examine the objection and the related alternative proposal and shall reach a conclusion one month before the Amendment becomes effective for the Parties to the Basel Convention;
- d) If consensus is reached within the appropriate OECD body during that period, the relevant Appendix to this Decision will be modified as appropriate. Any modification becomes effective on the same date on which the amendment to the Basel Convention becomes effective for the Parties to the Convention;
- e) If no consensus is reached within the appropriate OECD body during that period, the Amendment will not be applied within the OECD Control System. With respect to the waste(s) concerned, the relevant appendix to this Decision will be modified as appropriate. Each member country retains its right to control such waste(s) in conformity with its domestic legislation and international law.

(4) Provision for specific national control

- a) This Decision does not prejudice the right of a member country to control, on an exceptional basis, certain wastes differently, in conformity with domestic legislation and the rules of international law, in order to protect human health and the environment;
- b) Thus, a member country may control wastes subject to the Green control procedure as if those wastes had been subject to the Amber control procedure;
- c) A member country may, in conformity with domestic legislation, legally define or consider a waste subject to the Amber control procedure as subject to the Green control procedure because it does not exhibit any of the hazardous characteristics listed in Appendix 2 of this Decision, as determined using national procedures;¹
- d) In the case of a transboundary movement of wastes where the wastes are legally defined as, or considered to be, wastes subject to the Amber control procedure only by the country of import, the requirements of section D that apply to the exporter and the country of export, shall apply *mutatis mutandis* to the importer and the country of import, respectively.

(5) Information requirements

Any member country exercising the right to apply a different level of control shall immediately inform the OECD secretariat citing the specific waste(s) and applicable legislative requirements. Member countries which prescribe the use of certain tests and testing procedures in order to determine whether a waste exhibits one or more of the hazardous characteristics listed in Appendix 2 of this Decision shall also inform the OECD secretariat concerning which tests and testing procedures are being so utilised; and, if possible, which wastes would or would not be legally defined or considered to be hazardous wastes based upon application of these national procedures. All the above information requirements are specified in Appendix 7 to this Decision.

¹ In addition, certain member countries have developed regulations used to determine whether or not wastes are controlled as hazardous wastes.

(6) Wastes not listed in Appendices 3 or 4 to this Decision

Wastes which are destined for recovery operations but have not yet been assigned to Appendices 3 or 4 of this Decision, shall be eligible for transboundary movements pursuant to this Decision subject to the following conditions:

- (a) Member countries shall identify such wastes and, if appropriate, make applications to the Technical Working Group of the Basel Convention in order to amend the relevant Annexes of the Basel Convention;
- (b) Pending assignment to a list, such wastes shall be subject to the controls required for the transboundary movements of wastes by the domestic legislation of the countries concerned in order that no country is obliged to enforce laws other than its own;
- (c) However, if such wastes exhibit a hazardous characteristic listed in Appendix 2 to this Decision as determined by using national procedures² and any applicable international agreements, such wastes shall be subject to the Amber control procedure.

(7) Generator of mixed or transformed waste

If two or more lots of wastes are mixed and/or otherwise subjected to physical or chemical transformation operations, the person who performs these operations shall be deemed to be the generator of the new wastes resulting from these operations.

(8) Procedures for mixtures of wastes

Having regard to paragraph 11 of the preamble of this Decision, a mixture of wastes, for which no individual entry exists, shall be subject to the following control procedure:

- (i) A mixture of two or more Green wastes shall be subject to the Green control procedure, provided the composition of this mixture does not impair its environmentally sound recovery;
- (ii) A mixture of a Green waste and more than a de minimis amount of an Amber waste or a mixture of two or more Amber wastes shall be subject to the Amber control procedure, provided the composition of this mixture does not impair its environmentally sound recovery.

C. GREEN CONTROL PROCEDURE

Transboundary movements of wastes subject to the Green control procedure shall be subject to all existing controls normally applied in commercial transactions.

Regardless of whether or not wastes are included on the list of wastes subject to the Green control procedure (Appendix 3), they may not be subject to the Green control procedure if they are contaminated by other materials to an extent which (a) increases the risks associated with the wastes sufficiently to render them appropriate for submission to the Amber control procedure,

² In addition, certain member countries have developed regulations used to determine whether or not wastes are controlled as hazardous wastes.

when taking into account the criteria in Appendix 6 to this Decision, or (b) prevents the recovery of the wastes in an environmentally sound manner.

D. AMBER CONTROL PROCEDURE

(1) Conditions

(a) Contracts

Transboundary movements of wastes under the Amber control procedure may only occur under the terms of a valid written contract, or chain of contracts, or equivalent arrangements between facilities controlled by the same legal entity, starting with the exporter and terminating at the recovery facility. All persons involved in the contracts, or arrangements shall have appropriate legal status.

The contracts shall:

- i) clearly identify: the generator of each type of waste, each person who shall have legal control of the wastes and the recovery facility;
- ii) provide that relevant requirements of this Decision are taken into account and are binding on all parties to the contracts;
- iii) specify which party to the contract (i) shall assume responsibility for an alternative management of the wastes in compliance with applicable laws and regulations including, if necessary, the return of the wastes in accordance with section D.(3) (a) below and (ii), as the case may be, shall provide the notification for re-export in accordance with section D.(3) (b) below.

Upon the request of the competent authorities of the countries of export or import, the exporter shall provide copies of such contracts or portions thereof.

Any information contained in the contracts provided under terms of the above paragraph shall be held strictly confidential in accordance with and to the extent required by domestic laws.

(b) Financial guarantees

Where applicable, the exporter or the importer shall provide financial guarantees in accordance with national or international law requirements, for alternative recycling, disposal or other means of environmentally sound management of the wastes in cases where arrangements for the transboundary movement and the recovery operations cannot be carried out as foreseen.

(c) Transboundary movements of Amber wastes for laboratory analysis

Member countries may exempt a transboundary movement of a waste from the Amber control procedure, if it is explicitly destined for laboratory analysis to assess its physical or chemical characteristics or to determine its suitability for recovery operations. The amount of such waste so exempted shall be determined by the minimum quantity reasonably needed to adequately perform the analysis in each particular case, but not more than 25 kg. Analytical samples must be appropriately packaged and labelled and they remain subject to the conditions set out in Chapter II Section B. (1)(c) and (d) of this Decision. Where a competent authority of a country

of import or country of export is required to be informed under its domestic legislation, the exporter shall inform that authority of a transboundary movement of a laboratory sample.

(2) Functioning of the Amber control procedure:

Procedures are provided under the Amber control procedure for the following two cases:

Case 1: individual transboundary movements or multiple shipments to a recovery facility;

Case 2: transboundary movements to pre-consented recovery facilities.

Case 1: Individual transboundary movements of wastes or multiple shipments to a recovery facility.

- (a) Prior to commencement of each transboundary movement of wastes, the exporter shall provide written notification (“single notification”) to the competent authorities of the countries concerned. The notification document shall include all of the information listed in Appendix 8.A to this Decision. In accordance with domestic laws, the competent authorities of the country of export, instead of the exporter, may themselves transmit this notification;
- (b) In instances where competent authorities acting under the terms of their domestic laws are required to review the contracts referred to in section D. (1) above, the contract(s) or portions thereof to be reviewed must be sent together with the notification document in order that such review may be appropriately performed;
- (c) The competent authorities of the countries concerned may request additional information if the notification is not complete. Upon receipt of the complete notification document referred to in paragraph (a) above, the competent authorities of the country of import and, if applicable, of the country of export shall transmit an **acknowledgement** to the exporter with a copy to the competent authorities of all other countries concerned within three (3) working days of the receipt of the notification;
- (d) The competent authorities of the countries concerned shall have thirty (30) days to object, according to their domestic laws, to the proposed transboundary movement of wastes. The thirty (30)-day period for possible objection shall commence upon issuance of the acknowledgement of the competent authority of the country of import;
- (e) Any **objection** by any of the competent authorities of the countries concerned must be provided in writing to the exporter and to the competent authorities of all other countries concerned within the thirty (30)-day period;
- (f) If no objection has been lodged (**tacit consent**), the transboundary movement of wastes may commence after this thirty (30)-day period has passed. Tacit consent expires within one (1) calendar year from the end of the thirty (30)-day period;
- (g) In cases where the competent authorities of the countries concerned do not object and decide to provide **written consent**, it shall be issued within the thirty (30)-day period commencing upon issuance of the acknowledgement of the receipt of notification by the competent authority of the country of import. The transboundary movement of wastes may commence after all consents are received. Copies of the written consent(s) shall be sent to competent authorities of all countries concerned. Written consent is valid for up to one (1) calendar year from the date of its issuance;

- (h) Objection or written consent may be provided by post, e-mail with a digital signature, e-mail without digital signature followed by post, or telefax followed by post;
- (i) The transboundary movement of wastes may only take place during the period when the consents of all competent authorities (tacit or written consent) are valid;
- (j) Each transboundary movement of wastes shall be accompanied by a movement document which includes the information listed in Appendix 8.B to this Decision;
- (k) Within three (3) days of the receipt of the wastes by the recovery facility, the recovery facility shall return a signed copy of the movement document to the exporter and to the competent authorities of the countries of export, transit and import. Those countries of transit that do not wish to receive a signed copy of the movement document shall inform the OECD Secretariat. The recovery facility shall retain the original of the movement document for three (3) years;
- (l) As soon as possible, but no later than thirty (30) days after the completion of recovery and no later than one (1) calendar year following the receipt of the waste, the recovery facility shall send a certificate of recovery to the exporter and to the competent authorities of the countries of export and import by post, e-mail with a digital signature, email without digital signature followed by post, or telefax followed by post;
- (m) In cases where essentially similar wastes (e.g. those having essentially similar physical and chemical characteristics) are to be sent periodically to the same recovery facility by the same exporter, the competent authorities of the countries concerned may elect to accept one “general notification” for such multiple shipments for a period of up to one year. Each shipment must be accompanied by its own movement document, which includes the information listed in Appendix 8.B to this Decision;
- (n) Revocation of the acceptance in (m) above may be accomplished by means of an official notice to the exporter from any of the competent authorities of the countries concerned. Notice of revocation of acceptance for transboundary movements previously granted under this provision shall be given to the competent authorities of all countries concerned by the competent authorities of the country that revokes such acceptance.

Case 2: Transboundary movements of wastes to pre-consented recovery facilities

- (a) Competent authorities having jurisdiction over specific recovery facilities in the country of import may decide not to raise objections concerning transboundary movements of certain types of wastes to a specific recovery facility (pre-consented recovery facility). Such decisions can be limited to a specified period of time and can be revoked at any time;
- (b) Competent authorities that elect this option shall inform the OECD secretariat of the recovery facility name, address, technologies employed, waste types to which the pre-consent applies, and the period covered. The OECD secretariat must also be notified of any revocations;
- (c) For all transboundary movements of wastes to such facilities paragraphs (a), (b) and (c) of Case 1 shall apply;
- (d) The competent authorities of the countries of export and transit shall have seven (7) working days to object, according to their domestic laws, to the proposed transboundary movement

of wastes. The seven (7) working days period for possible objection shall commence upon issuance of the acknowledgement of the competent authority of the country of import. In exceptional cases where the competent authority of the country of export needs more than seven (7) working days in order to receive additional information from the exporter as necessary to meet the requirements of its domestic law, it may inform the exporter within the seven (7) working days that additional time is needed. This additional time may be up to thirty (30) days starting from the day of the issuance of the acknowledgement of the competent authority of the country of import;

- (e) Paragraphs (e), (f) and (g) of Case 1 shall apply with a period of seven (7) working days instead of thirty (30) days but for the exceptional cases mentioned in paragraph (d) above, in which case the period shall remain thirty (30) days;
- (f) Paragraphs (h), (i), (j), (k) and (l) of Case 1 shall apply;
- (g) In the case of the acceptance of a general notification, paragraph (m) of Case 1 shall apply with the exception that the shipments can cover a period of up to three (3) years. For the revocation of this acceptance, paragraph (n) in Case 1 shall apply.

(3) Duty to return or re-export wastes subject to the Amber control procedure

When a transboundary movement of wastes subject to the Amber control procedure, to which countries concerned have given consent, cannot be completed in accordance with the terms of the contract, for any reason such as illegal shipments, the competent authority of the country of import shall immediately inform the competent authority of the country of export. If alternative arrangements cannot be made to recover these wastes in an environmentally sound manner in the country of import, the following provisions shall apply as the case may be:

- (a) Return from a country of import to the country of export:

The competent authority of the country of import shall inform the competent authorities of the countries of export and transit, mentioning in particular the reason for returning the waste. The competent authority of the country of export shall admit the return of those wastes. In addition, the competent authorities of the countries of export and transit shall not oppose or prevent the return of these wastes. The return should take place within ninety (90) days from the time the country of import informs the country of export or such other period of time as the concerned member countries agree. Any new transit country would require a new notification.

- (b) Re-export from a country of import to a country other than the initial country of export:

Re-export from a country of import of wastes subject to the Amber control procedure may only occur following notification by an exporter in the country of import to the countries concerned, as well as to the initial country of export. The notification and control procedure shall follow the provisions set out in Case 1 of Section D. (2) with the addition that the provisions concerning the competent authorities of countries concerned shall also apply to the competent authority of the initial country of export.

(4) Duty to return wastes subject to the Amber control procedure from a country of transit

When the competent authority of the country of transit observes that a transboundary movement of wastes subject to the Amber control procedure, to which countries concerned have given consent, does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, the competent authority of the country of transit shall immediately inform the competent authorities of the countries of export and import and any other countries of transit.

If alternative arrangements cannot be made to recover these wastes in an environmentally sound manner, the competent authority of the country of export shall admit the return of the shipment of these wastes. In addition, the competent authorities of the country of export and other countries of transit shall not oppose or prevent the return of the wastes. The return should take place within ninety (90) days from the time the country of transit informs the country of export or such other period of time as the concerned countries agree.

(5) Provisions relating to recognised traders

- (a) A recognised trader may act as an exporter or importer for wastes with all the responsibilities associated with being an exporter or importer.
- (b) The notification document called for in Chapter II section D (2), case 1, a) above shall include a signed declaration by the exporter that the appropriate contracts referred to in Chapter II section D (1) (a) are in place and are legally enforceable in all countries concerned.

(6) Provisions relating to exchange (R12) and accumulation (R13) operations

For transboundary movements of wastes destined for exchange (R12) or accumulation (R13) operations paragraphs (a) to (j), (m) and (n) of Case 1 shall apply. In addition:

- (a) If wastes are destined for a facility or facilities where a R12 or R13 recovery operation as designated in Appendix 5.B to this Decision takes place, the recovery facility or facilities where the subsequent R1-R11 recovery operation as designated in Appendix 5.B takes place or may take place, shall also be indicated in the notification document;
- (b) Within three (3) days of the receipt of the wastes by the R12/R13 recovery facility or facilities, the facilit(y)ies shall return a signed copy of the movement document to the exporter and to the competent authorities of the countries of export and import. The facilit(y)ies shall retain the original of the movement document for three (3) years;
- (c) As soon as possible but no later than thirty (30) days after the completion of the R12/R13 recovery operation and no later than one (1) calendar year following the receipt of the waste, the R12 or R13 facilit(y)ies shall send a certificate of recovery to the exporter and to the competent authorities of the countries of export and import by post, e-mail with a digital signature, email without digital signature followed by post, or telefax followed by post;
- (d) When an R12/R13 recovery facility delivers wastes for recovery to an R1-R11 recovery facility located in the country of import, it shall obtain as soon as possible but no later than one calendar year following delivery of the waste, a certification from the R1-R11 facility that recovery of the wastes at that facility has been completed. The R12/R13 facility shall

promptly transmit the applicable certification(s) to the competent authorities of the countries of import and export, identifying the transboundary movements to which the certification(s) pertain;

- (e) When an R12/R13 recovery facility delivers wastes for recovery to an R1-R11 recovery facility located:
 - i) In the initial country of export, a new notification is required in accordance with Section D. (2); or
 - ii) In a third country other than the initial country of export, a new notification is required in accordance with Section D. (3) (b).

APPENDIX 1:
CATEGORIES OF WASTES TO BE CONTROLLED³

Waste streams:

- Y1 Clinical wastes from medical care in hospitals, medical centres and clinics
- Y2 Wastes from the production and preparation of pharmaceutical products
- Y3 Waste pharmaceuticals, drugs and medicines
- Y4 Wastes from the production, formulation and use of biocides and phytopharmaceuticals
- Y5 Wastes from the manufacture, formulation and use of wood preserving chemicals
- Y6 Wastes from the production, formulation and use of organic solvents
- Y7 Wastes from heat treatment and tempering operations containing cyanides
- Y8 Waste mineral oils unfit for their originally intended use
- Y9 Waste oil/water, hydrocarbon/water mixtures, emulsions
- Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCB's) and/or polychlorinated terphenyls (PCT's) and/or polybrominated biphenyls (PBB's)
- Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment
- Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, laquers, varnish
- Y13 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives
- Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known
- Y15 Wastes of an explosive nature not subject to other legislation
- Y16 Wastes from production, formulation and use of photographic chemicals and processing materials
- Y17 Wastes resulting from surface treatment of metals and plastics
- Y18 Residues arising from industrial waste disposal operations

Wastes having as constituents:

- Y19 Metal carbonyls

³ This Appendix is identical to Annex I of the Basel Convention.

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

APPENDIX 2:
LIST OF HAZARDOUS CHARACTERISTICS⁴

Code⁵ Characteristics

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.

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).

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.

H4.2: Substances or wastes liable to spontaneous combustion

Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up in contact with air, and being liable to catch fire.

H4.3: Substances or wastes which, in contact with water, emit flammable gases

Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.

H5.1: Oxidising

Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.

H5.2: Organic peroxides

Organic substances or wastes that contain the bivalent-O-O-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.

⁴ Codes and hazardous characteristics are identical to those in Annex III of the Basel Convention.

⁵ Corresponds to hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods (14th Revised Edition, UN, New York, 2005) for H1 through H9; omissions of H2, H7 and H9 are deliberate. Codes H10-H13 correspond to UN class 9.

H6.1: Poisonous (Acute)

Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.

H6.2: Infectious substances

Substances or wastes containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

H8: Corrosives

Substances or wastes that, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.

H10: Liberation of toxic gases in contact with air or water

Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.

H11: Toxic (delayed or chronic)

Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.

H12: Ecotoxic

Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.

H13: Capable, by any means, after disposal, of yielding another material, e.g. leachate, which possesses any of the characteristics listed above.

Tests

The potential hazards posed by certain types of wastes are not yet fully documented; objective tests to define quantitatively these hazards do not exist. Further research is necessary in order to develop means to characterise potential hazards posed to man and/or the environment by these wastes. Standardised tests have been derived with respect to pure substances and materials. Many member countries have developed tests which can be applied to materials destined for disposal or recovery by means of operations listed in Appendices 5.A or 5.B in order to decide if these materials exhibit any of the characteristics listed in this Appendix.

APPENDIX 3:
LIST OF WASTES SUBJECT TO THE GREEN CONTROL PROCEDURE

Regardless of whether or not wastes are included on this list, they may not be subject to the Green control procedure if they are contaminated by other materials to an extent which (a) increases the risks associated with the wastes sufficiently to render them appropriate for submission to the Amber control procedure, when taking into account the criteria in Appendix 6, or (b) prevents the recovery of the wastes in an environmentally sound manner.

Part I:

Wastes listed in Annex IX of the Basel Convention.

For the purposes of this Decision:

- (a) Any reference to list A in Annex IX of the Basel Convention shall be understood as a reference to Appendix 4 of this Decision;
- (b) In Basel entry B1020 the term “bulk finished form” includes all metallic non-dispersible⁶ forms of the scrap listed therein;
- (c) Pending approval by the Basel Convention, Basel entry B1030 shall read: “Residues containing refractory metals”;
- (d) The part of Basel entry B1100 that refers to “Slags from copper processing” etc does not apply and OECD entry GB040 in Part II applies instead;
- (e) Basel entry B1110 does not apply and OECD entries GC010 and GC020 in Part II apply instead;
- (f) Basel entry B2050 does not apply and OECD entry GG040 in Part II applies instead;
- (g) The reference in Basel entry B3010 to fluorinated polymer wastes shall be deemed to include polymers and co-polymers of fluorinated ethylene (PTFE).

Part II:

The following wastes will also be subject to the Green control procedure:

Metal Bearing Wastes Arising from Melting, Smelting and Refining of Metals

GB040	7112	Slags from precious metals and copper processing for further refining
	262030	
	262090	

⁶ “Non-dispersible” does not include any wastes in the form of powder, sludge, dust or solid items containing encased hazardous waste liquids.

Other wastes containing metals

G C010		Electrical assemblies consisting only of metals or alloys.
G C020		Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery.
G C030	ex 890800	Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste
G C050		Spent Fluid Catalytic Cracking (FCC) Catalysts (e.g. aluminium oxide, zeolites)

Glass waste in non-dispersible form⁷

G E020	ex 7001 ex 701939	Glass Fibre Waste
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Ceramic wastes in non-dispersible form⁷

G F010		Ceramic wastes which have been fired after shaping, including ceramic vessels (before and/or after use)
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Other wastes containing principally inorganic constituents, which may contain metals and organic materials

G G030	ex 2621	Bottom ash and slag tap from coal fired power plants
G G040	ex 2621	Coal fired power plants fly ash

Solid plastic wastes

G H013	391530 ex 390410-40	Polymers of vinyl chloride
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Wastes arising from tanning and fellmongery operations and leather use

G N010	ex 050200	Waste of pigs', hogs' or boars' bristles and hair or of badger hair and other brush making hair
G N020	ex 050300	Horsehair waste, whether or not put up as a layer with or without supporting material
G N030	ex 050590	Waste of skins and other parts of birds, with their feathers or down, of feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation

⁷ "Non-dispersible" does not include any wastes in the form of powder, sludge, dust or solid items containing encased hazardous waste liquids.

APPENDIX 4:
LIST OF WASTES SUBJECT TO THE AMBER CONTROL PROCEDURE

Part I:

Wastes listed in Annexes II and VIII of the Basel Convention.

For the purposes of this Decision:

- (a) Any reference to list B in Annex VIII of the Basel Convention shall be understood as a reference to Appendix 3 of this Decision;
- (b) In Basel entry A1010, the term “excluding such wastes specifically listed on List B (Annex IX)” is a reference both to Basel entry B1020 and the note on B1020 in Appendix 3 to this Decision, Part I (b);
- (c) Basel entries A1180 and A2060 do not apply and OECD entries GC010, GC020 and GG040 in Appendix 3 Part II apply instead when appropriate. Member countries may control these wastes differently in accordance with Chapter II B 6 of this Decision concerning wastes not listed in Appendices 3 or 4, and the chapeau of Appendix 3;
- (d) Basel entry A4050 includes spent potlinings from aluminium smelting because they contain Y33 inorganic cyanides. If the cyanides have been destroyed, spent potlinings are assigned to Part II entry AB120 because they contain Y32, inorganic fluorine compounds excluding calcium fluoride.

Part II:

The following wastes will also be subject to the Amber control procedure:

Metal bearing wastes

AA010	261900	Dross, scalings and other wastes from the iron and steel industry ⁸
AA060	262050	Vanadium ashes and residues ⁸
AA190	810420 ex 810430	Magnesium waste and scrap that is flammable, pyrophoric or emits, upon contact with water, flammable gases in dangerous quantities

⁸ This listing includes wastes in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.

Wastes containing principally inorganic constituents, which may contain metals and organic materials

AB030		Wastes from non-cyanide based systems which arise from surface treatment of metals
AB070		Sands used in foundry operations
AB120	ex 281290 ex 3824	Inorganic halide compounds, not elsewhere specified or included
AB130		Used blasting grit
AB150	ex 382490	Unrefined calcium sulphite and calcium sulphate from flue gas desulphurisation (FGD)

Wastes containing principally organic constituents, which may contain metals and inorganic materials

AC060	ex 381900	Hydraulic fluids
AC070	ex 381900	Brake fluids
AC080	ex 382000	Antifreeze fluids
AC150		Chlorofluorocarbons
AC160		Halons
AC170	ex 440310	Treated cork and wood wastes
AC250		Surface active agents (surfactants)
AC260	ex 3101	Liquid pig manure; faeces
AC270		Sewage sludge

Wastes which may contain either inorganic or organic constituents

AD090	ex 382490	Wastes from production, formulation and use of reprographic and photographic chemicals and materials not elsewhere specified or included
AD100		Wastes from non-cyanide based systems which arise from surface treatment of plastics
AD120	ex 391400 ex 3915	Ion exchange resins
AD150		Naturally occurring organic material used as a filter medium (such as bio-filters)

Wastes containing principally inorganic constituents, which may contain metals and organic materials

RB020	ex 6815	Ceramic based fibres of physico-chemical characteristics similar to those of asbestos
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APPENDIX 5.A:
DISPOSAL OPERATIONS⁹

Appendix 5.A is meant to encompass all such disposal operations that occur in practice, whether or not they are adequate from the point of view of environmental protection.

- 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 or naturally occurring repositories, etc.)
- D4 Surface impoundment, (e.g. placement of liquid or sludge discards into pits, ponds or lagoons, etc.)
- D5 Specially engineered landfill, (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D6 Release into a water body except seas/oceans
- D7 Release into seas/oceans including sea-bed insertion
- D8 Biological treatment not specified elsewhere in this Appendix which results in final compounds or mixtures which are discarded by means of any of the operations in Appendix 5.A
- D9 Physico chemical treatment not specified elsewhere in this Appendix which results in final compounds or mixtures which are discarded by means of any of the operations in Appendix 5.A, (e.g. evaporation, drying, calcination, etc.)
- D10 Incineration on land
- D11 Incineration at sea
- D12 Permanent storage (e.g. emplacement of containers in a mine, etc.)
- D13 Blending or mixing prior to submission to any of the operations in Appendix 5.A
- D14 Repackaging prior to submission to any of the operations in Appendix 5.A
- D15 Storage pending any of the operations in Appendix 5.A

⁹ The wording of D1 to D15 in Appendix 5.A is identical to that of Annex IV.A of the Basel Convention.

APPENDIX 5.B:
RECOVERY OPERATIONS¹⁰

Appendix 5.B is meant to encompass all such operations with respect to materials considered to be or legally defined as wastes and which otherwise would have been destined for operations included in Appendix 5.A.

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy
- R2 Solvent reclamation/regeneration
- R3 Recycling/reclamation of organic substances which are not used as solvents
- R4 Recycling/reclamation of metals and metal compounds
- R5 Recycling/reclamation of other inorganic materials
- R6 Regeneration of acids or bases
- R7 Recovery of components used for pollution abatement
- R8 Recovery of components from catalysts
- R9 Used oil re-refining or other reuses of previously used oil
- R10 Land treatment resulting in benefit to agriculture or ecological improvement
- R11 Uses of residual materials obtained from any of the operations numbered R1-R10
- R12 Exchange of wastes for submission to any of the operations numbered R1-R11
- R13 Accumulation of material intended for any operation in Appendix 5.B

¹⁰ The wording of R1 to R13 in Appendix 5.B is identical to that of Annex IV.B of the Basel Convention.

APPENDIX 6:
CRITERIA FOR THE OECD RISK-BASED APPROACH

A) Properties

- 1) Does the waste normally exhibit any of the hazardous characteristics listed in Appendix 2 to this Decision? Furthermore, it is useful to know if the waste is legally defined as or considered to be a hazardous waste in one or more member countries.
- 2) Is the waste typically contaminated?
- 3) What is the physical state of the waste?
- 4) What is the degree of difficulty of cleanup in the case of accidental spillage or mismanagement?
- 5) What is the economic value of the waste bearing in mind historical price fluctuations?

B) Management

- 6) Does the technological capability to recover the waste exist?
- 7) Is there a history of adverse environmental incidents arising from transboundary movements of the waste or associated recovery operations?
- 8) Is the waste routinely traded through established channels and is that evidenced by commercial classification?
- 9) Is the waste usually moved internationally under the terms of a valid contract or chain of contracts?
- 10) What is the extent of reuse and recovery of the waste and how is any portion separated from the waste but not subject to recovery managed?
- 11) What are the overall environmental benefits arising from the recovery operations?

APPENDIX 7:
PRACTICAL INFORMATION TO BE PROVIDED BY MEMBER COUNTRIES

- (1) Competent authority: Indicates the address, telephone, e-mail and fax numbers of the regulatory authority having jurisdiction over transboundary movements of wastes destined for recovery operations. If separate competent authorities are known to exist for different types of movements (e.g. different authorities for transit than for import/export), this is also indicated. When applicable, indicate the code number of the national competent authorities.
- (2) Contact point: Provides the point of correspondence, including the address, telephone e-mail and fax numbers, through which individuals can, if desired, obtain additional or complementary information.
- (3) Acceptable languages: Indicates the languages that can be used by the exporter so that the notification document is understandable for the competent authority receiving it.
- (4) Required points of Entry/Exit: Notes if and when national regulations prescribe that shipments of recoverable wastes must enter or exit the territory through specific customs offices.
- (5) Pre-consented recovery facilities: Indicates if a member country has granted pre-consent for certain wastes to be accepted by one or more pre-consented recovery facilities within its jurisdiction, in conformity with Chapter II, D, (2), Case 2. Details on the company, the location, the expiry of pre-consent, the relevant waste types, and total quantity pre-consented is also indicated when known.
- (6) Classification differences: This item is meant to indicate when divergent classifications exist between the OECD Appendices 3 and 4 and national waste lists, according to provisions of Section B(4) of this Decision. When known specific wastes and associated controls are cited.
- (7) Prohibitions: Provides information on wastes specifically banned or prohibited for import or export under the member country's pertinent national laws or regulations.
- (8) Contractual requirements: Notes requirements concerning contracts between the exporter and the importer, including whether the competent authority shall review the contract.
- (9) Written consent: Indicates if member countries require written consent for exports or imports of wastes.
- (10) Information related to Environmentally Sound Management: Indicates additional information under the terms of domestic legislation on environmentally sound management of wastes.

- (11) Notification for export: Indicates whether notifications for export are transmitted by the competent authorities instead of the exporter.
- (12) Movement document: Indicates if a country of transit does not wish to receive a signed copy of the movement document, indicating the receipt of wastes by the recovery facility in the country of import.
- (13) Financial requirements: If member countries require financial guarantees for transboundary movements of recoverable wastes, such requirements would be specified under this entry. Information provided may *inter alia* include: the types of guarantee (e.g. insurance statement, bank letters, bonds, etc.), the amount of guarantee (minimum and maximum, if any), whether the guarantee varies according to amount and/or hazardousness of the waste, the damages to be covered.
- (14) Pertinent national laws/regulations: Provides citations to relevant domestic laws and regulations containing provisions that relate to the conditions of this Decision.
- (15) Other is used to indicate:
- Additional differences between this Decision and national provisions;
 - Pending amendments to pertinent national laws/regulations; and
 - Other requirements or issues deemed relevant by the member country.

APPENDIX 8:
NOTIFICATION AND MOVEMENT DOCUMENTS

A. Information to be included in the notification document:

- 1) Serial number or other accepted identifier of notification document.
- 2) Exporter name, address, telephone, telefax, e-mail and contact person.
- 3) Recovery facility name, address, telephone, telefax, e-mail and technologies employed.
- 4) Importer name, address, telephone, telefax, e-mail.
- 5) Address, telephone, telefax, e-mail of any intended carrier(s) and/or their agents.
- 6) Country of export and relevant competent authority.
- 7) Countries of transit and relevant competent authorities.
- 8) Country of import and relevant competent authority.
- 9) Single notification or general notification. If general, period of validity requested.
- 10) Date(s) foreseen for commencement of transboundary movement(s).
- 11) Means of transport envisaged.
- 12) Certification that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.
- 13) Designation of waste type(s) on the appropriate list (Part I or II of Appendix 3 or 4) and their description(s), probable total quantity of each, and any hazardous characteristics.
- 14) Specification of the recovery operation(s) according to Appendix 5.B to this Decision.
- 15) Certification of the existence of written contract or chain of contracts or equivalent arrangement as required by this Decision.
- 16) Certification by the exporter that the information is complete and correct to the best of his knowledge.

B. Information to be included in the movement document:

Include all information at A. above plus:

- (a) Date shipment has commenced.
- (b) Carrier(s) name, address, telephone, telefax, e-mail.
- (c) Type of packaging envisaged.
- (d) Any special precautions to be taken by carrier(s).
- (e) Declaration by exporter that no objection has been lodged by the competent authorities of all countries concerned. This declaration requires signature of the exporter.
- (f) Appropriate signatures for each custody transfer.

C. Recommended forms for the notification and movement documents (see Chapter I paragraph 3) for transboundary movements of wastes destined for recovery operations within the OECD area and instructions for completing those forms:

Notification document for transboundary movements/shipments of waste

1. Exporter - notifier Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	3. Notification No: Notification concerning A.(i) Individual shipment: [(ii) Multiple shipments: <input type="checkbox"/>] B.(i) Disposal (1): [(ii) Recovery : <input type="checkbox"/>] C. Pre-consented recovery facility (2;3) Yes <input type="checkbox"/> No <input type="checkbox"/>		
2. Importer - consignee Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	4. Total intended number of shipments: 5. Total intended quantity (4): Tonnes (Mg): m ³ :		
8. Intended carrier(s) Registration No: Name(7): Address: Contact person: Tel: Fax: E-mail: Means of transport (5):	6. Intended period of time for shipment(s) (4): First departure: Last departure: 7. Packaging type(s) (5): Special handling requirements (6): Yes: <input type="checkbox"/> No: <input type="checkbox"/>		
9. Waste generator(s) - producer(s) (1;7;8) Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Site and process of generation (6)	11. Disposal / recovery operation(s) (2) D-code / R-code (5) : Technology employed (6): Reason for export (1;6):		
10. Disposal facility (2): <input type="checkbox"/> or recovery facility (2): <input type="checkbox"/> Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Actual site of disposal/recovery:	12. Designation and composition of the waste (6): 13. Physical characteristics (5): 14. Waste identification (fill in relevant codes) (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EC list of wastes: (iv) National code in country of export: (v) National code in country of import: (vi) Other (specify): (vii) Y-code: (viii) H-code (5): (ix) UN class (5): (x) UN Number: (xi) UN Shipping name: (xii) Customs code(s) (HS):		
15. (a) Countries/States concerned, (b) Code no. of competent authorities where applicable, (c) Specific points of exit or entry (border crossing or port)			
State of export - dispatch	State(s) of transit (entry and exit)	State of import - destination	
(a)			
(b)			
(c)			
16. Customs offices of entry and/or exit and/or export (European Community):			
Entry:	Exit:	Expo rt:	
17. Exporter's - notifier's / generator's - producer's (1) declaration: I certify that the information is complete and correct to my best knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.			
Exporter's - notifier's name: Generator's - producer's name:	Date: Date:	Signature: Signature:	18. Number of annexes attached

FOR USE BY COMPETENT AUTHORITIES

<p>19. Acknowledgement from the relevant competent authority of countries of import - destination / transit (1) / export - dispatch (9): Country: Notification received on: Acknowledgement sent on: Name of competent authority: Stamp and/or signature:</p>	<p>20. Written consent (1;8) to the movement provided by the competent authority of (country): Consent given on: Consent valid from: _____ until: _____ Specific conditions: No: <input type="checkbox"/> If Yes, see block 21 (6): <input type="checkbox"/> Name of competent authority: Stamp and/or signature:</p>
<p>21. Specific conditions on consenting to the movement document or reasons for objecting</p>	

(1) Required by the Basel Convention

(2) In the case of an R12/R13 or D13-D15 operation, also attach corresponding information on any subsequent R12/R13 or D13-D15 facilities and on the subsequent R1-R11 or D1-D12 facilit(y)ies when required

(3) To be completed for movements within the OECD area and only if B(ii) applies

(4) Attach detailed list if multiple shipments

(5) See list of abbreviations and codes on the next page

(6) Attach details if necessary

(7) Attach list if more than one

(8) If required by national legislation

(9) If applicable under the OECD Decision

LIST OF ABBREVIATIONS AND CODES USED IN THE NOTIFICATION DOCUMENT

DISPOSAL OPERATIONS (block 11)

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

RECOVERY OPERATIONS (block 11)

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

PACKAGING TYPES (block 7)

- 1. Drum
- 2. Wooden barrel
- 3. Jerrican
- 4. Box
- 5. Bag
- 6. Composite packaging
- 7. Pressure receptacle
- 8. Bulk
- 9. Other (specify)

H-CODE AND UN CLASS (block 14)

UN Class	H-code	Characteristics
1	H1	Explosive
3	H3	Flammable liquids
4.1	H4.1	Flammable solids
4.2	H4.2	Substances or wastes liable to spontaneous combustion
4.3	H4.3	Substances or wastes which, in contact with water, emit flammable gases
5.1	H5.1	Oxidizing
5.2	H5.2	Organic peroxides
6.1	H6.1	Poisonous (acute)
6.2	H6.2	Infectious substances
8	H8	Corrosives
9	H10	Liberation of toxic gases in contact with air or water
9	H11	Toxic (delayed or chronic)
9	H12	Ecotoxic
9	H13	Capable, by any means, after disposal of yielding another material, e. g., leachate, which possesses any of the characteristics listed above

MEANS OF TRANSPORT (block 8) R = Road T = Train/rail S = Sea A = Air W = Inland waterways	
PHYSICAL CHARACTERISTICS (block 13) 1. Powdery/powder 2. Solid 3. Viscous/paste 4. Sludgy 5. Liquid 6. Gaseous 7. Other (specify)	

Further information, in particular related to waste identification (block 14), i.e. on Basel Annexes VIII and IX codes, OECD codes and Y-codes, can be found in a Guidance/Instruction Manual available from the OECD and the Secretariat of the Basel Convention.

Movement document for transboundary movements/shipments of waste

1. Corresponding to notification No:		2. Serial/total number of shipments: /	
3. Exporter - notifier Registration No: Name: Address: Contact person: Tel: Fax: E-mail:		4. Importer - consignee Registration No: Name: Address: Contact person: Tel: Fax: E-mail:	
5. Actual quantity: Tonnes (Mg): m ³ :		6. Actual date of shipment:	
7. Packaging Type(s) (1): Special handling requirements: (2) Yes: <input type="checkbox"/> No: <input type="checkbox"/>		Number of packages:	
8.(a) 1st Carrier (3): Registration No: Name: Address: Tel: Fax: E-mail:		8.(b) 2nd Carrier: Registration No: Name: Address: Tel: Fax: E-mail:	8.(c) Last Carrier: Registration No: Name: Address: Tel: Fax: E-mail:
----- <i>To be completed by carrier's representative</i> ----- More than 3 carriers (2) <input type="checkbox"/>			
Means of transport (1): Date of transfer: Signature:		Means of transport (1): Date of transfer: Signature:	Means of transport (1): Date of transfer: Signature:
9. Waste generator(s) - producer(s) (4;5;6): Registration No: Name: Address: Contact person: Tel: Fax: E-mail: Site of generation (2):		12. Designation and composition of the waste (2):	
10. Disposal facility <input type="checkbox"/> or recovery facility <input type="checkbox"/>		13. Physical characteristics (1):	
Registration No: Name: Address: Contact person: Te Fax: l: E-mail: Actual site of disposal/recovery (2)		14. Waste identification (fill in relevant codes) (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EC list of wastes: (iv) National code in country of export: (v) National code in country of import: (vi) Other (specify): (vii) Y-code: (viii) H-code (1): (ix) UN class (1): (x) UN Number: (xi) UN Shipping name: (xii) Customs code(s) (HS):	
11. Disposal/recovery operation(s) D-code / R-code (1):			
15. Exporter's - notifier's / generator's - producer's (4) declaration: I certify that the above information is complete and correct to my best knowledge. I also certify that legally enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantee is in force covering the transboundary movement and that all necessary consents have been received from the competent authorities of the countries concerned. Name: Date: Signature:			
16. For use by any person involved in the transboundary movement in case additional information is required			
17. Shipment received by importer - consignee (if not facility): Date: Name: Signature:			

TO BE COMPLETED BY DISPOSAL / RECOVERY FACILITY

<p>18. Shipment received at disposal facility or recovery facility</p> <p style="text-align: center;"> <input type="checkbox"/> <input type="checkbox"/> </p> <p>Date of reception: Accepted: <input type="checkbox"/> Rejected*: <input type="checkbox"/></p> <p>Quantity Tonnes (Mg): m³: <i>*immediately contact competent authorities</i></p> <p>Approximate date of disposal/recovery:</p> <p>Disposal/recovery operation (1):</p> <p>Name:</p> <p>Date:</p> <p>Signature:</p>	<p>19. I certify that the disposal/ recovery of the waste described above has been completed.</p> <p>Name:</p> <p>Date:</p> <p>Signature and stamp:</p>
--	--

FOR USE BY CUSTOMS OFFICES (if required by national legislation)

<p>20. Country of export - dispatch or customs office of exit</p> <p>The waste described in this movement document left the country on:</p> <p>Signature:</p> <p>:</p> <p>Stamp:</p>	<p>21. Country of import - destination or customs office of entry</p> <p>The waste described in this movement document entered the country on:</p> <p>Signature:</p> <p>Stamp:</p>
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22. Stamps of customs offices of transit countries

<p>Name of country:</p> <p>Entry: Exit:</p>	<p>Name of country:</p> <p>Entry: Exit:</p>
<p>Name of country:</p> <p>Entry: Exit:</p>	<p>Name of country:</p> <p>Entry: Exit:</p>

(1) See list of abbreviations and codes on the next page

(2) Attach details if necessary

(3) If more than 3 carriers, attach information as required in blocks 8 (a,b,c).

(4) Required by the Basel Convention

(5) Attach list if more than one

(6) If required by national legislation

LIST OF ABBREVIATIONS AND CODES USED IN THE MOVEMENT DOCUMENT

<p>DISPOSAL OPERATIONS (block 11)</p> <p>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 or naturally occurring repositories, etc.) D4 Surface impoundment, (e.g. placement of liquid or sludge discards into pits, ponds or lagoons, etc.) D5 Specially engineered landfill, (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment), etc. D6 Release into a water body except seas/oceans D7 Release into seas/oceans including sea-bed insertion D8 Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list D9 Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g. evaporation, drying, calcination, etc.) D10 Incineration on land D11 Incineration at sea D12 Permanent storage, (e.g. emplacement of containers in a mine, etc.) D13 Blending or mixing prior to submission to any of the operations in this list D14 Repackaging prior to submission to any of the operations in this list D15 Storage pending any of the operations in this list</p>	<p>RECOVERY OPERATIONS (block 11)</p> <p>R1 Use as a fuel (other than in direct incineration) or other means to generate energy (Basel/OECD) - Use principally as a fuel or other means to generate energy (EU) R2 Solvent reclamation/regeneration R3 Recycling/reclamation of organic substances which are not used as solvents R4 Recycling/reclamation of metals and metal compounds R5 Recycling/reclamation of other inorganic materials R6 Regeneration of acids or bases R7 Recovery of components used for pollution abatement R8 Recovery of components from catalysts R9 Used oil re-refining or other reuses of previously used oil R10 Land treatment resulting in benefit to agriculture or ecological improvement R11 Uses of residual materials obtained from any of the operations numbered R1-R10 R12 Exchange of wastes for submission to any of the operations numbered R1-R11 R13 Accumulation of material intended for any operation in this list</p>																																													
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INSTRUCTIONS FOR COMPLETING THE NOTIFICATION AND MOVEMENT DOCUMENTS

Introduction

International instruments have been established to control export and import of wastes which may pose a risk or a hazard to human health and the environment. The two such instruments with the greatest influence are the Basel Convention¹¹, whose secretariat is administered by the United Nations Environment Programme (UNEP), and the Organisation for Economic Co-operation and Development (OECD) Council Decision C(2001)107/FINAL, as amended (hereinafter “the OECD Decision”). Member States of the European Union are also obliged to comply with a European Community Regulation.¹² The Basel Convention and the European Community Regulation concern international movements of waste, whether destined for disposal or recovery, whereas the OECD Decision only concerns movements of wastes destined for recovery operations within the OECD area. All of the instruments operate subject to a range of administrative controls by the countries implementing them.

The present instructions provide the necessary explanations for completing the notification and movement documents. Both documents are compatible with the three instruments mentioned above, since they take into account the specific requirements set out in the Basel Convention, the OECD Decision and the European Community Regulation. Because the documents have been made broad enough to cover all three instruments, however, not all blocks in the document will be applicable to all of the instruments and it therefore may not be necessary to complete all of the blocks in a given case. Any specific requirements relating to only one control system have been indicated with the use of footnotes. It is also possible that national implementing legislation may use terminology that differs from that adopted in the Basel Convention and the OECD Decision. For example, the term “shipment” is used in the European Community Regulation instead of “movement” and the titles of the notification and movement documents therefore reflect this variation by employing the term “movement/shipment”.

The documents include both the term “disposal” and “recovery”, because the terms are defined differently in the three instruments. The European Community Regulation and the OECD Decision use the term “disposal” to refer to disposal operations listed in Annex IV.A of the Basel Convention and Appendix 5.A of the OECD Decision and “recovery” for recovery operations listed in Annex IV.B of the Basel Convention and Appendix 5.B of the OECD Decision. In the Basel Convention itself, however, the term “disposal” is used to refer to both disposal and recovery operations.

The competent national authorities in each country of export will be responsible for providing and issuing the notification and movement documents (in both paper and electronic versions when capability exists and relevant legal requirements are fulfilled¹³). When doing so, they will use a numbering system, which allows a particular consignment of waste to be traced. The numbering system should be prefixed with the country code that can be found in the ISO standard 3166 abbreviation list.

Countries may wish to issue the documents in a paper size format that conforms to their national standards (normally ISO A4, as recommended by the United Nations). In order to facilitate their use

¹¹ Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 22 March 1989. See www.basel.int.

¹² Regulation (EC) N° 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (Official Journal of the European Union No. L 190, 12.7.2006, page 1 (with amendments)). See <http://europa.eu.int/comm/environment/waste/shipments/index.htm>.

¹³ See for example Article 26, Section 4 of the Regulation (EC) N° 1013/2006 on shipments of waste.

internationally, however, and to take into account the difference between ISO A4 and the paper size used in North America, the frame size of the forms should not be greater than 183 x 262 mm with margins aligned at the top and the left side of the paper.

Purpose of the notification and movement documents

The notification document is intended to provide the competent authorities of countries concerned with the information they need to assess the acceptability of proposed waste movements. The document includes space for the competent authorities to acknowledge receipt of the notification and, where required, to consent in writing to a proposed movement.

The movement document is intended to travel with a consignment of waste at all times from the moment it leaves the waste generator to its arrival at a disposal or recovery facility in another country. Each person who takes charge of a transboundary movement is to sign the movement document either upon delivery or receipt of the wastes in question. Space is provided in the document for detailed information on all carriers of the consignment. There are also spaces in the movement document for recording passage of the consignment through the customs offices of all countries concerned (while not strictly required by applicable international instruments, national legislation in some countries requires such procedures, as well as information to ensure proper control over movement). Finally, the document is to be used by the relevant disposal or recovery facility to certify that the waste has been received and that the recovery or disposal operation has been completed.

General requirements

Those filling out printed copies of the documents should use typescript or block capitals in permanent ink throughout. Signatures should always be written in permanent ink and the name of the authorized representative should accompany the signature in capital letters. In the event of a minor mistake, for example the use of the wrong code for a waste, a correction can be made with the approval of the competent authorities. The new text must be marked and signed or stamped, and the date of the modification must be noted. For major changes or corrections, a new form must be completed.

The forms have also been designed to be easily completed electronically. Where this is done, appropriate security measures should be taken against any misuse of the forms. Any changes made to a completed form with the approval of the competent authorities should be visible. When using electronic forms transmitted by e-mail, a digital signature is necessary.

To simplify translation, the documents require a code, rather than text, for the completion of several blocks. Where text is required, however, it must be in a language acceptable to the competent authorities in the country of import and, where required, to the other concerned authorities.

A six digit format should be used to indicate the date. For example, 29 January 2006 should be shown as 29.01.06 (Day.Month.Year).

Where it is necessary to add annexes or attachments to the documents providing additional information, each attachment should include the reference number of the relevant document and cite the block to which it relates.

SPECIFIC INSTRUCTIONS FOR COMPLETING THE NOTIFICATION DOCUMENT

The exporter or the competent authority of the country of export, as appropriate, is to complete blocks 1–18 (except the notification number in block 3). The waste generator, where practicable, should also sign in block 17.

Blocks 1 and 2: Provide the registration number (where applicable), full name, address (including the name of the country), telephone and fax numbers (including the country code) and e-mail address of the exporter or the competent authority of the country of export, as appropriate, and importer,¹⁴ and also the name of a contact person responsible for the shipment. The phone and fax numbers and the e-mail address should facilitate contact of all relevant persons at any time regarding an incident during shipment.

Normally, the importer would be the disposal or recovery facility given in block 10. In some cases, however, the importer may be another person, for example a recognized trader, a dealer, a broker, or a corporate body, such as the headquarters or mailing address of the receiving disposal or recovery facility in block 10. In order to act as an importer, a recognized trader, dealer, broker or corporate body must be under the jurisdiction of the country of import and possess or have some other form of legal control over the waste at the moment the shipment arrives in the country of import. In such cases, information relating to the recognized trader, dealer, broker or corporate body should be completed in block 2.

Block 3: When issuing a notification document, a competent authority will, according to its own system, provide an identification number which will be printed in this block (see the fourth paragraph in the introduction above). The appropriate boxes should be ticked to indicate:

- a) Whether the notification covers one shipment (single notification) or multiple shipments (general notification);
- b) Whether the waste being shipped is destined for disposal (which, as noted in the first and third paragraph of the introduction above, is possible in the case of a shipment falling within the ambit of the Basel Convention or the European Community Regulation but not one within the ambit of the OECD Decision) or for recovery;
- c) Whether the waste being shipped is destined for a facility which has been granted a pre-consent for receiving certain wastes subject to the Amber control procedure in accordance with case 2 of the “Functioning of the Amber Control Procedure” (see chapter II, section D of the OECD Decision).

Blocks 4, 5 and 6: For single or multiple shipments, give the number of shipments in block 4 and the intended date of a single shipment or, for multiple shipments, the dates of the first and last shipments, in block 6. In block 5, give the weight in tonnes (1 megagram (Mg) or 1,000 kg) or volume in cubic metres (1,000 litres) of the waste. Other units of the metric system, such as kilograms or litres, are also acceptable; when used, the unit of measure should be indicated and the unit in the document should be crossed out. Some countries may always require the weight to be quoted. For multiple shipments, the total quantity shipped must not exceed the quantity declared in block 5. The intended period of time for movements in block 6 may not exceed one year, with the exception of multiple shipments to pre-consented recovery facilities that fall under the OECD Decision (see the specific instructions on block 3, subparagraph (c)), for which the intended period of time may not exceed three years. In the case of multiple shipments, the Basel

¹⁴ In the European Community, the terms “notifier” and “consignee” are used instead of “exporter” and “importer”.

Convention requires the expected dates or the expected frequency and the estimated quantity of each shipment to be quoted in blocks 5 and 6 or attached in an annex. Where a competent authority issues a written consent to the movement and the validity period of that consent in block 20 differs from the period indicated in block 6, the decision of the competent authority overrides the information in block 6.

Block 7: Types of packaging should be indicated using the codes provided in the list of abbreviations and codes attached to the notification document. If special handling precautions are required, such as those required by producers' handling instructions for employees, health and safety information, including information on dealing with spillage, and transport emergency cards, tick the appropriate box and attach the information in an annex.

Block 8: Provide the following necessary information on the carrier or carriers involved in the shipment: registration number (where applicable), full name, address (including the name of the country), telephone and fax numbers (including the country code), e-mail address and the name of a contact person responsible for the shipment. If more than one carrier is involved, append to the notification document a complete list giving the required information for each carrier. Where the transport is organized by a forwarding agent, the agent's details should be given in block 8 and the respective information on actual carriers should be provided in an annex. Means of transport should be indicated using the abbreviations provided in the list of abbreviations and codes attached to the notification document.

Block 9: Provide the required information on the generator of the waste. This information is required under the Basel Convention and many countries may require it under their national legislation.¹⁵ Such information is not required, however, for movements of wastes destined for recovery under the OECD Decision. The registration number of the generator should be given where applicable. If the exporter is the generator of the waste then write "Same as block 1". If the waste has been produced by more than one generator, write "see attached list" and append a list providing the requested information for each generator. Where the generator is not known, give the name of the person in possession or control of such wastes. The definition of "generator" used in the Basel Convention provides that in instances where the true generator of the waste is not known, the generator is deemed to be the person who is in possession or control of the waste. Also provide information on the process by which the waste was generated and the site of generation. Some countries may accept that information on the generator be given in a separate annex which would only be available to the competent authorities.

Block 10: Give the required information on the destination of the shipment by first ticking the appropriate type of facility: either disposal or recovery. The registration number should be given where applicable. If the disposer or recoverer is also the importer, state here "Same as block 2". If the disposal or recovery operation is a D13-D15 or R12 or R13 operation (according to the definitions of operations set out in the list of abbreviations and codes attached to the notification document), the facility performing the operation should be mentioned in block 10, as well as the location where the operation will be performed. In such a case, corresponding information on the subsequent facility or facilities, where any subsequent R12/R13 or D13-D15 operation and the D1-D12 or R1-R11 operation or operations takes or take place or may take place should be provided in an annex. Provide the information on the actual site of disposal or recovery if it is different from the address of the facility.

Block 11: Indicate the type of recovery or disposal operation by the using R-codes or D-codes provided in the list of abbreviations and codes attached to the notification document.¹⁶ The OECD Decision only

¹⁵ In the European Community, the term "producer" is used instead of "generator".

¹⁶ In the European Community Regulation, the definition of operation R1 in the list of abbreviations is different from that used in the Basel Convention and the OECD Decision; both wordings are therefore provided. There are other editorial differences between the terminology used in the European Community and that used in the Basel Convention and the OECD Decision, which are not contained in the list of abbreviations.

covers transboundary movements of wastes destined for recovery operations (R-codes) within the OECD area. If the disposal or recovery operation is a D13-D15 or R12 or R13 operation, corresponding information on the subsequent operations (any R12/R13 or D13-D15 as well as D1-D12 or R1-R11) should be provided in an annex. Also indicate the technology to be employed. Specify also the reason for export (this is not required, however, by the OECD Decision).

Block 12: Give the name or names by which the material is commonly known or the commercial name and the names of its major constituents (in terms of quantity and/or hazard) and their relative concentrations (expressed as a percentage), if known. In the case of a mixture of wastes, provide the same information for the different fractions and indicate which fractions are destined for recovery. A chemical analysis of the composition of the waste may be required in accordance with national legislation. Attach further information in an annex if necessary.

Block 13: Indicate physical characteristics of the waste at normal temperatures and pressures by using the codes provided in the list of abbreviations and codes attached to the notification document.

Block 14: State the code that identifies the waste according to the system adopted under the Basel Convention (under subheading (i) in block 14) and, where applicable, the systems adopted in the OECD Decision (under subheading (ii)) and other accepted classification systems (under subheadings (iii) to (xii)). According to the OECD Decision, only one waste code (from either the Basel or OECD systems) should be given, except in the case of mixtures of wastes for which no individual entry exists. In such a case, the code of each fraction of the waste should be provided in order of importance (in an annex if necessary).

(i): Basel Convention Annex VIII codes should be used for wastes that are subject to control under the Basel Convention and the OECD Decision (see Part I of Appendix 4 in the OECD Decision); Basel Annex IX codes should be used for wastes that are not usually subject to control under the Basel Convention and the OECD Decision but which, for a specific reason such as contamination by hazardous substances or different classification according to national regulations, are subject to such control (see Part I of Appendix 3 in the OECD Decision). Basel Annexes VIII and IX can be found in the text of the Basel Convention as well as in the Instruction Manual available from the Secretariat of the Basel Convention. If a waste is not listed in Annexes VIII or IX of the Basel Convention, insert “not listed”.

(ii): OECD member countries should use OECD codes for wastes listed in Part II of Appendices 3 and 4 of the OECD Decision, i.e. wastes that have no equivalent listing in the Basel Convention or that have a different level of control under the OECD Decision from the one required by the Basel Convention. If a waste is not listed in Part II of Appendices 3 and 4 of the OECD Decision, insert “not listed”.

(iii): European Union member states should use the codes included in the European Community list of wastes (see Commission Decision 2000/532/EC as amended).¹⁷

(iv) and (v): Where applicable, national identification codes used in the country of export and, if known, in the country of import should be used.

(vi): If useful or required by the relevant competent authorities, add here any other code or additional information that would facilitate the identification of the waste.

¹⁷ See http://europa.eu.int/eur-lex/en/consleg/main/2000/en_2000D0532_index.html.

(vii): State the appropriate Y-code or Y-codes according to the “Categories of wastes to be controlled” (see Annex I of the Basel Convention and Appendix 1 of the OECD Decision), or according to the “Categories of wastes requiring special consideration” given in Annex II of the Basel Convention (see Appendix 2 of the Basel Instruction Manual), if it or they exist(s). Y-codes are not required by the OECD Decision except where the waste shipment falls under one of the two “Categories requiring special consideration” under the Basel Convention (Y46 and Y47 or Annex II wastes), in which case the Basel Y-code should be indicated.

(viii): If applicable, state here the appropriate H-code or H-codes, i.e. the codes indicating the hazardous characteristics exhibited by the waste (see the list of abbreviations and codes attached to the notification document).

(ix): If applicable, state here the United Nations class or classes which indicate the hazardous characteristics of the waste according to the United Nations classification (see the list of abbreviations and codes attached to the notification document) and are required to comply with international rules for the transport of hazardous materials (see the United Nations Recommendations on the Transport of Dangerous Goods. Model Regulations (Orange Book), latest edition).¹⁸

(x and xi): If applicable, state here the appropriate United Nations number or numbers and United Nations shipping name or names. These are used to identify the waste according to the United Nations classification system and are required to comply with international rules for transport of hazardous materials (see the United Nations Recommendations on the Transport of Dangerous Goods. Model Regulations (Orange Book), latest edition).¹⁸

(xii): If applicable, state here customs code or codes, which allow identification of the waste by customs offices (see the list of codes and commodities in the “Harmonized commodity description and coding system” produced by the World Customs Organization).

Block 15: The Basel Convention uses the term “States”, whereas the OECD Decision uses “member countries” and the European Community Regulation uses “member states”. On line (a) of block 15, provide the name of the countries of export, transit and import or the codes for each country by using the ISO standard 3166 abbreviations.¹⁹ On line (b), provide the code number of the respective competent authority for each country if required by the national legislation of that country and on line (c) insert the name of the border crossing or port and, where applicable, the customs office code number as the point of entry to or exit from a particular country. For transit countries give the information in line (c) for points of entry and exit. If more than three transit countries are involved in a particular movement, attach the appropriate information in an annex.

Block 16: This block should be completed for movements involving entering, passing through or leaving member states of the European Union.

Block 17: Each copy of the notification document is to be signed and dated by the exporter (or by the recognized trader, dealer or broker if acting as an exporter) or the competent authority of the country of export, as appropriate, before being forwarded to the competent authorities of the countries concerned. Under the Basel Convention, the waste generator is also required to sign the declaration; it is noted that this may not be practicable in cases where there are several generators (definitions regarding practicability may be contained in national legislation). Further, where the generator is not known, the person in possession or

¹⁸ See <http://www.unece.org/trans/danger/danger.htm>.

¹⁹ In the European Community, the terms “dispatch” and “destination” are used instead of “export” and “import”.

control of the waste should sign. Some countries may require that the declaration also certify the existence of insurance against liability for damage to third parties. Some countries may require proof of insurance or other financial guarantees and a contract to accompany the notification document.

Block 18: Indicate the number of annexes containing any additional information supplied with the notification document (see blocks 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 20 or 21). Each annex must include a reference to the notification number to which it relates, which is indicated in the corner of block 3.

Block 19: This block is for use by the competent authority to acknowledge receipt of the notification. Under the Basel Convention, the competent authority or authorities of the country or countries of import (where applicable) and transit issue such an acknowledgement. Under the OECD Decision, the competent authority of the country of import issues the acknowledgement. Some countries may, according to their national legislation, require that the competent authority of the country of export also issues an acknowledgement.

Blocks 20 and 21: Block 20 is for use by competent authorities of any country concerned when providing a written consent to a transboundary movement of waste. The Basel Convention (except if a country has decided not to require written consent with regard to transit and has informed the other Parties thereof in accordance with Article 6(4)) of the Basel Convention) and certain countries always require a written consent whereas the OECD Decision does not require a written consent. Indicate the name of the country (or its code by using the ISO standard 3166 abbreviations), the date on which the consent is provided and the date on which it expires. If the movement is subject to specific conditions, the competent authority in question should tick the appropriate box and specify the conditions in block 21 or in an annex to the notification document. If a competent authority wishes to object to the movement it should do so by writing "OBJECTION" in block 20. Block 21, or a separate letter, may then be used to explain the reasons for the objection.

SPECIFIC INSTRUCTIONS FOR COMPLETING THE MOVEMENT DOCUMENT

The exporter or the competent authority of the country of export, as appropriate, is to complete blocks 2–16, except the means of transport, the date of transfer and the signature, which appear in blocks 8 (a) to 8 (c) and which are to be completed by the carrier or its representative. The importer is to complete block 17 in the event that it is not the disposer or recoverer and it takes charge of a shipment of waste after it arrives in the country of import.

Block 1: Enter the notification number of the consignment. This is copied from block 3 in the notification document.

Block 2: For a general notification for multiple shipments, enter the serial number of the shipment and the total intended number of shipments indicated in block 4 in the notification document. (for example, write “4” and “11” for the fourth shipment out of eleven intended shipments under the general notification in question). In the case of a single notification, enter 1/1.

Blocks 3 and 4: Reproduce the same information on the exporter or the competent authority of the country of export, as appropriate, and importer as given in blocks 1 and 2 in the notification document.

Block 5: Give the actual weight in tonnes (1 megagram (Mg) or 1,000 kg) or volume in cubic metres (1,000 litres) of the waste. Other units of the metric system, such as kilograms or litres, are also acceptable; when used, the unit of measure should be indicated and the unit in the form should be crossed out. Some countries may always require the weight to be quoted. Attach, wherever possible, copies of weighbridge tickets.

Block 6: Enter the date when the shipment actually starts. The starting dates of all shipments should be within the validity period issued by the competent authorities. Where the different competent authorities involved have granted different validity periods, the shipment or shipments may only take place in the time period during which the consents of all competent authorities are simultaneously valid.

Block 7: Types of packaging should be indicated using the codes provided in the list of abbreviations and codes attached to the movement document. If special handling precautions are required, such as those prescribed by producers’ handling instructions for employees, health and safety information, including information on dealing with spillage, and transport emergency cards, tick the appropriate box and attach the information in an annex. Also enter the number of packages making up the consignment.

Blocks 8 (a), (b) and (c): Enter the registration number (where applicable), name, address (including the name of the country), telephone and fax numbers (including the country code) and e-mail address of each actual carrier. When more than three carriers are involved, appropriate information on each carrier should be attached to the movement document. When transport is organized by a forwarding agent, the agent’s details should be given in block 8 and the information on each carrier should be provided in an annex. The means of transport, the date of transfer and a signature should be provided by the carrier or carrier’s representative taking possession of the consignment. A copy of the signed movement document is to be retained by the exporter. Upon each successive transfer of the consignment, the new carrier or carrier’s representative taking possession of the consignment will have to comply with the same request and also sign the document. A copy of the signed document is to be retained by the previous carrier.

Block 9: Reproduce the information given in block 9 of the notification document.

Blocks 10 and 11: Reproduce the information given in blocks 10 and 11 in the notification document. If the disposer or recoverer is also the importer, write in block 10: "Same as block 4". If the disposal or recovery operation is a D13-D15 or R12 or R13 operation (according to the definitions of operations set out in the list of abbreviations and codes attached to the movement document), the information on the facility performing the operation provided in block 10 is sufficient. No further information on any subsequent facilities performing R12/R13 or D13-D15 operations and the subsequent facility(ies) performing the D1-D12 or R1-R11 operation(s) needs to be included in the movement document.

Blocks 12, 13 and 14: Reproduce the information given in blocks 12, 13 and 14 in the notification document.

Block 15: At the time of shipment, the exporter (or the recognized trader or dealer or broker if acting as an exporter) or the competent authority of the country of export, as appropriate, or the generator of the waste according to the Basel Convention, shall sign and date the movement document. Some countries may require copies or originals of the notification document containing the written consent, including any conditions, of the competent authorities concerned to be enclosed with the movement document.

Block 16: This block can be used by any person involved in a transboundary movement (exporter or the competent authority of the country of export, as appropriate, importer, any competent authority, carrier) in specific cases where more detailed information is required by national legislation concerning a particular item (for instance information on the port where a transfer to another transport mode occurs, the number of containers and their identification number, or additional proof or stamps indicating that the movement has been approved by the competent authorities).

Block 17: Not required under the OECD Decision. Under the Basel Convention, this block is to be completed by the importer in the event that it is not the disposer or recoverer and in case the importer takes charge of the waste after the shipment arrives in the country of import.

Block 18: This block is to be completed by the authorized representative of the disposal or recovery facility upon receipt of the waste consignment. Tick the box of the appropriate type of facility. With regard to the quantity received, please refer to the specific instructions on block 5 of the instructions for completing the movement document. A signed copy of the movement document is given to the last carrier. If the shipment is rejected for any reason, the representative of the disposal or recovery facility must immediately contact his or her competent authority. Under the OECD Decision, signed copies of the movement document must be sent within three working days to the exporter and the competent authority in the countries concerned (with the exception of those OECD transit countries which have informed the OECD Secretariat that they do not wish to receive such copies of the movement document). The original movement document shall be retained by the disposal or recovery facility.

Receipt of the waste consignment must be certified by any facility performing any disposal or recovery operation, including any D13-D15 or R12 or R13 operation. A facility performing any D13-D15 or R12/R13 operation or a D1-D12 or R1-11 operation subsequent to a D13-D15 or R12 or R13 operation in the same country, is not, however, required to certify receipt of the consignment from the D13-D15 or R12 or R13 facility. Thus, block 18 does not need to be used for the final receipt of the consignment in such a case. Indicate also the type of disposal or recovery operation by using the list of abbreviations and codes attached to the movement document and the approximate date by which the disposal or recovery of waste will be completed (this is not required by the OECD Decision).

Block 19: This block is to be completed by the disposer or recoverer to certify the completion of the disposal or recovery of the waste. Under the Basel Convention, signed copies of the document with block 19 completed should be sent to the exporter and competent authorities of the country of export.

Under the OECD Decision, signed copies of the movement document with block 19 completed should be sent to the exporter and competent authorities of the countries of export and import as soon as possible, but no later than 30 days after the completion of the recovery and no later than one calendar year following the receipt of the waste. For disposal or recovery operations D13-D15 or R12 or R13, the information on the facility performing such an operation provided in block 10 is sufficient, and no further information on any subsequent facilities performing R12/R13 or D13-D15 operations and the subsequent facility(ies) performing the D1-D12 or R1-R11 operation(s) needs to be included in the movement document.

The disposal or recovery of waste must be certified by any facility performing any disposal or recovery operation, including a D13–D15 or R12 or R13 operation. Therefore, a facility performing any D13–D15 or R12/R13 operation or a D1–D12 or R1–R11 operation, subsequent to a D13–D15 or R12 or R13 operation in the same country, should not use block 19 to certify the recovery or disposal of the waste, since this block will already have been completed by the D13–D15 or R12 or R13 facility. The means of certifying disposal or recovery in this particular case must be ascertained by each country.

Blocks 20, 21 and 22: Not required by the Basel Convention or by the OECD Decision. The blocks may be used for control by customs offices at the borders of country of export, transit and import if so required by national legislation.

**ANNEX B: OECD CONSOLIDATED LIST OF WASTES SUBJECT TO
THE GREEN CONTROL PROCEDURE**

To facilitate the use of the OECD list of wastes subject to the Green control procedure, Parts I and II of Appendix 3 to the OECD Decision have been consolidated into one single list: it consists of wastes listed in Annex IX of the Basel Convention, to which the OECD specificities mentioned in Part I of Appendix 3 to the OECD Decision have been applied. In addition, the wastes listed under Part II of Appendix 3 to the OECD Decision have been inserted into the appropriate categories of Basel Annex IX.

OECD specificities mentioned in Parts I and II of Appendix 3 to the OECD Decision have been indicated in *italics*.

Regardless of whether or not wastes are included on this list, they may not be subject to the Green control procedure if they are contaminated by other materials to an extent which:

- a) Increases the risks associated with the wastes sufficiently to render them appropriate for submission to the Amber control procedure, when taking into account the criteria in Appendix 6 to the OECD Decision; or
- b) Prevents the recovery of the wastes in an environmentally sound manner.

In addition, for the purposes of this Decision, the Working Group on Waste Prevention and Recycling (WGWPR) has agreed that the expression “in non-dispersible form”, used but not defined in Basel entries, means the same as in the OECD entries, i.e. “does not include any wastes in the form of powder, sludge, dust or solid items containing encased hazardous waste liquids”. Because this definition is OECD specific, it is also indicated in italics.

References to Appendices of Decision C(2001)107/FINAL cover the following topics:

- Appendix 1: Categories of wastes to be controlled (Y1-Y45)
- Appendix 2: List of hazardous characteristics (H1-H13)
- Appendix 3: List of wastes subject to the Green Control Procedure
- Appendix 4: List of wastes subject to the Amber Control Procedure
- Appendix 5.A: Disposal operations (D1-D15)
- Appendix 5.B: Recovery operations (R1-R13)
- Appendix 6: Criteria for the OECD risk-based approach

B1 Metal and metal bearing wastes

- B1010 Metal and metal-alloy wastes in metallic, non-dispersible form¹:
- Precious metals (gold, silver, the platinum group, but not mercury)
 - Iron and steel scrap
 - Chromium scrap
 - Copper scrap
 - Nickel scrap
 - Aluminium scrap
 - Zinc scrap
 - Tin scrap
 - Tungsten scrap
 - Molybdenum scrap
 - Tantalum scrap
 - Magnesium scrap
 - Cobalt scrap
 - Bismuth scrap
 - Titanium scrap
 - Zirconium scrap
 - Manganese scrap
 - Germanium scrap
 - Vanadium scrap
 - Scrap of Hafnium, Indium, Niobium, Rhenium and Gallium
 - Thorium scrap
 - Rare earths scrap
- B1020 Clean, uncontaminated metal scrap, including alloys, in bulk finished form, *i.e.-non-dispersible form*¹ (sheet, plate, beams, rods, etc), of:
- Antimony scrap
 - Beryllium scrap
 - Cadmium scrap
 - Lead scrap (but excluding lead-acid batteries)
 - Selenium scrap
 - Tellurium scrap
- B1030 Residues containing refractory metals
- B1031 Molybdenum, tungsten, titanium, tantalum, niobium and rhenium metal and metal alloy wastes in metallic dispersible form (metal powder) excluding such wastes as specified in Appendix 4 under entry A1050, Galvanic sludges
- B1040 Scrap assemblies from electrical power generation not contaminated with lubricating oil, PCB or PCT to an extent to render them hazardous

¹ “Non-dispersible” does not include any wastes in the form of powder, sludge, dust or solid items containing encased hazardous waste liquids.

- B1050 Mixed non-ferrous metal, heavy fraction scrap, not containing Appendix 1 materials in concentrations sufficient to exhibit Appendix 2 characteristics²
- B1060 Waste selenium and tellurium in metallic elemental form including powder
- B1070 Waste of copper and copper alloys in dispersible form, unless they contain Appendix 1 constituents to the extent that they exhibit Appendix 2 characteristics
- B1080 Zinc ash and residues including zinc alloys residues in dispersible form unless containing Appendix 1 constituents in concentration such as to exhibit Appendix 2 characteristics³
- B1090 Waste batteries conforming to a specification, excluding those made with lead, cadmium or mercury
- B1100 Metal-bearing wastes arising from melting, smelting and refining of metals:
- Hard zinc spelter
 - Zinc-containing drosses:
 - Galvanising slab zinc top dross (>90% Zn)
 - Galvanising slab zinc bottom dross (>92% Zn)
 - Zinc die casting dross (>85% Zn)
 - Hot dip galvanisers slab zinc dross (batch) (>92% Zn)
 - Zinc skimmings
 - Aluminium skimmings (or skims) excluding salt slag
 - *DELETED⁴ and replaced by the following entry GB040*
 - Wastes of refractory linings, including crucibles, originating from copper smelting
 - Slags from precious metals processing for further refining
 - Tantalum-bearing tin slags with less than 0.5% tin

*GB040⁵ 7112 Slags from precious metals and copper processing for further refining
262030
262090*

² Note that even where low level contamination with Appendix 1 materials initially exists, subsequent processes, including recycling processes, may result in separated fractions containing significantly enhanced concentrations of those Appendix 1 materials.

³ The status of zinc ash is currently under review and there is a recommendation with the United Nations Conference on Trade and Development (UNCTAD) that zinc ashes should not be dangerous goods.

⁴ Deleted entry in the Basel list: "Slags from copper processing for further processing or refining not containing arsenic, lead or cadmium to an extent that they exhibit Annex III hazard characteristics".

⁵ *This OECD entry applies instead of the part of Basel entry B1100 that refers to "slags from copper processing" and is mentioned in the above footnote 4.*

B1110 *DELETED⁶, and replaced by the two following entries GC010 and GC020*

GC010 *Electrical assemblies consisting only of metals or alloys*

GC020 *Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery*

GC050 *Spent Fluid Catalytic Cracking (FCC) Catalysts (e.g. aluminium oxide, zeolites)*

B1115 Waste metal cables coated or insulated with plastics, not included in Appendix 4 (note the related entry A1190 in Appendix 4) excluding those destined for Appendix 5.A operations or any other disposal operations involving, at any stage, uncontrolled thermal processes, such as open-burning

B1120 Spent catalysts excluding liquids used as catalysts, containing any of:

Transition metals, excluding waste catalysts (spent catalysts, liquid used catalysts or other catalysts) in Appendix 4:	Scandium Vanadium Manganese Cobalt Copper Yttrium Niobium Hafnium Tungsten	Titanium Chromium Iron Nickel Zinc Zirconium Molybdenum Tantalum Rhenium
Lanthanides (rare earth metals):	Lanthanum Praseodymium Samarium Gadolinium Dysprosium Erbium Ytterbium	Cerium Neodymium Europium Terbium Holmium Thulium Lutetium

B1130 Cleaned spent precious-metal-bearing catalysts

⁶ Deleted entry in the Basel list: "B1110 *Electrical and electronic assemblies:*

- *Electronic assemblies consisting only of metals or alloy.*
- *Waste electrical and electronic assemblies or scrap (not including scrap from electrical power generation, and including printed circuit boards) not containing components such as accumulators and other batteries included on List A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or not contaminated with Annex I constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the characteristics contained in Annex III (note the related entry on List A, A1180).*
- *Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct reuse (reuse can include repair, refurbishment or upgrading, but not major reassembly), and not for recycling or final disposal (in some countries these materials destined for direct re-use are not considered wastes)".*

- B1140 Precious-metal-bearing residues in solid form which contain traces of inorganic cyanides
- B1150 Precious metals and alloy wastes (gold, silver, the platinum group, but not mercury) in a dispersible, non-liquid form with appropriate packaging and labelling
- B1160 Precious-metal ash from the incineration of printed circuit boards (note the related entry in Appendix 4, A1150)
- B1170 Precious-metal ash from the incineration of photographic film
- B1180 Waste photographic film containing silver halides and metallic silver
- B1190 Waste photographic paper containing silver halides and metallic silver
- B1200 Granulated slag arising from the manufacture of iron and steel
- B1210 Slag arising from the manufacture of iron and steel including slags as a source of TiO₂ and vanadium
- B1220 Slag from zinc production, chemically stabilised, having a high iron content (above 20%) and processed according to industrial specifications (e.g. DIN 4301) mainly for construction
- B1230 Mill scaling arising from the manufacture of iron and steel
- B1240 Copper oxide mill-scale
- B1250 Waste end-of-life motor vehicles, containing neither liquids nor other hazardous components
- GC030 ex 890800 Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste*

B2 Wastes containing principally inorganic constituents,
which may contain metals and organic materials

- B2010 Wastes from mining operations in non-dispersible form⁷:
- Natural graphite waste
 - Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise
 - Mica waste
 - Leucite, nepheline and nepheline syenite waste
 - Feldspar waste
 - Fluorspar waste
 - Silica wastes in solid form excluding those used in foundry operations

⁷ “Non-dispersible” does not include any wastes in the form of powder, sludge, dust or solid items containing encased hazardous waste liquids.

- B2020 Glass waste in non-dispersible form⁷:
- Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses
- GE020 ex 7001 Glass fibre waste in non-dispersible form⁷*
ex 701939
- B2030 Ceramic wastes in non-dispersible form⁸:
- Cermet wastes and scrap (metal ceramic composites)
 - Ceramic based fibres not elsewhere specified or included
- GF010 Ceramic wastes in non-dispersible form⁸, which have been fired after shaping, including ceramic vessels (before and/or after use)*
- B2040 Other wastes containing principally inorganic constituents:
- Partially refined calcium sulphate produced from flue-gas desulphurization (FGD)
 - Waste gypsum wallboard or plasterboard arising from the demolition of buildings
 - Slag from copper production, chemically stabilised, having a high iron content (above 20%) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications
 - Sulphur in solid form
 - Limestone from the production of calcium cyanamide (having a pH less than 9)
 - Sodium, potassium, calcium chlorides
 - Carborundum (silicon carbide)
 - Broken concrete
 - Lithium-tantalum and lithium-niobium containing glass scraps
- GG030 ex 2621 Bottom ash and slag tap from coal fired power plants*
- B2050: DELETE⁹ and replaced by the following entry GG040*
- GG040 ex 2621 Coal fired power plants fly ash*
- B2060 Spent activated carbon not containing any Appendix 1 constituents to the extent that they exhibit Appendix 2 characteristics, for example, activated carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (note the related entry in Appendix 4, A4160)
- B2070 Calcium fluoride sludge
- B2080 Waste gypsum arising from chemical industry processes not included in Appendix 4 (note the related entry in Appendix 4, A2040)
- B2090 Waste anode butts from steel or aluminium production made of petroleum coke or bitumen and cleaned to normal industry specifications (excluding anode butts from chlor alkali

⁸ “Non-dispersible” does not include any wastes in the form of powder, sludge, dust or solid items containing encased hazardous waste liquid.

⁹ Deleted entry on the Basel list: “B2050 Coal-fired power plant fly-ash, not included on list A (note the related entry on list A, A2060)”.

electrolyses and from metallurgical industry)

- B2100 Waste hydrates of aluminium and waste alumina and residues from alumina production excluding such materials used for gas cleaning, flocculation or filtration processes
- B2110 Bauxite residue ("red mud") (pH moderated to less than 11.5)
- B2120 Waste acidic or basic solutions with a pH greater than 2 and less than 11.5, which are not corrosive or otherwise hazardous (note the related entry in Appendix 4, A4090)
- B2130 Bituminous material (asphalt waste) from road construction and maintenance, not containing tar¹⁰¹⁰ (note the related entry in Appendix 4, A3200)

B3 Wastes containing principally organic constituents,
which may contain metals and inorganic materials

B3010 Solid plastic waste:

The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification:

- Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following¹¹:
 - ethylene
 - styrene
 - polypropylene
 - polyethylene terephthalate
 - acrylonitrile
 - butadiene
 - polyacetals
 - polyamides
 - polybutylene terephthalate
 - polycarbonates
 - polyethers
 - polyphenylene sulphides
 - acrylic polymers
 - alkanes C10-C13 (plasticiser)
 - polyurethane (not containing CFCs)
 - polysiloxanes
 - polymethyl methacrylate
 - polyvinyl alcohol
 - polyvinyl butyral
 - polyvinyl acetate

¹⁰ The Concentration level of Benzo[a]pyrene should not be 50mg/kg or more.

¹¹ It is understood that such scraps are completely polymerized.

- Waste of cured resins or condensation products including the following:
 - urea formaldehyde resins
 - phenol formaldehyde resins
 - melamine formaldehyde resins
 - epoxy resins
 - alkyd resins
 - polyamides

- The following fluorinated polymer wastes¹²
 - perfluoroethylene/propylene (FEP)
 - perfluoroalkoxy alkane
 - tetrafluoroethylene-perfluoro vinyl ether (PFA)
 - tetrafluoroethylene-perfluoro methylvinyl ether (MFA)
 - polyvinylfluoride (PVF)
 - polyvinylidene fluoride (PVDF)
 - *Polymers and co-polymers of fluorinated ethylene (PTFE)*

GH013 *391530* *Polymers of vinyl chloride*
ex 390410-40

B3020 Paper, paperboard and paper product wastes

The following materials, provided they are not mixed with hazardous wastes:
Waste and scrap of paper or paperboard of:

- unbleached paper or paperboard or of corrugated paper or paperboard
- other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass
- paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter)
- other, including but not limited to 1) laminated paperboard 2) unsorted scrap.

B3030 Textile wastes

The following materials, provided they are not mixed with other wastes and are prepared to a specification:

- Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
 - not carded or combed
 - other

- Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock
 - noils of wool or of fine animal hair
 - other waste of wool or of fine animal hair
 - waste of coarse animal hair

¹² Post-consumer wastes are excluded from this entry:
- Wastes shall not be mixed
- Problems arising from open-burning practices to be considered

- Cotton waste (including yarn waste and garnetted stock)
 - yarn waste (including thread waste)
 - garnetted stock
 - other
- Flax tow and waste
- Tow and waste (including yarn waste and garnetted stock) of true hemp (Cannabis sativa L.)
- Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
- Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus Agave
- Tow, noils and waste (including yarn waste and garnetted stock) of coconut
- Tow, noils and waste (including yarn waste and garnetted stock) of abaca (Manila hemp or Musa textilis Nee)
- Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included
- Waste (including noils, yarn waste and garnetted stock) of man-made fibres
 - of synthetic fibres
 - of artificial fibres
- Worn clothing and other worn textile articles
- Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials
 - sorted
 - other

B3035 Waste textile floor coverings, carpets

B3040 Rubber wastes

The following materials, provided they are not mixed with other wastes:

- Waste and scrap of hard rubber (e.g. ebonite)
- Other rubber wastes (excluding such wastes specified elsewhere)

B3050 Untreated cork and wood waste:

- Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
- Cork waste: crushed, granulated or ground cork

B3060 Wastes arising from agro-food industries provided they are not infectious:

- Wine lees
- Dried and sterilised vegetable waste, residues and by-products, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included
- Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes
- Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised
- Fish waste

- Cocoa shells, husks, skins and other cocoa waste
 - Other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption
- B3065 Waste edible fats and oils of animal or vegetable origin (e.g. frying oils), provided they do not exhibit an Appendix 2 characteristic
- B3070 The following wastes:
- Waste of human hair
 - Waste straw
 - Deactivated fungus mycelium from penicillin production to be used as animal feed
- B3080 Waste parings and scrap of rubber
- GN010 ex 050200 Waste of pigs', hogs' or boars' bristles and hair or of badger hair and other brush making hair*
- GN020 ex 050300 Horsehair waste, whether or not put up as a layer with or without supporting material*
- GN030 ex 050590 Waste of skins and other parts of birds, with their feathers or down, of feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation.*
- B3090 Paring and other wastes of leather or of composition leather not suitable for the manufacture of leather articles, excluding leather sludges, not containing hexavalent chromium compounds and biocides (note the related entry in Appendix 4, A3100)
- B3100 Leather dust, ash, sludges or flours not containing hexavalent chromium compounds or biocides (note the related entry in Appendix 4, A3090)
- B3110 Fellmongery wastes not containing hexavalent chromium compounds or biocides or infectious substances (note the related entry in Appendix 4, A3110)
- B3120 Wastes consisting of food dyes
- B3130 Waste polymer ethers and waste non-hazardous monomer ethers incapable of forming peroxides
- B3140 Waste pneumatic tyres, excluding those destined for Appendix 5A operations
- B4 Wastes which may contain either inorganic or organic constituents
- B4010 Wastes consisting mainly of water-based/latex paints, inks and hardened varnishes not containing organic solvents, heavy metals or biocides to an extent to render them hazardous (note the related entry in Appendix 4, A4070)
- B4020 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives, not listed in Appendix 4, free of solvents and other contaminants to the extent that they do not exhibit Appendix 2 characteristics, e.g. water-based, or glues based on casein, starch, dextrin,

cellulose ethers, polyvinyl alcohols (note the related entry in Appendix 4, A3050)

B4030 Used single-use cameras, with batteries not included in Appendix 4

ANNEX C: OECD CONSOLIDATED LIST OF WASTES SUBJECT TO THE AMBER CONTROL PROCEDURE

To facilitate the use of the OECD list of wastes subject to the Amber control procedure, Parts I and II of Appendix 4 to the OECD Decision have been consolidated into one single list: it consists of Annexes II and VIII of the Basel Convention, to which the OECD specificities mentioned in Part I of Appendix 4 to the OECD Decision have been applied. In addition, the wastes listed under Part II of Appendix 4 to the OECD Decision have been inserted into the appropriate categories of Basel Annex VIII.

OECD specificities mentioned in Parts I and II of Appendix 4 to the OECD Decision have been indicated in *italics*.

References to Appendices of Decision C(2001)107/FINAL cover the following topics:

- Appendix 1: Categories of wastes to be controlled (Y1-Y45)
- Appendix 2: List of hazardous characteristics (H1-H13)
- Appendix 3: List of wastes subject to the Green Control Procedure
- Appendix 4: List of wastes subject to the Amber Control Procedure
- Appendix 5.A: Disposal operations (D1-D15)
- Appendix 5.B: Recovery operations (R1-R13)
- Appendix 6: Criteria for the OECD risk-based approach

Basel Annex II: Categories of wastes requiring special consideration

- Y46 Wastes collected from households
- Y47 Residues arising from the incineration of household wastes

A1 Metal and metal bearing wastes

- A1010 Metal wastes and waste consisting of alloys of any of the following:
 - Antimony
 - Arsenic
 - Beryllium
 - Cadmium
 - Lead
 - Mercury
 - Selenium
 - Tellurium
 - Thallium

but excluding such wastes specifically listed in Appendix 3 *under entry B1020, and which are in non-dispersible form*¹³.

- A1020 Waste having as constituents or contaminants, excluding metal waste in massive form, any of the following:
- Antimony; antimony compounds
 - Beryllium; beryllium compounds
 - Cadmium; cadmium compounds
 - Lead; lead compounds
 - Selenium; selenium compounds
 - Tellurium; tellurium compounds
- A1030 Wastes having as constituents or contaminants any of the following:
- Arsenic; arsenic compounds
 - Mercury; mercury compounds
 - Thallium; thallium compounds
- A1040 Wastes having as constituents any of the following:
- Metal carbonyls
 - Hexavalent chromium compounds
- AA010 261900 *Dross, scalings and other wastes from the iron and steel industry*¹⁴
- AA060 262050 *Vanadium ashes and residues*¹⁴
- AA190 810420 *Magnesium waste and scrap that is flammable, pyrophoric or emits, upon ex 810430 contact with water, flammable gases in dangerous quantities*
- A1050 Galvanic sludges
- A1060 Waste liquors from the pickling of metals
- A1070 Leaching residues from zinc processing, dust and sludges such as jarosite, hematite, etc.
- A1080 Waste zinc residues not included in Appendix 3, containing lead and cadmium in concentrations sufficient to exhibit Appendix 2 characteristics
- A1090 Ashes from the incineration of insulated copper wire
- A1100 Dusts and residues from gas cleaning systems of copper smelters
- A1110 Spent electrolytic solutions from copper electrorefining and electrowinning operations
- A1120 Waste sludges, excluding anode slimes, from electrolyte purification systems in copper

¹³ "Non-dispersible" does not include any wastes in the form of powder, sludge, dust or solid items containing encased hazardous waste liquids.

¹⁴ This listing includes wastes in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.

electrorefining and electrowinning operations

- A1130 Spent etching solutions containing dissolved copper
- A1140 Waste cupric chloride and copper cyanide catalysts
- A1150 Precious metal ash from incineration of printed circuit boards not included in Appendix 3¹⁵
- A1160 Waste lead-acid batteries, whole or crushed
- A1170 Unsorted waste batteries excluding mixtures of only Appendix 3 batteries. Waste batteries not specified in Appendix 3 containing Appendix 1 constituents to an extent to render them hazardous
- A1180: does not apply and OECD entries GC010 and GC020 apply instead when appropriate¹⁶*
- A1190 Waste metal cables coated or insulated with plastics containing or contaminated with coal tar, PCB¹⁷, lead, cadmium, other organohalogen compounds or other Appendix 1 constituents to the extent that they exhibit Appendix 2 characteristics

A2 Wastes containing principally inorganic constituents,
which may contain metals and organic materials

- A2010 Glass waste from cathode-ray tubes and other activated glasses
- A2020 Waste inorganic fluorine compounds in the form of liquids or sludges but excluding such wastes specified in Appendix 3
- A2030 Waste catalysts but excluding such wastes specified in Appendix 3
- A2040 Waste gypsum arising from chemical industry processes, when containing Appendix 1 constituents to the extent that it exhibits an Appendix 2 hazardous characteristic (note the related entry in Appendix 3, B2080)
- A2050 Waste asbestos (dusts and fibres)
- RB020 ex 6815 Ceramic based fibres of physico-chemical characteristics similar to those of asbestos*
- A2060: does not apply and; OECD entry GG040 applies instead when appropriate¹⁸*

¹⁵ Note that mirror entry on list B (B1160) does not specify exceptions.

¹⁶ *Member countries may control these wastes differently in accordance with Chapter II B 6 of Decision C(2001)107/FINAL concerning wastes not listed in Appendices 3 or 4, and the chapeau of Appendix 3 to this Decision.*

¹⁷ PCBs are at a concentration level of 50mg/kg or more

¹⁸ *Member countries may control these wastes differently in accordance with Chapter II B 6 of Decision C(2001)107/FINAL concerning wastes not listed in Appendices 3 or 4, and the chapeau of Appendix 3 to this Decision.*

AB030 Wastes from non-cyanide based systems which arise from surface treatment of metals

AB070 Sands used in foundry operations

*AB120¹⁹ ex 281290 Inorganic halide compounds, not elsewhere specified or included
ex 3824*

AB130 Used blasting grit

AB150 ex 382490 Unrefined calcium sulphite and calcium sulphate from flue gas desulphurisation (FGD)

A3 Wastes containing principally organic constituents,
which may contain metals and inorganic materials

A3010 Waste from the production or processing of petroleum coke and bitumen

A3020 Waste mineral oils unfit for their originally intended use

A3030 Wastes that contain, consist of or are contaminated with leaded anti-knock compound sludges

A3040 Waste thermal (heat transfer) fluids

AC060 ex 381900 Hydraulic fluids

AC070 ex 381900 Brake fluids

AC080 ex 382000 Antifreeze fluids

A3050 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives excluding such wastes specified in Appendix 3 (note the related entry in Appendix 3, B4020)

A3060 Waste nitrocellulose

A3070 Waste phenols, phenol compounds including chlorophenol in the form of liquids or sludges

A3080 Waste ethers not including those specified in Appendix 3

AC150 Chlorofluorocarbons

AC160 Halons

AC250 Surface active agents (surfactants)

¹⁹ *This entry includes spent potlinings from aluminium smelting without inorganic cyanides but containing Y32, inorganic fluorine compounds excluding calcium fluoride.*

- A3090 Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides (note the related entry in Appendix 3, B3100)
- 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 (note the related entry in Appendix 3, B3090)
- A3110 Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (note the related entry in Appendix 3, B3110)
- A3120 Fluff - light fraction from shredding
- AC170 ex 440310 Treated cork and wood wastes*
- AC260 ex 3101 Liquid pig manure; faeces*
- AC270 Sewage sludge*
- A3130 Waste organic phosphorous compounds
- A3140 Waste non-halogenated organic solvents but excluding such wastes specified in Appendix 3
- A3150 Waste halogenated organic solvents
- A3160 Waste halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations
- A3170 Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethane, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)
- A3180 Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT), polychlorinated naphthalene (PCN) or polybrominated biphenyl (PBB), or any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more²⁰
- A3190 Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment of organic materials
- A3200 Bituminous material (asphalt waste) from road construction and maintenance, containing tar (note the related entry in Appendix 3, B2130)

²⁰ The 50 mg/kg level is considered to be an internationally practical level for all wastes. However, many individual countries have established lower regulatory levels (e.g. 20 mg/kg) for specific wastes.

A4 Wastes which may contain either inorganic or organic constituents

A4010	Wastes from the production, preparation and use of pharmaceutical products but excluding such wastes specified in Appendix 3
A4020	Clinical and related wastes; that is wastes arising from medical, nursing, dental, veterinary, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects
A4030	Wastes from the production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides and herbicides which are off-specification, outdated ²¹ , or unfit for their originally intended use
A4040	Wastes from the manufacture, formulation and use of wood-preserving chemicals ²²
A4050 ²³	Wastes that contain, consist of or are contaminated with any of the following: <ul style="list-style-type: none"> • Inorganic cyanides, excepting precious-metal-bearing residues in solid form containing traces of inorganic cyanides • Organic cyanides
A4060	Waste oils/water, hydrocarbons/water mixtures, emulsions
A4070	Wastes from the production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish excluding any such waste specified in Appendix 3 (note the related entry in Appendix 3, B4010)
<i>AD090</i>	<i>ex 382490 Wastes from production, formulation and use of reprographic and photographic chemicals and materials not elsewhere specified or included</i>
<i>AD100</i>	<i>Wastes from non-cyanide based systems which arise from surface treatment of plastics</i>
<i>AD120</i>	<i>ex 391400 Ion exchange resins</i> <i>ex 3915</i>
A4080	Wastes of an explosive nature (but excluding such wastes specified in Appendix 3)
A4090	Waste acidic or basic solutions, other than those specified in the corresponding entry in Appendix 3 (note the related entry in Appendix 3, B2120)
A4100	Wastes from industrial pollution control devices for cleaning of industrial off-gases but excluding such wastes specified in Appendix 3
<i>AD150</i>	<i>Naturally occurring organic material used as a filter medium (such as bio-filters)</i>

²¹ “Outdated” means unused within the period recommended by the manufacturer.

²² This entry does not include wood treated with wood preserving chemicals.

²³ *This entry includes spent potlinings from aluminium smelting containing Y33, inorganic cyanides.*

- A4110 Wastes that contain, consist of or are contaminated with any of the following:
- Any congener of polychlorinated dibenzo-furan
 - Any congener of polychlorinated dibenzo-p-dioxin
- A4120 Wastes that contain, consist of or are contaminated with peroxides
- A4130 Waste packages and containers containing Appendix 1 substances in concentrations sufficient to exhibit Appendix 2 hazard characteristics
- A4140 Waste consisting of or containing off specification or outdated²⁴ chemicals corresponding to Appendix 1 categories and exhibiting Appendix 2 hazard characteristics
- A4150 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known
- A4160 Spent activated carbon not included in Appendix 3 (note the related entry in Appendix 3, B2060)

²⁴ “Outdated” means unused within the period recommended by the manufacturer.

ANNEX D: LIST OF OECD MEMBER COUNTRIES AND YEAR OF ACCESSION

1 - Australia (1971)	16 - Korea (1996)
2 - Austria (1961)	17 - Luxembourg (1961)
3 - Belgium (1961)	18 - Mexico (1994)
4 - Canada (1961)	19 - The Netherlands (1961)
5 - Czech Republic (1995)	20 - New Zealand (1973)
6 - Denmark (1961)	21 - Norway (1961)
7 - Finland (1969)	22 - Poland (1996)
8 - France (1961)	23 - Portugal (1961)
9 - Germany (1961)	24 - Slovak Republic (2000)
10 - Greece (1961)	25 - Spain (1961)
11 - Hungary (1996)	26 - Sweden (1961)
12 - Iceland (1961)	27 - Switzerland (1961)
13 - Ireland (1961)	28 - Turkey (1961)
14 - Italy (1961)	29 - United Kingdom (1961)
15 - Japan (1964)	30 - United States (1961)

ANNEX E: INTERNATIONAL TRANSPORT AGREEMENTS

- 1 - **“United Nations Recommendations on the Transport of Dangerous Goods”**, 2005
14th Revised Edition, UN, New York.
- 2 - "Technical Instructions on the Safe Transport of Dangerous Goods by Air", 1984,
The International Civil Aviation Organisation (ICAO).
They are Annex 18 to the Convention on International Civil Aviation (the "Chicago Convention"), 1944.
- 3 - "Dangerous Goods Regulations", 47th edition, 2006.
The International Air Transport Association (IATA).
Controls the shipment by air of dangerous substances, including biological substances.
- 4 - **“European Agreement concerning the International Carriage of Dangerous Good by Road”**
(ADR), of 30 September 1957; new version: “2005 Restructured ADR”, including amendments adopted in
2002, 2003 and 2004 and applicable as from 1 January 2005.
- 5 - **“European Agreement Concerning the International Carriage of Dangerous Goods by Inland
Waterways” (ADN)**, of 25 May 2000.
- 6 - "International Maritime Dangerous Goods Code", as amended in May 2002,
The International Maritime Organisation (IMO, London).
Made legally binding through Regulation VII/1.4 of SOLAS Convention (“International Convention for
the Safety of Life at Sea”), 1974.
- 7 - **“International Convention for the Prevention of Pollution from Ships”**, 1973/78 (MARPOL),
as amended. Regulates disposal of wastes generated by normal operation of vessels.
- 8 - Convention concerning the International Carriage by Rail of Dangerous Goods (COTIF), 1985
as amended by the Vilnius Protocol in 1999.
- 9 - "Guidelines for the Safe Transport of Infectious Substances and Diagnostic Specimens", 1997
The World Health Organisation (WHO).

ANNEX F: CONTRACT

RELEVANT REQUIREMENTS OF THE OECD DECISION TO BE INCLUDED IN THE CONTRACT BETWEEN THE EXPORTER AND THE IMPORTER

NOTE: National regulations and practices may lead to different requirements with regard to the contents and formulation of this contract

Contract

This contract is made between the following parties to comply with the OECD Council Decision C(2001)107/FINAL on the Control of Transboundary Movements of Wastes Destined for Recovery Operations (“the OECD Decision”).

The enforcement of this contract is subject to the consent given by the competent authorities concerned to the transboundary movement of waste.

The parties to this contract are:

The Importer: [name and address of the Importer]

The Exporter : [name and address of the Exporter]

This contract is subject to the Notification N°.: [code number of the Notification document]

The Exporter wishes to recover its waste (“the waste“) and the Importer will make the necessary arrangements to recover the waste as specified in more detail in the [reference to the commercial portion of the contract] between the Exporter and the Importer.

It is agreed as follows:

- 1 The Importer will provide suitable facilities and accept for recovery the waste of the Exporter as described in the attached notification document in accordance with [reference to the applicable national law] and will recover the waste in accordance with these regulations¹.
- 2 The Exporter guarantees and warrants to the Importer that the waste delivered to the Importer shall be as described in the attached notification document.

¹ This provision does not apply if the importer is another entity than the recovery facility. In this case, another contract has to be made between the importer and the recovery facility. If the importer is not in the same country as the recovery facility, provisions of the Decision related to recognised traders (see Chapter II, Section D, 5) apply. If the importer is in the same country as the recovery facility, national legislation applies.

- 3 The Exporter shall comply with the provisions of [reference to the applicable national law implementing the OECD Decision C(2001)107/FINAL]. In particular, the Exporter shall provide the attached notification document to the competent authorities of the countries of export, import and transit and, once all necessary consents have been obtained from these authorities, shall ensure that each shipment of waste is accompanied by a duly completed movement document.
- 4 The Recovery Facility shall, within 3 working days following the receipt of the waste, complete block 18 of the movement document form and send a copy of the form to the Exporter and to the competent authorities of the countries of export, import and transit¹.
- 5 The Recovery Facility shall, as soon as possible and no later than thirty (30) days after the completion of recovery and no later than one (1) calendar year following the receipt of waste, complete block 19 of the movement document form certifying that the waste has been recovered in an environmentally sound manner and send it to the Exporter and to the competent authorities of the countries of export and import¹.
- 6 In cases where the transboundary movement cannot be completed in accordance with the original terms of this contract, specify which party to the contract shall assume responsibility for an alternative management of the waste concerned in accordance with [reference to the applicable national law implementing the OECD Decision C(2001)107/FINAL]:
 - iii) in case of return from a country of import to the country of export:
the Exporter shall, take the waste back within 90 days from the time when the country of export was informed about the incident or such other period of time as the concerned member countries agree.
 - iv) in case of re-export from a country of import to a third country:
the Importer shall notify the competent authorities concerned, including the competent authority of the initial country of export.
- 7 This contract is personal to the parties and may not be assigned without the authority of the parties and shall last for [length of the validity period] from the date of its execution.

Signed by the duly authorised representatives of the parties

The Importer:	The Exporter:
by date	by date

ANNEX G: INTERACTIVE INFORMATION DATABASE
([HTTP://WWW2.OECD.ORG/WASTE](http://www2.oecd.org/waste))

Select a query. The next page will allow you to select, when necessary, the country/waste concerned
Competent authority

- [For a specific country, find the competent authorities \(national or territorial\)](#)

Recovery Facility Sites

- [Which facilities have been pre-consented for a specific waste and a specific duration by competent authorities in a specific country?](#)
- [List of recovery facilities for a specific country](#) (not mandatory according to the OECD decision C(2001)107/FINAL but considered useful)
- [List of recovery facilities with Environmentally Sound Management of waste](#) (not mandatory according to the OECD decision C(2001)107/FINAL but considered useful)

Points of Entry and Exit required by Customs offices

- [Where are the points of Entry and Exit required by Customs offices in a specific country?](#)

Specific Requirements and Provisions

Documents:

- [For a specific country, are there particular requirements related to contracts?](#)
- [Does a specific country provide written consent for exports - imports - transit?](#)
- [For a specific country, does the competent authority itself transmit the notification document instead of the exporter?](#)
- [For a specific country, does the competent authority acknowledge receipt of the notification document as well as for export and transit?](#)
- [For a specific country, does the competent authority, in the case of transit, request to not receive a certification of receipt from the recovery facility?](#)

Types of movements:

- [For a specific country, are transboundary movements of wastes for laboratory analysis subject to the Amber Control procedure?](#)
- [For a specific country, are mixtures of Green wastes subject to the Amber control procedure?](#)

Financial Requirements:

- [For a specific country, what are the specific financial requirements?](#)

Different classification of wastes

- [For a specific country, which Green wastes are controlled as Amber?](#)
- [For a specific country, which Amber wastes are controlled as Green?](#)
- [For a specific country, which additional wastes are controlled as Amber?](#)

Different implementation:

- [For a specific country, which provisions of Decision C\(2001\)107/FINAL are implemented differently?](#)
- [For a specific country, what are the relevant laws and regulations that justify a different implementation of Decision C\(2001\)107/FINAL?](#)

Prohibitions:

- For a specific country, which wastes are prohibited for Import, Export or Transit?

Pending amendments to national laws and regulations

- [What are the pending amendments to national laws and regulations in a specific country?](#)