

Manual of European Environmental Policy

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International conventions and cooperation: waste

Introduction

The main international cooperation measures in the waste arena concentrate, logically, on transboundary shipments of waste – in particular hazardous waste – for treatment or disposal (see the [Waste Shipment Regulation](#)). The mid to late 1980s saw a tightening of environmental regulations in industrialized countries, which led to a dramatic rise in the cost of hazardous waste disposal. Unscrupulous ‘toxic traders’ began to search for cheaper ways to get rid of wastes by shipping them to developing countries and to Eastern Europe where costs (and often environmental standards) were lower. The discovery of such damaging activity led to international outrage and the drafting and adoption of international Conventions and agreements to provide a framework to ensure that shipments of waste, in particular hazardous waste, are undertaken safely and with the minimum possible environmental and health impacts.

Convention on the control of transboundary movements of hazardous wastes and their disposal (Basel convention)

Place of signature	Basel
Date of signature	22.3.1989
Date of entry into force	5.5.1992
Secretariat	Secretariat of the Basel Convention
Website	http://www.basel.int
Date of Council Decision on conclusion	1.2.1993
Date of entry into force in EC	8.5.1994
Reference of Council Decision	93/98/EEC (OJ L39 16.02.1993)
Decision approving the amendment laid down in Decision III/1	97/640/EC (OJ L272 04.10.1997)

Protocol on liability and compensation for damage resulting from transboundary movements of hazardous wastes and their disposal (Basel protocol on liability and compensation)

Place of signature	Basel
Date of signature	10.12.1999
Date of entry into force	Not yet in force
Website	http://www.basel.int/pub/protocol.html

The EC signed the Basel Convention with 34 other countries in 1989. However, the EC and the Member States could not ratify the Convention until existing Directives on Transfrontier shipment of wastes were amended. This was done in February 1993 by Regulation (EEC) No [259/93](#), which became applicable on 6 May 1994. The EC became party to the Convention on 8 May 1994. Parties to the Convention may ban imports of waste, and shipments are not allowed between parties and non-parties without specific (bilateral or multilateral) agreements. Where shipments do occur, the Convention provides for a global system of environmental controls in which the onus is on the exporting state to ensure environmentally sound management of the wastes.

In September 1995, the Conference of the Parties adopted Decision III/1 which includes an Amendment to the Convention. The Amendment provides for an immediate ban on exports of hazardous waste for final disposal from Parties listed in Annex VII (OECD members, the EC and Liechtenstein) to non-Annex VII Parties. It also provides for a ban, from 1 January 1998, on transboundary movements of hazardous wastes intended for recovery from the Annex VII countries to any others. The Amendment has been ratified by 65 countries, but will only enter into force upon ratification by at least three quarters of the Parties which accepted it. The meeting of the Parties to the Convention in Bali in June 2008 signaled growing support for bringing the ban into force, despite efforts by some countries to further delay it. The EU, for its part, has already ratified and implemented the ban. Exports of hazardous waste to developing countries are prohibited under Regulation (EC) No [1013/2006](#), which became applicable from 12 July 2007, replacing Regulation (EEC) No 259/93.

Decision III/1 also instructed the Convention's Technical Working Group to develop lists of hazardous and non-hazardous wastes for the purpose of implementing the Decision III/1 export ban. These lists were adopted as new Annexes VIII and IX at the fourth Conference of the Parties in Kuching in 1998 (Decision IV/9). The amendments entered into force in November 1998.

A Protocol to the Convention was adopted in 1999, based on Article 12 of the Convention. The Protocol aims to provide for a system of liability and compensation for damage resulting from the transboundary shipment of hazardous wastes, including damage resulting from illegal trafficking. Several EU Member States have signed the Protocol, but the EC itself is not a signatory. Thirteen countries have so far signed the Protocol, and to date it has nine Parties; its entry into force is dependent on ratification by

20 Parties.

OECD Decision C(2001)107 final (as amended by C(2004)20) on the control of transboundary movements of wastes destined for recovery operations ('OECD Decision')

Date of entry into force	30.3.1992 (amended version 20.11.2003)
Website	http://www.oecd.org/document/52/0,3343,en_2649_34395_2674_996_1_1_1_1,00.html

This OECD Decision established a Control System for transboundary movements of wastes destined for recovery operations between Member countries of the Organization for Economic Cooperation and Development (OECD). Since March 1992, this Control System has aimed to facilitate trade of recyclables in an environmentally sound and economically efficient manner through a simplified procedure and a risk-based approach to assess the necessary level of control for materials. Wastes exported outside the OECD area, whether for recovery or final disposal, do not benefit from this simplified control procedure.

The OECD Control System is based on two types of control procedures: a Green Control Procedure for wastes which present low environmental and health risks, and an Amber Control Procedure for wastes presenting sufficient risk to justify their control. Wastes subject to these control procedures are listed in Appendices 3 and 4 to the Decision [C\(2001\)107/FINAL](#) (the so-called Green and Amber lists of wastes). The controls of waste shipments are carried out by national competent authorities and Customs Offices as appropriate, through the use of notification and movement documents.

A Guidance Manual for the Control of Transboundary Movements of Recoverable Wastes¹, updated in 2009, explains the functioning of the OECD control system in detail. The OECD also maintains an interactive database on its website to provide information for national competent authorities, exporters and importers of waste.

Reference

1. OECD (2009) *Guidance Manual for the Control of Transboundary Movements of Recoverable Wastes*, <http://www.oecd.org/dataoecd/57/1/42262259.pdf>