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## *2b National definition of hazardous waste*

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### *All Regions/Countries, Parties of the Basel Convention*

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#### *UN Region:*

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##### **Bhutan**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Bhutan.

Hazardous waste means a waste a) which because of its quantity, concentration, persistence or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed and b) belong to any of the categories listed in Annexes to the regulation on hazardous waste under this Act.

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#### *UN Region: Africa*

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##### **Egypt**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Egypt.

Hazardous Waste is the Waste of activities and processes or its ashes which retain the properties of hazardous characteristics and have no subsequent original or alternative uses.

Paragraphe (19) Article (1), Chapter (1),

Egyptian Environment Law 4/1994, a digital copy both in English and Arabic can be downloaded from [www.eea.gov.eg](http://www.eea.gov.eg)

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##### **Guinea-Bissau**

2009 There is no national definition of hazardous waste used for the purpose of transboundary movements of waste in Guinea-Bissau.

from the Environment Basic Law of Guinea-Bissau:

Hazardous wastes are substances that contain risk characteristics because they are flammable, explosive, corrosive, toxic, infectious or radioactive, or exhibit any other characteristic which constitutes a danger to life or health of humans and the environment quality;

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##### **Kenya**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Kenya.

"Hazardous waste" means any waste which has been determined by the Authority to be hazardous waste or to belong to any other category of waste provided for in section 91 (Environmental Management and Coordination Act, 1999).

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##### **Madagascar**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Madagascar.

«Les déchets dangereux sont ceux qui, de par leur nature ou leur quantité, peuvent constituer une menace pour la santé humaine et/ou l'environnement. Ils sont assujettis à des exigences spéciales de gestion et d'élimination afin de supprimer ou de réduire le risque qu'ils comportent». Un déchet est dit dangereux quand il possède au moins l'une des propriétés suivantes: corrosif, toxique, caustique, explosif, oxydant, infectieux, radioactif, cancérigène ou tératogène.

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##### **Mozambique**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Mozambique.

Both Article 1 of the Environmental Law 20/97, of 1 October and Article 1 of the Decree 13/2006, of 15 July, the Regulation of waste Management (definition section), hazardous wastes and residues are substances destined for elimination, and posing a risk to human health or the environment due to one or more of the characteristics listed in the provision. The definition is in accordance with the Annexes I, II and III of the Basel Convention.

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### **Nigeria**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Nigeria.

The National Guidelines and Standards for Environmental Pollution Control in Nigeria defines “Hazardous Wastes” as a by-product of society that can pose a substantial or potential hazard to human health or the environment when it is improperly disposed. The definition is based on hazardous characteristics e.g. (ignitability, corrosivity, reactivity or toxicity).

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### **Rwanda**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Rwanda.

Hazardous wastes\*\* : are any substances whether solid, liquid or gaseous that cause a serious harm to human health, security and other biodiversity together with the quality of the environment.

\*\*Organic Law N° 04/2005 of 08/04/2005, determining the modalities of protection, conservation and promotion of environment in Rwanda, page 24.

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### **South Africa**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in South Africa.

The National Environmental Management: Waste Act 58 of 2008, defines hazardous waste as waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment.

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### **Togo**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Togo.

Définition de déchet toxique ou dangereux

Produits solides, liquides ou gazeux qui présentent une menace sérieuse ou des risques particuliers, pour la sante, la sécurité des êtres vivants et la qualité de l’environnement. (Article 02 paragraphe 14 de la Loi No 2008-005 du 30/05/2008, Loi-cadre sur l’environnement).

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### **Tunisia**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Tunisia.

In Tunisia there is a national definition of hazardous wastes. Tunisian list (list available on request) of hazardous wastes consists of (i) wastes contained in Annex I (hazardous wastes list) and; (ii) any other waste containing any Annex II constituents and exhibits any Annex III hazard characteristics. Each hazardous waste is assigned a six digit code.

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### **Uganda**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Uganda.

Hazardous waste means any waste specified in the Fifth Schedule or any waste having the characteristics defined in the Second Schedule and determined in accordance with the guidelines set out in the Third Schedule.

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***UN Region: Asia and Pacific***

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**Azerbaijan**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Azerbaijan.

Transfer of hazardous cargo and wastes by car transport was approved by decree No. 10 of the cabinet of ministers from 27.01.2000 and transfer by railway by decree No. 207 as from 20.11.2000.

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**Bahrain**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Bahrain.

1. Hazardous Waste: any solid, semi-solid or liquid matter containing gaseous waste or a group of compounds of waste that may lead to a hazard or potential hazard to public health, environment and wildlife because of their quantity, concentration, physical, chemical or biological properties when they are managed in an environmentally improper manner. Such waste include the following:

- a. All waste having the characteristics or properties mentioned in Appendix 4 of this Resolution, including chemical waste, defined as unusable chemical products, or products that do not conform to the standards, or materials that remain of container contents or remains of leaking materials that belong to one of the categories mentioned in Appendix 3.
  - b. All waste belonging to one of the categories mentioned in Appendix 3 and possess any of the properties mentioned in Appendix 4 or if they are a mixture of hazardous waste and other materials.
  - c. Any waste that exceed the standard concentration mentioned in Appendix 5 after carrying out the Toxicity Characteristic Leaching Procedure (TCLP).
  - d. All hazardous waste mentioned in Appendix 6 of this Resolution.
  - e. Any other waste defined by the Competent Authority as hazardous waste.
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**China**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in China.

#### China

"Hazardous wastes" means solid wastes included in the national catalogue of hazardous waste or solid wastes which, according to the identification standards of hazardous wastes, are determined as having the hazardous property.

Hong Kong Special Administrative Region, China: The list of hazardous wastes for the purpose of control on waste import and export in Hong Kong Special Administrative Region (HKSAR) is specified in the Seventh Schedule (Annex I, available upon request from the Secretariat) of the Waste Disposal Ordinance (WDO), the Laws of Hong Kong Chapter 354. Under the WDO, contaminated wastes are also controlled as hazardous wastes. For the purpose of control on import and export of wastes under the WDO, a waste is "contaminated" if it is contaminated by a substance to an extent which

- Significantly increases the risk of human health, property or the environment associated with the waste; or
- Prevents the reprocessing, recycling, recovery or re-use of the waste in an environmentally sound manner.

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#### Cyprus

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Cyprus.

The House of Representative passed the new Law on Solid and Hazardous Waste Management on December 12, 2002. Within the new Law there is a definition of hazardous waste used for the purpose of transboundary movements of waste and it is in accordance with the provisions of the Basel Convention.

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#### Japan

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Japan.

Hazardous wastes defined by the Basel Law are as follows:

A. The following materials which are exported or imported for the disposal operations listed in Annex IV of the Basel Convention.

1. Materials listed in Annex I of the Convention and having one or more hazardous characteristics listed in Annex III of the Convention;
2. Materials listed in Annex II of the Convention;
3. Materials to be notified to the Secretariat of the Convention by the Government of Japan through the designation by the Cabinet Order in accordance with Section 1 or 2 of Article 3 of the Convention; and
4. Materials informed by the Secretariat of the Convention in accordance with Section 3 of Article 3 of the Convention.

B. Materials, exportation, importation, transportation (including storage) and disposal of which must be regulated based on bilateral, multilateral or regional agreements or arrangements defined in Article 11 of the Convention.

(The Waste Management Law also defines hazardous waste as "Special Control Waste (hereinafter SCW)" independently, but import/export regulations under the Waste Management Law do not differ between SCW and non-SCW.)

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#### Kazakhstan

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Kazakhstan.

Definition of hazardous waste in our legislation is different from that adopted the Basel Convention. According to Article 1 of Basel hazardous wastes, especially in the transboundary movement, or subject to transboundary movements.

According to the Environmental Code, "Hazardous wastes - wastes that contain hazardous substances with hazardous properties (toxic, explosive, radioactive, fire, high reactivity) and may be of immediate or potential danger to the environment and human health on their own or when in contact with other substances."

Note: In accordance with the Environmental Code of Kazakhstan hazardous wastes are classified by type of risk into the following groups:

- Explosives and flammable substances;
- Oxidizing substances;
- Toxic substances;
- Infectious substances;
- Radioactive substances;
- Caustic and corrosive materials;
- Substances and materials, dangerous because of the products of their physico-chemical and biochemical weathering.

For the purposes of transportation, storage and disposal, recycling is established 3 levels of hazardous wastes

Green - the index of G

Amber - A Index

Red - Index R

Encoding allows for waste education, storage method (burial), the method of disposal or recovery, potentially hazardous constituent elements, hazard type, sector of the economy, businesses that generate waste.

Determining the level of risk and the coding of waste is produced when the technology or switching to other raw materials, as well as in other cases when they can change the properties of hazardous waste.

Determine the chemical composition of waste and waste classification of a particular encoding is now alone in the presence of a certified laboratory or by natural and legal persons having a license to environmental design, regulation and environmental audits, and a laboratory accredited or certified in accordance with the laws of the Republic of Kazakhstan.

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### **Kyrgyzstan**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Kyrgyzstan.

In accordance with the Law of the Kyrgyz Republic from November 13, 2001 № 89 "On Waste from Production and Consumption "

Hazardous waste - waste (except radioactive), containing in its structure matters, which have one of the hazardous properties (such as toxicity, infectivity, explosiveness, flammability, high reactivity) and are present in such amounts and in such a way as to pose an immediate or potential hazard to human health or the environment, both independently and when in contact with other substances.

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### **Malaysia**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Malaysia.

Hazardous waste is defined as any waste falling within the categories of waste listed in the First Schedule of the Environment Quality (Scheduled Wastes) Regulations 2005 stipulated under The Environmental Quality Act 1974.

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### **Nepal**

2009 The national definition of hazardous waste to be used for the purpose of transboundary movements of waste is being prepared.

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### **Pakistan**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Pakistan.

According to Pakistan Environmental Protection Act -1997, "hazardous waste" means waste which is or which contains a hazardous substance, and includes hospital waste and nuclear waste. The act defines hazardous substance as (a) a substance of all mixture of substance, other than a pesticide as defined in the agriculture pesticide ordinance, 1971, which, by reason of its chemical activity is toxic, explosive, flammable, corrosive, radio active or other characteristic causes, or is likely to cause, directly or in combination with other matters, and adverse environmental effect; and (b) any substance which maybe prescribed as hazardous substance.

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### **Singapore**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Singapore.

Under the Hazardous Waste (control of export, import and transit) Act (HWA) "hazardous waste" means waste prescribed by any regulation made under this Act, where the waste has any of the characteristics mentioned in Annex III to the Basel Convention; or waste that belongs to any category contained in Annex I to the Basel Convention, unless it does not possess any of the characteristics contained in Annex III of the Convention.

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### **Sri Lanka**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Sri Lanka.

All wastes defined in the Annex I of the Basel Convention and radioactive waste are considered as hazardous waste. Annex VIII and IX will be used for controlling purposes, and if the waste does not appear on either of these lists, Annex I and III will be used for decision making.

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### **Thailand**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Thailand.

Hazardous wastes to be controlled for the import and export are defined in the List of Hazardous Substances Item: chemical wastes in the "Notification of Ministry of Industry on List of hazardous substances B.E. 2546 (2003) and Notification of Ministry of Industry on List of hazardous substances" (no. 4) B.E. 2549 (2006)" issued under the Hazardous Substance Act. B.E. 2535 (1992) in accordance with the wastes listed in Annex VIII of the Basel Convention (List A).

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### **United Arab Emirates**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in United Arab Emirates.

All hazardous and non-hazardous remnants and wastes, including nuclear wastes, disposed of or need to be disposed of, in accordance with the provisions of the law and include:

Solid Wastes: such as domestic, industrial, agricultural, medical, construction and demolition wastes.

Liquid Wastes: produced by domestic, commercial, industrial and other premises.

Gaseous (smoke, vapour and dust) Wastes: produced by domestic premises, bakeries, incinerators, factories, crushing plants, stone quarries, power stations, oil works and means of transportation and communication.

Hazardous Wastes: residues or ash of different activities and operations containing properties of hazardous substances.

Medical Wastes: Wastes constituted wholly or partially of human or animal tissues, blood or other body fluids or excretions or drugs or other pharmaceutical products or bandages, needles, syringes, sharp medical objects or any other contagious, chemical or radioactive wastes produced by medical or nursing activities, treatment or health care, dentistry or veterinary and pharmaceutical practices or manufacturing, research, teaching, sample taking or storage.

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### **Uzbekistan**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Uzbekistan.

Hazardous waste is waste containing substances, which have one of the hazardous characteristics (toxic, contagious, explosive, flammable, and high-reactive) and are present in such quantity and kind that are direct or potential danger to the environment, life and health of people themselves as well as during the getting in touch with other substances or environment. (Document O'z RH 84.3.19:2005 Terms and determinations).

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### ***UN Region: Western Europe and Others***

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### **Andorra**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Andorra.

There is a definition of hazardous in our national law "Llei 25/2004, del 14 de desembre, de residus", article 3.

The following are defined in article 3 as hazardous waste: "Are considered hazardous waste:

- that figuring in appendix I to the Basel Convention of 22 May 1989 in accordance with section 1a) or article 1 of this Convention;
- that qualified as hazardous under community law and regulations;
- that prescribed by the Government in the form of regulation.

By the other hand, in the new regulation of transboundary movements of waste (14/05/2008) there are different procedures depending on the classification of waste. We can find too, the dangerous waste characteristics in the decree. This reglamentation is according with the Regulation (EC) no 1013/2006 of the European parliament and of the council of 14 June 2006 on shipments of waste which repeal the Council Regulation (EEC) No 259/93 of 1 February 1993 .

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### **Australia**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Australia.

Hazardous waste means:

- (a) waste prescribed by the regulations, where the waste has any of the characteristics mentioned in Annex III to the Basel Convention; or
- (b) wastes covered by paragraph 1(a) of Article 1 of the Basel Convention; or
- (c) household waste; or
- (d) residues arising from the incineration of household waste; but does not include wastes covered by paragraph 4 of Article 1 of the Basel Convention.

Note 1:Section 4A provides for an extended meaning of hazardous waste. The extended meaning relates to the following matters:

- (a)a case where a foreign country has classified a particular substance or object as hazardous waste;
- (b)a case where a foreign country has classified waste collected from households as hazardous waste.

Note 2:Section 4F provides for an extended meaning of hazardous waste. The extended meaning relates to substances or objects subject to notification or control under Article 11 arrangements.

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### **Austria**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Austria.

The definition of hazardous waste is laid down in the Ordinance on a Waste Catalogue (Fed. Law Gaz. II 2003/570, as amended by Fed. Law Gaz. II 2008/498). The text can be obtained via Internet:

<http://www.lebensministerium.at/filemanager/download/39199/>

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### **Belgium**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Belgium.

In Belgium the definition of waste and hazardous waste is in accordance with the European Law. With regard to transboundary movements of wastes the Council Regulation (EC) N° 1013/2006 is applied.

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### **Canada**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Canada.

In Canada, the definition of hazardous waste and of hazardous recyclable material for the purposes of controlling transboundary movements destined for final disposal or recycling is set out in the Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations, (EIHWHRM). These Regulations came into force on November 1st, 2005 and replaced the former Export and Import of Hazardous Wastes Regulations (EIHWR) of 1992.

In order to meet this definition, a hazardous waste or hazardous recyclable material must be intended for a listed disposal or recycling operation and either be found on a series of lists comprised of substances and mixtures, or meet one of the hazard class characteristics. Specific testing, criteria and protocols exist in the Canadian Transportation of Dangerous Goods Regulations (TDGR) for the following hazard classes (which in most cases are analogous to the Basel Annex III characteristic identified): substances that are compressed gases or aerosols (Class 2), flammable liquids (H3), flammable solids (H4.1), liable to spontaneous combustion (H4.2), emit flammable gases in contact with water (H4.3), oxidizing (H5.1), organic peroxides (H5.2), poisonous (H6.1), infectious (H6.2), corrosive (H8), or are otherwise designated as hazardous (miscellaneous Class 9).

Those substances which are explosive (H1) or radioactive are excluded from the definition for hazardous waste, including hazardous recyclable material and are controlled under other Canadian federal legislation such as the Canadian Explosives Act (<http://laws.justice.gc.ca/eng/E-17/index.html>) and Canadian Explosives Regulations ([http://laws.justice.gc.ca/eng/C.R.C.-c.599/page-1.html#anchorbo-ga:s\\_2](http://laws.justice.gc.ca/eng/C.R.C.-c.599/page-1.html#anchorbo-ga:s_2)), and the Nuclear Safety and Control Act (<http://laws.justice.gc.ca/en/N-28.3/index.html>)

Finally, the EIHWHRM define as hazardous for the purpose of export from Canada, any waste for which Canada has received information from the United States or in accordance with the Convention, that is considered or defined as hazardous under the domestic legislation of the country receiving it and is prohibited by that country from being imported or conveyed in transit.

#### Definition of "hazardous waste"

1. (1) In Division 8 of Part 7 and Part 10 of the Canadian Environmental Protection Act and in these Regulations, "hazardous waste" means anything that is intended to be disposed of using one of the operations set out in Schedule 1 and that

(a) is set out in column 2 of Schedule 3;

(b) is included in at least one of Classes 2 to 6, 8 or 9 of the Transportation of Dangerous Goods Regulations;

(c) is set out in column 2 of Schedule 4 and is included in at least one of Classes 2 to 6, 8 or 9 of the Transportation of Dangerous Goods Regulations;

(d) is set out in column 1 of Schedule 5 in a concentration equal to or greater than the applicable concentration set out in column 2 of that Schedule;

(e) produces a leachate containing a constituent set out in column 2 of Schedule 6 in a concentration equal to or greater than the applicable concentration set out in column 3 of that Schedule, determined in accordance with Method 1311, Toxicity Characteristic Leaching Procedure, July 1992, in Test Methods for Evaluating Solid Waste, Volume 1C: Laboratory Manual, Physical/Chemical Methods, Third Edition, SW-846, November 1986, published by the United States Environmental Protection Agency, which, for the purposes of this definition, shall be read without reference to section 7.1.3;

(f) is set out in column 2 of Schedule 7, is pure or is the only active ingredient, and is unused; or

(g) according to information that Canada has received from the United States or in accordance with

the Convention, is considered or defined as hazardous under the legislation of the country receiving it and is prohibited by that country from being imported or conveyed in transit.

#### Exclusion

(2) The definition "hazardous waste" in subsection (1) does not include anything that is

- (a) exported, imported or conveyed in transit in a quantity of less than 5 kg or 5 L per shipment or, in the case of mercury, in a quantity of less than 50 mL per shipment, other than anything that is included in Class 6.2 of the Transportation of Dangerous Goods Regulations;
- (b) collected from households in the course of regular municipal waste collection services;
- (c) part of the exporter's or importer's personal effects or household effects not resulting from commercial use.

#### Definition of "hazardous recyclable material"

2. (1) In Division 8 of Part 7 and Part 10 of the Act and in these Regulations, "hazardous recyclable material" means anything that is intended to be recycled using one of the operations set out in Schedule 2 and that

- (a) is set out in column 2 of Schedule 3;
- (b) is included in at least one of Classes 2 to 6, 8 or 9 of the Transportation of Dangerous Goods Regulations;
- (c) is set out in column 2 of Schedule 4 and is included in at least one of Classes 2 to 6, 8 or 9 of the Transportation of Dangerous Goods Regulations;
- (d) is set out in column 1 of Schedule 5 in a concentration equal to or greater than the applicable concentration set out in column 2 of that Schedule;
- (e) produces a leachate containing a constituent set out in column 2 of Schedule 6 in a concentration equal to or greater than the applicable concentration set out in column 3 of that Schedule, determined in accordance with Method 1311, Toxicity Characteristic Leaching Procedure, July 1992, in Test Methods for Evaluating Solid Waste, Volume 1C: Laboratory Manual, Physical/Chemical Methods, Third Edition, SW-846, November 1986, published by the United States Environmental Protection Agency, which, for the purposes of this definition, shall be read without reference to section 7.1.3;
- (f) is set out in column 2 of Schedule 7, is pure or is the only active ingredient, and is unused;
- (g) according to information that Canada has received from the United States or in accordance with the Convention, is considered or defined as hazardous under the legislation of the country receiving it and is prohibited by that country from being imported or conveyed in transit.

#### Exclusion

(2) The definition "hazardous recyclable material" in subsection (1) does not include anything that is

- (a) exported, imported or conveyed in transit in a quantity of less than 5 kg or 5 L per shipment or, in the case of mercury, in a quantity of less than 50 mL per shipment, other than anything that is included in Class 6.2 of the Transportation of Dangerous Goods Regulations;
- (b) collected from households in the course of regular municipal waste collection services;
- (c) part of the exporter's or importer's personal effects or household effects not resulting from commercial use;
- (d) exported to, imported from, or conveyed in transit through a country that is a party to OECD Decision C(2001)107/Final and that
  - (i) is in a quantity of 25 kg or 25 L or less,
  - (ii) is exported or imported for the purpose of conducting measurements, tests or research with respect to the recycling of that material,

(iii) is accompanied by a shipping document, as defined in section 1.4 of the Transportation of Dangerous Goods Regulations, that includes the name and address of the exporter or importer and the words "test samples" or "échantillons d'épreuve" , and  
(iv) is not and does not contain an infectious substance as defined in section 1.4 of the Transportation of Dangerous Goods Regulations; or  
(e) exported to, imported from, or conveyed in transit through a country that is a party to OECD Decision C(2001)107/Final and that  
(i) is set out in Schedule 8,  
(ii) produces a leachate containing a constituent set out in column 2 of Schedule 6 in a concentration equal to or greater than the applicable concentration set out in column 3 of that Schedule, determined in accordance with Method 1311, Toxicity Characteristic Leaching Procedure, July 1992, in Test Methods for Evaluating Solid Waste, Volume 1C: Laboratory Manual, Physical/Chemical Methods, Third Edition, SW-846, November 1986, published by the United States Environmental Protection Agency, which, for the purposes of this definition, shall be read without reference to section 7.1.3, and  
(iii) is intended to be recycled at an authorized facility in the country of import using one of the operations set out in Schedule 2.

You can also refer to one of the following links for Canada's definitions of hazardous waste and hazardous wastes recyclables and their related schedules

<http://www.basel.int/natdef/03e-canada.pdf>

[http://laws.justice.gc.ca/en/showdoc/cr/SOR-2005-149/bo-ga:s\\_1/en#anchorbo-ga:s\\_1](http://laws.justice.gc.ca/en/showdoc/cr/SOR-2005-149/bo-ga:s_1/en#anchorbo-ga:s_1)

<http://www.ec.gc.ca/lcpe-cepa/>

Furthermore, in Canada, each province and territory defines hazardous wastes (including hazardous recyclable material) within their jurisdiction and is responsible for the licensing or certification of authorized facilities. Information regarding definitions for each province and territory can be found at <http://www.ec.gc.ca/gdd-mw/default.asp?lang=En&n=FF9C3376-1#provincial>

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## **Denmark**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Denmark.

According to the Danish Statutory Order of Waste no 1473/2009, § 3, no 18, Hazardous waste: Waste which is listed on and marked as hazardous wastes in the list of wastes contained in Annex 2, which exhibit one or more of the properties specified in Annex 4. As hazardous waste is also seen wastes that exhibit properties that are listed in Annex 4.

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## **Finland**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Finland.

According to the Waste Act (1072/1993) hazardous waste shall mean any waste which may cause particular harm to health or the environment because of its chemical or some other property. The waste definition is further defined in the Waste Decree (1390/1993). According to it, hazardous waste shall mean any waste listed in Annexes 2 (classes of hazardous wastes, 40 items) and 3 (substances according to which wastes are classified hazardous, C-list, 51 items) of the Decree if they are referred to as hazardous waste in the list of the most common waste and hazardous wastes (Ministry of the Environment Decree 1129/2001). The Annexes 2-4 of the Waste Decree are in accordance with the Annexes I, II and III of the Council Directive of the European Communities on hazardous waste (91/689/EEC), respectively, and the above-mentioned list of wastes and hazardous wastes is based on the respective EC legislation.

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## **Germany**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Germany.

In Germany hazardous wastes are defined in accordance with the EU Directive on Hazardous Waste (91/689/EEC) as amended. Article 1(4) reads: "For the purpose of this Directive "hazardous waste" means wastes featuring on a list to be drawn up ..... on the basis of Annexes I and II to this Directive,.....These wastes must have one or more of the properties listed in Annex III. The list shall take into account the origin and composition of the waste and, where necessary, limit values of concentration.....It is noted that Annex I.B and Annex II of this EU Directive are different from Annex I and Annex III of the Basel Convention and contain additional wastes as follows:

ANNEX I.B - Wastes which contain any of the constituents listed in Annex II and having any of the properties listed in Annex III and consisting of:

19. Animal or vegetable soaps, fats, waxes
21. Inorganic substances without metals or metal compounds
22. Ashes and/or cinders
23. Soil, sand, clay including dredging spoils
24. Non-cyanidic tempering salts
25. Metallic dust, powder
26. Spent catalyst materials
27. Liquids or sludges containing metals or metal compounds
28. Residue from pollution control operations (e.g. baghouse dusts, etc.)
29. Scrubber sludges
30. Sludges from water purification plants
31. Decarbonization residue
32. Ion-exchange column residue
33. Sewage sludges, untreated or unsuitable for use in agriculture
34. Residue from cleaning of tanks and/or equipment
35. Contaminated equipment
36. Contaminated containers (e.g. packaging, gas cylinders, etc.)
37. Batteries and other electrical cells
38. Vegetable oils
39. Materials resulting from selective waste collections from households
40. Any other wastes

Annex II - Wastes having as constituents:

- C2 Vanadium compounds
- C4 Cobalt compounds
- C5 Nickel compounds
- C10 Silver compounds
- C15 Barium compounds
- C12 Tin compounds
- C19 Inorganic sulphides
- C22 Lithium, sodium, potassium, calcium, magnesium in uncombined form
- C28 Peroxides
- C29 Chlorates
- C30 Perchlorates
- C31 Azides
  
- C35 Infectious substances (partly covered by Basel Convention)
- C36 Creosotes (partly covered by Basel Convention)
- C37 Isocyanates; thiocyanates
- C43 Aromatic compounds; polycyclic and heterocyclic organic compounds
- C44 Aliphatic amines

C45 Aromatic amine

C48 Sulphur organic compounds

C51 Other hydrocarbons and their oxygen; nitrogen and/or sulphur compounds

It is also noted that Annex III of EU Directive 91/689/EEC is partly different from Annex III of the Basel Convention.

Through EU Decision 2000/532/EC as amended a list of waste as refer to the definition above has been established. The list has been implemented in Germany by the Waste List Ordinance which entered into force on 1 January 2001. Wastes classified as hazardous are considered to display one or more of the properties listed in Annex III of EU Directive 91/689/EEC and, as regards H3 to H8, H10 and H11 of the said Annex, one or more of the following characteristics:

- flash point  $\leq 55$  °C,
- one or more substances classified as very toxic at a total concentration  $\geq 0,1$  %,
- one or more substances classified as toxic at a total concentration  $\geq 3$  %,
- one or more substances classified as harmful at a total concentration  $\geq 25$  %,
- one or more corrosive substances classified as R35 at a total concentration  $\geq 1$  %,
- one or more corrosive substances classified as R34 at a total concentration  $\geq 5$  %,
- one or more irritant substances classified as R41 at a total concentration  $\geq 10$  %,
- one or more irritant substances classified as R36, R37, R38 at a total concentration  $\geq 20$  %,
- one substance known to be carcinogenic of category 1 or 2 at a concentration  $\geq 0,1$  %,
- one substance known to be carcinogenic of category 3 at a concentration  $\geq 1$  %
- one substance toxic for reproduction of category 1 or 2 classified as R60, R61 at a concentration  $\geq 0,5$  %,
- one substance toxic for reproduction of category 3 classified as R62, R63 at a concentration  $\geq 5$  %,
- one mutagenic substance of category 1 or 2 classified as R46 at a concentration  $\geq 0,1$  %,
- one mutagenic substance of category 3 classified as R 40 at a concentration  $\geq 1$  %.

The classification as well as the R numbers refer to EU Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labeling of dangerous substances as amended. The concentration limits refer to those laid down in EU Council Directive 88/379/EEC on the approximation of the laws, regulations and administrative provisions of the EU Member States relating to the classification, packaging and labeling of dangerous preparations as amended.

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## **Ireland**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Ireland.

Section 4(2)(a) of the Waste Management Act, 1996, as amended defines hazardous waste to mean a waste specified in the European Waste Catalogue/ Hazardous Waste List (EWC/HWL), which has one or more hazardous properties specified in the Second Schedule of the Act.

The Minister for the Environment, Heritage and Local Government may prescribe a waste which is not specified in the HWL if it has one or more hazardous properties specified in the Second Schedule of the Act.

New regulations are currently being drafted which will transpose the provisions of the Revised Waste Framework Directive – 2008/98/EC. The regulations, when finalized, will amend the definition of hazardous waste to “‘hazardous waste’ means waste (within the meaning of this section) which displays one or more of the hazardous properties listed in the Second Schedule”.

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## **Israel**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Israel.

A substance of any type containing a hazardous substance as defined by the law, which is disposed of or is destined for disposal, or which has to be disposed of by the order of the Minister.

The law referred to above is the Hazardous Substances Law 1993.

The Hazardous Substances Law defines hazardous substances as "harmful chemicals" or "poisons" which are specified in the annexes to the Law. The Hazardous Substances Law came into force in 1993, and the Hazardous Substances Regulations (Import and Export of Hazardous Substances Waste), which address transboundary movement, came into force in 1994.

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## **Italy**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Italy.

The general definition of hazardous waste is set by the DLGS No 152/2006 and by the Regulation EC 1013/2006 adopting the Directive 91/689/EEC.

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## **Luxembourg**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Luxembourg.

The definition of hazardous waste is in accordance with the directive 91/689/CEE. The Commission Decision 2000/532/CE was adopted.

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## **Malta**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Malta.

“Hazardous wastes” means wastes which belong to any category in Annexes I , II and VIII in Schedule 1 of these regulations, and which by virtue of articles 9 and 10 of the Act, are being declared to be toxic substances.

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## **Monaco**

2009 There is no national definition of hazardous waste used for the purpose of transboundary movements of waste in Monaco.

However, several legal texts concerning the management of wastes highlight the character of hazardousness of certain categories of wastes which are collected in selective manner and managed adequately. However, in all events the Basel Convention’s definitions are applicable to all services concerned.

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## **Norway**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Norway.

According to that regulation the Norwegian regulation on waste, art. 11-3, "hazardous waste means waste that cannot be treated appropriately together with other household waste because it may cause serious pollution or involve a risk of injury to people and animals."

An unofficial translation of the Waste regulation may be found at [http://www.sft.no/seksjonsartikkel\\_\\_\\_\\_30216.aspx](http://www.sft.no/seksjonsartikkel____30216.aspx).

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## **Portugal**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Portugal.

According to the Waste act (Decree-Law 178/2006 of 5 of September of 2006) hazardous waste means waste which exhibits characteristics which can be harmful to health or environment in accordance with Council Directive 91/689/EEC of 12 December of 1991, on hazardous waste and the European Union List of Waste.

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### **Sweden**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Sweden.

In the Waste Ordinance (SFS 2001:1063) hazardous waste is waste that is marked with an asterisk in annex 2 of the Ordinance or any other waste that exhibits one or more of the characteristics that are mentioned in annex 3 of the Ordinance. Annex 2 is the List of Wastes and annex 3 is the List of characteristics that render wastes hazardous wastes.

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### **United Kingdom of Great Britain and Northern Ireland**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in United Kingdom of Great Britain and Northern Ireland.

Council Regulation (EC) No 1013/2006 on shipments of waste ('the WSR') which came into effect on 12 July 2007, provides the means for supervising and controlling shipments of waste within, into and out of the EC. The WSR is the means by which the UK and other EU Member States implement the Basel Convention and OECD Decision C(2001)107/FINAL.

While the WSR does not include a definition of "hazardous waste", wastes listed in Annex IV and certain ones in Annex V of the WSR are controlled as hazardous. All shipments of hazardous and non-hazardous waste for disposal are subject to hazardous waste control procedures. Shipments outside the OECD are controlled subject to the rules in relation to Annex V of the WSR. In addition, Regulation (EC) No.1418/2007, as amended, sets out the controls applicable to shipments of non-hazardous waste to non-OECD countries.

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### ***UN Region: Central and Eastern Europe***

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#### **Armenia**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Armenia.

National definition of wastes (industrial and household) as well hazardous wastes is given in National "Law on Wastes" (Part one, article 4 "Definition"), adopted on November 14, 2004 (AL-159-N):

- industrial and household wastes /hereinafter - wastes/ - wastes arising in the process of industrial or household consumption of raw materials, compounds, products and by-products, other production or food processing remains, as well as manufactured goods/produce that lost the initial consumer properties;
  - hazardous wastes – wastes, the physical, chemical or biological characteristics of which pose or can arise danger to Human Health and damage to the Environment and require special methods, procedures, and means for their management;
  - waste transboundary movement – transportation of wastes from the area of a country to the area of another country or ever some area that is out of jurisdiction of any country, on condition that such transportation of wastes relates to benefits of at least two countries.
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#### **Bosnia & Herzegovina**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Bosnia & Herzegovina.

"Hazardous waste" means any waste which is covered by separate regulations and which has one or more of the properties, which poses a hazard to human health and to the environment due to its origin, composition or concentration, and which is listed in the list of wastes adopted by a separate regulation as hazardous.

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### **Bulgaria**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Bulgaria.

The national definition of "hazardous waste" is laid down in the Bulgarian Waste Management Act, dated 18 September 2003, promulgated in State Gazette 86/2003, as amended, and states that "Hazardous waste" is the waste, which composition, quantity and properties create risk for human health and environment, have one or more properties determining them as hazardous, and/or contain components turning them into hazardous and/or are defined as such according to the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal.

National definition of hazardous waste is based on Council Directive of 12 December 1991 on hazardous waste (91/689/EEC), as amended, according to which "hazardous waste" is:

- waste classified as hazardous waste featuring on the list established by Commission Decision 2000/532/EC on the basis of Annexes I and II to the directive. This waste must have one or more of the properties listed in Annex III to the directive. The list shall take into account the origin and composition of the waste and, where necessary, limit values of concentration;
- any other waste which is considered by a Member State to display any of the properties listed in Annex III.

The requirements on the classification of waste as hazardous as laid down in Directive 91/689/EEC are completely transposed into the Bulgarian legislation by Ordinance No 3 on waste classification (SG 44/25.05.2004) without any specific national requirements regarding the waste classification.

There are not any other wastes, which are considered by Bulgaria to display any of the properties in Annex III of Directive 91/689/EEC.

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### **Croatia**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Croatia.

The national definition of hazardous waste is in accordance with article 3 of the Regulation on categories, types and classification of waste with a waste catalogue and list of hazardous waste (Official Gazette, No. 50/05, 39/09). This Regulation establishes categories, types and classification of waste depending on its properties and place of origin, and determines the waste catalogue, list of hazardous waste and list of waste in transboundary transport. Pursuant to this Regulation, hazardous waste is waste determined by categories (generic types) and composition, and it must contain one or more properties as determined in the List of hazardous waste which is compiled with Council Directive of 12 December 1991 on hazardous waste. Waste catalogue and list of waste in transboundary transport mentioned above are entirely harmonized with Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community.

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### **Czech Republic**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Czech Republic.

Act on Waste No. 185/2001 Coll., as amended, Decrees of the Ministry of the Environment No. 376/2001 Coll. and 381/2001 Coll., as amended.

National definition of hazardous waste is based on Council Directive 91/689/EEC on hazardous waste as amended. Hazardous waste means any waste featured on the list of hazardous wastes as well as any other waste displaying one or more hazardous properties.

The list of properties of wastes which render them hazardous is set up by Annex III to the Directive.

The list of hazardous waste pursuant to the Directive has been established by Commission Decision 200/532/EC as amended. The wastes featuring on the list of hazardous wastes must have on or more of the properties listed in Annex III to the Directive.

The Directive and the List of hazardous waste are transposed into Act on Waste No 185/2001 Coll. as amended, Decree 376/2001 Coll. and Decree No. 381/2001 Coll. as amended.

In the Czech Republic (and in the EU) the above mentioned definition is used only for the purpose of implementing the Basel Convention amendment (ban on export of hazardous waste destined for recovery to non-OECD countries). The control procedures for other transboundary movements of wastes destined for recovery are not based on the definition of hazardous waste, but on a specific listing system established by EU Regulation (EC) 1013/2006 on shipments of waste. The listing system consists of two lists of waste. The first one (Annex III to the EU Regulation 1013/2006 - Green listed waste) containing wastes not requiring notification and prior consent consists of wastes listed in Annex IX to the Basel Convention supplemented by several other non-hazardous wastes. The second one (Annex IV to the EU Regulation 1013/2006 - Amber listed waste) containing wastes requiring notification and prior consent consists of wastes listed in Annex VIII to the Basel Convention supplemented by several other not necessarily hazardous wastes. Transboundary movements of all wastes (both hazardous and non-hazardous) destined for final disposal are either prohibited or subject to notification and prior consent.

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## **Estonia**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Estonia.

Hazardous waste is defined by § 6 and 8 of the Waste Act (2004).

§ 6. Hazardous waste

"Hazardous waste" means waste which due to at least one of the hazardous properties set out in § 8 of this Act may cause a hazard to health, property or the environment.

§ 8. Hazardous properties of waste

The hazardous properties on the basis of which waste is considered hazardous are similar to the hazardous properties of:

- 1)H1- explosive substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene;
- 2)H2- oxidising substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances;
- 3)H3-A- highly flammable liquid substances and preparations having a flash point below 21o C (including extremely flammable liquids), or substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or gaseous substances and preparations which are flammable in air at normal pressure, or substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities;
- 4)H3-B- flammable liquid substances and preparations having a flash point equal to or greater than 21o C and less than or equal to 55o C;
- 5)H4- irritant non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membranes, may cause inflammation;
- 6)H5- harmful substances and preparations which, if inhaled or ingested or if they penetrate the skin, may involve health risks;
- 7)H6- toxic substances and preparations which, if inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks or death;
- 8)H7- carcinogenic substances and preparations which, if inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence;
- 9)H8- corrosive substances and preparations which may destroy living tissue on contact;
- 10)H9- infectious substances containing micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms;
- 11)H10- teratogenic substances and preparations and substances and preparations toxic for reproduction which, if inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence;
- 12)H11- mutagenic substances and preparations which, if inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence;
- 13)H12- substances and preparations which release toxic or very toxic gases in contact with water, air or an acid;
- 14)H13- substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the properties listed in clauses 1) -13) of this section;
- 15)H14- substances and preparations which are ecotoxic or dangerous for the environment and present or may present immediate or delayed risks for one or more sectors of the environment.

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**Georgia**

2009 The national definition of hazardous waste to be used for the purpose of transboundary movements of waste is being prepared.

Law of Georgia on Transit and Import of Waste into and out of the Territory of Georgia (16th of October 1997).

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## **Hungary**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Hungary.

Hazardous waste shall mean waste displaying one or more of the properties listed in Annex II to Act XLIII of 2000 and/or containing such substances or components hazardous to health and/or the environment because of its origin, composition or concentration.

Otherwise the Environmental Ministerial Decree No. 16/2001 (VII.18) adopted the EWC codes and marked with \* the hazardous waste within this EWC list.

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## **Latvia**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Latvia.

"Hazardous waste- waste which has one or more characteristics which makes it hazardous to human life and health, the environment, or the property of persons, and which conforms to a hazardous waste category specified in the waste classification."(Waste Management Law, Art.4.1)

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## **Montenegro**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Montenegro.

The definition of hazardous waste used for the purpose of transboundary movements is given in the Waste Management Law (2005/2008)

“hazardous waste” shall mean waste that consists of elements and/or compounds that have any of the following characteristics: explosive, oxidizing, flammable, irritant, harmful, toxic, carcinogenic, corrosive, infectious, mutagenic, teratogenic, and eco-toxic, and substances which release toxic or very toxic gases in contact with water, air or an acid.

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## **Poland**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Poland.

In the light of the Act on Waste of 27 April 2001 (Official Journal of 2010 No. 185, item 1243, as amended) “hazardous waste” shall mean waste:

- 1) is included within a categories or types of waste as specified in the List A in Annex II to the Act and characterized by at least one o the properties specified in the Annex IV to this Act; or
- 2) is included within the categories or types of waste as specified in List B in Annex II to the Act, includes any of the components specified in Annex III possessing at least one of the properties specified in the Annex IV to the Act.

Annex II specifies categories or types of hazardous waste. Annex III specifies components of waste which qualifies waste as hazardous waste.

The minister responsible for the environment laid down the ordinance of 27th October 2010 on the waste catalogue (Official Journal of Laws of 2001, No.112, Item 1206). The new national list of hazardous waste is a part of waste catalogue. New waste classification is consistent with EU classification.

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## **Republic of Moldova**

2009 There is no national definition of hazardous waste used for the purpose of transboundary movements of waste in Republic of Moldova.

Definition from EU Directives is used.

Hazardous waste - waste which has one or more of the properties listed in List A (Annex 1 to Regulation on the control of transboundary movements of waste and their disposal).

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### **Romania**

2009 There is no national definition of hazardous waste used for the purpose of transboundary movements of waste in Romania.

There is no national definition of hazardous waste in Romania used specially for the purposes of transboundary movements (see 2 a). We're using the hazardous waste definition from the Basel Convention.

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### **Serbia**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Serbia.

The definition of waste and hazardous waste used for the purpose of transboundary movements are given in the Law of Waste Management (Off. Gaz. RS no. 36/09 I 88/10), Article 5. 18) hazardous waste means waste that because of its origin, composition or concentration of dangerous substances may endanger the environment and human health and has at least one of the dangerous properties governed by special regulations, including the package into which the hazardous waste was or is packed;

The waste for whose treatment or disposal in an ecologically acceptable and efficient way there are no technical possibilities and facilities in the Republic of Serbia, shall be exported.

The import of hazardous waste is forbidden.

By way of exception from this paragraph of this Article, certain hazardous wastes which the refining industry in the Republic of Serbia uses as secondary raw materials, in accordance with the national goals for the treatment of such wastes, may be imported based on the permit issued by the Ministry.

The hazardous waste import referred to in paragraph of this Article may be permitted only if there is a facility for the treatment of such waste, for whose operation a permit has been issued, in accordance with the Law.

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### **Slovakia**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Slovakia.

According to the Act No. 223/2001 Coll. of Laws on waste and on amendment of certain acts as amended - hazardous waste shall mean waste featuring one or several hazardous characteristics listed in Annex 4 Hazardous characteristics of wastes (H codes). The Annex 4 is equal to the Annex 3 of the EU Directive 91/689/EEC. The Decree No 284/2001 Coll. of Laws enacting Waste Catalogue as amended by subsequent regulations harmonized with European Waste Catalogue distinguishes two waste categories: - non-hazardous; - hazardous. The annex 2 of this Decree refers to the Basel Convention list of hazardous waste characteristics (H codes). Hazardous wastes are considered wastes:

- a) Listed in Annex VIII to the Basel Convention;
  - b) Designated as hazardous in the Waste Catalogue;
  - c) Included in the Amber List of Wastes, or included in the Red List of Wastes; and
  - d) Listed in Annex IX to the Basel Convention and containing substances listed in Annex I to the Basel Convention within a scope causing the occurrence of dangerous properties listed in Annex III to the Basel Convention. The annex I of the Basel Convention is used for identification of hazardous wastes in the reporting.
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### **Slovenia**

2009 There is no information concerning a national definition of hazardous waste provided for Slovenia.

Definition is in line with EU Council Directive 91/689/EEC on hazardous waste as amended.

According to Environmental Protection Act (2004) as amended definition of hazardous waste is (Art. 3):

Hazardous waste is waste which is due to certain hazardous ingredients or properties classified as hazardous wastes according to law.

According to Art. 4 of Decree on Waste Management (2008) hazardous waste shall be deemed to be waste marked with asterisk next to the classification number of waste in the classification list of wastes. As hazardous shall also be deemed waste which can be classified under one of the groups or general types of wastes in Annex 2 and content constituents listed in Annex 3 (constituents which render them hazardous) with properties from Annex 4 (hazardous properties).

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### **Ukraine**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Ukraine.

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## ***UN Region: Latin America and the Caribbean***

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### **Argentina**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Argentina.

National Law 24.051 (approved by the National Congress on 17 December 1991; published in the Official Bulletin on 17 January 1992) rules the generation, handling, transport, treatment, and final disposal of hazardous wastes. It include those wastes that are listed in Annex I of the Law as well as those having the characteristics set forth in Annex II (these annexes are identical to Annexes I and III of Basel Convention, which Argentina approved through Law 23.922).

The National Law 23.922 of "Approval of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal" is applied when wastes are subject to a transboundary movement for its disposal or recovering.

National Law 24.051 establishes in its Article 2º: "It will be considered hazardous, to the effects of this law, every waste that could cause damage, direct or indirectly, to living beings, or contaminate the ground, water, atmosphere or environment in general. Particularly, will be considered hazardous those wastes indicated in the Annex I or those that have any of the characteristics listed in the Annex II of this Law. The provisions of the Hazardous Waste Law are also applied to those hazardous wastes that could, in the future, be used as input in other industrial processes. The scope of this law excludes household and radioactive wastes, and those derived from the normal operations of ships, that shall be ruled by special laws and international conventions in force on the matter".

Radioactive wastes and those derived from the normal operations of ships are excluded from the application of National Law of Hazardous Wastes, but ruled by other regulations and international instruments.

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### **Barbados**

2009 There is no national definition of hazardous waste used for the purpose of transboundary movements of waste in Barbados.

There is no legal definition of hazardous waste. Shipments of hazardous waste materials however, are shipped in accordance with procedures and guidelines established under the Basel Convention.

However, a definition is proposed in the revised "Policy Paper: Management of Toxic Chemicals and Hazardous Waste."

Hazardous waste means waste that has one or more of the following properties:

1. has flashpoint of less than 61°C;
2. ignites and propagates combustion in a test sample;
3. at a rate that is equal to or greater than that provided by ammonium persulfate, potassium perchlorate or potassium bromate;
4. the pH value is less than 2.0 or greater than 12.5;
5. it contains polychlorinated biphenyls at a concentration equal to or greater than 50mg/kg;
6. its leachate contains any substance listed in Table 2 in excess of the concentrations listed; and
7. it contains any of the following substances in a concentration greater than 0.001mg/L:

Hexachloro-dibenzo-p-dioxins

Pentachloro-dibenzo-p-dioxins

Tetrachloro-dibenzo-p-dioxins

Hexachloro-dibenzofurans

Pentachloro-dibenzofurans

Tetrachloro-dibenzofurans.

"Special wastes" are non-hazardous wastes that require special handling and disposal procedures. These would include, for example: gasoline contaminated soil and wastes from international flights or ports.

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## **Bolivia**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Bolivia.

A la fecha en Bolivia en la legislación nacional se utiliza el término "Residuos Peligrosos" y no así "desecho peligroso", y su definición es el siguiente, RESIDUOS PELIGROSOS: Son aquellos que conllevan riesgo potencial al ser humano o al ambiente, por poseer cualquiera de las siguientes características: corrosividad, explosividad, inflamabilidad, patogenicidad, bioinfecciosidad, radiactividad, reactividad y toxicidad.

Asimismo, indicar que a la fecha se tiene proyectado trabajar en la revisión del Reglamento para Actividades con Sustancias Peligrosas.

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## **Brazil**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Brazil.

Law nº 12.305 from 02/08/2010 – National Policy on Solid Waste – defines hazardous waste as “those who, due to its characteristics of flammability, corrosivity, reactivity, toxicity, pathogenicity, carcinogenicity, mutagenicity and teratogenicity, present significant risk to public health or environmental quality, according to law, regulation or technical standard.”

Hazardous Waste - Class I - are those belonging to any category listed in the Annex 1-A to 1-C of the CONAMA Resolution no 23, from December 12, 1996, unless they do not present any characteristics listed in Annex II of the same legislation.

Furthermore, the Brazilian legislation defines as 'hazardous' all wastes listed in Annex 10-A (Hazardous Wastes - Class I - Importation Prohibited) of the CONAMA Resolution no 235, from January 7, 1998, and as 'controlled' all the wastes listed in Annex 10-B (Non-Inert Wastes - Class II - Controlled by IBAMA) of the Resolution.

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### **Costa Rica**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Costa Rica.

Hazardous waste are solids, liquids, and semisolids substances due to its chemical reactivity, toxic, explosive, radioactive, flammable, irritant, corrosive, or comburent or other characteristics like theratogenic, mutagenic, carcinogenic or neurotoxic, that could produce damage to human health or the natural environment.

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### **Cuba**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Cuba.

In the article 3 of the Resolution 136/2009 of the Ministry of Science, Technology and Environment (CITMA) is defined:

ARTICLE 3.-To the effects of this disposition is defined as hazardous wastes as all substance or article that it becomes waste and, for their physical, biological or chemical characteristics, it can represent a danger for the environment and the human health always that it belongs to anyone of the categories included in the Annex I of the present Resolution that is integral part of the same one, except in the cases in that it doesn't present none of those characteristics that are related in the Annex II of this own Resolution for those substances.

The Annex I is added to this document (at the end). The Annex II of this Resolution is the same the Annex III of the Text of the Basel Convention. (Annex can be provided upon request to the Secretariat).

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### **Ecuador**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Ecuador.

Hazardous wastes are those solid, mixed, liquid or gaseous wastes resulting from a process of production, transformation, recycling, use or consumption which contain some compounds with reactive, inflammable, corrosive, infectious or toxic characteristics that represent a risk to human health, natural resources or the environment according to existing legal provisions.

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### **Guatemala**

2009 There is no national definition of hazardous waste used for the purpose of transboundary movements of waste in Guatemala.

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### **Honduras**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Honduras.

“Residuos peligrosos: Son los que de acuerdo a su composición poseen alguna de las siguientes características de peligrosidad: inflamabilidad, corrosividad, reactividad, explosividad, toxicidad y bio-infecciosidad, y que puede presentar riesgo a la salud pública o causar efectos adversos al medio ambiente.”

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### **Mexico**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Mexico.

Hazardous waste: They are those that have some of the following characteristics: corrosively, reactivity, explosive, toxicity, inflammability, or that contains infectious agents that confers danger to them, as well as packages, containers, packing and soils that have been contaminated when they are transferred to another site, according with which it establishes the Law.

Article 5 Fraction XXXII of the General Law of Prevention and Integral Management of Wastes.

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### **Nicaragua**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Nicaragua.

•Ley que prohíbe el tráfico de desechos peligrosos y sustancias tóxicas, N°. 168, aprobada el 1 de Diciembre de 1993, publicado en La Gaceta Diario Oficial N°.102 del 2 de Junio de 1994, en su artículo 3 define como: Desechos peligrosos todos aquellos que se encuentran contaminados por sustancias químicas y radioactivas, cuya manipulación, almacenamiento, tratamiento y disposición final atenta contra la salud humana y la protección de los recursos naturales, especialmente los desechos contenidos dentro de las categorías señaladas en el anexo de la ley.

•Política Nacional para la Gestión Integral de Sustancias y Residuos Peligrosos, Decreto N° 91-2005, define como desecho peligroso a una sustancia u objeto a cuya eliminación se procede, y además tiene el potencial de causar un riesgo inaceptable a la salud y el ambiente y va a depender de su composición, forma física y propiedades químicas y físicas.

•Decreto N°47-2005 “Política Nacional sobre Gestión Integral de Residuos Sólidos, del 21/07/2005 y NORMA TÉCNICA No. 05 015-02, aprobada el 13 de Septiembre del 2001. Residuos peligrosos y Residuo Sólido peligroso: Se entiende por residuos peligrosos aquellos que, en cualquier estado físico, contengan cantidades significativas de sustancias que pueden presentar peligro para la vida y salud de los organismos vivos cuando se liberan al ambiente o si se manipulan incorrectamente debido a su magnitud o modalidad de sus características corrosivas, tóxicas, venenosas, reactivas, explosivas, inflamables, biológicamente perniciosas, infecciosas, irritantes o de cualquier otra característica que representen un peligro para la salud humana, la calidad de vida, los recursos ambientales o el equilibrio ecológico.

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### **Saint Lucia**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Saint Lucia.

The definition of hazardous waste is in accordance with the Basel Convention.

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### **Venezuela**

2009 National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Venezuela.

Hazardous waste: Simple or compound material in a solid, liquid or gaseous state which has hazardous properties or is composed of hazardous substances, whether or not it preserves its physical, chemical or biological properties, and for which no use is found with the result that a method of final disposal must be employed. The term includes receptacles containing or having contained such wastes.

Recoverable hazardous material: Material which has hazardous characteristics but after serving a specific purpose still retains useful physical and chemical properties and therefore may be reused, recycled, regenerated or used for the same or another purpose.

Hazardous Substances, Materials and Wastes Act, Ley Sobre Sustancias, Materiales y Desechos Peligrosos published in Official Gazette Extraordinary No. 5554 of 13 November 2001, and Decree 2635 containing the “Norms for the Control and Recovery of Hazardous Materials and the Management of Hazardous Wastes”, published in the Official Gazette Extraordinary No. 5245 of 3 August 1998.

Does your country regulate/control any additional wastes as hazardous that are not included in Art. 1 (1)a of the Basel Convention and would be controlled for the purpose of transboundary movements pursuant to Art. 1 (1)b?

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