

# Notifications under the Basel Convention: national definitions of hazardous wastes and restrictions on movements of wastes

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal is the most comprehensive global environmental agreement on hazardous wastes and other wastes. It aims to protect human health and the environment against the adverse effects of such wastes.

Under the Basel Convention, Parties have specific obligations to transmit certain information to each other. This includes notifications of:

- (i) National definitions of hazardous wastes in addition to those listed in the Annexes of the Convention; and
- (ii) Decisions to restrict or prohibit imports and/or exports of hazardous or other wastes.

Transmitting information is essential to inform stakeholders (countries, importers, exporters etc.) of national legislative and administrative requirements implemented in certain jurisdictions. In turn, this facilitates compliance with such requirements and reduces illegal traffic in hazardous or other wastes.

## I. Notification of national definition of hazardous wastes and changes in definition

The Annexes to the Basel Convention list wastes that are defined as 'hazardous wastes' and 'other wastes'. The Basel Convention also strictly regulates the transboundary movements of such wastes.

In addition to the lists under the Annexes to the Basel Convention, Parties can classify **additional wastes** as hazardous under their national laws. Parties can also specify in such laws any requirements concerning the transboundary movement procedures applicable to such nationally defined hazardous wastes.

### Transmission of Information

*"The Parties shall inform each other, through the Secretariat, of:...*

*(b) Changes in their national definition of hazardous wastes pursuant to Article 3..."*

Article 13, paragraph 2 of the Basel Convention

### National Definitions of Hazardous Wastes

*"Each Party shall, within six months of becoming a Party to this Convention, inform the Secretariat of the Convention of the wastes, other than those listed in Annexes I and II, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes.*

*Each Party shall subsequently inform the Secretariat of any significant changes to the information it has provided..."*

Article 3, paragraphs 1 and 2 of the Basel Convention

### Parties are obliged to inform the Secretariat of wastes other than those listed in Annexes I and II which are considered or defined as hazardous under their national legislation.

This must be done within six months of becoming a Party to the Convention. In addition, the Secretariat should be informed of any subsequent changes to information provided in this respect.

### A Party that wishes such wastes to be governed by any obligations and procedures provided by the Convention for the transboundary movements of nationally defined hazardous wastes

(e.g. the prior informed consent - PIC - procedure) is also obliged to send a specific notification to the Secretariat, indicating that it is made under Article 3 and/or Article 13, paragraph 2 (b) of the Convention. Specifically referring to the relevant provisions of the Convention in the notification makes it clear that the Party intends to formally notify the Secretariat, and through the Secretariat, all other Parties and stakeholders, about the existence of a national definition.

The Conference of the Parties to the Basel Convention at its tenth meeting adopted a **standardized reporting format** for transmitting notifications on national definitions of hazardous wastes or significant change to national definitions. The form is available on the Basel Convention website in Arabic, Chinese, English, French, Russian and Spanish:

<http://www.basel.int/Procedures/NationalDefinitions/tabid/1321/Default.aspx>

In addition, information transmitted by Parties annually under paragraph 3 of Article 13 of the Convention may represent a notification if transmitted through the designated focal point.

### Transmission of Information

*"The Parties consistent with national laws and regulations, shall transmit, through the Secretariat, to the Conference of the Parties...before the end of each calendar year, a report on the previous calendar year ..."*

Article 13, paragraph 3 of the Basel Convention

Once a Party communicates a notification to the Secretariat, the Secretariat transmits this to all Parties and signatories. This information is also made available on the Basel Convention website:

<http://www.basel.int/Implementation/LegalMatters/NationalDefinitions/tabid/1480/Default.aspx>

## II. Notification of restrictions or prohibitions on imports and/or exports of hazardous wastes and other wastes

The Basel Convention strictly controls transboundary movements of hazardous and other wastes through the PIC procedure. However, the Convention also allows Parties to apply **restrictions or prohibitions on imports and/or exports** of hazardous wastes or other wastes under their national legislation. Such restrictions or prohibitions thus go beyond the ordinary control procedure established under the Convention.

### General Obligations

*"(a) Parties exercising their right to prohibit the import of hazardous wastes or other wastes for disposal shall inform the other Parties of their decision pursuant to Article 13;*

*(b) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes to the Parties which have prohibited the import of such wastes, when notified pursuant to subparagraph a) above."*

Article 4, paragraph 1 of the Basel Convention

### Transmission of Information

*"The Parties shall inform each other, through the Secretariat, of:*

*...*

*(c) Decisions made by them not to consent totally or partially to the import of hazardous wastes or other wastes for disposal within the area under their national jurisdiction;*

*(d) Decisions taken by them to limit or ban the export of hazardous wastes or other wastes..."*

Article 13, paragraph 2 of the Basel Convention

Parties exercising this right to prohibit, totally or partially, the import or export of hazardous wastes or other wastes for disposal must **inform the other Parties** of their decision pursuant to Article 13 of the Convention.

Where a Party wishes to impose a total or partial import and/or export prohibition, a notification pursuant to and referring to the relevant provisions of the Convention must be sent to the Secretariat. As with notifications of national definitions of hazardous wastes, this information is then transmitted to all Parties and signatories and is posted on the Basel Convention website:

<http://www.basel.int/Countries/NationalDefinitions/tabid/1480/Default.aspx>

The Conference of the Parties, at its tenth meeting, also adopted a **standardized reporting format** for transmitting notifications on restrictions or prohibitions on imports and/or exports of hazardous wastes or other wastes. This form can be accessed on the Basel Convention website in Arabic, Chinese, English, French, Russian and Spanish:

<http://www.basel.int>

These communications may relate to wastes included in Annex I and II, as well as others brought into the scope of the Convention by a notification on national definitions under Article 3 (see above). As with notifications of national definitions, information transmitted annually under paragraph 3 of Article 13 of the Convention may represent a notification if transmitted through the designated focal point.

Following such a communication, other Parties have an obligation (among other obligations) not to allow the export of these wastes to the Party that has notified (Article 4, paragraph 1 (b) see above).

### For further information please contact:

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