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**Conference of the Parties to the Basel Convention  
on the Control of Transboundary Movements of  
Hazardous Wastes and Their Disposal  
Fourteenth meeting**

Geneva, 29 April–10 May 2019

Item 4 (a) (iii) of the provisional agenda\*

**Matters related to the implementation of the Convention:  
strategic issues: development of guidelines for  
environmentally sound management**

**Revised draft practical manual for stakeholders to ensure that  
notifications of transboundary movements meet environmentally  
sound management requirements**

**Note by the Secretariat**

As is mentioned in the note by the Secretariat on development of guidelines for environmentally sound management (UNEP/CHW.14/5), the annex to the present note sets out the revised draft practical manual for stakeholders to ensure that notifications of transboundary movements meet environmentally sound management requirements prepared by the expert working group on environmentally sound management. The present note, including its annex, has not been formally edited.

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\* UNEP/CHW.14/1.

## Annex

# **Draft practical manual for stakeholders to ensure that notifications of transboundary movements meet environmentally sound management requirements**

## **I. Introduction**

1. In accordance with the Basel Convention for transboundary movements (TBM) of hazardous wastes and other wastes, a Prior Informed Consent (PIC) procedure must be followed. This means that planned TBMs must be notified in advance by the exporter to all competent authorities of the countries involved and can only be undertaken if all competent authorities have given their consent to the movement. In addition, it must be ensured that the wastes will be disposed of in an environmentally sound manner.
2. The responsibilities of the stakeholders involved in such a TBM (in particular, competent authorities, exporters and generators and disposers) are outlined in the Basel Convention. From a legal point of view, the required procedures for planning and undertaking TBMs of hazardous wastes and other wastes are clear. However, in practice, the situation can be complex. One of the main complexities is how to ensure that the wastes subject to a TBM will be disposed of in an environmentally sound manner.

## **II. Objective**

3. This practical manual serves as a reference for decision-making related to the consent of a TBM of hazardous wastes and other wastes. The manual identifies elements of information useful in determining whether the wastes subject to a TBM will be managed in an environmentally sound manner. The manual is intended for use by competent authorities of exporting countries, and also provides guidance for consideration by the competent authorities of importing and transit countries
4. This practical manual is not legally binding.

## **III. How to use the manual**

5. This practical manual can be used by competent authorities during the PIC process to assess, as far as practicable, whether the waste subject to a TBM will be managed in an environmentally sound manner.
6. This practical manual should be used as a complement to other guidance documents developed under the Convention. It should not be used in isolation by the competent authorities for consenting to or rejecting a transboundary movement of hazardous wastes or other wastes.
7. The key duties of the competent authorities of the countries involved in a TBM and the notifier (state of export, exporter or generator) with respect to the PIC procedure outlined in Article 6 of the Basel Convention are highlighted below.
8. For a complete description of responsibilities, refer to the Guide to the Control System<sup>1</sup> and the Manual for the Implementation of the Basel Convention.<sup>2</sup>

## **IV. Assessing whether a TBM meets ESM standards during the PIC process**

9. During the PIC procedure, cooperation between the involved competent authorities, mainly from the exporting and the importing countries, helps to ensure that hazardous waste and other wastes are managed in an environmentally sound manner.
10. Establishing mechanisms for cooperation and regular communication among all competent authorities at the national, regional and international levels is recommended to exchange information about ESM in transboundary movements.

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<sup>1</sup> Available at: <http://www.basel.int/Implementation/Publications/GuidanceManuals/tabid/2364/Default.aspx>.

<sup>2</sup> Ibid.

## **A. Competent authority of an exporting country**

11. The following elements should be considered by the competent authority of an exporting country during the PIC process.

### **1. Administrative requirements**

12. Such administrative requirements include:

- (a) Ensuring that the notification form is complete;
- (b) Taking all necessary steps to notify the competent authorities of all transit countries and the importing country concerning the proposed TBM;
- (c) Making available for review the contract between the exporter and the disposer specifying environmentally sound management of the waste subject to TBM, if requested.

### **2. Supplemental technical information**

#### **(a) Assess whether the proposed disposal operation or operations<sup>3</sup> are environmentally sound**

13. Such an assessment could include:

- (a) Identifying the disposal operation that will be applied to the waste;
- (b) Identifying where and how the residues from the disposal operation will be treated. Residues arising from the treatment of hazardous wastes can also be hazardous. Consequently, environmentally sound management of these wastes should be ensured;
- (c) Identifying the potential hazardous characteristics of the waste;
- (d) Assessing whether the technology and disposal operation is appropriate and provides for environmentally sound management of the waste.

#### **(b) Assess the ESM capacity of the disposal facility or facilities**

14. Such an assessment should include whether the disposal facility (including for storage, as applicable) has all necessary valid authorizations, permits or licenses for the intended disposal operation.

15. When feasible, the assessment could also include whether:

- (a) The disposal facility has the capacity to complete the proposed disposal of the waste, noting there may be multiple operations required and corresponding facilities: ESM should apply to all;
- (b) Any storage of the waste is adequate and environmentally sound;
- (c) The standards of the disposal facility in the importing country are acceptable to the exporting country.

#### **(c) Assess whether pollution control measures are adequate**

16. Such an assessment could include whether:

- (a) The importing country has effective pollution control measures in place in relation to the disposal facility that address air emissions, effluent and soil contamination;
- (b) The disposal facility has policies and activities in place to prevent, treat and mitigate potential releases from the proposed disposal operation;
- (c) The facility has procedures or other measures in place to respond to emergencies during waste handling.

### **3. Additional possibilities to ensure the environmentally sound management of the wastes**

17. If it is unclear whether a disposal facility can ensure the ESM of the wastes in question, the competent authority of the exporting country may impose additional measures. Additional measures may also be applied before export:

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<sup>3</sup> When referring to a disposal operation or disposal facility within the manual, all disposal operations and facilities involved in the TBM are to be considered.

**(a) Additional requirements established by the competent authority**

18. The competent authority of the exporting country could provide the notifier with a detailed explanation of what additional information is required. (For example, the consent of an initial proposed “test” export may be subject to a detailed report of the results of the disposal of the concerned waste in the disposal facility. Subsequent proposed exports may be subject to the results of this report. Alternatively, the exporter may be interviewed about the importer or the disposal facility for first time notification.

**(b) Independent audit of the disposal facility**

19. The competent authority of the exporting country may require an independent audit of the disposal facility in particular when receiving an initial notification. An audit could support the competent authority of the exporting country in assessing the proposed TBM. The competent authority of the exporting country may use this information to assess subsequent notifications for exports to the same disposal facility based upon the results of this audit.

**(c) Additional/special controls**

20. Control and enforcement personnel could be made aware of additional/special controls that can be made in the exporting country, e.g., at the border. For example, verification that the wastes intended for export correspond to the description on the notification.

**(d) Potential resources for information about the disposal facility in the importing country**

21. Such resources include:

- (a) Tools on the Basel Convention website;
- (b) National reports on Basel Convention website, including Article 11 agreements;
- (c) Competent authorities and focal points to the Convention including:
  - (i) Databanks of relevant information on disposal facilities in importing countries established by competent authorities of the exporting country;
  - (ii) Previous assessments performed by competent authorities of the exporting country of the facilities, technologies and regulations in the importing country;
- (d) Regional Centres;
- (e) Websites of disposal facilities;
- (f) ISO database of certified facilities;
- (g) Website of environmental agencies of importing countries;
- (h) References from industry, including trade associations;
- (i) Prior TBMs of hazardous waste or other wastes to the importing country and to the disposal facility;
- (j) Certification schemes of the site or facility;
- (k) Anecdotal information about the performance of the disposal facility with respect to environmentally sound management of wastes, if available.

**B. Competent authority of a transit country**

22. If the competent authority of a transit country receives a notification for a TBM of hazardous wastes or other wastes, the competent authority should take the necessary steps to ensure that the planned transit through its territory will exclude possible damage to the environment and human health in the transit country prior to consent. During transit, random and targeted checks of shipments may be useful.

23. The following elements could be considered by the competent authority of the transit country during the PIC process.

**1. Administrative requirements**

24. Such administrative requirements include:

- (a) Ensuring that the notification form is complete, including that all means of transport are provided;

(b) Sending acknowledgement of receipt of the notification to the notifier to establish the date from when the 60-day period commences.

## 2. Supplemental technical information that should be considered in assessing a transit

25. In order to ensure that a transit of hazardous waste or other wastes is environmentally sound, the competent authority of the transit country could consider whether:

(a) The means of transport and the type of packaging are adequate for transporting the waste in question in an environmentally sound manner. The waste classification and description, the description of the hazardous components contained in the waste and the hazardous characteristics of the waste can be used to make an informed decision;

(b) Restrictions on the notified transportation route apply (e.g. tunnels where explosive or flammable wastes are not allowed to be transported, or sea routes where certain materials are not allowed to be transported);

(c) Insurance requirements for the transport are met;

(d) Control and enforcement personnel should be made aware of additional/special controls that can be made. For example, verification that the wastes concerned correspond to the description on the notification.

## 3. Potential resources for information for the transit country

26. Such resources include:

(a) Tools on the Basel Convention website;

(b) National reports on Basel Convention website, including Article 11 agreements;

(c) Competent authorities and focal points to the Convention;

(d) Regional Centres;

(e) Other authorities involved in transportation.

## C. Competent authority of an importing country

27. If the competent authority of an importing country receives a notification for a TBM of hazardous waste or other wastes, the competent authority should take the necessary steps to ensure that the waste subject to the planned TBM will be managed in an environmentally sound manner.

28. The competent authority could take into consideration the guidance provided in the Checklist for Self-Assessment of National Environmentally Sound Management Capacity<sup>4</sup> to ensure that the waste will be managed in an environmentally sound manner.

### 1. Administrative requirements

29. Such administrative requirements include:

(a) Ensuring that the notification form is complete;

(b) Checking the existence of a contract between the exporter and the disposal facility specifying environmentally sound management of the waste subject to TBM and reviewing its provisions if needed. The review should ensure that the contract contains all elements as required in national law for such contracts. The Guide to the Control System<sup>5</sup> contains in its appendix 4 examples of basic elements to be included in such contracts;

(c) Checking if a financial guarantee is put in place and if this is in line with the national legal requirements for such guarantees.

### 2. Supplemental information

30. Such supplemental information could include:

<sup>4</sup>

<http://www.basel.int/Implementation/CountryLedInitiative/EnvironmentallySoundManagement/ESMToolkit/Selfassessmentchecklist/tabid/5849/Default.aspx>.

<sup>5</sup> UNEP/CHW.12/9/Add.3/Rev.1 available at the Basel Convention website:

<http://www.basel.int/Implementation/Controllingtransboundarymovements/Guidance/tabid/4313/Default.aspx>.

- (a) Assessing if the import is in line with national waste management planning and with waste management policy principles. The competent authority should check if by allowing the import, the country still has sufficient waste treatment capacity to manage wastes generated inside the country or if import would lead to a situation that there would be insufficient capacity to treat wastes generated in the country in an environmentally sound manner;
- (b) Assessing whether the proposed recovery or final disposal operation is environmentally sound. Such an assessment could include:
  - (i) Identifying the disposal operation(s) that will be applied to the waste;
  - (ii) Identifying where and how the residues from the disposal operation will be treated. Residues arising from the treatment of hazardous wastes can also be hazardous. Consequently, environmentally sound management of these wastes should be ensured;
  - (iii) Identifying the potential hazardous characteristics of the waste;
  - (iv) Assessing whether the technology and disposal operation is appropriate and provides for environmentally sound management of the waste;
- (c) Assessing the ESM capacity of the disposal facility. Such an assessment should include whether the disposal facility (including for storage, as applicable) has all necessary valid authorizations, permits or licenses for the intended disposal operation. When feasible, the assessment could also include whether:
  - (i) The disposal facility has the capacity to complete the proposed disposal of the waste;
  - (ii) Any storage of the waste is adequate and environmentally sound;
  - (iii) The personnel employed at the disposal facility are trained for managing the wastes pursuant to labour and occupational safety measures.

### **3. Additional/special controls**

31. Control and enforcement personnel could be made aware of additional/special controls that can be made in the importing country, e.g., at the border. For example, verification that the wastes intended for import correspond to the description on the notification.

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