



**ENVIRONMENT DIRECTORATE
ENVIRONMENT POLICY COMMITTEE**

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Working Group on Waste Prevention and Recycling

**GUIDANCE MANUAL FOR THE IMPLEMENTATION
OF THE OECD DECISION C(2001)107/FINAL**

**On the Control of Transboundary Movements of Wastes
Destined for Recovery Operations**

Council Decision C(92)39/FINAL on the control of transboundary movements of wastes destined for recovery operations has been revised to harmonise it with the Basel Convention. As a result, the Guidance Manual for Decision C(92)39/FINAL also needed to be revised to reflect the provisions of the new Decision C(2001)107/FINAL.

This document is the updated Guidance Manual for the implementation of Decision C(2001)107/FINAL.

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FOREWORD

The revision of Decision C(92)39/FINAL necessitated the update of the relevant Guidance Manual to ensure consistency with the revised Council Decision C(2001)107/FINAL. This document is a revised version of the former Guidance Manual. It includes:

- detailed explanations on how to implement the OECD Decision C(2001)107/FINAL;
- the Decision C(2001)107/FINAL;
- the lists of wastes subject to the Green and Amber control procedures, which have been consolidated for a more convenient use by all persons involved in transboundary movements of wastes;
- the forms for notification and movement documents, which have been revised to be compatible also with the provisions of the Basel Convention and the EEC Council Regulation N° 259/93 on the supervision and control of shipments of waste within, into and out of the European Community; and
- other relevant information to facilitate the implementation of the OECD Decision C(2001)107/FINAL, such as applicable international transport agreements and a sample contract.

Further information related to the work of the OECD on transboundary movements of wastes, as well as this Guidance Manual itself, can be found at the following Internet address:

<http://www.oecd.org/EN/home/0,,EN-home-533-nodirectorate-no-no-no-8,00.html>

Ms Riitta Leinen from the Finnish Ministry of Environment, as a consultant, provided the first draft of this revised Guidance Manual.

Financial support from Germany and the United States made the production of this revised Guidance Manual possible.

Member countries recommended the declassification of this document in October 2002. It is released on the responsibility of the Secretary General of the OECD.

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

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1 Introduction

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

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

The recent developments under the Basel Convention, in particular the adoption of two detailed lists of wastes as new Annexes VIII and IX to the Convention in November 1998, gave impetus to revise the OECD Decision C(92)39/FINAL in order to harmonise procedures and requirements and to avoid duplicate activities with the Basel Convention. This revision resulted in the adoption of Council Decision C(2001)107 on 14 June 2001. An addendum to this Decision, C(2001)107/ADD1, which includes the notification and movement documents and the instructions to complete them, was adopted by the Council on 28 February 2002. Finally, the addendum was incorporated into the Decision as Section C of Appendix 8 and the complete version of the Decision was issued in May 2002 as C(2001)107/FINAL. Provisions of the revised OECD Decision have been harmonised with those of the Basel Convention in particular with regard to the classification of wastes subject to control. However, certain procedural elements of the original OECD Decision C(92)39/FINAL, which do not exist in the Basel Convention, such as time limits for approval process, tacit consent and pre-consent procedures have been retained. The revised OECD Decision is appended in its entirety in Annex A of this Manual.

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

2 Background

2.1 OECD Council Acts preceding the Basel Convention

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

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

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

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

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

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

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

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

2.2 *Basel Convention*

The Basel Convention entered into force on 5 May 1992 when 20 countries had ratified or acceded to the Convention. Since then, the number of countries has gradually been increasing so that, in October 2002, there were 151 countries and the European Community as Parties to the Convention. All OECD Member countries (see AnnexD) are signatories to the Basel Convention and all except one have ratified the Convention, as originally adopted on 22 March 1989.

Since the entry into force of the Basel Convention, the Conference of the Parties has adopted two amendments to the Convention. In 1995, a new Article 4A (hereinafter referred to as the export ban amendment) was introduced prohibiting transboundary movements of hazardous wastes from Parties listed in Annex VII of the Convention to all other countries (Annex VII includes all OECD Member countries, the European Community and Liechtenstein). For further clarification on wastes covered by the Basel Convention, including the export ban amendment, two new detailed waste lists were adopted as Annexes VIII and IX to the Convention in February 1998. The new Annexes became effective in November 1998, but the export ban amendment is not yet in force due to the insufficient number of ratifications. However, the ban has been transposed by a number of Member countries into their national legislation.

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

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

The major changes are as follows:

- The number of different levels of control are reduced from three (Green, Amber, Red) to two (Green, Amber) control procedures.
- The waste lists determining wastes subject to control are harmonised with the Basel Convention. Annexes II, VIII and IX of the Basel Convention replace the OECD green, amber and red lists of wastes. The OECD Green control procedure is applied to Basel Annex IX wastes as well as to some additional wastes which were included in earlier OECD green list of wastes. The OECD Amber control procedure is applied to Basel Annexes II and VIII wastes as well as to some additional wastes which were included in earlier OECD amber and red lists of wastes. However, some adjustments have been made with respect to certain entries in Annexes VIII and IX of the Basel Convention for the purposes of the OECD Decision. (See Section 3.3.1 for further details).
- The OECD Review Mechanism for the revision of the waste lists is eliminated. The amendments to the Basel waste lists agreed to under the Basel Convention will thus, under normal circumstances, be incorporated into the OECD Decision without a separate review procedure within the OECD. However, in exceptional cases and for the purpose of environmentally sound and economically efficient recovery of wastes within the OECD area, Member countries may agree, in accordance with a specific procedure set out in the OECD Decision, to apply a different level of control to certain entries in the Basel waste lists (See Section 3.3.3).
- Most of the basic terms and definitions used in the OECD Decision, such as the terms waste and hazardous waste, are harmonised with those of the Basel Convention. However, for the sake of clarity, the terms disposal and recovery are distinct in the revised OECD Decision, whereas in the Basel Convention, the term disposal covers both disposal and recovery operations (See Section 3.1).
- Some new elements have been added to the OECD Decision in order to further harmonise the procedures with the Basel Convention, such as the provisions concerning the return of wastes (Section 6.8), financial guarantees (Section 5.3) and a requirement for a recovery facility to provide a certificate of recovery after completion of the recovery operation (Section 5.5.4).
- The scope of control has been clarified, for example, with regard to mixtures of wastes (Section 6.2) and movements of wastes for laboratory analysis (Section 6.3).
- The control procedures have been clarified and made more precise, in particular with regard to movements of wastes to pre-consented facilities (Sections 5.1 and 5.4) and to recovery operations R12 and R13 (Section 6.4).

In this context another draft Council Act has also been prepared, aiming at consolidating and updating all OECD Council Acts concerning transboundary movements of wastes referred to in Section 2.1 above, except Decision C(92)39/FINAL, into one Act. However, in the course of preparation of this Act, it became evident that further discussions were required before consensus could be reached. Consequently, a Resolution was prepared, and finally adopted on 25 October 2001 as Council Resolution C(2001)208, instructing the OECD Environment Policy Committee (EPOC) to complete this work as soon as it deems possible. Pending the finalisation of this work, the application of certain reporting and data collection requirements set out in some of these Acts (i.e. C(83)180(Final), C(88)90(Final), and C(89)112(Final)) is suspended.

In the course of this harmonisation and streamlining work, Member countries concluded that further steps should be taken towards harmonisation of the OECD and Basel lists of wastes and, if appropriate, of other relevant international control systems for transboundary movements of wastes. The ultimate goal is to

achieve a globally harmonised control system by working in close co-operation with other international organisations, such as the Basel Convention and the European Union.

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

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

OECD Decisions are legally binding to those Member countries who have agreed to them, pursuant to Article 5(a) of the OECD Convention. Decision C(2001)107/FINAL has been agreed by all thirty Member countries (See Annex D) and is to be implemented and promulgated through national legislation in each Member country. In the Member States of the European Union, the OECD Decision is implemented, to a large extent, through the relevant European Community legislation.

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

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

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

3.1 *What is waste?*

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

The definition of waste is based on the destination of the material, i.e. whether the material is destined for disposal/recovery or not. Contrary to the Basel Convention and the previous OECD Decision

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

C(92)39/FINAL, the revised OECD Decision distinguishes between the terms “disposal” and “recovery”. The disposal operations are specified in Appendix 5.A and recovery operations in Appendix 5.B of the Decision. In the Basel Convention, the term “disposal” covers both disposal and recovery operations.

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

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

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

3.2 *Which transboundary movements are covered?*

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

The OECD Decision is not applicable to the movements of wastes which are destined for recovery within the same Member country and transit through another Member country. Such movements of waste shall be controlled according to relevant national procedures and possible bilateral agreements or arrangements between the countries involved. In the case where the country of transit is not an OECD country, any relevant international control system, such as the Basel Convention, shall apply (see Section 6.6).

3.3 *OECD waste lists*

3.3.1 *Wastes falling under Green and Amber control procedures*

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

- (a) *Wastes falling under the Green control procedure* are listed in Appendix 3 to the OECD Decision (see Annex A). These wastes do not typically exhibit hazardous characteristics and are deemed to pose

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

negligible risks for human health and the environment during their transboundary movement for recovery within the OECD area. The Appendix is divided into two Parts:

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

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

It should be noted that the chapeau attached to Annex IX of the Basel Convention is not applicable to Appendix 3 within the OECD Decision. Consequently, under the OECD Decision, it is possible, though highly unlikely, that a waste listed in Appendix 3 exhibits a hazardous characteristic but still benefits from the Green control procedure when it can be reliably assessed that such a movement of waste does not pose any risk for human health and the environment in accordance with the criteria of Appendix 6 to the OECD Decision. The chapeau, specific to the OECD Decision, is included in Appendix 3 as the heading for all wastes subject to the Green control procedure and indicates that a waste may not be subject to the Green control procedure if it is contaminated by other materials to an extent which:

- sufficiently increases the risk associated with the waste to render it appropriate for submission to the Amber control procedure, when taking into account the criteria in Appendix 6 to the OECD Decision, or
 - prevents the environmentally sound recovery of the waste.
- (b) **Wastes falling under the Amber control procedure** are listed in Appendix 4 to the OECD Decision (see Annex A). These wastes usually, but not always, exhibit one or more hazardous characteristic(s). Due to their hazardousness or other reason referred to in Appendix 6 to the OECD Decision, they may pose a risk for human health and the environment during their transboundary movement for recovery within the OECD area and are therefore subject to specific control procedures under the OECD Decision. The Appendix is divided into two Parts:

- **Part I** includes the wastes listed in Annexes II and VIII of the Basel Convention. Annex II refers to categories of wastes requiring special consideration under the Convention and contains two entries: Y46 - Wastes collected from households - and Y47 - Residues arising from the incineration

of household wastes³. Annex VIII is a list of wastes characterised as hazardous pursuant to Article 1(1)a of the Basel Convention. The entries in Annex VIII are identified by a 5-digit code number consisting of the letter A and four numbers (e.g. A1010), in accordance with the coding system of the Basel waste lists. However, some adjustments have been made in respect to certain entries of Annex VIII for the purposes of the OECD Decision.

- **Part II** contains additional wastes subject to the Amber control procedure, which, according to a number of risk criteria (see Appendix 6 to the OECD Decision) are assessed to pose a risk for human health and the environment when destined for recovery within the OECD area. These entries are not listed under the Basel Convention but they were included in the earlier amber or red lists of wastes of Decision C(92)39/FINAL. The entries included in this Part are identified by a 5-digit code number consisting of two letters (the first letter being A for “Amber” or R “Red”) and three numbers (e.g. AB030), in accordance with the coding system used in Decision C(92)39/FINAL.

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

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

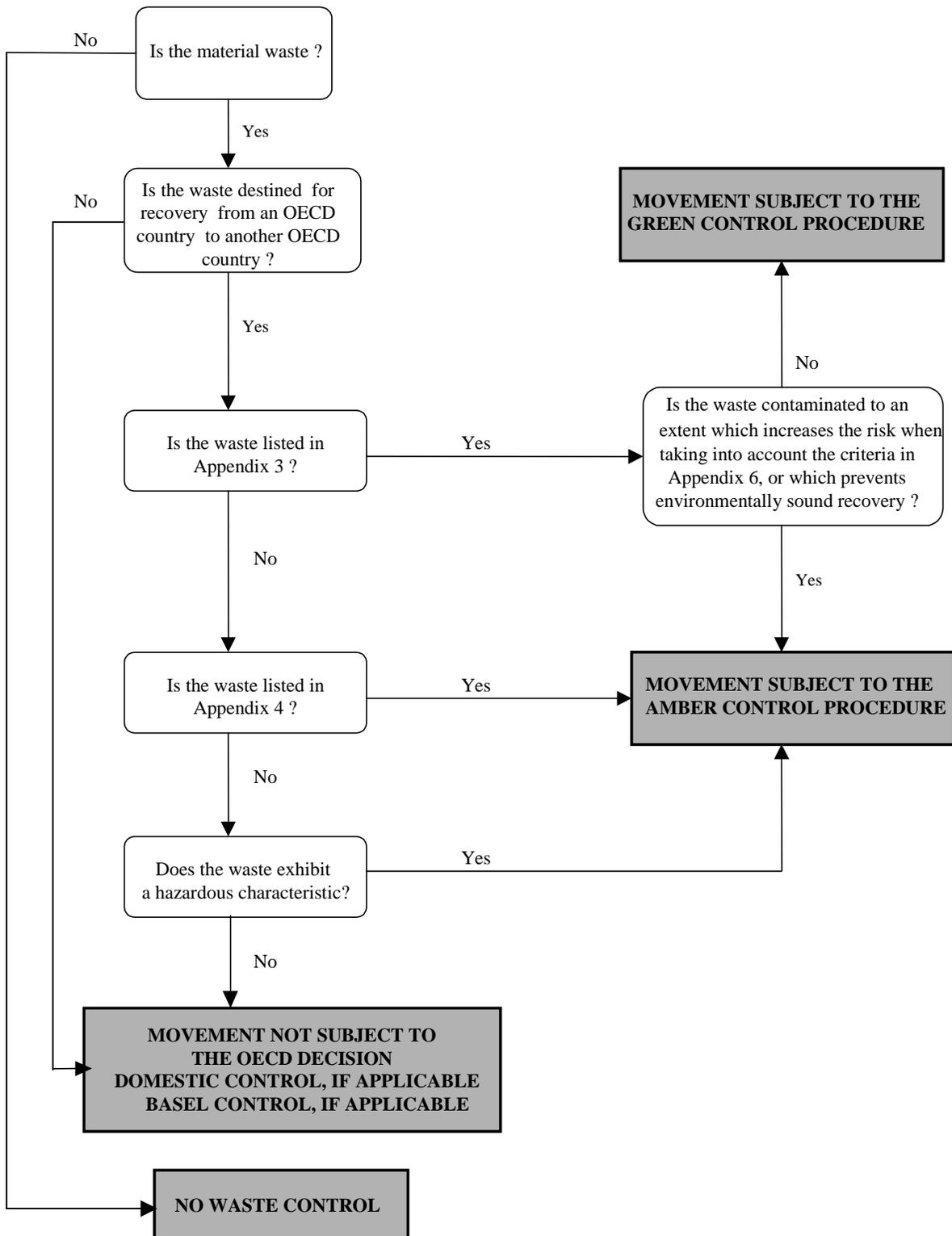
The level of control applied to the wastes listed in Appendices 3 and 4 to the OECD Decision has been commonly agreed by all OECD Member countries. However, on a case by case basis and in exceptional circumstances, a different level of control may be applied by a Member country, according to its domestic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

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

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

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

Figure 1 - Identification of wastes subject to the OECD Decision



3.3.2 *Wastes not appearing on OECD waste lists*

The OECD waste lists are not exhaustive, i.e. they do not list all possible types of wastes. In the case where a Member country identifies wastes which are destined for recovery operations within the OECD area but have not yet been listed in the OECD waste lists, such country is requested, if appropriate, to make applications to the Basel Convention in order to amend the relevant Annexes of the Basel Convention. The amendments made to the waste lists of the Basel Convention will subsequently be incorporated into the OECD Decision, in accordance with the procedure described below in section 3.3.3.

Pending assignment to a list, domestic legislation of the countries concerned shall regulate the transboundary movements of such unlisted wastes. However, if the waste exhibits any of the hazardous characteristics listed in Appendix 2 to the OECD Decision, as determined by using national procedures, it shall fall under the Amber control procedure. If only one country involved in the movement of waste considers the waste to be hazardous, the responsibilities under the Amber control procedure shift to the relevant parties in that country, in accordance with the “*mutatis mutandis*” principle (see section 6.1 for further details).

3.3.3 *Procedure for amending the OECD waste lists (See Figure 2)*

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

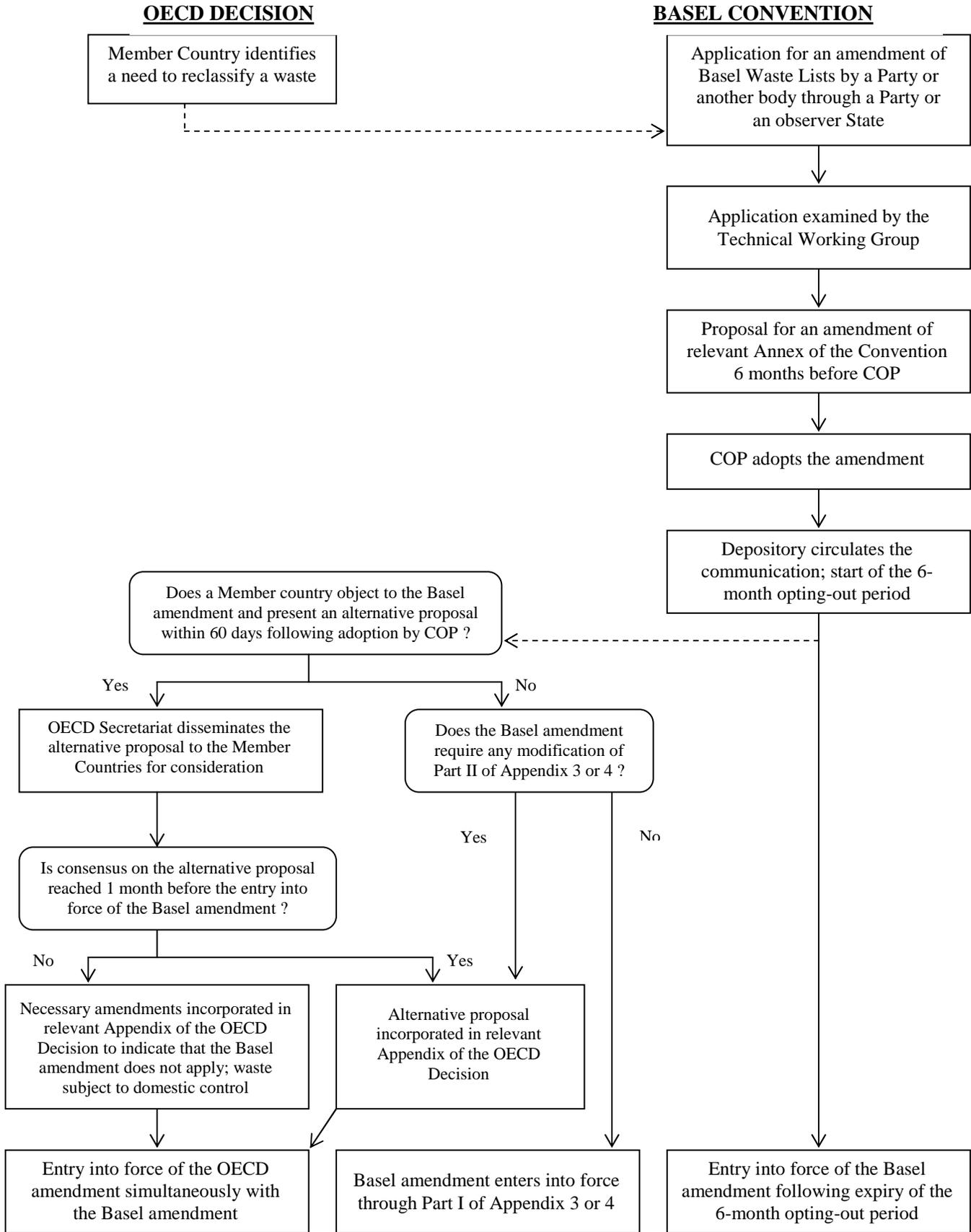
Since the purpose of the OECD Decision is to harmonise its waste lists with those of the Basel Convention, amendments made to Annexes of the Convention will also be incorporated in the relevant Appendices to the OECD Decision:

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

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

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

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

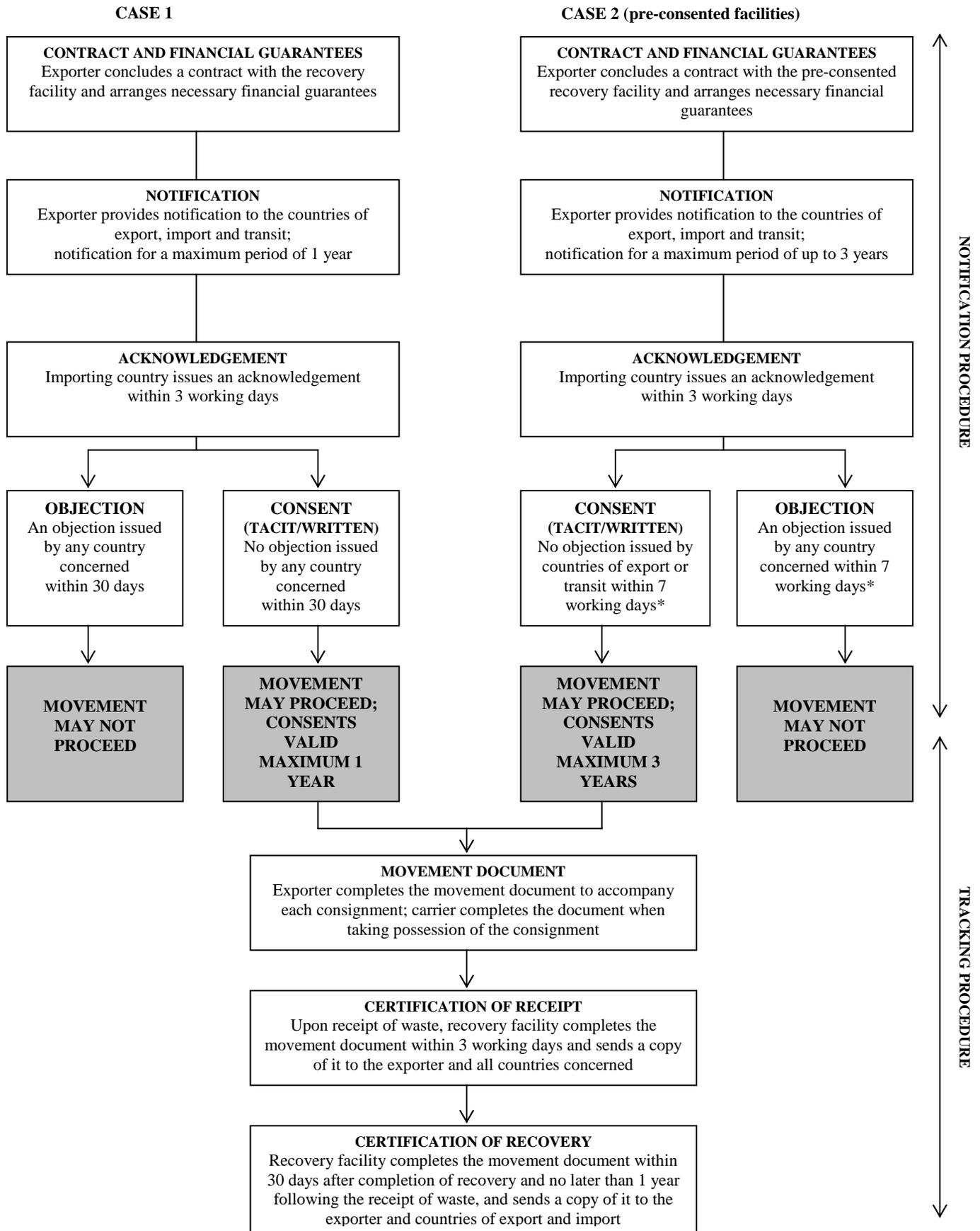


4 Green control procedure

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

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

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



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

5 Amber control procedure

5.1 Main features of Case 1 and Case 2 control procedures

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

Two cases exist within the Amber control procedure according to the type of facility to which wastes are destined. To a large extent, these two cases are identical but they differ at a few stages of the notification procedure (see Figure 3):

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

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

Case 2: transboundary movements to pre-consented recovery facilities

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

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

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

5.2 *Contracts*

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

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

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

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

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

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

5.3 *Financial guarantees*

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

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

5.4 *Notification procedure*

5.4.1 *Purpose of the notification procedure*

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

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

5.4.2 *Who has the responsibility to notify?*

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

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

concerned, acts in the role of principal to purchase and subsequently sell wastes. See section 6.5 for further details on recognised traders.

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

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

5.4.3 *Notification document*

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

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

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

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

5.4.4 *Acknowledgement*

Upon receipt of the duly completed notification, the competent authority of the country of import shall transmit an acknowledgement to the exporter with a copy to the competent authorities of all other countries

concerned within three (3) working days of receipt of the notification. Block 19 of the OECD notification form must be completed for acknowledgement.

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

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

5.4.5 *Consent or objection by competent authorities*

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

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

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

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

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

Any ***objection*** by any of the competent authorities of the countries concerned must be provided in writing to the exporter and to the competent authorities of all other countries concerned within the consideration period. The objection shall be indicated in block 20 of the OECD notification form. Block 21 or a separate

letter may be used to give reasons for the objection. If an objection is lodged by any of the countries concerned, the shipment may not proceed. In the case of an objection by a transit country, the exporter may either cancel the export or find an alternative route that is accepted by all relevant competent authorities. If the reason for the objection is later eliminated, some countries may accept lifting the objection on the basis of the earlier notification. However, some other countries may require that a new notification be made for the transboundary movement.

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

The consent may be given for a single movement of waste or for several shipments notified under a general notification. ***As a general rule, the consent expires within one year from the end of the consideration period***, unless otherwise specified in the consent. However, in the Case 2 procedure the consent may be given for a maximum period of three years. The consent granted on the basis of a general notification may be revoked at any time by any of the competent authorities concerned. The revocation shall be accomplished by means of an official notice to the exporter with copies to the other competent authorities concerned.

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

5.4.6 *Conditions for consenting to a transboundary movement*

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

In particular, the competent authorities shall ensure that the movement is approved only if the waste is destined to a recovery facility in an OECD Member country which will recover the wastes in an environmentally sound manner according to national laws, regulations and practices to which the facility is subject. It should be noted that in the absence of internationally agreed criteria, the requirements for an Environmentally Sound Management of wastes (ESM) as well as the approaches taken to ensure ESM vary greatly among OECD countries⁴.

4. The OECD is currently developing a comprehensive programme for ESM. The scope and content of this programme are still under development. Most likely it would consist of several components, one focusing on enhancing industry progress toward sustainable practices by emphasising the use of existing Environmental Management Systems (EMS), such as ISO 14 000 series and the European Community Eco-Management and Audit Scheme (EMAS). Another component would possibly consist of ESM guidelines, including "core performance elements," to be used in conjunction with EMS, specifically relating to management activities of wastes and used and scrap materials.

5.5 *Tracking procedure*

5.5.1 *Movement document*

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

The movement document facilitates the identification of the waste as well as of the responsible parties and competent authorities to be contacted at any time, for example at the border control or other control points along transport routes, or in case of accident or other incident during the transport of the waste. It is also an important tool for competent authorities to follow-up the different stages of the waste shipment and to ensure that it is carried out in accordance with the information given in the notification and possible conditions set out in their consents.

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

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

5.5.2 *Responsible parties in the circulation of the movement document*

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

- **The exporter** shall complete and sign the movement document and provide all other required documentation at the time when the shipment commences. By signing the movement document, the exporter certifies that the given information is complete and correct to his/her best knowledge, legally-enforceable written contractual obligations have been entered into, any applicable insurance or other financial guarantee is in force covering the transboundary movement, and all necessary consents have been received from the competent authorities of the countries concerned. A copy of the signed movement document is to be retained by the exporter.

- **Each carrier or** carrier's representative shall complete and sign the movement document when taking possession of the waste. The carrier must retain a photocopy of the movement document giving appropriate information on the subsequent carrier to whom the consignment was released.
- **The recovery facility** shall, by completing and signing the appropriate blocks of the movement document, certify receipt (see section 5.5.3) then recovery (see section 5.5.4) of the waste to the exporter and the relevant competent authorities concerned. The original movement document is to be retained by the recovery facility for three years.

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

5.5.3 *Certification of receipt*

Upon receipt of a consignment at the designated recovery facility, a duly authorised representative of the facility must certify receipt of the consignment by completing block 17 of the OECD movement form which accompanies the waste. A signed copy of the completed form is given to the last carrier. Within three working days of receipt of the consignment, the recovery facility shall forward signed copies of the movement document form to the exporter and the competent authorities of the countries of export, import and transit. The recovery facility must retain the original of the movement document for three years counting from the date of certification of receipt of the waste.

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

5.5.4 *Certification of recovery*

Once the recovery of waste is completed, a duly authorised representative of the recovery facility must certify that the recovery has been completed by filling in block 18 of the OECD movement form and sending signed copies of it to the exporter and to the competent authorities of the countries of export and import. Certification shall be provided as soon as possible, but no later than thirty days after the completion of recovery and no later than one calendar year following the receipt of waste. In practice, this time limit requires the recovery facility to ensure that the waste is processed as soon as possible and no later than one year after the receipt of waste.

6 **Other issues of importance**

6.1 *Classification and interpretation differences between Member countries*

6.1.1 *Reasons for differences*

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

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

6.1.2 How to deal with differences?

Member countries shall inform the OECD secretariat of their decision, made in accordance with Sections B(3) and B(4) of the OECD Decision, to apply a different level of control. They shall specify the wastes concerned, relevant legislative requirements and, if applicable, information on the use of certain tests and testing procedures in order to determine whether a waste exhibits one or more of the hazardous characteristics. This information shall also be made available to other Member countries through a specific Internet system developed by the OECD Secretariat (see section 6.9).

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

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

the country of export, through negotiations or by some other means, arrange that the notification be provided to the competent authority of the country of transit in accordance with the OECD Decision.

6.2 *Mixtures of wastes*

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

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

- a mixture of two or more Green wastes shall be subject to the Green control procedure;
- a mixture of a Green waste and more than a *de minimis* amount of an Amber waste, or a mixture of two or more Amber wastes, shall be subject to the Amber control procedure. The interpretation of the term “a *de minimis* amount”, in absence of internationally accepted criteria, is to be defined according to national regulations and procedures.

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

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

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

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

6.3 *Transboundary movements for laboratory analysis*

For wastes, that are normally subject to the Amber control procedure but explicitly destined for laboratory analysis in order to assess their physical or chemical characteristics or to determine their suitability for

recovery operations, Member countries may decide, by domestic legislation, that the Amber control procedure shall not apply to such wastes when moved within the OECD area. In this case, the Green Control procedure applies.

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

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

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

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

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

6.4 Transboundary movements to recovery operations R12 or R13

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

These operations are:

- R12: Exchange of wastes for submission to any of the operations numbered R1-R11 and
- R13: Accumulation of material intended for any operation in Appendix 5.B.

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

Transboundary movements of wastes destined for R12/R13 operations shall be notified and controlled in accordance with the normal Amber control procedure described above. In addition, the foreseen recovery

facility or facilities where the subsequent R1-R11 recovery takes place shall be indicated in the notification document.

In accordance with the Amber control procedure, the R12/R13 recovery facility shall certify the receipt of waste by sending a copy of the duly completed movement document within three (3) working days of the receipt of the wastes to the exporter and all competent authorities concerned. Similarly, the R12/R13 recovery facility has to certify the completion of the R12/R13 recovery operation by filling in Block 18 of the Movement Document. The facility shall then send a copy of the completed document to the exporter and the competent authorities of the countries of export and import as soon as possible but no later than thirty (30) days after the completion of the R12/R13 recovery operation, and no later than one (1) calendar year following the receipt of the waste. In practice, this means that the waste may not stay at the R12/R13 facility more than one calendar year before submission to an R1 – R11 operation.

The control procedures applied to movements of waste from an R12/R13 recovery facility to a subsequent R1- R11 recovery facility vary depending on whether these facilities are located within the same Member country or in different Member countries:

- When they are located *within the same country*, the R12/R13 recovery facility shall obtain from the subsequent R1-R11 facility a certification that the “final” recovery of the waste at that facility has been completed. The format of the certification of recovery by the R1-R11 facility is not fixed but it shall in any case identify the code number of the notification document and serial number of the movement documents to which it pertains. The R12/R13 facility shall transmit this certification to the competent authorities of the countries of import and export as soon as possible but no later than one calendar year following delivery of the waste to R1-R11 operation.
- When recovery facilities are located in *different Member countries*, a new notification shall be made for the transboundary movement of waste by the R12/R13 facility. The applicable procedures differ according to the country where the final recovery operation takes place, as follows:
 - i) if the final recovery facility is located in the initial country of export, then the Amber control procedure shall apply;
 - ii) if the final recovery facility is located in another country than the initial country of export, then the Amber control procedure shall also apply, but with the following additional provision which is the same as in the case of re-export of a waste to a third country (see section 6.8): the competent authority of the initial country of export shall also be notified of the transboundary movement. This authority may also object to the re-export if the movement does not comply with the requirements set out by its domestic law.

6.5 Recognised traders

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

A recognised trader may also act as an exporter or importer of wastes. In this case, the recognised trader shall assume all the responsibilities set out by the OECD Decision and assigned to the exporter or importer. When acting as an exporter, the recognised trader shall be located in the country of export. Also, a notification document concerning the transboundary movement of waste shall include a signed declaration by the exporter that the appropriate contracts are in place and are legally enforceable in all countries

concerned. The purpose of this requirement is to ensure that a liable party can be identified at any given moment for possible adverse consequences resulting from mishandling, accident or any unforeseeable incident during a particular transboundary movement of waste.

6.6 *Transit through a non-OECD country*

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

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

6.7 *International transport rules*

For all wastes subject to the OECD Decision, packing, labelling and transport of the wastes must be arranged in accordance with generally accepted and recognised international rules, standards and practices and any applicable international transport agreements. The UN publication, “United Nations Recommendations on the Transport of Dangerous Goods” (11th revised edition, UN, New York, October 1999), provides basic details on these requirements. A list of international transport agreements for various modes of transport is included in Annex E of this Manual.

6.8 *Duty to return or re-export*

The revised OECD decision contains more precise provisions than the earlier Decision C(92)39/FINAL on measures to be taken in case a transboundary movement of waste subject to the Amber control procedure cannot be completed as intended, i.e. not in accordance with the notification, consents given by competent authorities or the terms of the contract. There may be different reasons for such an incident, for example, an accident during the transport of waste, discovery that the waste does not conform with the specifications of the notification or the contract, or any illegal action taken by any of the persons involved in the movement of waste.

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

In case *the incident takes place in the country of import*, the competent authority of that country shall immediately inform the competent authority of the country of export. First, alternative arrangements should be looked for in order to recover the wastes in an environmentally sound manner in the country of

import. If this is not feasible, the waste should be returned to the country of export or re-exported to a third country:

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

If *the incident takes place in the country of transit*, the competent authority of the country of transit shall immediately inform the competent authorities of the countries of export and import and any other countries of transit. First, the exporter should endeavour for arrangements so that the waste is still recovered in an environmentally sound manner in the recovery facility of the importing country to where it was originally destined. If this is not feasible, the waste should be returned to the country of export within ninety (90) days from the time when the country of export was informed about the incident or such other period of time as the concerned countries agree. The competent authorities of the country of export and other countries of transit shall be informed about the return but they shall not oppose or prevent the return of the wastes.

6.9 Practical information to be provided by Member countries

For the efficient and effective implementation of the OECD Decision throughout the OECD area, a substantial amount of information is needed on the practical issues related to the implementation of the OECD Decision in Member countries. For example, Member countries are to designate competent authorities and contact points for the purpose of the OECD Decision, as well as to provide information on pre-consented facilities. The OECD Decision also includes a number of provisions which may differ between countries according to specific national regulations, for example, classification of wastes, contractual requirements, requirements on financial guarantees, prohibitions, and a number of detailed requirements related to the control procedure. The requirements for such practical information are listed in detail in Appendix 7 to the OECD Decision.

Member countries are requested to make this practical information available to other Member countries, and to keep the information updated. For this purpose, an interactive information database has been created on the public website of the OECD Environment Directorate and is available at the following address: www.oecd.org/env/waste/. The database gathers all necessary information by country for an easy implementation of the OECD Decision. Each country is responsible for entering and regularly updating its own data.

ANNEX A: OECD DECISION C(2001)107/FINAL

NOTE

Decision C(2001)107/FINAL has been adopted in two steps:

- First, Decision C(2001)107 was adopted by the OECD Council on 14 June 2001 at its 1007th Session, without Section C of Appendix 8 to the Decision, which was still being developed.
- Second, the completed Section C of Appendix 8 was adopted by the OECD Council as Addendum 1 to Decision C(2001)107 [C(2001)107/ADD1], on 28 February 2002 at its 1024th session. It includes the notification and movement documents and the instructions to complete them.

Finally, Section C of Appendix 8 was incorporated into Decision C(2001)107, to form one single Decision which was released in May 2002 as Decision C(2001)107/FINAL.

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

THE COUNCIL,

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

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

On the proposal of the Environment Policy Committee:

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

CHAPTER I:

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

CHAPTER II

A. DEFINITIONS

For the purposes of this Decision:

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

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

B. GENERAL PROVISIONS

(1) Conditions

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

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

(2) Control procedures

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

a) Green control procedure:

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

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

The Green control procedure is described in Section C.

b) Amber control procedure:

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

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

The Amber control procedure is described in Section D.

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

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

In exceptional cases:

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

- b) The notification of an objection to the OECD Secretariat suspends the incorporation of the waste(s) concerned into the relevant appendix to this Decision. Pending examination of the objection by the appropriate OECD body, the waste(s) concerned shall be subject to the provisions of Section 6 (b) and 6 (c) hereunder.
- c) The appropriate OECD body shall promptly examine the objection and the related alternative proposal and shall reach a conclusion one month before the Amendment becomes effective for the Parties to the Basel Convention.
- d) If consensus is reached within the appropriate OECD body during that period, the relevant Appendix to this Decision will be modified as appropriate. Any modification becomes effective on the same date on which the amendment to the Basel Convention becomes effective for the Parties to the Convention.
- e) If no consensus is reached within the appropriate OECD body during that period, the Amendment will not be applied within the OECD Control System. With respect to the waste(s) concerned, the relevant appendix to this Decision will be modified as appropriate. Each Member country retains its right to control such waste(s) in conformity with its domestic legislation and international law.

(4) Provision for specific national control

- a) This Decision does not prejudice the right of a Member country to control, on an exceptional basis, certain wastes differently, in conformity with domestic legislation and the rules of international law, in order to protect human health and the environment.
- b) Thus, a Member country may control wastes subject to the Green control procedure as if those wastes had been subject to the Amber control procedure.
- c) A Member country may, in conformity with domestic legislation, legally define or consider a waste subject to the Amber control procedure as subject to the Green control procedure because it does not exhibit any of the hazardous characteristics listed in Appendix 2 of this Decision, as determined using national procedures¹
- d) In the case of a transboundary movement of wastes where the wastes are legally defined as, or considered to be, wastes subject to the Amber control procedure only by the country of import, the requirements of section D that apply to the exporter and the country of export, shall apply mutatis mutandis to the importer and the country of import, respectively.

(5) Information requirements

Any Member country exercising the right to apply a different level of control shall immediately inform the OECD secretariat citing the specific waste(s) and applicable legislative requirements. Member countries which prescribe the use of certain tests and testing procedures in order to determine whether a waste exhibits one or more of the hazardous characteristics listed in

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

Appendix 2 of this Decision shall also inform the OECD secretariat concerning which tests and testing procedures are being so utilised; and, if possible, which wastes would or would not be legally defined or considered to be hazardous wastes based upon application of these national procedures. All the above information requirements are specified in Appendix 7 to this Decision.

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

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

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

(7) Generator of mixed or transformed waste

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

(8) Procedures for mixtures of wastes

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

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

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

C. GREEN CONTROL PROCEDURE

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

Regardless of whether or not wastes are included on the list of wastes subject to the Green control procedure (Appendix 3), they may not be subject to the Green control procedure if they are contaminated by other materials to an extent which (a) increases the risks associated with the wastes sufficiently to render them appropriate for submission to the Amber control procedure, when taking into account the criteria in Appendix 6 to this Decision, or (b) prevents the recovery of the wastes in an environmentally sound manner.

D. AMBER CONTROL PROCEDURE**(1) Conditions****(a) Contracts**

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

The contracts shall:

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

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

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

(b) Financial Guarantees

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

(c) Transboundary Movements of Amber Wastes for Laboratory Analysis

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

(2) **Functioning of the Amber control procedure:**

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

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

Case 2: transboundary movements to pre-consented recovery facilities

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

- (a) Prior to commencement of each transboundary movement of wastes, the exporter shall provide written notification ("**single notification**") to the competent authorities of the countries concerned. The notification document shall include all of the information listed in Appendix 8.A to this Decision. In accordance with domestic laws, the competent authorities of the country of export, instead of the exporter, may themselves transmit this notification.
- (b) In instances where competent authorities acting under the terms of their domestic laws are required to review the contracts referred to in section D. (1) above, the contract(s) or portions thereof to be reviewed must be sent together with the notification document in order that such review may be appropriately performed.
- (c) The competent authorities of the countries concerned may request additional information if the notification is not complete. Upon receipt of the complete notification document referred to in paragraph (a) above, the competent authorities of the country of import and, if applicable, of the country of export shall transmit an **acknowledgement** to the exporter with a copy to the competent authorities of all other countries concerned within three (3) working days of the receipt of the notification.

- (d) The competent authorities of the countries concerned shall have **thirty (30) days to object**, according to their domestic laws, to the proposed transboundary movement of wastes. The thirty (30)-day period for possible objection shall commence upon issuance of the acknowledgement of the competent authority of the country of import.
- (e) **Any objection** by any of the competent authorities of the countries concerned must be provided in writing to the exporter and to the competent authorities of all other countries concerned within the thirty (30)-day period.
- (f) If no objection has been lodged (**tacit consent**), the transboundary movement of wastes may commence after this thirty (30)-day period has passed. Tacit consent expires within one (1) calendar year from the end of the thirty (30)-day period.
- (g) In cases where the competent authorities of the countries concerned do not object and decide to provide **written consent**, it shall be issued within the thirty (30)-day period commencing upon issuance of the acknowledgement of the receipt of notification by the competent authority of the country of import. The transboundary movement of wastes may commence after all consents are received. Copies of the written consent(s) shall be sent to competent authorities of all countries concerned. Written consent is valid for up to one (1) calendar year from the date of its issuance.
- (h) Objection or written consent may be provided by post, e-mail with a digital signature, e-mail without digital signature followed by post, or telefax followed by post.
- (i) The transboundary movement of wastes may only take place during the period when the consents of all competent authorities (tacit or written consent) are valid.
- (j) Each transboundary movement of wastes shall be accompanied by a **movement document** which includes the information listed in Appendix 8.B to this Decision.
- (k) Within three (3) days of the receipt of the wastes by the recovery facility, the recovery facility shall return **a signed copy of the movement document** to the exporter and to the competent authorities of the countries of export, transit and import. Those countries of transit that do not wish to receive a signed copy of the movement document shall inform the OECD Secretariat. The recovery facility shall retain the original of the movement document for three (3) years.
- (l) As soon as possible, but no later than thirty (30) days after the completion of recovery and no later than one (1) calendar year following the receipt of the waste, the recovery facility shall send **a certificate of recovery** to the exporter and to the competent authorities of the countries of export and import by post, e-mail with a digital signature, email without digital signature followed by post, or telefax followed by post.
- (m) In cases where essentially similar wastes (e.g. those having essentially similar physical and chemical characteristics) are to be sent periodically to the same recovery facility by the same exporter, the competent authorities of the countries concerned may elect to accept one "**general notification**" for such multiple shipments for a period of up to one year. Each shipment must be accompanied by its own movement document, which includes the information listed in Appendix 8.B to this Decision.
- (n) Revocation of the acceptance in (m) above may be accomplished by means of an official notice to the exporter from any of the competent authorities of the countries concerned.

Notice of revocation of acceptance for transboundary movements previously granted under this provision shall be given to the competent authorities of all countries concerned by the competent authorities of the country that revokes such acceptance.

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

- (a) Competent authorities having jurisdiction over specific recovery facilities in the country of import may decide not to raise objections concerning transboundary movements of certain types of wastes to a specific recovery facility (**pre-consented recovery facility**). Such decisions can be limited to a specified period of time and can be revoked at any time.
- (b) Competent authorities that elect this option shall inform the OECD secretariat of the recovery facility name, address, technologies employed, waste types to which the pre-consent applies, and the period covered. The OECD secretariat must also be notified of any revocations.
- (c) For all transboundary movements of wastes to such facilities paragraphs (a), (b) and (c) of Case 1 shall apply.
- (d) The competent authorities of the countries of export and transit shall have seven (7) working days to object, according to their domestic laws, to the proposed transboundary movement of wastes. The seven (7) working days period for possible objection shall commence upon issuance of the acknowledgement of the competent authority of the country of import. In exceptional cases where the competent authority of the country of export needs more than seven (7) working days in order to receive additional information from the exporter as necessary to meet the requirements of its domestic law, it may inform the exporter within the seven (7) working days that additional time is needed. This additional time may be up to thirty (30) days starting from the day of the issuance of the acknowledgement of the competent authority of the country of import.
- (e) Paragraphs (e), (f) and (g) of Case 1 shall apply with a period of seven (7) working days instead of thirty (30) days but for the exceptional cases mentioned in paragraph (d) above, in which case the period shall remain thirty (30) days.
- (f) Paragraphs (h), (i), (j), (k) and (l) of Case 1 shall apply.
- (g) In the case of the acceptance of a general notification, paragraph (m) of Case 1 shall apply with the exception that the shipments can cover a period of up to three (3) years. For the revocation of this acceptance, paragraph (n) in Case 1 shall apply.

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

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

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

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

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

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

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

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

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

(5) Provisions relating to recognised traders

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

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

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

- (a) If wastes are destined for a facility or facilities where a R12 or R13 recovery operation as designated in Appendix 5.B to this Decision takes place, the recovery facility or facilities where the subsequent R1-R11 recovery operation as designated in Appendix 5.B takes place or may take place, shall also be indicated in the notification document.
- (b) Within three (3) days of the receipt of the wastes by the R12/R13 recovery facility or facilities, the facilit(y)ies shall return a signed copy of the movement document to the exporter and to the competent authorities of the countries of export and import. The facilit(y)ies shall retain the original of the movement document for three (3) years.
- (c) As soon as possible but no later than thirty (30) days after the completion of the R12/R13 recovery operation and no later than one (1) calendar year following the receipt of the waste, the R12 or R13 facilit(y)ies shall send a certificate of recovery to the exporter and to the competent authorities of the countries of export and import by post, e-mail with a digital signature, email without digital signature followed by post, or telefax followed by post.
- (d) When an R12/R13 recovery facility delivers wastes for recovery to an R1-R11 recovery facility located in the country of import, it shall obtain as soon as possible but no later than one calendar year following delivery of the waste, a certification from the R1-R11 facility that recovery of the wastes at that facility has been completed. The R12/R13 facility shall promptly transmit the applicable certification(s) to the competent authorities of the countries of import and export, identifying the transboundary movements to which the certification(s) pertain.
- (e) When an R12/R13 recovery facility delivers wastes for recovery to an R1-R11 recovery facility located:
 - i) in the initial country of export, a new notification is required in accordance with Section D. (2); or
 - ii) in a third country other than the initial country of export, a new notification is required in accordance with Section D. (3)(b).

**Appendix 1:
Categories of Wastes to be Controlled³**

Waste streams:

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

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

Wastes having as constituents:

- Y19 Metal carbonyls
- Y20 Beryllium; beryllium compounds
- Y21 Hexavalent chromium compounds
- Y22 Copper compounds
- Y23 Zinc compounds
- Y24 Arsenic; arsenic compounds
- Y25 Selenium; selenium compounds
- Y26 Cadmium; cadmium compounds
- Y27 Antimony; antimony compounds
- Y28 Tellurium; tellurium compounds
- Y29 Mercury; mercury compounds
- Y30 Thallium; thallium compounds
- Y31 Lead; lead compounds
- Y32 Inorganic fluorine compounds excluding calcium fluoride
- Y33 Inorganic cyanides
- Y34 Acidic solutions or acids in solid form
- Y35 Basic solutions or bases in solid form
- Y36 Asbestos (dust and fibres)
- Y37 Organic phosphorous compounds
- Y38 Organic cyanides
- Y39 Phenols; phenol compounds including chlorophenols
- Y40 Ethers
- Y41 Halogenated organic solvents
- Y42 Organic solvents excluding halogenated solvents
- Y43 Any congener of polychlorinated dibenzo-furan
- Y44 Any congener of polychlorinated dibenzo-p-dioxin
- Y45 Organohalogen compounds other than substances referred to in this Appendix (e.g. Y39, Y41, Y42, Y43, Y44)

**Appendix 2:
List of Hazardous Characteristics⁴**

Code⁵ Characteristics

H1: Explosive

An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.

H3: Flammable Liquids

The word "flammable" has the same meaning as "inflammable". Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc. but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5°C, closed-cup test, or not more than 65.6°C, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition.)

H4.1: Flammable Solids.

Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.

H4.2: Substances or Wastes Liable to Spontaneous Combustion.

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

H4.3: Substances or Wastes which, in Contact with Water, Emit Flammable Gases.

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

H5.1: Oxidising.

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

H5.2: Organic Peroxides.

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

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4. Codes and hazardous characteristics are identical to those in Annex III of the Basel Convention.
 5. Corresponds to hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods (11th Revised Edition, UN, New York, October 1999) for H1 through H9; omissions of H2, H7 and H9 are deliberate. Codes H10-H13 correspond to UN class 9.

H6.1: Poisonous (Acute)

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

H6.2: Infectious Substances

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

H8: Corrosives

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

H10: Liberation of Toxic Gases in Contact with Air or Water

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

H11: Toxic (Delayed or Chronic)

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

H12: Ecotoxic

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

H13:

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

Tests

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

**Appendix 3:
List of Wastes Subject to the Green Control Procedure**

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

Part I:

Wastes listed in Annex IX of the Basel Convention.

For the purposes of this Decision:

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

Part II:

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

Metal and Metal-Alloy Wastes in Metallic, Non-Dispersible⁶ Form

GA300 ex 811220 Chromium waste and scrap

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

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

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

Other Wastes Containing Metals

- GC010** Electrical assemblies consisting only of metals or alloys.
- GC020** Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery.
- GC030** ex 890800 Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste
- GC040** ex 8701-05 Motor vehicle wrecks, drained of liquids
ex 8709-11
- GC050** Spent Fluid Catalytic Cracking (FCC) Catalysts (e.g.: aluminium oxide, zeolites)

The following metal and metal alloy wastes in metallic dispersible form:

- GC090** Molybdenum
- GC100** Tungsten
- GC110** Tantalum
- GC120** Titanium
- GC130** Niobium
- GC140** Rhenium

Glass Waste in Non-dispersible Form

- GE020** ex 7001 Glass Fibre Waste
ex 701939

Ceramic Wastes in Non-Dispersible Form

- GF010** Ceramic wastes which have been fired after shaping, including ceramic vessels (before and/or after use)

Other Wastes Containing Principally Inorganic Constituents, Which May Contain Metals and Organic Materials

- GG030** ex 2621 Bottom ash and slag tap from coal fired power plants
- GG040** ex 2621 Coal fired power plants fly ash
- GG160** Bituminous materials (asphalt waste) from road construction and maintenance, not containing tar

Solid Plastic Wastes

GH013 391530 Polymers of vinyl chloride
ex 390410-40

Textile Wastes

GJ140 ex 6310 Waste textile floor coverings, carpets

Wastes Arising from Agro-Food Industries

GM140 ex 1500 Waste edible fats and oils of animal or vegetable origin (e.g. frying oils)

Wastes Arising from Tanning and Fellingmongery Operations and Leather Use

GN010 ex 050200 Waste of pigs', hogs' or boars' bristles and hair or of badger hair and other brush making hair

GN020 ex 050300 Horsehair waste, whether or not put up as a layer with or without supporting material

GN030 ex 050590 Waste of skins and other parts of birds, with their feathers or down, of feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation

**Appendix 4:
List of Wastes Subject to the Amber Control Procedure**

Part I:

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

For the purposes of this Decision:

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

Part II:

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

Metal Bearing Wastes

AA010	261900	Dross, scalings and other wastes from the manufacture of iron and steel ⁷
AA060	262050	Vanadium ashes and residues ⁷
AA190	810420 ex 810430	Magnesium waste and scrap that is flammable, pyrophoric or emits, upon contact with water, flammable gases in dangerous quantities

Wastes Containing Principally Inorganic Constituents, Which May Contain Metals and Organic Materials

AB030	Wastes from non-cyanide based systems which arise from surface treatment of metals
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7. This listing includes wastes in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.

AB070		Sands used in foundry operations
AB120	ex 281290 ex 3824	Inorganic halide compounds, not elsewhere specified or included
AB130		Used blasting grit
AB150	ex 382490	Unrefined calcium sulphite and calcium sulphate from flue gas desulphurisation (FGD)

Wastes Containing Principally Organic Constituents, Which May Contain Metals and Inorganic Materials

AC020		Bituminous materials (asphalt waste) not elsewhere specified or included
AC060	ex 381900	Hydraulic fluids
AC070	ex 381900	Brake fluids
AC080	ex 382000	Antifreeze fluids
AC150		Chlorofluorocarbons
AC160		Halons
AC170	ex 440310	Treated cork and wood wastes
AC250		Surface active agents (surfactants)
AC260	ex 3101	Liquid pig manure; faeces
AC270		Sewage sludge

Wastes Which May Contain either Inorganic or Organic Constituents

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

Wastes Containing Principally Inorganic Constituents, Which May Contain Metals and Organic Materials

RB020	ex 6815	Ceramic based fibres of physico-chemical characteristics similar to those of asbestos
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**Appendix 5.A:
Disposal Operations⁸**

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

- D1 Deposit into or onto land, (e.g., landfill, etc.)
- D2 Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)
- D3 Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
- D4 Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)
- D5 Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D6 Release into a water body except seas/oceans
- D7 Release into seas/oceans including sea-bed insertion
- D8 Biological treatment not specified elsewhere in this Appendix which results in final compounds or mixtures which are discarded by means of any of the operations in Appendix 5.A
- D9 Physico chemical treatment not specified elsewhere in this Appendix which results in final compounds or mixtures which are discarded by means of any of the operations in Appendix 5.A, (e.g., evaporation, drying, calcination, etc.)
- D10 Incineration on land
- D11 Incineration at sea
- D12 Permanent storage (e.g., emplacement of containers in a mine, etc.)
- D13 Blending or mixing prior to submission to any of the operations in Appendix 5.A
- D14 Repackaging prior to submission to any of the operations in Appendix 5.A
- D15 Storage pending any of the operations in Appendix 5.A

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

Appendix 5.B: Recovery Operations⁹

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

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

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

**Appendix 6:
Criteria for the OECD Risk-Based Approach**

A) Properties

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

B) Management

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

**Appendix 7:
Practical Information to be Provided by Member Countries**

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

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

**Appendix 8:
Notification and Movement Documents**

A. Information to be included in the Notification Document:

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

B. Information to be included in the Movement Document:

Include all information at A. above plus:

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

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

List of Abbreviations and Codes Used in the Notification Document

DISPOSAL OPERATIONS (Block 11)

D1	Deposit into or onto land, (e.g., landfill, etc.)
D2	Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)
D3	Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
D4	Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)
D5	Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
D6	Release into a water body except seas/oceans
D7	Release into seas/oceans including sea-bed insertion
D8	Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list
D9	Physico- chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g., evaporation, drying, calcination, etc.)
D10	Incineration on land
D11	Incineration at sea
D12	Permanent storage, (e.g., emplacement of containers in a mine, etc.)
D13	Blending or mixing prior to submission to any of the operations in this list
D14	Repackaging prior to submission to any of the operations in this list
D15	Storage pending any of the operations numbered in this list

RECOVERY OPERATIONS (Block 11)

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

PACKAGING TYPES (Block 7)

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

MEANS OF TRANSPORT (Block 8)

R = Road
T = Train/Rail
S = Sea
A = Air
W = Inland Waterways

PHYSICAL CHARACTERISTICS (Block 13)

1. Powdery/powder
2. Solid
3. Viscous/paste
4. Sludgy
5. Liquid
6. Gaseous
7. Other (specify)

H CODE AND UN CLASS (Block 14)

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

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

1. Corresponding to Notification N°:		2. Serial/total number of shipments: /	
3. Exporter Registration N°: Name: Address: Contact person: Tel: Fax: Email:		4. Importer Registration N°: Name: Address: Contact person: Tel: Fax: Email:	
5. Actual quantity: kg: litre:		6 Actual date of shipment:	
7. Packaging Type(s) (1): Special handling requirements: (2) Yes: <input type="checkbox"/> No: <input type="checkbox"/>		Number of packages:	
8.(a) 1st Carrier (3): Registration N°: Name: Address: Tel: Fax: Email:		8.(b) 2nd Carrier: Registration N°: Name: Address: Tel: Fax: Email:	8.(c) Last Carrier: Registration N°: Name: Address: Tel: Fax: Email:
----- <i>To be completed by carrier's representative</i> -----		<i>More than 3 carriers</i> (2) <input type="checkbox"/>	
Means of transport (1): Date of transfer: Signature:		Means of transport (1): Date of transfer: Signature:	Means of transport (1): Date of transfer: Signature:
9. Waste generator(s) (4,5,6): Registration N°: Name: Address: Contact person: Tel: Fax: Email: Site of generation (2):		12. Designation and composition of the waste (2):	
10. Disposal facility <input type="checkbox"/> or Recovery facility <input type="checkbox"/>		13. Physical characteristics (1):	
Registration N°: Name: Address: Contact person: Tel: Fax: Email: Actual site of disposal/recovery (2)		14. Waste identification (fill in relevant codes) (i) Basel Annex VIII (or IX if applicable): (ii) OECD code (if different from (i)): (iii) EC list of wastes: (iv) National code in country of export: (v) National code in country of import: (vi) Other (specify): (vii) Y-code: (viii) H-code (1): (ix) UN class (1): (x) UN Number: (xi) UN Shipping name: (xii) Customs code(s) (HS):	
11. Disposal/recovery operation(s) D code / R code (1):			
15. Exporter's / Generator's (4) declaration: I certify that the above information is complete and correct to my best knowledge. I also certify that legally-enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantee is in force covering the transboundary movement and that all necessary consents have been received from the competent authorities of the countries concerned. Name: Signature: Date:			
16. For use by any person involved in the transboundary movement in case additional information is required			
TO BE COMPLETED BY DISPOSAL / RECOVERY FACILITY			
17. Shipment received at disposal facility <input type="checkbox"/> or recovery facility <input type="checkbox"/>		18. I certify that the disposal/recovery of the waste described above has been completed.	
Date of reception: Accepted: <input type="checkbox"/> Rejected*: <input type="checkbox"/> Quantity received: kg: litre: <i>*immediately contact competent authorities</i> Approximate date of disposal/recovery: Disposal/Recovery operation (1): Date: Name: Signature:		Date: Name: Signature and stamp:	

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

(2) Attach details if necessary

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

(4) Required by the Basel Convention

(5) Attach list if more than one

(6) If required by national legislation

19. COUNTRY OF EXPORT OR CUSTOMS OFFICE OF EXIT

The waste described in this movement document has left the Country on:

Signature:

Stamp:

20. COUNTRY OF IMPORT OR CUSTOMS OFFICE OF ENTRY

The waste described in this movement document has entered The country on:

Signature:

Stamp:

21. STAMPS OF CUSTOMS OFFICES OF TRANSIT COUNTRIES

Name of country:

Entry:

Departure:

List of Abbreviations and Codes Used in the Movement Document

DISPOSAL OPERATIONS (Block 11)	RECOVERY OPERATIONS (Block 11)
D1 Deposit into or onto land, (e.g., landfill, etc.)	R1 Use as a fuel (other than in direct incineration) or other means to generate energy
D2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)	R2 Solvent reclamation/regeneration
D3 Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)	R3 Recycling/reclamation of organic substances which are not used as solvents
D4 Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)	R4 Recycling/reclamation of metals and metal compounds
D5 Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment)	R5 Recycling/reclamation of other inorganic materials
D6 Release into a water body except seas/oceans	R6 Regeneration of acids or bases
D7 Release into seas/oceans including sea-bed insertion	R7 Recovery of components used for pollution abatement
D8 Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list	R8 Recovery of components from catalysts
D9 Physico- chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations in this list (e.g., evaporation, drying, calcination)	R9 Used oil re-refining or other reuses of previously used oil
D10 Incineration on land	R10 Land treatment resulting in benefit to agriculture or ecological improvement
D11 Incineration at sea	R11 Uses of residual materials obtained from any of the operations numbered R1-R10
D12 Permanent storage, (e.g., emplacement of containers in a mine, etc.)	R12 Exchange of wastes for submission to any of the operations numbered R1-R11
D13 Blending or mixing prior to submission to any of the operations in this list	R13 Accumulation of material intended for any operation in this list
D14 Repackaging prior to submission to any of the operations in this list	
D15 Storage pending any of the operations in this list	
PACKAGING TYPES (Block 7)	H CODE AND UN CLASS (Block 14)
1. Drum	UN class H code Characteristics
2. Wooden barrel	1 H1 Explosive
3. Jerrican	3 H3 Flammable liquids
4. Box	4.1 H4.1 Flammable solids
5. Bag	4.2 H4.2 Substances or wastes liable to spontaneous combustion
6. Composite packaging	4.3 H4.3 Substances or wastes which, in contact with water, emit flammable gases
7. Pressure receptacle	5.1 H5.1 Oxidizing
8. Bulk	5.2 H5.2 Organic peroxides
9. Other (specify)	6.1 H6.1 Poisonous (acute)
MEANS OF TRANSPORT (Block 8)	6.2 H6.2 Infectious substances
R = Road T = Train/Rail	8 H8 Corrosives
S = Sea A = Air	9 H10 Liberation of toxic gases in contact with air or water
W = Inland Waterways	9 H11 Toxic (delayed or chronic)
PHYSICAL CHARACTERISTICS (Block 13)	9 H12 Ecotoxic
1. Powdery / powder	9 H13 Capable, by any means, after disposal of yielding another material, e. g., leachate, which possesses any of the characteristics listed above
2. Solid	
3. Viscous / paste	
4. Sludgy	
5. Liquid	
6. Gaseous	
7. Other (specify)	

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

Instructions for Completing the Notification and Movement Documents

Introduction

Several International Agreements have been established to control exports and imports of wastes which may pose a risk or a hazard to human health and the environment. Those Agreements having the most influence on OECD Member countries are the UNEP Basel Convention¹⁰ and the revised OECD Decision C(92)39/Final : C(2001)107 (hereafter “the OECD Decision”). In addition to these two agreements, those OECD Member countries that are also Member States of the European Union are obliged to comply with the European Community (EC) Regulation 259/93¹¹. The EC Regulation and the Basel Convention cover international movements of waste, whether they are destined for disposal or recovery, whereas the OECD Decision only concerns movements of wastes destined for recovery operations at facilities within the OECD area. All of the agreements require regular administrative controls throughout their operation.

This Appendix 8 to the OECD Decision comprises the tools of the control system, i.e. the forms for the Notification and Movement Documents, as well as the necessary explanations to complete these forms. Both forms are compatible with the three above-mentioned Agreements. Consequently, they also take into account some specific requirements set in the EC Regulation and in the Basel Convention and not all blocks or only part of the blocks are applicable or need to be completed. The few specific requirements relating to one control system only have been indicated by footnotes. It is also possible that national legislation may use different wording in its interpretation of the text of the Agreements.

These forms include both terms, “disposal” and “recovery”, due to differences in the definitions of the terms according to each agreement. Both OECD and EU use the same two terms, “disposal”, for disposal operations listed in Appendix 5.A of the OECD Decision, and “recovery” for recovery operations listed in Appendix 5.B of the OECD Decision. However, in the Basel Convention only the term “disposal” is used to cover both disposal and recovery operations.

National competent authorities will be responsible for providing and issuing the forms for the Notification and Movement Documents. When doing so, they will use a numbering system, which allows a particular consignment of waste to be traced. The numbering system should be prefixed with the country code that can be found in the ISO Standard 3166-abbreviation list.

Countries may wish to issue the forms in a format that conforms to their national standards (normally ISO A4 as recommended by the United Nations). However, in order to facilitate their use internationally and to take into account the difference between ISO A4 and the paper size used in North America, the frame size of the forms should not be greater than 183 x 262 mm. with margins aligned at the top and the left side of the paper.

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10. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, FINAL ACT 21 March 1989, UNITED NATIONS ENVIRONMENT PROGRAMME
 11. The European Community (EC) Regulation refers to Council Regulation (EEC) no 259/93 of 1 February 1993 on the “supervision and control of shipments of waste within, into and out of the European Community”, Official Journal of the European Communities No. L30, 6.2.1993 (with amendments)

Purpose of Notification and Movement Documents

The Notification Document is intended to provide the Competent Authorities of countries concerned with the information they need to assess the acceptability of the proposed waste movement. The Document includes space for acknowledging receipt of the notification by the relevant Competent Authority(ies) and, when required, consenting in writing to the movement.

The Movement Document is intended to travel with the consignment at all times from leaving the waste generator to its arrival at the disposal/recovery facility in another country. Space is provided on the Document for completing detailed information on the first and any subsequent carriers of the consignment. Also, there are spaces to record passage of the consignment through Customs offices of all countries concerned. (While not strictly required by the International Agreements, some countries may by national legislation require such procedures and information to ensure proper control). Finally, the Document is to be used by the disposal/recovery facility to certify that the waste has been received and that the recovery/disposal operation is completed.

General requirements

When opting for the use of a printout copy, typescript or block capitals in permanent ink should be used throughout the Documents. Signatures should always be written in permanent ink and the name of the authorised representative should also appear in capital letters to accompany the signature. In the case of a minor mistake, e.g. wrong code for a waste, the correction can be made with the approval of the competent authorities and the new text has to be marked and signed or stamped, mentioning the date of the modification. For major changes or corrections, a new form has to be completed.

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

To avoid the complication of translation, the documents require a code, rather than language, in the completion of several blocks. However, where language is used, it must be acceptable to the Competent Authorities in the country of import and, whenever possible, to other countries concerned.

A six-digit format should be used to indicate the date; e.g. 29 January 1995 should be shown as 29.01.95 (day.month.year).

Given the possibility or the need to add annexes/attachments in many cases, each attachment should include the reference number of the relevant Notification and mention the block to which it relates in the Notification or Movement Document.

Paper and electronic forms are provided by national competent authorities dealing with transboundary movements of wastes.

Specific Instructions for Completing the Form for the Notification Document

Blocks 1 & 2: The Exporter will provide the registration number (where applicable), full name, address (including the name of the country), telephone/fax numbers (including the country code) and e-mail address of the exporting and importing companies, as well as the name of a contact person responsible for the shipment. The provided phone/fax numbers and the e-mail address should facilitate contacting all relevant persons at any time in relation to any incident during shipment.

Normally, the Importer would be the same as the Disposal/ Recovery facility given in Block 10. However, in some cases the Importer can also be another person, for example a recognised trader, or a corporate body such as the headquarter/ mailing address for the receiving disposal/recovery facility in block 10. In order to act as an importer, the recognised trader or corporate body must be under the jurisdiction of the country of import and have the possession or other form of legal control of waste at the moment the shipment arrives into the country of import. In those cases, the information relating to the recognised trader or corporate body should be completed in Block 2.

Block 3: When issuing a notification document, a Competent Authority will, according to its own system, provide an identification number which will be printed in this block (see paragraph 4 of the introduction). Indicate by ticking the appropriate boxes:

- whether the notification covers one (single notification) or multiple shipments (general notification),
-
- whether the waste shipment(s) is(are) destined for disposal (possible in case of an EU or a Basel shipment but not under the OECD Decision, see paragraphs 1 and 3 of the introduction) or for recovery; and
-
- whether the shipment(s) is (are) destined to a facility which has been granted a pre-consent for receiving certain wastes subject to the Amber control procedure, in accordance with the case 2 of the “Functioning of the Amber control procedure” (see Chapter II, Section D of the OECD Decision).

Blocks 4, 5 & 6: For single or multiple movements, give the number of shipments in Block 4 and the intended date(s) of the single shipment or of the first and last shipments in Block 6. In Block 5, give the weight of the waste shipment (in kg), or volume (in litres) by using the metric system. Some countries may always require the weight to be quoted in kg. For multiple shipments, the total quantity shipped must not exceed the quantity declared in Block 5. The intended period of time for movements in Block 6 may not exceed the period of one year, with the exception of multiple shipments to pre-consented recovery facilities for which the intended period of time may not exceed three years. In the case of multiple shipments, the Basel Convention requires the expected dates or the expected frequency and the estimated quantity of each shipment to be quoted in Blocks 5 and 6 or attached in an annex. In the case where a Competent Authority issues a written consent to the movement and the validity period of that consent in Block 20 differs from the period indicated in Block 6, the decision of the Competent Authority overrules the information in Block 6.

Block 7: For type(s) of packaging use codes provided in the list of abbreviations and codes following the form of the Notification Document. If special handling precautions are required, e.g. producers handling instructions for employees, health and safety information, including dealing with spillage, Transport Emergency Cards etc., tick the appropriate box and attach the information in an annex.

Block 8: The Exporter has to provide all necessary information concerning the carrier(s) involved in the shipment: registration number (where applicable), full name, address (including the name of the country), telephone/fax numbers (including the country code) and e-mail address as well as the name of a contact person responsible for the shipment. If more than one carrier is involved, append to the Notification Document a complete list giving the required information for each carrier. Where the transport is organised by a forwarding agent, the details on the forwarding agent should be given in Block 8 and the respective information on actual carriers should be provided in an annex. For mean(s) of transport use abbreviations provided in the list of abbreviations and codes following the form of the Notification Document.

Block 9: Information on the generator of the waste is not required for movements of wastes destined for recovery under the OECD Decision. However, it is required under the Basel Convention and many countries may require it under their national legislation. If the Exporter is the generator of the waste, note here: "Same as Block 1". When the waste is produced by more than one generator write "See attached list" and append a list providing the requested information for each generator. Also provide information on the process by which the waste was generated and the site of generation. Some countries may accept that the information on the generator be given in a separate annex, which would be available to competent authorities only.

Block 10: Give the required information on the destination of the shipment, by first ticking the appropriate type of facility: disposal versus recovery. If the disposer or recoverer is also the importer, note here "Same as Block 2". If the disposal/recovery operation is a D13-D15 or R12/R13 operation, the facility performing such an operation shall be mentioned in Block 10 as well as the location where such an operation will be effectively performed. In this case, also the corresponding information on the subsequent facility(ies), where the D1-D12 or R1-R11 operation(s) take(s) place or may take place, shall be provided as an attachment.

Block 11: Indicate the type of recovery or disposal operation by using "R" or "D" codes which are provided in a list of abbreviations and codes following the form of the Notification Document. Also indicate the technology to be employed. The OECD Decision only covers transboundary movements of wastes destined for recovery operations ("R" Codes) within the OECD area. Specify also the reason for export (however, this is not required by the OECD Decision). If the disposal/recovery operation is a D13-D15 or R12/R13 operation, attach corresponding information on the subsequent operations (D1-D12 or R1-R11).

Block 12: Give the name(s) by which the material is commonly known and the names of its major constituents (in terms of quantity and/or hazard) and their relative concentrations, if known. In the case of a mixture of wastes, provide the same information for the different fractions and indicate which fraction(s) is/are destined for recovery. Attach further information in an annex if necessary.

Block 13: Indicate physical characteristics of the waste at normal temperature and pressure by using the codes provided in the list of abbreviations and codes following the form of the Notification Document.

Block 14: Give the code that identifies the waste according to the OECD Decision (in i or ii) and to other accepted classification systems (in iii to xii). According to the OECD Decision, one waste code only should be given, except in the case of mixtures of wastes for which no individual entry exists. In this particular case, the code of each fraction of the waste should be provided in order of importance (in an annex if necessary):

- i. Basel Annex VIII code(s) for wastes subject to control under the OECD Decision and the Basel Convention (see Part I of Appendix 4 in the OECD Decision); or Basel Annex IX code(s) for wastes not usually subject to control under the OECD Decision and the Basel Convention but which, for a specific reason such as contamination by hazardous substances or different classification according to national regulations, are subject to control (see Part I of Appendix 3 in the OECD Decision). Basel Annexes VIII and IX can be found in the text of the Basel Convention as well as in the Instruction Manual available from the Secretariat of the Basel Convention.
- ii. OECD code(s) for wastes listed in Part II of Appendices 3 and 4 of the OECD Decision, i.e. wastes that have a different level of control under the OECD Decision from the one required by the Basel Convention or that have no equivalent listing in the Basel Convention.
- iii. For EU countries, code(s) of the EC list of wastes (see Commission Decision 2000/532/EC as amended).
- iv & v Where applicable, national identification code(s) by which the waste is designated in the country of export and, if known, in the country of import.
- vi. If useful or required by relevant competent authorities, add here any other code or additional information facilitating the identification of the waste.
- vii. If applicable, Y code(s) which accord(s) with the relevant “Category(ies) of wastes to be controlled” (see Appendix 1 of the OECD Decision and Annex I of the Basel Convention), and/or the “Category of wastes requiring special consideration” given in Annex II of the Basel Convention (see Appendix 2 of the Basel Instruction Manual). “Y” codes are not required by the OECD Decision. However, if the waste shipment relates to one of those two “categories requiring special consideration” under the Basel Convention (Y46 and Y47 or Annex II wastes), the Basel Y category should be indicated.
- viii. H code(s), i.e. the code(s) indicating the hazardous characteristic(s) exhibited by the waste (see codes and characteristics in the list of abbreviations and codes following the form of the Notification Document).
- ix. UN class(es) which indicate(s) the hazard characteristic of the waste according to the UN classification (see list of abbreviations and codes following the form of the Notification Document) and is (or are) required to comply with international rules for transport of hazardous materials (see “UN Recommendations on the Transport of Dangerous Goods”, 11th revised edition, UN, New York, 1999).
- x & xi UN Number(s) and UN shipping name(s) which are used to identify the waste according to the UN classification and are required to comply with international rules for transport of hazardous materials (see “UN Recommendations on the Transport of Dangerous Goods”, 11th revised edition, UN, New York, 1999).

- xii. Customs code(s), which allow(s) identification of the waste by the Customs (see the list of codes and commodities in the “Harmonised commodity description and coding system” produced by the World Customs Organisation in Brussels).

Block 15: For the purpose of harmonisation with the Basel Convention, the word “states” is also used here, whereas the OECD Decision uses “Member countries”, the EC Regulation “Member states” and the Basel Convention “States”. On the first line (a), provide the name of the countries/states of export, transit and import or the codes for each country/state by using the ISO standard 3166 abbreviations. On the second line (b), provide the code number of the respective Competent Authority for each country if required by the national legislation and on the third line (c) the name of the border crossing or port and, where applicable, the customs office code number as the points of entry to or exit from a particular country. For transit countries give the third line (c) information for points of entry and exit. If more than three transit countries are involved in a particular movement, an attachment containing the appropriate information shall be annexed to the Notification Document.

Block 16: Completion required for movements entering, passing through or leaving Member States of the European Community.

Block 17: Each copy of the Notification Document is to be signed and dated by the Exporter (or by the recognised trader if acting as an exporter) before being forwarded to the Competent Authorities of countries concerned. In the Basel Convention, the waste generator is also required to sign the declaration. Some countries may require proof of insurance, other financial guarantees and a contract to accompany the Notification Document.

Block 18: The exporter shall indicate the number of annexes referring to attached lists (see blocks 5, 6, 8, 9,) or any additional information supplied with the Notification Document (see blocks 7, 10, 11, 12, 14, 15, 20 or 21). Each Annex must include the reference to the Notification number to which it relates and which is indicated in the corner of block 3.

Block 19: For use by the Competent Authority to acknowledge receipt of the notification. Under the OECD Decision, the Competent Authority of the country of import issues the acknowledgement. Some countries may, according to their domestic law, require that the Competent Authority of the country of export also issues an acknowledgement. Under the Basel Convention, the Competent Authority(ies) of the country(ies) of import (where applicable) and transit issue(s) an acknowledgement.

Block 20: For use by Competent Authorities of any country concerned when providing a written consent to a transboundary movement of waste. The OECD Decision does not require a written consent whereas the Basel Convention and particular countries always do. Indicate the name of the country (or its code by using the ISO standard 3166 abbreviations), the date on which the consent is provided and the date on which it expires. If the movement is subject to specific conditions, the Competent Authority in question should tick the appropriate box and specify conditions in Block 21 or in an annex to the Notification Document. If a Competent Authority wishes to object to the movement it should do so by writing "OBJECTION" in Block 20. Block 21, or a separate letter, may then be used to explain the objection.

Block 21: This Block can be used by the Competent Authorities, instead of a separate letter, when providing specific conditions to the written consent given to the movement or to explain their objection to the movement.

Specific Instructions for Completing the Form for the Movement Document

Block 1: Enter the Notification Number to which the particular consignment refers. This is copied from Block 3 in the Notification Document.

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

Blocks 3 & 4: Reproduce the same information on the exporter and importer as given for corresponding Blocks 1 and 2 in the Notification Document.

Block 5: Give the actual weight (in kg) or volume (in litres) of the waste shipment by using the metric system and, wherever possible, attach copies of weighbridge tickets. Some countries may always require the weight to be quoted in kg.

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

Block 7: Reproduce the information given at corresponding Block 7 in the Notification Document. Also enter the number of packages making up the consignment.

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

Block 9: Reproduce the information given at Block 9 of the Notification Document.

Blocks 10 & 11: Reproduce the information given at corresponding Blocks 10 and 11 in the Notification Document. If the disposer or recoverer is also the importer, write in Block 10: “Same as Block 4”. For the disposal/recovery operations D13-D15 or R12/R13 the information on the facility performing such an operation provided in Block 10 is sufficient, and no further information on the subsequent facility(ies) performing the D1-D12 or R1-R11 operation(s) is needed to be included in the Movement Document.

Blocks 12, 13 & 14: Reproduce the information given at corresponding Blocks 12, 13 and 14 in the Notification Document.

Block 15: At the time of shipment, the Exporter (or the recognised trader if acting as an exporter), as well as the generator of the waste according to the Basel Convention, shall sign and date the Movement Document. Some countries may require a copy or an original authorisation from the competent authorities to be enclosed with the Movement Document.

Block 16: This Block can be used by any person involved in a transboundary movement (Exporter, Importer, any Competent Authority, Carrier) in specific cases where more detailed information is required by national legislation concerning a particular item (e.g. information on the harbour where a transfer to another transport mode occurs, the number of containers and their identification number, or additional proof/stamps indicating that the movement has been consented by the Competent Authorities, etc.).

Block 17: To be completed by the authorised representative of the disposal/recovery facility upon receipt of the waste consignment. Tick the box of the appropriate type of facility. A signed copy of the Movement Document is given to the last carrier. If the shipment is rejected for any reason, the representative of the disposal/recovery facility must immediately contact his/her Competent Authority. Otherwise, within three working days, signed copies of the Movement Document are sent to the Exporter and the Competent Authority in countries concerned (except to those OECD transit countries which have informed the OECD Secretariat that they do not wish to receive such copies of the Movement Document). The original Movement Document shall be retained by the recovery facility.

The receipt of the waste consignment has to be certified by any facility performing any recovery operation, including an R12/R13 operation. However, a facility performing an R1-11 operation, subsequent to an R12/R13 operation in the same country, is not required to certify receipt of the consignment from the R12/R13 recovery facility. Thus, Block 17 does not need to be used for the final receipt of the consignment. Indicate also the type of disposal/recovery operation by using the list of abbreviations and codes following the form of the Movement Document, and the approximate date by which the disposal/recovery of waste will be completed (not required by the OECD Decision).

Block 18: To be completed by the disposer/recoverer to certify the completion of the disposal/recovery of the waste. Under the OECD Decision, signed copies of the Movement Document with Block 18 completed shall be sent to the Exporter and Competent Authorities of the countries of export and import as soon as possible, but no later than 30 days after the completion of the recovery and no later than one (1) calendar year following the receipt of the waste.

The recovery of the waste has to be certified by any facility performing any recovery operation, including an R12/R13 operation. Therefore, a facility performing an R1-11 operation, subsequent to an R12/R13 operation in the same country, is not able to use Block 18 to certify the recovery of the waste, since this block has already been completed by the R12/R13 facility. The means of certifying recovery in this particular case needs to be ascertained by each country. Under the Basel Convention, signed copies of the document with Block 18 completed shall be sent to the Exporter and Competent Authorities of the country of export.

Blocks 19, 20 & 21: Not required by the OECD Decision or by the Basel Convention. The Blocks may be used for control by Customs offices at the borders of country of export, transit and import if so required by the national legislation.

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

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

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

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

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

B1 Metal and metal bearing wastes

- B1010 Metal and metal-alloy wastes in metallic, non-dispersible form:
- Precious metals (gold, silver, the platinum group, but not mercury)
 - Iron and steel scrap
 - Copper scrap
 - Nickel scrap
 - Aluminium scrap
 - Zinc scrap
 - Tin scrap
 - Tungsten scrap
 - Molybdenum scrap
 - Tantalum scrap
 - Magnesium scrap
 - Cobalt scrap
 - Bismuth scrap
 - Titanium scrap
 - Zirconium scrap
 - Manganese scrap
 - Germanium scrap
 - Vanadium scrap
 - Scrap of Hafnium, Indium, Niobium, Rhenium and Gallium
 - Thorium scrap
 - Rare earths scrap

GA300 *ex 811220 Chromium waste and scrap*

B1020 Clean, uncontaminated metal scrap, including alloys, in bulk finished form, *i.e. non-dispersible form*¹ (sheet, plate, beams, rods, etc), of:

- Antimony scrap
- Beryllium scrap
- Cadmium scrap
- Lead scrap (but excluding lead-acid batteries)
- Selenium scrap
- Tellurium scrap

B1030 Refractory metals containing residues

The following metal and metal alloy wastes in metallic dispersible form:

GC090 *Molybdenum*

GC100 *Tungsten*

GC110 *Tantalum*

GC120 *Titanium*

GC130 *Niobium*

GC140 *Rhenium*

B1040 Scrap assemblies from electrical power generation not contaminated with lubricating oil, PCB or PCT to an extent to render them hazardous

B1050 Mixed non-ferrous metal, heavy fraction scrap, not containing Appendix 1 materials in concentrations sufficient to exhibit Appendix 2 characteristics²

B1060 Waste selenium and tellurium in metallic elemental form including powder

B1070 Waste of copper and copper alloys in dispersible form, unless they contain Appendix 1 constituents to an extent that they exhibit Appendix 2 characteristics

B1080 Zinc ash and residues including zinc alloys residues in dispersible form unless containing Appendix 1 constituents in concentration such as to exhibit Appendix 2 characteristics or exhibiting hazard characteristic H4.3³

B1090 Waste batteries conforming to a specification, excluding those made with lead, cadmium or mercury

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

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

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

B1100 Metal-bearing wastes arising from melting, smelting and refining of metals:

- Hard zinc spelter
- Zinc-containing drosses:
 - Galvanising slab zinc top dross (>90% Zn)
 - Galvanising slab zinc bottom dross (>92% Zn)
 - Zinc die casting dross (>85% Zn)
 - Hot dip galvanisers slab zinc dross (batch)(>92% Zn)
 - Zinc skimmings
- Aluminium skimmings (or skims) excluding salt slag
- *DELETED and replaced by the following entry GB040*
- Wastes of refractory linings, including crucibles, originating from copper smelting
- Slags from precious metals processing for further refining
- Tantalum-bearing tin slags with less than 0.5% tin

*GB040⁴ 7112 Slags from precious metals and copper processing for further refining
262030
262090*

B1110 : DELETED , and replaced by the two following entries GC010 and GC020

GC010 Electrical assemblies consisting only of metals or alloys.

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

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

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

Transition metals, excluding waste catalysts (spent catalysts, liquid used catalysts or other catalysts) on list A:	Scandium	Titanium
	Vanadium	Chromium
	Manganese	Iron
	Cobalt	Nickel
	Copper	Zinc
	Yttrium	Zirconium
	Niobium	Molybdenum
	Hafnium	Tantalum
	Tungsten	Rhenium

Lanthanides (rare earth metals):	Lanthanum	Cerium
	Praseodymium	Neodymium
	Samarium	Europium
	Gadolinium	Terbium
	Dysprosium	Holmium
	Erbium	Thulium
	Ytterbium	Lutetium

4. This OECD entry applies instead of the part of Basel entry B1100 that refers to "slags from copper processing".

- B1130 Cleaned spent precious-metal-bearing catalysts
- B1140 Precious-metal-bearing residues in solid form which contain traces of inorganic cyanides
- B1150 Precious metals and alloy wastes (gold, silver, the platinum group, but not mercury) in a dispersible, non-liquid form with appropriate packaging and labelling
- B1160 Precious-metal ash from the incineration of printed circuit boards (note the related entry in Appendix 4 A1150)
- B1170 Precious-metal ash from the incineration of photographic film
- B1180 Waste photographic film containing silver halides and metallic silver
- B1190 Waste photographic paper containing silver halides and metallic silver
- B1200 Granulated slag arising from the manufacture of iron and steel
- B1210 Slag arising from the manufacture of iron and steel including slags as a source of TiO₂ and vanadium
- B1220 Slag from zinc production, chemically stabilised, having a high iron content (above 20%) and processed according to industrial specifications (e.g., DIN 4301) mainly for construction
- B1230 Mill scaling arising from the manufacture of iron and steel
- B1240 Copper oxide mill-scale
- GC030 *ex 890800 Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste*
- GC040 *ex 8701-05 Motor vehicle wrecks, drained of liquids*
ex 8709-11

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

- B2010 Wastes from mining operations in non-dispersible form:
- Natural graphite waste
 - Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise
 - Mica waste
 - Leucite, nepheline and nepheline syenite waste
 - Feldspar waste
 - Fluorspar waste
 - Silica wastes in solid form excluding those used in foundry operations
- B2020 Glass waste in non-dispersible form:
- Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses

- GE020* *ex 7001* *Glass Fibre Waste*
ex 701939
- B2030 Ceramic wastes in non-dispersible form:
- Cermet wastes and scrap (metal ceramic composites)
 - Ceramic based fibres not elsewhere specified or included
- GF010* *Ceramic wastes which have been fired after shaping, including ceramic vessels (before and/or after use)*
- B2040 Other wastes containing principally inorganic constituents:
- Partially refined calcium sulphate produced from flue-gas desulphurization (FGD)
 - Waste gypsum wallboard or plasterboard arising from the demolition of buildings
 - Slag from copper production, chemically stabilised, having a high iron content (above 20%) and processed according to industrial specifications (e.g., DIN 4301 and DIN 8201) mainly for construction and abrasive applications
 - Sulphur in solid form
 - Limestone from the production of calcium cyanamide (having a pH less than 9)
 - Sodium, potassium, calcium chlorides
 - Carborundum (silicon carbide)
 - Broken concrete
 - Lithium-tantalum and lithium-niobium containing glass scraps
- GG030* *ex 2621* *Bottom ash and slag tap from coal fired power plants*
- B2050:* *DELETED and replaced by the following entry GG040*
- GG040* *ex 2621* *Coal fired power plants fly ash*
- B2060 Spent activated carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (note the related entry in Appendix 4 A4160)
- B2070 Calcium fluoride sludge
- B2080 Waste gypsum arising from chemical industry processes not included in Appendix 4 (note the related entry in Appendix 4 A2040)
- B2090 Waste anode butts from steel or aluminium production made of petroleum coke or bitumen and cleaned to normal industry specifications (excluding anode butts from chlor alkali electrolyses and from metallurgical industry)
- B2100 Waste hydrates of aluminium and waste alumina and residues from alumina production excluding such materials used for gas cleaning, flocculation or filtration processes
- B2110 Bauxite residue ("red mud") (pH moderated to less than 11.5)
- B2120 Waste acidic or basic solutions with a pH greater than 2 and less than 11.5, which are not corrosive or otherwise hazardous (note the related entry in Appendix 4 A4090)

GG160 *Bituminous materials (asphalt waste) from road construction and maintenance, not containing tar*

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

B3010 Solid plastic waste:

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

- Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following⁵:
 - ethylene
 - styrene
 - polypropylene
 - polyethylene terephthalate
 - acrylonitrile
 - butadiene
 - polyacetals
 - polyamides
 - polybutylene terephthalate
 - polycarbonates
 - polyethers
 - polyphenylene sulphides
 - acrylic polymers
 - alkanes C10-C13 (plasticiser)
 - polyurethane (not containing CFCs)
 - polysiloxanes
 - polymethyl methacrylate
 - polyvinyl alcohol
 - polyvinyl butyral
 - polyvinyl acetate
- Cured waste resins or condensation products including the following:
 - urea formaldehyde resins
 - phenol formaldehyde resins
 - melamine formaldehyde resins
 - epoxy resins
 - alkyd resins
 - polyamides
- The following fluorinated polymer wastes⁶
 - perfluoroethylene/propylene (FEP)
 - perfluoroalkoxy alkane (PFA)

5. It is understood that such scraps are completely polymerized.

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

- perfluoroalkoxy alkane (MFA)
- polyvinylfluoride (PVF)
- polyvinylidene fluoride (PVDF)
- *Polymers and co-polymers of fluorinated ethylene (PTFE)*

GH013 391530 Polymers of vinyl chloride
ex 390410-40

B3020 Paper, paperboard and paper product wastes

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

Waste and scrap of paper or paperboard of:

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

B3030 Textile wastes

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

- Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
 - not carded or combed
 - other
- Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock
 - noils of wool or of fine animal hair
 - other waste of wool or of fine animal hair
 - waste of coarse animal hair
- Cotton waste (including yarn waste and garnetted stock)
 - yarn waste (including thread waste)
 - garnetted stock
 - other
- Flax tow and waste
- Tow and waste (including yarn waste and garnetted stock) of true hemp (Cannabis sativa L.)
- Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
- Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus Agave
- Tow, noils and waste (including yarn waste and garnetted stock) of coconut
- Tow, noils and waste (including yarn waste and garnetted stock) of abaca (Manila hemp or Musa textilis Nee)
- Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included

- Waste (including noils, yarn waste and garnetted stock) of man-made fibres
 - of synthetic fibres
 - of artificial fibres
- Worn clothing and other worn textile articles
- Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials
 - sorted
 - other

GJ140 ex 6310 Waste textile floor coverings, carpets

B3040 Rubber wastes

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

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

B3050 Untreated cork and wood waste:

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

B3060 Wastes arising from agro-food industries provided it is not infectious:

- Wine lees
- Dried and sterilised vegetable waste, residues and by-products, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included
- Degras: residues resulting from the treatment of fatty substances or animal or vegetable waxes
- Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised
- Fish waste
- Cocoa shells, husks, skins and other cocoa waste
- Other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption

GM140 ex 1500 Waste edible fats and oils of animal or vegetable origin (e.g. frying oils)

B3070 The following wastes:

- Waste of human hair
- Waste straw
- Deactivated fungus mycelium from penicillin production to be used as animal feed

B3080 Waste parings and scrap of rubber

GN010 ex 050200 Waste of pigs', hogs' or boars' bristles and hair or of badger hair and other brush making hair

- GN020 *ex 050300 Horsehair waste, whether or not put up as a layer with or without supporting material*
- GN030 *ex 050590 Waste of skins and other parts of birds, with their feathers or down, of feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation.*
- B3090 Paring and other wastes of leather or of composition leather not suitable for the manufacture of leather articles, excluding leather sludges, not containing hexavalent chromium compounds and biocides (note the related entry in Appendix 4 A3100)
- B3100 Leather dust, ash, sludges or flours not containing hexavalent chromium compounds or biocides (note the related entry in Appendix 4 A3090)
- B3110 Fellmongery wastes not containing hexavalent chromium compounds or biocides or infectious substances (note the related entry in Appendix 4 A3110)
- B3120 Wastes consisting of food dyes
- B3130 Waste polymer ethers and waste non-hazardous monomer ethers incapable of forming peroxides
- B3140 Waste pneumatic tyres, excluding those destined for Appendix 5A operations

B4 Wastes which may contain either inorganic or organic constituents

- B4010 Wastes consisting mainly of water-based/latex paints, inks and hardened varnishes not containing organic solvents, heavy metals or biocides to an extent to render them hazardous (note the related entry in Appendix 4 A4070)
- B4020 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives, not listed in Appendix 4, free of solvents and other contaminants to an extent that they do not exhibit Appendix 2 characteristics, e.g., water-based, or glues based on casein starch, dextrin, cellulose ethers, polyvinyl alcohols (note the related entry in Appendix 4 A3050)
- B4030 Used single-use cameras, with batteries not included in Appendix 4

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

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

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

Basel Annex II: Categories of wastes requiring special consideration

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

A1 Metal and metal bearing wastes

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

but excluding such wastes specifically listed in Appendix 3 *under entry B1020, and which are in non-dispersible form¹.*

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

- A1020 Waste having as constituents or contaminants, excluding metal waste in massive form, any of the following:
- Antimony; antimony compounds
 - Beryllium; beryllium compounds
 - Cadmium; cadmium compounds
 - Lead; lead compounds
 - Selenium; selenium compounds
 - Tellurium; tellurium compounds
- A1030 Wastes having as constituents or contaminants any of the following:
- Arsenic; arsenic compounds
 - Mercury; mercury compounds
 - Thallium; thallium compounds
- A1040 Wastes having as constituents any of the following:
- Metal carbonyls
 - Hexavalent chromium compounds
- AA010 261900 *Dross, scalings and other wastes from the manufacture of iron and steel²*
- AA060 262050 *Vanadium ashes and residues*
- AA190 810420 *Magnesium waste and scrap that is flammable, pyrophoric or emits, upon*
 ex 810430 *contact with water, flammable gases in dangerous quantities*
- A1050 Galvanic sludges
- A1060 Waste liquors from the pickling of metals
- A1070 Leaching residues from zinc processing, dust and sludges such as jarosite, hematite, etc.
- A1080 Waste zinc residues not included in Appendix 3, containing lead and cadmium in concentrations sufficient to exhibit Appendix 2 characteristics
- A1090 Ashes from the incineration of insulated copper wire
- A1100 Dusts and residues from gas cleaning systems of copper smelters
- A1110 Spent electrolytic solutions from copper electrorefining and electrowinning operations
- A1120 Waste sludges, excluding anode slimes, from electrolyte purification systems in copper electrorefining and electrowinning operations
- A1130 Spent etching solutions containing dissolved copper
- A1140 Waste cupric chloride and copper cyanide catalysts

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

- A1150 Precious metal ash from incineration of printed circuit boards not included in Appendix 3³
- A1160 Waste lead-acid batteries, whole or crushed
- A1170 Unsorted waste batteries excluding mixtures of only Appendix 3 batteries. Waste batteries not specified in Appendix 3 containing Appendix 1 constituents to an extent to render them hazardous
- A1180 : *DELETED ; OECD entries GC010 and GC020 apply instead when appropriate*⁴

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

- A2010 Glass waste from cathode-ray tubes and other activated glasses
- A2020 Waste inorganic fluorine compounds in the form of liquids or sludges but excluding such wastes specified in Appendix 3
- A2030 Waste catalysts but excluding such wastes specified in Appendix 3
- A2040 Waste gypsum arising from chemical industry processes, when containing Appendix 1 constituents to the extent that it exhibits an Appendix 2 hazardous characteristic (note the related entry in Appendix 3 B2080)
- A2050 Waste asbestos (dusts and fibres)
- RB020 *ex 6815 Ceramic based fibres of physico-chemical characteristics similar to those of asbestos*
- A2060 : *DELETED ; OECD entry GG040 apply instead when appropriate*⁵
- AB030 *Wastes from non-cyanide based systems which arise from surface treatment of metals*
- AB070 *Sands used in foundry operations*
- AB120⁶ *ex 281290 Inorganic halide compounds, not elsewhere specified or included
ex 3824*

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3. Note that mirror entry on list B (B1160) does not specify exceptions.
4. *Member countries may control these wastes differently in accordance with Chapter II B 6 of Decision C(2001)107/FINAL concerning wastes not listed in Appendices 3 or 4, and the chapeau of Appendix 3 to this Decision.*
5. *Member countries may control these wastes differently in accordance with Chapter II B 6 of Decision C(2001)107/FINAL concerning wastes not listed in Appendices 3 or 4, and the chapeau of Appendix 3 to this Decision.*
6. *This entry includes spent potlinings from aluminium smelting without inorganic cyanides but containing Y32, inorganic fluorine compounds excluding calcium fluoride.*

- AB130 *Used blasting grit*
- AB150 *ex 382490 Unrefined calcium sulphite and calcium sulphate from flue gas desulphurisation (FGD)*

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

- A3010 Waste from the production or processing of petroleum coke and bitumen
- A3020 Waste mineral oils unfit for their originally intended use
- A3030 Wastes that contain, consist of or are contaminated with leaded anti-knock compound sludges
- A3040 Waste thermal (heat transfer) fluids
- AC060 *ex 381900 Hydraulic fluids*
- AC070 *ex 381900 Brake fluids*
- AC080 *ex 382000 Antifreeze fluids*
- A3050 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives excluding such wastes specified in Appendix 3 (note the related entry in Appendix 3 B4020)
- A3060 Waste nitrocellulose
- A3070 Waste phenols, phenol compounds including chlorophenol in the form of liquids or sludges
- A3080 Waste ethers not including those specified in Appendix 3
- AC150 *Chlorofluorocarbons*
- AC160 *Halons*
- AC250 *Surface active agents (surfactants)*
- A3090 Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides (note the related entry in Appendix 3 B3100)
- A3100 Waste paring and other waste of leather or of composition leather not suitable for the manufacture of leather articles containing hexavalent chromium compounds or biocides (note the related entry in Appendix 3 B3090)
- A3110 Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (note the related entry in Appendix 3 B3110)
- A3120 Fluff - light fraction from shredding

AC170	<i>ex 440310</i>	<i>Treated cork and wood wastes</i>
AC260	<i>ex 3101</i>	<i>Liquid pig manure; faeces</i>
AC270		<i>Sewage sludge</i>
A3130		Waste organic phosphorous compounds
A3140		Waste non-halogenated organic solvents but excluding such wastes specified in Appendix 3
A3150		Waste halogenated organic solvents
A3160		Waste halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations
A3170		Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethane, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)
A3180		Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT), polychlorinated naphthalene (PCN) or polybrominated biphenyl (PBB), or any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more ⁷
A3190		Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment of organic materials
AC020		<i>Bituminous materials (asphalt waste) not elsewhere specified or included</i>

A4 Wastes which may contain either inorganic or organic constituents

A4010		Wastes from the production, preparation and use of pharmaceutical products but excluding such wastes specified in Appendix 3
A4020		Clinical and related wastes; that is wastes arising from medical, nursing, dental, veterinary, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects
A4030		Wastes from the production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides and herbicides which are off-specification, outdated ⁸ , or unfit for their originally intended use
A4040		Wastes from the manufacture, formulation and use of wood-preserving chemicals ⁹

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

8. "Outdated" means unused within the period recommended by the manufacturer.

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

- A4050¹⁰ Wastes that contain, consist of or are contaminated with any of the following:
- Inorganic cyanides, excepting precious-metal-bearing residues in solid form containing traces of inorganic cyanides
 - Organic cyanides
- A4060 Waste oils/water, hydrocarbons/water mixtures, emulsions
- A4070 Wastes from the production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish excluding any such waste specified in Appendix 3 (note the related entry in Appendix 3 B4010)
- AD090 *ex 382490 Wastes from production, formulation and use of reprographic and photographic chemicals and materials not elsewhere specified or included*
- AD100 *Wastes from non-cyanide based systems which arise from surface treatment of plastics*
- AD120 *ex 391400 Ion exchange resins*
ex 3915
- A4080 Wastes of an explosive nature (but excluding such wastes specified in Appendix 3)
- A4090 Waste acidic or basic solutions, other than those specified in the corresponding entry in Appendix 3 (note the related entry in Appendix 3 B2120)
- A4100 Wastes from industrial pollution control devices for cleaning of industrial off-gases but excluding such wastes specified in Appendix 3
- AD150 *Naturally occurring organic material used as a filter medium (such as bio-filters)*
- A4110 Wastes that contain, consist of or are contaminated with any of the following:
- Any congener of polychlorinated dibenzo-furan
 - Any congener of polychlorinated dibenzo-dioxin
- A4120 Wastes that contain, consist of or are contaminated with peroxides
- A4130 Waste packages and containers containing Appendix 1 substances in concentrations sufficient to exhibit Appendix 2 hazard characteristics
- A4140 Waste consisting of or containing off specification or outdated¹¹ chemicals corresponding to Appendix 1 categories and exhibiting Appendix 2 hazard characteristics
- A4150 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known
- A4160 Spent activated carbon not included in Appendix 3 (note the related entry in Appendix 3 B2060)

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

11. "Outdated" means unused within the period recommended by the manufacturer.

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

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

ANNEX E: INTERNATIONAL TRANSPORT AGREEMENTS
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- 1 - "United Nations Recommendations on the Transport of Dangerous Goods"**, October 1999
11th Revised Edition, UN, New York.
- 2 - "Technical Instructions on the Safe Transport of Dangerous Goods by Air"**, 1984,
The International Civil Aviation Organisation (ICAO)
They are Annex 18 to the Convention on International Civil Aviation (the "**Chicago Convention**"), 1944
- 3 - "Dangerous Goods Regulations"**, 40th edition, 1999.
The International Air Transport Association (IATA).
Controls the shipment by air of dangerous substances, including biological substances.
- 4 - "European Agreement concerning the International Carriage of Dangerous Good by Road" (ADR)**, of 30 September 1957; and
Protocol amending article 1(a), article 14(1) and article 14(3)(b) of the European Agreement of 30 September 1957 concerning the International Carriage of Dangerous Goods by Road (ADR), 28 October 1993
- 5 - "European Agreement Concerning the International Carriage of Dangerous Goods by Inland Waterways" (ADN)**, of 25 May 2000
- 6 - "International Maritime Dangerous Goods Code"**, latest edition: 1995,
The International Maritime Organisation (IMO, London).
Made legally binding through Regulation VII/1.4 of SOLAS Convention ("**International Convention for the Safety of Life at Sea**"), 1974.
- 7 - "International Convention for the Prevention of Pollution from Ships"**, 1973/78
(MARPOL). Regulates disposal of wastes generated by normal operation of vessels
- 8 - Convention concerning the International Carriage by Rail of Dangerous Goods (COTIF)**, 1985
Latest version: 1997
- 9 - "Guidelines for the Safe Transport of Infectious Substances and Diagnostic Specimens"**, 1997
The World Health Organisation (WHO).

ANNEX F: CONTRACT

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

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

Contract

This contract is made between the following parties to comply with the OECD Council Decision C(2001)107/FINAL on the Revision of Decision C(92)39/FINAL on the Control of Transboundary Movements of Wastes Destined for Recovery Operations (“the OECD Decision”).

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

The parties to this contract are:

The Importer: [name and address of the Importer]

The Exporter : [name and address of the Exporter]

This contract is subject to the Notification No.: [code number of the Notification document]

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

It is agreed as follows:

- 1 The Importer will provide suitable facilities and accept for recovery the waste of the Exporter as described in the attached notification document in accordance with [reference to the applicable national law] and will recover the waste in accordance with these regulations¹.
- 2 The Exporter guarantees and warrants to the Importer that the waste delivered to the Importer shall be as described in the attached notification document.
- 3 The Exporter shall comply with the provisions of [reference to the applicable national law implementing the OECD Decision C(2001)107/FINAL]. In particular, the Exporter shall provide the attached notification document to the competent authorities of the countries of export, import and transit and, once all necessary consents have been obtained from these authorities, shall ensure that each shipment of waste is accompanied by a duly completed movement document.
- 4 The Recovery Facility shall, within 3 working days following the receipt of the waste, complete block 17 of the movement document form and send a copy of the form to the Exporter and to the competent authorities of the countries of export, import and transit³¹.
- 5 The Recovery Facility shall, as soon as possible and no later than thirty (30) days after the completion of recovery and no later than one (1) calendar year following the receipt of waste, complete block 18 of the movement document form certifying that the waste has been recovered in an environmentally sound manner and send it to the Exporter and to the competent authorities of the countries of export and import³¹.
- 6 In cases where the transboundary movement cannot be completed in accordance with the original terms of this contract, specify which party to the contract shall assume responsibility for an alternative management of the waste concerned in accordance with [reference to the applicable national law implementing the OECD Decision C(2001)107/FINAL]:
 - i) in case of return from a country of import to the country of export: the Exporter shall, take the waste back within 90 days from the time when the country of export was informed about the incident or such other period of time as the concerned Member countries agree.
 - ii) in case of re-export from a country of import to a third country: the Importer shall notify the competent authorities concerned, including the competent authority of the initial country of export.
- 7 This contract is personal to the parties and may not be assigned without the authority of the parties and shall last for [length of the validity period] from the date of its execution.

Signed by the duly authorised representatives of the parties

The Importer:	The Exporter:
by date	by date

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