

INTERNATIONAL AGREEMENTS
Variations in detailed requirements

DEFINITION OF WASTE

BASEL CONVENTION

1. Each party to Convention to notify to the secretariat, within 6 months, of wastes, other than those listed in Annexes I and II to the Convention considered or defined as hazardous.

OECD 1992

2. Introduced concept of assigning waste to three categories-green, amber and red. Additional arrangements for unassigned wastes- subject to controls required by domestic legislation of countries concerned unless they exhibited hazardous characteristic listed in Table 5 of OECD Council Decision c(88)90 (Final) when they are subject to red tier controls..

WASTE SHIPMENTS REGULATION

3. Adopted green, amber and red categories and defined in an annex which substances fell in which.

OECD 2001

4. Retained green, amber and red categories. Unassigned wastes subject to amber controls.

NOTIFICATION AND GROUNDS FOR OBJECTION

BASEL CONVENTION

5. No export can take place until notifier has received written consent from state of import and also confirmation from them of existence of contract between exporter and the disposer specifying environmentally sound management of the wastes in question

6. No time limit set on period within which importing country may object and no provision for tacit consent.

OECD 1992

7. Information to be submitted in notification set out in Appendix 2A of Decision – identify of the waste, where it is from and where it is going and certification of existence of written contract(s).

8. Transfrontier shipments may only occur under the terms of a valid contract or chain of contracts or equivalent arrangements between facilities controlled by the same legal entity, starting with the notifier and terminating at the recovery facility. The

contract should include provisions for financial guarantees, to cover alternative recycling, disposal or other sound management of wastes, where recovery operations cannot be carried out as foreseen. These contracts should also specify which party to the contract shall assume responsibility for alternative management of the wastes.

9. Competent authorities of exporting and importing countries have 30 days to object in accord with their respective domestic laws.

WASTE SHIPMENTS REGULATION 1993

10. OECD requirements on information required from notifier plus eg, measures to ensure safe transport, planned method of disposal for residual waste and the amount of recycled material in relation to the residual waste.

11. The notifier must conclude a contract with the consignee for the recovery of waste and supply a copy if requested by the competent authority. (It does not appear to require the contract to be in place at time of notification.) The contract 'must include the obligation, in accordance with Articles 25 and 26(2), to take back the waste if the shipment is not completed as planned or effected in violation of the Regulation and the consignee to provide as soon as possible, but not later than 180 days following the receipt of waste, a certificate to the notifier that the waste has been recovered in an environmentally sound manner.

12. Competent authorities of countries of destination, transit and despatch are given 30 days to object.

13. Article 7.4 states-competent authorities of destination and despatch may raise reasoned objections to the planned shipment:

- in accordance with Directive 75/442/EEC, in particular Article 7 thereof [i.e the UK Management Plan for Exports and Imports of Waste], or
- if it is not in accordance with national laws and regulations relating to environmental protection, public order, public safety of health protection, or
- if the notifier or the consignee has previously been guilty of illegal trafficking. In this case, the competent authority of despatch may refuse all shipments involving the person in question in accordance with national legislation, or
- if the shipment conflicts with obligations resulting from international conventions concluded by the Member State or Member States concerned, or
- the ratio of the recoverable and non-recoverable waste, the estimated value of the materials to be recovered or the cost of recovery and the cost of disposal of the non-recoverable fraction do not justify the recovery under economic and environmental considerations.

14. The competent authorities of despatch, destination and transit have 20 days in which to lay down conditions in respect to transport of waste within their jurisdiction

OECD 2001

15. Notifier has to provide information required under 92 Decision plus information on means of transport envisaged and specification of recovery operations.
16. Valid contracts have to be in place and be available on request to competent authorities, as under the 92 Decision, but the 2001 Decision goes on to be more precise as to what the contract should cover-
- Clearly identify: the generator of each type of waste, each person who shall have legal control of the wastes and the waste facility;
 - Provide that relevant requirements of the Decision are taken into account and are binding on all parties to the contracts;
 - Specify which party to the contract 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 ...
17. Grounds for objection remain unchanged from 1992.

PERIOD IN WHICH RECOVERY TO BE UNDERTAKEN

BASEL CONVENTION

18. No period is specified

OECD 1992

19. The competent authorities shall require that the necessary actions are carried out within a limited period. Written consent shall expire within one calendar year unless otherwise specified. Transfrontier movements of wastes under amber control system may only occur under the terms of a valid written contract or chain of contracts. Such contracts shall include provisions for financial guarantees, which are intended to provide for alternate recycling, disposal or sound management of wastes if original arrangements cannot be carried out. Contract should also say who is responsible for alternate management of wastes.

WASTE SHIPMENTS REGULATION 1993

20. Consignee to provide as soon as possible and no later than after 180 days a certificate to the notifier that the waste has been recovered in an environmentally sound manner. Written consent shall expire within one year unless otherwise specified. Before agreement to shipment can be given the notifier must conclude a contract with the consignee for the recovery of the waste. That contract must include an obligation on the notifier, in accordance with Articles 25 and 26(2) to take back the waste if the shipment is not completed as planned or if it is in violation of the Regulation.

OECD 2001

21. No later than 30 days after the completion of recovery and no later than one calendar year following the receipt of waste the recovery facility shall send a certificate of recovery to the exporter. Written consent is valid for up to one calendar year from the date of its assurance. If contract cannot be completed competent authority of country of

import shall inform competent authority of export,...mentioning the reason... and competent authority of export shall admit the return of those wastes. The return should take place within 90 days from the time the country of export is informed or such other period as the concerned countries may agree.