BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENT OF HAZARDOUS WASTES AND THEIR DISPOSAL (1989)

INTRODUCTION

The purpose of the Basel Convention is to:

* ensure that disposal of wastes is done in environmentally sound manner and as close to the possible source as possible; and
* Assist developing countries in the environmentally sound management of hazardous and other wastes they generate.

Developing countries may possibly use the Convention for the following purposes:

* To get assistance in cleaning up hazardous wastes in their country.
* Getting a permit to export hazardous wastes for destruction in another country
* Prohibiting the transshipment of hazardous wastes through their territorial seas.

The Convention covers toxic, poisonous, explosive, corrosive, flammable, Eco toxic (harmful to the environment) and infectious wastes that are being moved from one country to another.

APPLICATION PROCESS

In order to acquire a permit to export hazardous wastes the following documents have to be submitted to the competent authority in the country of export (DWMPC);

* Duly filled Notification form,
* Documented service agreement between the exporter and the importer/disposer, (Memorandum of Agreement) DSWM 4/5/2
* Insurance that covers environmental rehabilitation costs (a.k.a. pollution liability cover) or documents proving engagement of a specialized clean-up company in case of accidental spillages during shipment of waste.
* Facility License for all used oil exporters
1. Notification form

This is where the exporter is required to fill in the details about themselves, the importer, types and quantities of waste to be exported, etc. The competent authority in the country of export also has to acknowledge receipt of the form by completing their part on the form and stamping it. The forms come with guidelines. Additional guidelines concerning the waste classifications and waste codes can be seen in the annexes below. The forms can be found by clicking the link below.

Link: [\\Gwm01sw02\e\NEL\Compliance and Enforcemnt\Transboundary Movement of Hazardous Waste\Related documents (Transboundary movement of hazardous waste)](file:///%5C%5CGwm01sw02%5Ce%5CNEL%5CCompliance%20and%20Enforcemnt%5CTransboundary%20Movement%20of%20Hazardous%20Waste%5CRelated%20documents%20%28Transboundary%20movement%20of%20hazardous%20waste%29)

1. Service agreement between the exporters of the waste and the importer/disposer.

This is a document containing information concerning the contract between the exporter and disposer. Sometimes a mere confirmation letter from the importer/disposer can be used in place of the service agreement. The service agreement is preferred because it is more detailed compared to the confirmation letter.

1. Insurance cover

A copy of the insurance policy that covers environmental rehabilitation costs must be submitted with the aforementioned requirements. The alternative will be provision of proof that a company that specializes in cleaning up spillages of the concerned waste has been assigned the consignment(s).

Note: Applicants must also be notified that hazardous wastes must be stored in licensed waste management facilities and the vehicles (waste carriers) used to transport the waste must be licensed by the DWMPC.

Once all the documents have been submitted, a notification number is assigned to the application and written on the notification form by the competent authority. The notification number consists of at least 6 figures/characters, e.g. DWMPC 001/2011 meaning it is the first notification from the DWMPC in the year 2011.

The documents are then sent (by fax, mail or e-mail) to the competent authority in the country of import, e.g. the Department of Environmental Affairs of the RSA.

Await approval by the competent authority in the country of import. The waiting is rarely less than 2 weeks.

ISSUANCE

If consent is granted, the exporter is issued with copies of;

* written permission from the authority in the country of import,
* notification form stamped by the competent authority in the country of import, and
* a written consent from the competent authority in the country of export (DWMPC).

The permit is currently P1000 at DWMPC. During issuance the individual receiving the permit must provide identification (Omang or passport) for their details to be recorded.

MOVEMENT DOCUMENT

This form is used after permission has been granted. It is used to show the details about each consignment, i.e. when a shipment was made, how much, to which facility, through which border, and so forth. One of the conditions of the permit to export waste is to submit complete movement documents after completing every consignment.

Annex I

Categories of wastes to be controlled

Waste Streams

Y1 Clinical wastes from medical care in hospitals, medical centers 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 oils/water, hydrocarbons/water mixtures, emulsions

Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)

Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment

Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, 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

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 phosphorus compounds

Y38 Organic cyanides

Y39 Phenols; phenol compounds including chlorophenols

Y40 Ethers

Y41 Halogenated organic solvents

Y42 Organic solvents excluding halogenated solvents

Y43 Any congenor of polychlorinated dibenzo-furan

Y44 Any congenor of polychlorinated dibenzo-p-dioxin

Y45 Organohalogen compounds other than substances referred to in this Annex (e.g. Y39, Y41, Y42, Y43, Y44)

(a) To facilitate the application of this Convention, and subject to paragraphs (b), (c) and (d), wastes listed in Annex VIII are characterized as hazardous pursuant to Article 1, paragraph 1 (a), of this Convention, and wastes listed in Annex IX are not covered by Article 1, paragraph 1 (a), of this Convention.

(b) Designation of a waste on Annex VIII does not preclude, in a particular case, the use of Annex III to demonstrate that a waste is not hazardous pursuant to Article 1, paragraph 1 (a), of this Convention.

(c) Designation of a waste on Annex IX does not preclude, in a particular case, characterization of such a waste as hazardous pursuant to Article 1, paragraph 1 (a), of this Convention if it contains Annex I material to an extent causing it to exhibit an Annex III characteristic.

(d) Annexes VIII and IX do not affect the application of Article 1, paragraph 1 (a), of this Convention for the purpose of characterization of wastes.

 Annex II

Categories of wastes requiring special consideration

Y46 Wastes collected from households

Y47 Residues arising from the incineration of household wastes

Annex III

List of hazardous characteristics

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| --- | --- | --- |
| UN Class | Code  | Characteristics |
| 1 | H1 | ExplosiveAn 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 speed as to cause damage to the surroundings.  |
| 3 | H3 | Flammable liquidsThe 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 65.6C, 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.) |
| 4.1 | H4.1 | Flammable solidsSolids, 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. |
| 4.2 | H4.2  | Substances or wastes liable to spontaneous combustionSubstances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire. |
| 4.3  | H4.3  | Substances or wastes which, in contact with water emit flammable gasesSubstances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities. |
| 5.1  | H5.1  | OxidizingSubstances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials. |
| 5.2 | H5.2 | Organic PeroxidesOrganic substances or wastes which contain the bivalent-O-O- structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition. |
| 6.1 | H6.1 | Poisonous (Acute)Substances or wastes liable either to cause death or serious injury or to harm health if swallowed or inhaled or by skin contact. |
| 6.2 | H6.2 | Infectious substancesSubstances or wastes containing viable micro organisms or their toxins which are known or suspected to cause disease in animals or humans. |
| 8 | H8 | CorrosivesSubstances or wastes which, 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. |
| 9 | H10 | Liberation of toxic gases in contact with air or waterSubstances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities. |
| 9 | 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. |
| 9 | H12 | EcotoxicSubstances 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. |
| 9 | H13 | Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above. |

Annex IV

Disposal operations

A. Operations which do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use or alternative uses

Section A encompasses all such disposal operations which occur in practice.

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 of 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 Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A

D9 Physico chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A, (e.g., evaporation, drying, calcination, neutralization, precipitation, 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 Section A

D14 Repackaging prior to submission to any of the operations in Section A

D15 Storage pending any of the operations in Section A

B. Operations which may lead to resource recovery, recycling reclamation, direct re-use or alternative uses

Section B encompasses all such operations with respect to materials legally defined as or considered to be hazardous wastes and which otherwise would have been destined for operations included in Section 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 Section B

Annex V A

information to be provided on notification

1. Reason for waste export

2. Exporter of the waste

3. Generator(s) of the waste and site of generation

4. Disposer of the waste and actual site of disposal

5. Intended carrier(s) of the waste or their agents, if known

6. Country of export of the waste Competent authority

7. Expected countries of transit Competent authority

8. Country of import of the waste Competent authority

9. General or single notification

10. Projected date(s) of shipment(s) and period of time over which waste is to be exported and proposed itinerary (including point of entry and exit)

11. Means of transport envisaged (road, rail, sea, air, inland waters)

12. Information relating to insurance

13. Designation and physical description of the waste including Y number and UN number and its composition and information on any special handling requirements including emergency provisions in case of accidents

14. Type of packaging envisaged (e.g. bulk, drummed, tanker)

15. Estimated quantity in weight/volume

16. Process by which the waste is generated

17. For wastes listed in Annex I, classifications from Annex III: hazardous characteristic, H number, and UN class

18. Method of disposal as per Annex IV

19. Declaration by the generator and exporter that the information is correct

20. Information transmitted (including technical description of the plant) to the exporter or generator from the disposer of the waste upon which the latter has based his assessment that there was no reason to believe that the wastes will not be managed in an environmentally sound manner in accordance with the laws and regulations of the country of import

21. Information concerning the contract between the exporter and disposer.

Notes

1/ Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted.

2/ Full name and address, telephone, telex or telefax number.

3/ In the case of a general notification covering several shipments, either the expected dates of each shipment or, if this is not known, the expected frequency of the shipments will be required.

4/ Information to be provided on relevant insurance requirements and how they are met by exporter, carrier and disposer.

5/ The nature and the concentration of the most hazardous components, in terms of toxicity and other dangers presented by the waste both in handling and in relation to the proposed disposal method.

6/ In the case of a general notification covering several shipments, both the estimated total quantity and the estimated quantities for each individual shipment will be required.

7/ Insofar as this is necessary to assess the hazard and determine the appropriateness of the proposed disposal operation.

  Annex V B

Information to be provided on the movement document

1. Exporter of the waste

2. Generator(s) of the waste and site of generation

3. Disposer of the waste and actual site of disposal

4. Carrier(s) of the waste or his agent(s)

5. Subject of general or single notification

6. The date the transboundary movement started and date(s) and signature on receipt by each person who takes charge of the waste

7. Means of transport (road, rail, inland waterway, sea, air) including countries of export, transit and import, also point of entry and exit where these have been designated

8. General description of the waste (physical state, proper UN shipping name and class, UN number, Y number and H number as applicable).

9. Information on special handling requirements including emergency provision in case of accidents.

10. Type and number of packages.

11. Quantity in weight/volume.

12. Declaration by the generator or exporter that the information is correct.

13. Declaration by the generator or exporter indicating no objection from the competent authorities of all States concerned which are Parties.

14. Certification by disposer of receipt at designated disposal facility and indication of method of disposal and of the approximate date of disposal.