



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**HAZARDOUS WASTE (CONTROL OF
EXPORT, IMPORT AND TRANSIT)
ACT 1997**

2020 REVISED EDITION

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Hazardous Waste (Control of Export, Import and Transit) Act 1997

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY

Section

1. Short title
2. Interpretation
3. Treatment of colonies, etc.
4. Meaning of hazardous and other wastes
5. Exports and transits to foreign countries — extended meaning of hazardous and other wastes
6. Transit proposals
7. Article 11 arrangements
8. Environmentally sound management of hazardous or other waste
9. Article 11 arrangements — substances taken to be hazardous or other waste
10. Article 11 arrangements — substances not classified as hazardous or other waste
11. Time limit for compliance with permit condition
12. Exemption of naval vessels, military aircraft, etc.
13. Act binds the Government
14. Other written laws not affected

PART 2

ADMINISTRATION

15. Administration of Act
16. Appointment of authorised officers

*Hazardous Waste (Control of
Export, Import and Transit)
Act 1997*

2020 Ed.

2

PART 3

IMPORT, EXPORT AND TRANSIT PERMITS

Section

17. Regulations to give effect to Basel Convention
18. Contents of regulations made to give effect to Basel Convention
19. Regulations to give effect to Article 11 arrangements
20. Contents of set of Article 11 regulations
21. When special permit may be granted under set of Article 11 regulations
22. When Basel permit may be granted
23. Prohibition of bringing waste into Antarctica
24. Applications and notices to be accompanied by fees

PART 4

REGULATION OF IMPORT, EXPORT AND TRANSIT OF
HAZARDOUS AND OTHER WASTES

25. Prohibition of import
26. Prohibition of export
27. Prohibition of bringing waste into Singapore in course of carrying out transit proposal

PART 5

ENFORCEMENT

28. Injunctions
29. Power to obtain information
30. Power to control movement of vessels, aircraft and vehicles, etc.
31. Powers of entry and search
32. General powers of Director-General on entering or boarding searchable places
33. Production of Basel permits or special permits and orders
34. Production of transit permits
35. Assistance to Director-General
36. Obstruction of Director-General, etc.
37. False statements
38. Part does not limit power to impose permit conditions

PART 6

MISCELLANEOUS

Section

39. Evidentiary certificate — classification of hazardous or other waste
 40. Evidentiary certificate — environmentally sound management of hazardous or other waste
 41. Evidence of analyst
 42. Offences by body corporate
 - 42A. Jurisdiction of District Court
 43. Protection from personal liability
 44. Public servants for purposes of Penal Code 1871
 45. Appeal to Minister
 46. Service of notice, etc.
 47. Convention countries
 48. Regulations
- The Schedule — Basel Convention on the Control of
Transboundary Movements of Hazardous
Wastes and their disposal
-

An Act to provide for the regulation of the export, import and transit of hazardous and other wastes, and for related purposes.

[16 March 1998]

PART 1

PRELIMINARY

Short title

1. This Act is the Hazardous Waste (Control of Export, Import and Transit) Act 1997.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —
- “Antarctica” means the area south of 60° South latitude, including all ice shelves in that area;

- “Article 11 arrangement” has the meaning given to it by section 7;
- “authorised officer” means a person appointed under section 16 as an authorised officer;
- “Basel Convention” means the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and any amendment or protocol to the Convention that has come into force and has been accepted by the Government, a copy of the English text of which is set out in the Schedule;
- “Basel export permit” means a permit given in accordance with the Basel Convention permitting the export of hazardous or other waste;
- “Basel import permit” means a permit given in accordance with the Basel Convention permitting the import of hazardous or other waste;
- “Basel permit” means a Basel export permit, a Basel import permit or a Basel transit permit;
- “Basel transit permit” means a permit given in accordance with the Basel Convention permitting the carrying out of one or more transit proposals relating to hazardous or other waste;
- “competent authority”, in relation to a foreign country, means —
- (a) if the country is a party to the Basel Convention — the competent authority of the country within the meaning of the Basel Convention; and
 - (b) otherwise — a person or an organisation that officially represents the country;
- “deal with”, in relation to hazardous or other waste, includes dispose of;
- “Director-General” means the Director-General of Environmental Protection appointed under section 3(1) of the Environmental Protection and Management Act 1999;

“disposal” means an operation specified in Annex IV to the Basel Convention;

“environmentally sound management”, in relation to hazardous or other waste, has the meaning given by section 8;

“export permit” means a Basel export permit or a special export permit;

“export proposal” means a proposal to export hazardous or other waste and to deal with it outside Singapore;

“foreign country” includes —

- (a) a colony, overseas territory, overseas province or protectorate of a foreign country;
- (b) a territory outside Singapore, where a foreign country is to any extent responsible for the international relations of the territory; and
- (c) a territory outside Singapore that is to some extent self-governing, but that is not recognised as an independent sovereign state by Singapore;

“holder”, in relation to a Basel permit or a special permit, means the person to whom the permit was granted;

“household waste” means waste collected from households, but does not include such waste as may be specified in any regulations made under this Act;

“import permit” means a Basel import permit or a special import permit;

“import proposal” means a proposal to import hazardous or other waste and to deal with it in Singapore;

“permit application” means an application for a Basel or special permit;

“permit condition” means a condition specified in —

- (a) a Basel permit;
- (b) a notice specified in any regulations made under section 17 varying a Basel permit;

(c) a special permit; or

(d) a notice under a set of Article 11 regulations varying a special permit;

“platform” includes any structure at sea, whether fixed or not fixed, but does not include a vessel;

“premises” includes any place, whether or not enclosed or built on;

“relevant person”, in relation to a searchable place, means —

(a) in the case of premises in Singapore — the occupier of the premises; and

(b) in any other case — the person in command or control, or who appears to be in command or control, of the place;

“searchable place” means —

(a) any premises in Singapore;

(b) an aircraft, a vehicle or a vessel within the jurisdiction of Singapore;

(c) a Singapore aircraft;

(d) a Singapore platform; or

(e) a Singapore vessel;

“set of Article 11 regulations” has the meaning given by section 19(3);

“Singapore aircraft” means an aircraft that is registered in Singapore;

“Singapore platform” means a platform —

(a) that is fixed to the seabed or subsoil beneath Singapore waters; or

(b) that is otherwise operating in Singapore waters;

“Singapore vessel” means a vessel that is registered in Singapore;

“Singapore waters” means the following waters:

- (a) the whole of the sea within the seaward limits of the territorial waters of Singapore; and
- (b) all other waters (including inland waters) which are within these limits and are subject to the ebb and flow of the ordinary tides;

“special export permit” means a permit under a set of Article 11 regulations permitting the export of hazardous or other waste;

“special import permit” means a permit under a set of Article 11 regulations permitting the import of hazardous or other waste;

“special permit” means a special export permit, a special import permit or a special transit permit;

“special transit permit” means a permit under a set of Article 11 regulations permitting the carrying out of one or more transit proposals relating to hazardous or other waste;

“through bill of lading” or “through airway bill” means a bill of lading or airway bill, as the case may be, for the consignment of goods from a place outside Singapore to a final destination outside Singapore without a consignee in Singapore;

“transit permit” means a Basel transit permit or a special transit permit;

“transit proposal” has the meaning given by section 6;

“vessel” means anything capable of carrying persons or goods through or on water, and includes an air-cushion vehicle or similar craft;

“waste” means a substance or object that is —

- (a) proposed to be disposed of;
- (b) disposed of; or
- (c) required by any written law to be disposed of.

[6/2020]

(2) In this Act —

- (a) a reference to this Act includes a reference to regulations made under this Act;
- (b) a reference to an offence under this Act includes a reference to an attempt or conspiracy to commit an offence under this Act or an abetment of an offence under this Act;
- (c) “within the jurisdiction of Singapore” means within or over Singapore or Singapore waters.

Treatment of colonies, etc.

3.—(1) For the purposes of this Act, if —

- (a) a territory is covered by either of the following subparagraphs:
 - (i) a colony, overseas territory, overseas province or protectorate of a foreign country;
 - (ii) a territory outside Singapore, where a foreign country is to any extent responsible for the international relations of the territory;
- (b) the foreign country is a party to the Basel Convention; and
- (c) the territory is not specified in any regulations made under this Act,

the territory is taken to be a party to the Basel Convention.

(2) For the purposes of this Act, if a territory is covered by any of the following paragraphs:

- (a) a colony, overseas territory, overseas province or protectorate of a foreign country;
- (b) a territory outside Singapore, where a foreign country is to any extent responsible for the international relations of the territory; or
- (c) a territory outside Singapore that is to some extent self-governing, but that is not recognised as an independent sovereign state by Singapore,

a person or an organisation that officially represents the territory is taken to be a competent authority of the territory.

(3) Subsection (2) has effect despite anything in the definition of “competent authority” in section 2(1).

Meaning of hazardous and other wastes

4. Subject to section 5, for the purposes of this Act —

(a) “hazardous waste” means —

- (i) waste prescribed by any regulations made under this Act, where the waste has any of the characteristics mentioned in Annex III to the Basel Convention; or
- (ii) waste that belongs to any category contained in Annex I to the Basel Convention, unless it does not possess any of the characteristics contained in Annex III to that Convention;

(b) “other waste” means waste that belongs to any category contained in Annex II to the Basel Convention,

but hazardous and other wastes do not include wastes which derive from the normal operations of a ship and radioactive wastes.

[6/2020]

Exports and transits to foreign countries — extended meaning of hazardous and other wastes

5.—(1) This section has effect for the purposes of the application of this Act —

- (a) to the export or proposed export of a substance or object to a particular foreign country; or
- (b) to, or to the carrying out of, a transit proposal that involves the taking out of Singapore of a substance or object to a particular foreign country.

(2) If —

- (a) the foreign country is a party to the Basel Convention; and
- (b) the prescribed website of the Secretariat of the Basel Convention states that the particular substance or object is,

in particular circumstances, classified as hazardous or other waste under a law of that foreign country that gives effect to the Basel Convention,

then that substance or object is, in those circumstances, hazardous or other waste for those purposes.

[6/2020]

(3) If —

- (a) the foreign country is a party to the Basel Convention;
- (b) the Minister is satisfied that, under a law of that country that gives effect to the Basel Convention, the particular substance or object is, in particular circumstances, classified as hazardous or other waste; and
- (c) apart from this section, the particular substance or object is not hazardous or other waste,

the Minister must, by notification in the *Gazette*, declare that the substance or object is, in those circumstances, hazardous or other waste for those purposes.

(4) If —

- (a) the Minister is satisfied that the foreign country classifies particular waste collected from the households as hazardous or other waste; and
- (b) apart from this section, the waste is not hazardous waste,

the Minister must, by notification in the *Gazette*, declare that the waste is hazardous or other waste for those purposes.

(5) A declaration under this section has effect accordingly.

(6) The Minister must revoke a declaration made under this section if the Minister ceases to be satisfied of the matter referred to in subsection (3)(b) or (4)(a), as the case may be.

(7) The revocation of a declaration must be published in the *Gazette*.

Transit proposals

6.—(1) This section sets out the proposals that are transit proposals for the purposes of this Act.

(2) A proposal —

- (a) to bring hazardous or other waste into Singapore for the purpose of being carried to a foreign country either by the same or another conveyance; and
- (b) if the waste is brought into Singapore by sea or air, the carriage is on a through bill of lading or through airway bill,

is a transit proposal so long as it is not proposed to dispose of the waste in Singapore.

Article 11 arrangements

7.—(1) If —

- (a) Singapore has entered into an agreement or arrangement; and
- (b) the Minister is satisfied that the agreement or arrangement is of a kind mentioned in Article 11 of the Basel Convention,

the Minister must, by notice in the *Gazette*, declare that the agreement or arrangement is an Article 11 arrangement for the purposes of this Act.

(2) A declaration under this section has effect accordingly.

(3) The Minister must revoke a declaration made under this section if the Minister ceases to be satisfied of the matter referred to in subsection (1)(b).

(4) A revocation made under subsection (3) must be published in the *Gazette*.

Environmentally sound management of hazardous or other waste

8. A reference in this Act to the environmentally sound management of hazardous or other waste is a reference to taking all practicable steps to ensure that the waste is managed in a manner that will protect human health and the environment against the adverse effects that may result from the waste.

Article 11 arrangements — substances taken to be hazardous or other waste

9.—(1) This section has effect for the purposes of the application of this Act —

- (a) to the import or proposed import of a substance or object from a particular foreign country;
- (b) to the export or proposed export of a substance or object to a particular foreign country; or
- (c) to, or to the carrying out of, a transit proposal that involves the taking out of Singapore of a substance or object to a particular foreign country.

(2) If —

- (a) the country is a party to an Article 11 arrangement;
- (b) the substance or object is subject to notification or control under the arrangement; and
- (c) apart from this section, the substance or object is not hazardous or other waste,

the substance or object is taken to be hazardous or other waste for those purposes.

Article 11 arrangements — substances not classified as hazardous or other waste

10.—(1) This section has effect for the purposes of the application of this Act —

- (a) to the import or proposed import of a substance or object from a particular foreign country;

- (b) to the export or proposed export of a substance or object to a particular foreign country; or
- (c) to, or to the carrying out of, a transit proposal that involves the taking out of Singapore of a substance or object to a particular foreign country.

(2) If —

- (a) the country is a party to an Article 11 arrangement; and
- (b) the arrangement expressly provides that the substance or object is not subject to notification or control under the arrangement,

the substance or object is taken not to be hazardous or other waste for those purposes.

Time limit for compliance with permit condition

11.—(1) For the purposes of this Act, if —

- (a) the Director-General specifies the day on or before which a permit condition relating to a Basel or special permit is to be complied with; and
- (b) the condition is not complied with on or before that day,

the holder of the permit is taken to have breached the condition at the end of that day.

[6/2020]

(2) For the purposes of this Act, if —

- (a) under a set of Article 11 regulations, the Minister specifies the day on or before which a permit condition relating to a special permit is to be complied with; and
- (b) the condition is not complied with on or before that day,

the holder of the permit is taken to have breached that condition at the end of that day.

Exemption of naval vessels, military aircraft, etc.

12. This Act does not apply to or in relation to any vessel or aircraft belonging to the naval, military or air forces of Singapore or any other country.

Act binds the Government

13. This Act binds the Government.

Other written laws not affected

14. This Act is in addition to, and not in derogation of or substitution for, any other written law, whether enacted before or after 16 March 1998.

PART 2

ADMINISTRATION

Administration of Act

15.—(1) The Director-General is, subject to any general or special directions of the Minister, responsible for the administration of this Act.

[6/2020]

(2) The Director-General may, with the approval of the Minister, delegate the exercise of all or any of the powers conferred or duties imposed on the Director-General by this Act (except the power of delegation conferred by this subsection) to any authorised officer, subject to such conditions or limitations as the Director-General may specify.

[6/2020]

Appointment of authorised officers

16.—(1) The Director-General may, by writing, appoint for the purposes of this Act —

- (a) an eligible person to be an authorised officer; or
- (b) a class of eligible persons to be authorised officers.

[6/2020]

(2) A person who is an authorised officer ceases to be an authorised officer if the person ceases to be an eligible person.

(3) For the purposes of this section, an eligible person is any public officer or any officer of a statutory body.

PART 3

IMPORT, EXPORT AND TRANSIT PERMITS

Regulations to give effect to Basel Convention

17. The Minister may make regulations to provide for and in relation to giving effect to —

- (a) the Basel Convention; and
- (b) any amendment or protocol to the Basel Convention that has come into force and has been accepted by the Government.

Contents of regulations made to give effect to Basel Convention

18.—(1) Any regulations made under section 17 to give effect to the Basel Convention may —

- (a) specify the kinds of import proposals, export proposals and transit proposals that are within the scope of the Basel Convention;
- (b) provide for the application to the Director-General for import permits and the granting of import permits by the Director-General authorising the import of hazardous and other waste, where the permit relates to an import proposal within the scope of the Basel Convention;
- (c) provide for the application to the Director-General for export permits and the granting of export permits by the Director-General authorising the export of hazardous or other waste, where the permit relates to an export proposal within the scope of the Basel Convention; and
- (d) provide for the application to the Director-General for transit permits and the granting of transit permits by the

Director-General authorising the carrying out of transit proposals within the scope of the Basel Convention.

[6/2020]

- (2) Such regulations may provide for —
- (a) conditions of the Basel permits, including the giving of guarantees and security deposits, and for securing compliance with such conditions; and
 - (b) the revocation, surrender and variation of Basel permits.
- (3) This section does not, by implication, limit sections 17 and 48.

Regulations to give effect to Article 11 arrangements

19.—(1) The Minister may make regulations to provide for and in relation to giving effect to —

- (a) an Article 11 arrangement; and
- (b) an amendment of an Article 11 arrangement.

(2) Regulations made for the purposes of this section do not come into operation before —

- (a) the arrangement enters into force, or comes into effect, for Singapore; or
- (b) the amendment enters into force, or comes into effect, for Singapore,

as the case requires.

(3) Regulations made for the purposes of this section that give effect to a particular Article 11 arrangement, including regulations that give effect to an amendment of the Article 11 arrangement, are called a set of Article 11 regulations.

Contents of set of Article 11 regulations

20.—(1) Each set of Article 11 regulations may —

- (a) specify the kinds of import proposals, export proposals and transit proposals that are within the scope of that set of regulations;

- (b) provide for the application to the Director-General for import permits and the granting of import permits by the Director-General authorising the import of hazardous or other waste, where the permit relates to an import proposal within the scope of that set of regulations;
- (c) provide for the application to the Director-General for export permits and the granting of export permits by the Director-General authorising the export of hazardous or other waste, where the permit relates to an export proposal within the scope of that set of regulations; and
- (d) provide for the application to the Director-General for transit permits and the granting of transit permits by the Director-General authorising the carrying out of transit proposals within the scope of that set of regulations.

[6/2020]

(2) A set of Article 11 regulations may provide for —

- (a) conditions of special permits, including the giving of guarantees and security deposits, and for securing compliance with such conditions; and
- (b) the revocation, surrender and variation of special permits.

(3) This section does not, by implication, limit sections 19 and 48.

When special permit may be granted under set of Article 11 regulations

21.—(1) If —

- (a) a person applies for a special import permit in relation to an import proposal that is within the scope of a particular set of Article 11 regulations; and
- (b) the proposal is within the scope of another set of Article 11 regulations,

the Director-General must not grant the permit unless he or she is satisfied that the corresponding requirements of the other set of regulations have been met in relation to the proposal.

[6/2020]

(2) For the purposes of subsection (1), a corresponding requirement of a particular set of Article 11 regulations is a requirement under that set of regulations that —

- (a) must be met before granting a special import permit under that set of regulations; and
- (b) is declared by the regulations to be a corresponding requirement for the purposes of this subsection.

(3) Subsection (1) does not prevent the set of Article 11 regulations mentioned in subsection (1)(a) from setting out other requirements that must be met before granting a special import permit under that set of regulations.

(4) If —

- (a) a person applies for a special export permit in relation to an export proposal that is within the scope of a particular set of Article 11 regulations; and
- (b) the proposal is within the scope of another set of Article 11 regulations,

the Director-General must not grant the permit unless he or she is satisfied that the corresponding requirements of the other set of regulations have been met in relation to the proposal.

[6/2020]

(5) For the purposes of subsection (4), a corresponding requirement of a particular set of Article 11 regulations is —

- (a) a requirement under that set of regulations to obtain the consent (whether actual or constructive) of an authority of a foreign country before granting a special export permit under that set of regulations authorising the export of hazardous or other waste to that country; or
- (b) another requirement under that set of regulations that —
 - (i) must be met before granting a special export permit under that set of regulations; and
 - (ii) is declared by the regulations to be a corresponding requirement for the purposes of this subsection.

(6) Subsection (4) does not prevent the set of Article 11 regulations mentioned in subsection (5)(a) from setting out other requirements that must be met before granting a special export permit under that set of regulations.

(7) If —

- (a) a person applies for a special transit permit in relation to a transit proposal that is within the scope of a particular set of Article 11 regulations; and
- (b) the proposal is within the scope of another set of Article 11 regulations,

the Director-General must not grant the permit unless he or she is satisfied that the corresponding requirements of the other set of regulations have been met in relation to the proposal.

[6/2020]

(8) For the purposes of subsection (7), a corresponding requirement of a particular set of Article 11 regulations is —

- (a) a requirement under that set of regulations to obtain the consent (whether actual or constructive) of an authority of a foreign country before granting a special transit permit under that set of regulations authorising the carrying out of a transit proposal that involves the taking out of Singapore of hazardous or other waste to that country; or
- (b) another requirement under that set of regulations that —
 - (i) must be met before granting a special transit permit under that set of regulations; and
 - (ii) is declared by the regulations to be a corresponding requirement for the purposes of this subsection.

(9) Subsection (7) does not prevent the set of Article 11 regulations mentioned in subsection (8)(a) from setting out other requirements that must be met before granting a special transit permit under that set of regulations.

When Basel permit may be granted

22.—(1) If —

- (a) a person applies for a Basel import permit in relation to an import proposal; and
- (b) the proposal is within the scope of a particular set of Article 11 regulations,

the Director-General must not grant the permit unless he or she is satisfied that the corresponding requirements of that set of regulations have been met in relation to the proposal.

[6/2020]

(2) For the purposes of subsection (1), a corresponding requirement of a particular set of Article 11 regulations is a requirement under that set of regulations that —

- (a) must be met before granting a special import permit under that set of regulations; and
- (b) is declared by the regulations to be a corresponding requirement for the purposes of this subsection.

(3) If —

- (a) a person applies for a Basel export permit in relation to an export proposal; and
- (b) the proposal is within the scope of a particular set of Article 11 regulations,

the Director-General must not grant the permit unless he or she is satisfied that the corresponding requirements of that set of regulations have been met in relation to the proposal.

[6/2020]

(4) For the purposes of subsection (3), a corresponding requirement of a particular set of Article 11 regulations is —

- (a) a requirement under that set of regulations to obtain the consent (whether actual or constructive) of an authority of a foreign country before granting a special export permit under that set of regulations authorising the export of hazardous or other waste to that country; or

- (b) another requirement under that set of regulations that —
 - (i) must be met before granting a special export permit under that set of regulations; and
 - (ii) is declared by the regulations to be a corresponding requirement for the purposes of this subsection.

(5) If —

- (a) a person applies for a Basel transit permit in relation to a transit proposal; and
- (b) the proposal is within the scope of a particular set of Article 11 regulations,

the Director-General must not grant the permit unless he or she is satisfied that the corresponding requirements of that set of regulations have been met in relation to the proposal.

[6/2020]

(6) For the purposes of subsection (5), a corresponding requirement of a particular set of Article 11 regulations is —

- (a) a requirement under that set of regulations to obtain the consent (whether actual or constructive) of an authority of a foreign country before granting a special transit permit under that set of regulations authorising the carrying out of a transit proposal that involves the taking out of Singapore of hazardous or other waste to that country; or
- (b) another requirement under that set of regulations that —
 - (i) must be met before granting a special transit permit under that set of regulations; and
 - (ii) is declared by the regulations to be a corresponding requirement for the purposes of this subsection.

Prohibition of bringing waste into Antarctica

23. The Director-General must not grant a Basel permit or special permit if he or she is satisfied that the grant could result in hazardous or other waste being brought into Antarctica.

[6/2020]

Applications and notices to be accompanied by fees

24.—(1) Any regulations made under this Act may prescribe fees to be paid in relation to applications and notices given to the Director-General under this Act.

[6/2020]

(2) An application or a notice given to the Director-General under this Act must be accompanied by the prescribed fee, if any.

[6/2020]

(3) If an application or a notice given to the Director-General under this Act is not accompanied by the prescribed fee (if any), the application or notice is taken not to have been received by the Director-General until the fee has been paid.

[6/2020]

(4) The Director-General may determine in writing that the prescribed fee payable in relation to a specified application or a specified notice is reduced by a specified amount.

[6/2020]

(5) The determination has effect accordingly.

PART 4

**REGULATION OF IMPORT, EXPORT AND TRANSIT OF
HAZARDOUS AND OTHER WASTES**

Prohibition of import

25.—(1) A person must not import hazardous or other waste unless —

- (a) the person is the holder of an import permit authorising the person to import the waste;
- (b) the import is authorised by an order made under any regulation made under Part 3; or
- (c) the import has been ordered under any regulation made under Part 3.

(2) The holder of an import permit must not —

- (a) import the hazardous or other waste to which the permit relates except in accordance with the permit; or

(b) whether before or after importing the hazardous or other waste to which the permit relates, breach any of the permit conditions.

(3) A person authorised by an order made under any regulation made under Part 3 to import hazardous or other waste must not import or deal with the waste except in accordance with the order.

(4) Any person who contravenes subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction —

(a) in the case of a body corporate, to a fine not exceeding \$300,000; or

(b) in the case of an individual, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both.

Prohibition of export

26.—(1) A person must not export hazardous or other waste unless —

(a) the person is the holder of an export permit authorising the person to export the waste; or

(b) the export has been ordered under any regulation made under Part 3.

(2) The holder of an export permit must not —

(a) export the hazardous or other waste to which the permit relates except in accordance with the permit; or

(b) whether before or after exporting the hazardous or other waste to which the permit relates, breach any of the permit conditions.

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction —

(a) in the case of a body corporate, to a fine not exceeding \$300,000; or

- (b) in the case of an individual, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both.

Prohibition of bringing waste into Singapore in course of carrying out transit proposal

27.—(1) A person must not bring hazardous or other waste into Singapore in the course of carrying out a transit proposal unless the person is the holder of a transit permit authorising the person to bring the waste into Singapore.

(2) The holder of a transit permit must not —

- (a) bring into Singapore the hazardous or other waste to which the permit relates except in accordance with the permit;
- (b) take out of Singapore the hazardous or other waste to which the permit relates except in accordance with the permit; or
- (c) whether before or after bringing into Singapore the hazardous or other waste to which the permit relates, breach any of the permit conditions.

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction —

- (a) in the case of a body corporate, to a fine not exceeding \$300,000; or
- (b) in the case of an individual, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both.

PART 5

ENFORCEMENT

Injunctions

28.—(1) Where a person has engaged, is engaging, or is proposing to engage, in any conduct that constituted, constitutes or would

constitute an offence under this Act, the court may, on the application of the Director-General or any other person, grant an injunction —

- (a) restraining the person from engaging in the conduct; and
- (b) if in the opinion of the court it is desirable to do so, requiring the person to do anything.

[6/2020]

(2) Where —

- (a) a person has refused or failed, is refusing or failing, or is proposing to refuse or fail, to do anything; and
- (b) the refusal or failure was, is, or would be, an offence under this Act,

the court may, on the application of the Director-General or any other person, grant an injunction requiring the person to do the thing.

[6/2020]

(3) If in the opinion of the court it is desirable to do so, the court may grant an interim injunction pending determination of an application under subsection (1).

(4) The court may discharge or vary an injunction granted under this section.

(5) The power of the court to grant an injunction under this section restraining a person from engaging in any conduct may be exercised —

- (a) whether or not it appears to the court that the person intends to engage again, or to continue to engage, in conduct of that kind;
- (b) whether or not the person has previously engaged in conduct of that kind; and
- (c) whether or not there is a significant risk of injury or damage to human beings or the environment if the person engages, or continues to engage, in conduct of that kind.

(6) The power of the court to grant an injunction under this section requiring a person to do a thing may be exercised —

- (a) whether or not it appears to the court that the person intends to refuse or fail again, or to continue to refuse or fail, to do the thing;
- (b) whether or not the person has previously refused or failed to do the thing; and
- (c) whether or not there is a significant risk of injury or damage to human beings or the environment if the person refuses or fails, or continues to refuse or fail, to do the thing.

(7) Where the Director-General or any other person makes an application to the court for the grant of an injunction under this section, the court is not to require the Director-General or that other person, as a condition for granting an interim injunction, to give any undertaking as to damages.

[6/2020]

(8) The powers conferred on the court by this section are in addition to, and not in derogation of, any other powers of the court.

Power to obtain information

29.—(1) The Director-General may, by written notice served on any person, require that person to provide the Director-General, within the time and in the form specified in the notice, any information specified in the notice which the Director-General may reasonably require for the purpose of exercising and performing his or her functions, duties or powers under this Act.

[6/2020]

(2) A person who —

- (a) fails without reasonable excuse to comply with any of the requirements of a notice served on the person under subsection (1); or
- (b) in purported compliance with such a notice —
 - (i) makes any statement to the Director-General which the person knows to be incorrect in a material respect;

- (ii) recklessly makes any statement to the Director-General which is incorrect in a material respect; or
- (iii) knowingly omits any material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[6/2020]

Power to control movement of vessels, aircraft and vehicles, etc.

30.—(1) This section applies if the Director-General or an authorised officer has reasonable grounds for suspecting that there is in or on —

- (a) a Singapore vessel or Singapore aircraft; or
- (b) a vessel, an aircraft or a vehicle that is within the jurisdiction of Singapore,

hazardous or other waste that is to be, or that has been, imported, exported or the subject of a transit proposal.

[6/2020]

(2) If this section applies in relation to a vessel, the Director-General or an authorised officer may require the master or the person in command or charge, or who appears to be in command or charge, of the vessel to do one or more of the following things:

- (a) ensure that the vessel does not remain within, or does not come within, as the case requires, the jurisdiction of Singapore;
- (b) ensure that the vessel is brought to a specified place to which it is safe and practicable to bring the vessel;
- (c) ensure that the vessel remains at a specified place until the Director-General or the authorised officer permits the vessel to leave;
- (d) arrange for goods being carried on the vessel to be unloaded;

- (e) ensure that goods being carried on the vessel are not unloaded until the Director-General or the authorised officer permits their unloading.

[6/2020]

(3) If this section applies in relation to an aircraft, the Director-General or an authorised officer may require the person in command or control, or who appears to be in command or control, of the aircraft to do one or more of the following things:

- (a) ensure that the aircraft does not remain within, or does not come within, as the case requires, the jurisdiction of Singapore;
- (b) ensure that the aircraft is landed at a specified airport at which it is safe and practicable to land the aircraft;
- (c) ensure that the aircraft remains at a specified airport until the Director-General or the authorised officer permits the aircraft to leave;
- (d) arrange for goods being carried on the aircraft to be unloaded;
- (e) ensure that goods being carried on the aircraft are not unloaded until the Director-General or the authorised officer permits their unloading.

[6/2020]

(4) If this section applies in relation to a vehicle, the Director-General or an authorised officer may require the person in command or control, or who appears to be in command or control, of the vehicle to do one or more of the following things:

- (a) ensure that the vehicle does not remain within the jurisdiction of Singapore;
- (b) ensure that the vehicle is brought to a specified place in which it is safe and practicable to park the vehicle;
- (c) ensure that the vehicle remains at the specified place until the Director-General or an authorised officer permits the vehicle to leave;

- (d) arrange for goods being carried in or on the vehicle to be unloaded;
- (e) ensure that goods being carried in or on the vehicle are not unloaded until the Director-General or an authorised officer permits their unloading.

[6/2020]

(5) The Director-General or an authorised officer may communicate a requirement under this section by means of —

- (a) an international signal code;
- (b) if the requirement relates to a vessel, any other internationally recognised means of communication with a vessel;
- (c) if the requirement relates to an aircraft, any other internationally recognised means of communication with an aircraft; or
- (d) if the requirement relates to a vehicle, a written notice given to the person in command or control, or who appears to be in command or control, of the vehicle.

[6/2020]

(6) Any person who refuses or fails, without reasonable excuse, to comply with a requirement made under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(7) It is a reasonable excuse for the person to refuse or fail to comply with the requirement if complying with the requirement would have endangered the person or any other person.

Powers of entry and search

31.—(1) The Director-General or an authorised officer may, for the purposes of this Act —

- (a) enter or board a searchable place; and
- (b) exercise the powers set out in section 32(1) and (2),

without being liable to any legal proceedings or molestation on account of such entry or of anything done in part of that searchable place pursuant to this Act.

[6/2020]

(2) The Director-General or an authorised officer must not, pursuant to this section, enter into any dwelling house in actual occupation, unless with the consent of the occupier of the dwelling house or with 6 hours' previous notice to the occupier.

[6/2020]

(3) If it is shown to the satisfaction of the court that admission to any searchable place has been refused or that the searchable place is unoccupied or the owner or occupier is absent (whether temporarily or permanently) and that the case is one of urgency, the court may by warrant authorise the Director-General or an authorised officer to enter the premises, if need be by force.

[6/2020]

(4) The Director-General or an authorised officer who is permitted by this section to enter or board a vessel, aircraft or vehicle may, for the purpose of effecting the entry or boarding and for the purpose of exercising any powers that the Director-General or authorised officer is permitted to exercise, stop and detain the vessel, aircraft or vehicle.

[6/2020]

General powers of Director-General on entering or boarding searchable places

32.—(1) The Director-General or an authorised officer may, on entering or boarding a searchable place, exercise the following powers under section 31(1)(b):

- (a) to search any part of the place;
- (b) to inspect, examine, take measurements of, or conduct tests (including by the taking of samples) concerning, any structure, plant, substance or other thing in or on the place;
- (c) to seal the samples and require the owner of the materials to send the samples to an analyst and to bear any cost and expenses arising from the analysis;

- (d) to require the owner or analyst to submit the results of the analysis to the Director-General or authorised officer;
- (e) to take extracts from, and make copies of, any document relating to any hazardous or other waste in or on the place;
- (f) to take such photographs as he or she thinks necessary for the purposes of this Act;
- (g) to require any person in or on the place or the relevant person to —
 - (i) answer any question put by the Director-General or authorised officer; and
 - (ii) produce any books, records or documents requested by the Director-General or authorised officer;
- (h) to take into or onto the place such equipment and materials as the Director-General or authorised officer requires for the purpose of exercising any power in relation to the place.

[6/2020]

(2) If the Director-General or authorised officer enters or boards the searchable place and finds anything (called in this section the evidence) that may afford evidence of the commission of an offence under this Act, the following provisions have effect:

- (a) the Director-General or authorised officer may seize the evidence;
- (b) the Director-General or authorised officer may keep the evidence —
 - (i) pending an order of court made under this Act in regard to the disposal of the evidence; or
 - (ii) if a prosecution for an offence under this Act in the commission of which the evidence may have been used or otherwise involved is instituted within that period, until the completion of the proceedings for the offence and of any appeal from the decision in relation to the proceedings;

- (c) if the evidence is a book, record or document, while the Director-General or authorised officer has possession of the evidence, the Director-General or authorised officer must allow the evidence to be inspected at any reasonable time by a person who would be entitled to inspect it if it were not in the possession of the Director-General or authorised officer.

[6/2020]

(3) A person who refuses or fails, without reasonable excuse, to comply with a requirement made under subsection (1)(d) or (g) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(4) It is a reasonable excuse for a person to refuse or fail to answer a question or produce a document if answering the question, or producing the document, might tend to incriminate the person.

Production of Basel permits or special permits and orders

33.—(1) This section applies if the Director-General or an authorised officer has reasonable grounds for suspecting that a person (called in this section the suspected person) —

- (a) intends to import or export hazardous or other waste;
- (b) is importing or exporting hazardous or other waste; or
- (c) has imported or exported hazardous or other waste.

[6/2020]

(2) The Director-General or authorised officer may require the suspected person to produce, or to produce evidence of the existence and contents of —

- (a) a Basel permit or special permit authorising the import or export; or
- (b) an order made under this Act authorising or requiring the import or export.

[6/2020]

(3) Any suspected person who refuses or fails, without reasonable excuse, to comply with the requirement in subsection (2) shall be

guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000.

Production of transit permits

34.—(1) This section applies if the Director-General or an authorised officer has reasonable grounds for suspecting that a person (called in this section the suspected person) —

- (a) intends to carry out a transit proposal;
- (b) is carrying out a transit proposal; or
- (c) has carried out a transit proposal.

[6/2020]

(2) The Director-General or authorised officer may require the suspected person to produce, or to produce evidence of the existence and contents of, a transit permit authorising the carrying out of the transit proposal.

[6/2020]

(3) Any suspected person who refuses or fails, without reasonable excuse, to comply with the requirement in subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000.

Assistance to Director-General

35.—(1) The Director-General or an authorised officer who proposes to exercise powers under this Part in relation to a searchable place may require the relevant person in relation to the place to provide reasonable assistance to the Director-General or authorised officer in relation to the exercise of those powers.

[6/2020]

(2) Any relevant person who refuses or fails, without reasonable excuse, to comply with the requirement in subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

Obstruction of Director-General, etc.

36. Any person who —

- (a) hinders, obstructs or molests the Director-General or an authorised officer, in the performance and execution of his or her duty or of anything which he or she is empowered or required to do under this Act;
- (b) interferes with any work authorised to be executed under this Act; or
- (c) fails to facilitate by all reasonable means the entry and inspection of any searchable place by the Director-General or an authorised officer or the making of any test which the Director-General or an authorised officer is empowered under this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[6/2020]

False statements

37.—(1) A person must not, in or in relation to an application or a notice under this Act, knowingly or recklessly —

- (a) make a statement that is false or misleading in a material particular; or
- (b) give to the Director-General or an authorised officer a document containing information that is false or misleading in a material particular without —
 - (i) indicating to the Director-General or authorised officer that the document is false or misleading and in which respect it is so; and
 - (ii) providing correct information to the Director-General or authorised officer if the person has, or can reasonably obtain, the correct information.

[6/2020]

(2) A person must not, otherwise than in or in relation to an application or a notice under this Act, knowingly or recklessly —

- (a) make to the Director-General or an authorised officer doing duty in relation to this Act a statement that is false or misleading in a material particular; or
- (b) give to the Director-General or an authorised officer doing duty in relation to this Act a document containing information that is false or misleading in a material particular without —
 - (i) indicating to the Director-General or authorised officer that the document is false or misleading and in which respect it is so; and
 - (ii) providing correct information to the Director-General or authorised officer if the person is in possession of, or can reasonably obtain, the correct information.

[6/2020]

(3) Any person who contravenes this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

Part does not limit power to impose permit conditions

38. This Part does not limit the power of the Director-General to impose permit conditions on a Basel permit or special permit.

[6/2020]

PART 6

MISCELLANEOUS

Evidentiary certificate — classification of hazardous or other waste

39.—(1) The Director-General may issue a written certificate stating that a specified substance or object is, or is not, in specified circumstances, hazardous or other waste —

- (a) for the purposes of this Act; or
- (b) for the purposes of the application of this Act to a specified matter.

[6/2020]

(2) In any proceedings relating to this Act, a certificate issued under subsection (1) is prima facie evidence of the matters stated in the certificate.

(3) A copy of a certificate mentioned in subsection (1) must be published in the *Gazette*.

Evidentiary certificate — environmentally sound management of hazardous or other waste

40.—(1) The Director-General may issue a written certificate stating that engaging, or failing to engage, in specified conduct in relation to specified hazardous or other waste is, or is not, environmentally sound management of that waste for the purposes of this Act.

[6/2020]

(2) In any proceedings relating to this Act, a certificate issued under subsection (1) is prima facie evidence of the matters stated in the certificate.

(3) A copy of a certificate mentioned in subsection (1) must be published in the *Gazette*.

Evidence of analyst

41.—(1) The Director-General may, by instrument in writing under the hand of the Director-General, appoint persons who in his or her opinion are qualified to be analysts for the purposes of this Act.

[6/2020]

(2) Subject to subsection (4), a certificate of an analyst appointed under subsection (1) stating that the analyst has analysed or examined a substance and stating the result of the analysis or examination is admissible in evidence in any proceedings for an offence under this Act as prima facie evidence of the facts stated in the certificate and of the correctness of the result of the analysis or examination.

(3) For the purposes of this section, a document purporting to be a certificate mentioned in subsection (2) on its production by the prosecution is, unless the contrary is proved, deemed to be such a certificate.

(4) A certificate mentioned in subsection (2) shall not be received in evidence pursuant to that subsection unless the person charged has been given a copy of the certificate together with reasonable notice of the intention of the prosecution to produce the certificate as evidence in the proceedings.

(5) Where a certificate of an analyst appointed under subsection (1) is admitted in evidence under subsection (2), the person charged may require the analyst to be called as a witness for the prosecution and the analyst may be cross-examined as if the analyst had given evidence of the matters stated in the certificate.

Offences by body corporate

42.—(1) Where an offence under this Act has been committed by a body corporate, any person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of the body, or who was purporting to act in any such capacity, shall also be guilty of that offence and shall be liable to be proceeded against and punished accordingly unless the person proves that —

- (a) the offence was committed without his or her knowledge, consent or connivance; and
- (b) he or she had exercised all such diligence to prevent the commission of the offence as he or she ought to have exercised having regard to the nature of his or her functions in that capacity and to all the circumstances.

(2) Without limiting subsection (1), in determining whether a person has exercised all such diligence to prevent the commission of the offence under subsection (1), a court is to have regard to whether the person took any action directed towards ensuring the following (to the extent that the action is relevant to the contravention):

- (a) that the body arranges regular professional assessments of the body's compliance with this Act;

- (b) that the body implements any appropriate recommendations arising from such an assessment;
- (c) that the body implements an effective system of hazardous or other waste management, where the system is consistent with the environmentally sound management of the waste;
- (d) that the body has contingency procedures for dealing with an emergency involving hazardous or other waste, where the procedures are directed towards —
 - (i) reducing the risk of injury or damage to human beings or the environment; and
 - (ii) mitigating any such injury or damage;
- (e) that the body's employees, agents and contractors have a reasonable knowledge and understanding of the requirements of this Act, so far as those requirements affect the employees, agents or contractors concerned.

Jurisdiction of District Court

42A. Despite any provision to the contrary in the Criminal Procedure Code 2010, a District Court has jurisdiction to try any offence under this Act and has power to impose the full penalty or punishment in respect of the offence.

[9/2003]

Protection from personal liability

43. No suit or other legal proceedings shall lie personally against the Director-General or an authorised officer or any person acting under the direction of the Director-General for anything which is in good faith done or intended to be done in the execution or purported execution of this Act.

[6/2020]

Public servants for purposes of Penal Code 1871

44. The Director-General and all authorised officers are deemed to be public servants for the purposes of the Penal Code 1871.

[6/2020]

Appeal to Minister

45. Any applicant who is aggrieved by the refusal of the Director-General to grant a permit under this Act may, within 30 days of the decision of the Director-General, appeal in writing to the Minister whose decision is final and must be given effect to by the Director-General.

[6/2020]

Service of notice, etc.

46.—(1) Any notice, order or document required or authorised by this Act to be given or served on any person, and any summons issued by a court in connection with any offence under this Act, may be served on the person concerned —

- (a) by delivering it to the person or to some adult member or employee of his or her family at the nominated address for service or last known place of residence;
- (b) by leaving it at the nominated address for service or usual or last known place of residence or business in a cover addressed to him or her;
- (c) by affixing it to some conspicuous part of the nominated address for service or last known place of residence;
- (d) by sending it by registered post addressed to the person at the nominated address for service or usual or last known place of residence or business;
- (e) where the person is a body corporate —
 - (i) by delivering it to the secretary or other similar officer of the body corporate at its nominated address for service or registered or principal office; or
 - (ii) by sending it by registered post addressed to the body corporate at its nominated address for service or registered or principal office; or
- (f) where the person is a body corporate incorporated outside Singapore and does not have a registered or principal office in Singapore but has an agent in Singapore, by delivering it to that agent.

(2) Any notice, order, document or summons sent by registered post to any person in accordance with subsection (1) is deemed to be duly served on the person to whom the letter is addressed at the time when the letter would, in the ordinary course of post, be delivered and in proving service of the same it is sufficient to prove that the envelope containing the notice, order, document or summons was properly addressed, stamped and posted by registered post.

(3) In this section, “nominated address for service” means the address nominated for service by the person concerned for the purposes of this Act.

Convention countries

47.—(1) Where the Minister, by order in the *Gazette*, declares that any country specified in the order is a party to the Basel Convention, the order, while in force, is evidence of that fact.

(2) For the purposes of this Act, a certificate signed by the Minister, stating that a country specified in the certificate (but not specified in any order made under subsection (1) which is in force) is, or was at a time specified in the certificate, a Convention country, is, upon mere production, prima facie evidence of that fact.

Regulations

48.—(1) The Minister may make regulations prescribing matters —

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting subsection (1), the regulations may also —

- (a) empower the Director-General to determine the type of permit, whether a Basel permit or special permit, to be granted regardless of the type applied for;
- (b) prescribe the procedure to be followed by the Director-General and authorised officers in the exercise of their functions under this Act;

- (c) require the provision of information in relation to the import, export or transit of such waste by the holder of a Basel permit or special permit to any authority as may be specified in the regulations;
- (d) provide for the Director-General to give orders or to take action in relation to the dealing of such waste where there is a contravention of the provisions of this Act or any regulations made under this Act or of an order made by the Director-General and for the recovery of the costs of any such action taken by the Director-General; and
- (e) provide that any person who contravenes the regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

[6/2020]

(3) The regulations may amend or add to the Schedule for the purpose of ensuring that the Schedule correctly sets out the English text of the Basel Convention as in force from time to time.

THE SCHEDULE

Sections 2 and 48(3)

BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

Note: The following text incorporates corrections made by the Rectifications of 4 November 1992 and 16 May 1994.

PREAMBLE

The Parties to this Convention,

Aware of the risk of damage to human health and the environment caused by hazardous wastes and other wastes and the transboundary movement thereof,

Mindful of the growing threat to human health and the environment posed by the increased generation and complexity, and transboundary movement of hazardous wastes and other wastes,

THE SCHEDULE — *continued*

Mindful also that the most effective way of protecting human health and the environment from the dangers posed by such wastes is the reduction of their generation to a minimum in terms of quantity and/or hazard potential,

Convinced that States should take necessary measures to ensure that the management of hazardous wastes and other wastes including their transboundary movement and disposal is consistent with the protection of human health and the environment whatever the place of their disposal,

Noting that States should ensure that the generator should carry out duties with regard to the transport and disposal of hazardous wastes and other wastes in a manner that is consistent with the protection of the environment, whatever the place of disposal,

Fully recognizing that any State has the sovereign right to ban the entry or disposal of foreign hazardous wastes and other wastes in its territory,

Recognizing also the increasing desire for the prohibition of transboundary movements of hazardous wastes and their disposal in other States, especially developing countries,

Convinced that hazardous wastes and other wastes should, as far as is compatible with environmentally sound and efficient management, be disposed of in the State where they were generated,

Aware also that transboundary movements of such wastes from the State of their generation to any other State should be permitted only when conducted under conditions which do not endanger human health and the environment, and under conditions in conformity with the provisions of this Convention,

Considering that enhanced control of transboundary movement of hazardous wastes and other wastes will act as an incentive for their environmentally sound management and for the reduction of the volume of such transboundary movement,

Convinced that States should take measures for the proper exchange of information on and control of the transboundary movement of hazardous wastes and other wastes from and to those States,

Noting that a number of international and regional agreements have addressed the issue of protection and preservation of the environment with regard to the transit of dangerous goods,

Taking into account the Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972), the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes adopted by the Governing Council of the United Nations Environment Programme (UNEP) by

THE SCHEDULE — *continued*

decision 14/30 of 17 June 1987, the Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods (formulated in 1957 and updated biennially), relevant recommendations, declarations, instruments and regulations adopted within the United Nations system and the work and studies done within other international and regional organizations,

Mindful of the spirit, principles, aims and functions of the World Charter for Nature adopted by the General Assembly of the United Nations at its thirty-seventh session (1982) as the rule of ethics in respect of the protection of the human environment and the conservation of natural resources,

Affirming that States are responsible for the fulfilment of their international obligations concerning the protection of human health and protection and preservation of the environment, and are liable in accordance with international law,

Recognizing that in the case of a material breach of the provisions of this Convention or any protocol thereto the relevant international law of treaties shall apply,

Aware of the need to continue the development and implementation of environmentally sound low-waste technologies, recycling options, good house-keeping and management systems with a view to reducing to a minimum the generation of hazardous wastes and other wastes,

Aware also of the growing international concern about the need for stringent control of transboundary movement of hazardous wastes and other wastes, and of the need as far as possible to reduce such movement to a minimum,

Concerned about the problem of illegal transboundary traffic in hazardous wastes and other wastes,

Taking into account also the limited capabilities of the developing countries to manage hazardous wastes and other wastes,

Recognizing the need to promote the transfer of technology for the sound management of hazardous wastes and other wastes produced locally, particularly to the developing countries in accordance with the spirit of the Cairo Guidelines and decision 14/16 of the Governing Council of UNEP on Promotion of the transfer of environmental protection technology,

Recognizing also that hazardous wastes and other wastes should be transported in accordance with relevant international conventions and recommendations,

Convinced also that the transboundary movement of hazardous wastes and other wastes should be permitted only when the transport and the ultimate disposal of such wastes is environmentally sound, and

THE SCHEDULE — *continued*

Determined to protect, by strict control, human health and the environment against the adverse effects which may result from the generation and management of hazardous wastes and other wastes,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Scope of the Convention

1. The following wastes that are subject to transboundary movement shall be “hazardous wastes” for the purposes of this Convention:

- (a) Wastes that belong to any category contained in Annex I, unless they do not possess any of the characteristics contained in Annex III; and
- (b) Wastes that are not covered under paragraph (a) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit.

2. Wastes that belong to any category contained in Annex II that are subject to transboundary movement shall be “other wastes” for the purposes of this Convention.

3. Wastes which, as a result of being radioactive, are subject to other international control systems, including international instruments, applying specifically to radioactive materials, are excluded from the scope of this Convention.

4. Wastes which derive from the normal operations of a ship, the discharge of which is covered by another international instrument, are excluded from the scope of this Convention.

ARTICLE 2

Definitions

For the purposes of this Convention:

1. “Wastes” are substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law;

2. “Management” means the collection, transport and disposal of hazardous wastes or other wastes, including after-care of disposal sites;

3. “Transboundary movement” means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement;

THE SCHEDULE — *continued*

4. “Disposal” means any operation specified in Annex IV to this Convention;
5. “Approved site or facility” means a site or facility for the disposal of hazardous wastes or other wastes which is authorized or permitted to operate for this purpose by a relevant authority of the State where the site or facility is located;
6. “Competent authority” means one governmental authority designated by a Party to be responsible, within such geographical areas as the Party may think fit, for receiving the notification of a transboundary movement of hazardous wastes or other wastes, and any information related to it, and for responding to such a notification, as provided in Article 6;
7. “Focal point” means the entity of a Party referred to in Article 5 responsible for receiving and submitting information as provided for in Articles 13 and 16;
8. “Environmentally sound management of hazardous wastes or other wastes” means taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes;
9. “Area under the national jurisdiction of a State” means any land, marine area or airspace within which a State exercises administrative and regulatory responsibility in accordance with international law in regard to the protection of human health or the environment;
10. “State of export” means a Party from which a transboundary movement of hazardous wastes or other wastes is planned to be initiated or is initiated;
11. “State of import” means a Party to which a transboundary movement of hazardous wastes or other wastes is planned or takes place for the purpose of disposal therein or for the purpose of loading prior to disposal in an area not under the national jurisdiction of any State;
12. “State of transit” means any State, other than the State of export or import, through which a movement of hazardous wastes or other wastes is planned or takes place;
13. “States concerned” means Parties which are States of export or import, or transit States, whether or not Parties;
14. “Person” means any natural or legal person;
15. “Exporter” means any person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported;
16. “Importer” means any person under the jurisdiction of the State of import who arranges for hazardous wastes or other wastes to be imported;

THE SCHEDULE — *continued*

17. “Carrier” means any person who carries out the transport of hazardous wastes or other wastes;

18. “Generator” means any person whose activity produces hazardous wastes or other wastes or, if that person is not known, the person who is in possession and/or control of those wastes;

19. “Disposer” means any person to whom hazardous wastes or other wastes are shipped and who carries out the disposal of such wastes;

20. “Political and/or economic integration organization” means an organization constituted by sovereign States to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve, formally confirm or accede to it;

21. “Illegal traffic” means any transboundary movement of hazardous wastes or other wastes as specified in Article 9.

ARTICLE 3

National Definitions of Hazardous Wastes

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

2. Each Party shall subsequently inform the Secretariat of any significant changes to the information it has provided pursuant to paragraph 1.

3. The Secretariat shall forthwith inform all Parties of the information it has received pursuant to paragraphs 1 and 2.

4. Parties shall be responsible for making the information transmitted to them by the Secretariat under paragraph 3 available to their exporters.

ARTICLE 4

General Obligations

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

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

THE SCHEDULE — *continued*

(c) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes if the State of import does not consent in writing to the specific import, in the case where that State of import has not prohibited the import of such wastes.

2. Each Party shall take the appropriate measures to:

- (a) Ensure that the generation of hazardous wastes and other wastes within it is reduced to a minimum, taking into account social, technological and economic aspects;
- (b) Ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes, that shall be located, to the extent possible, within it, whatever the place of their disposal;
- (c) Ensure that persons involved in the management of hazardous wastes or other wastes within it take such steps as are necessary to prevent pollution due to hazardous wastes and other wastes arising from such management and, if such pollution occurs, to minimize the consequences thereof for human health and the environment;
- (d) Ensure that the transboundary movement of hazardous wastes and other wastes is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes, and is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement;
- (e) Not allow the export of hazardous wastes or other wastes to a State or group of States belonging to an economic and/or political integration organization that are Parties, particularly developing countries, which have prohibited by their legislation all imports, or if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner, according to criteria to be decided on by the Parties at their first meeting;
- (f) Require that information about a proposed transboundary movement of hazardous wastes and other wastes be provided to the States concerned, according to Annex V A, to state clearly the effects of the proposed movement on human health and the environment;
- (g) Prevent the import of hazardous wastes and other wastes if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner;

THE SCHEDULE — *continued*

- (h) Co-operate in activities with other Parties and interested organizations, directly and through the Secretariat, including the dissemination of information on the transboundary movement of hazardous wastes and other wastes, in order to improve the environmentally sound management of such wastes and to achieve the prevention of illegal traffic.
3. The Parties consider that illegal traffic in hazardous wastes or other wastes is criminal.
4. Each Party shall take appropriate legal, administrative and other measures to implement and enforce the provisions of this Convention, including measures to prevent and punish conduct in contravention of the Convention.
5. A Party shall not permit hazardous wastes or other wastes to be exported to a non-Party or to be imported from a non-Party.
6. The Parties agree not to allow the export of hazardous wastes or other wastes for disposal within the area south of 60° South latitude, whether or not such wastes are subject to transboundary movement.
7. Furthermore, each Party shall:
- (a) Prohibit all persons under its national jurisdiction from transporting or disposing of hazardous wastes or other wastes unless such persons are authorized or allowed to perform such types of operations;
 - (b) Require that hazardous wastes and other wastes that are to be the subject of a transboundary movement be packaged, labelled, and transported in conformity with generally accepted and recognized international rules and standards in the field of packaging, labelling, and transport, and that due account is taken of relevant internationally recognized practices;
 - (c) Require that hazardous wastes and other wastes be accompanied by a movement document from the point at which a transboundary movement commences to the point of disposal.
8. Each Party shall require that hazardous wastes or other wastes, to be exported, are managed in an environmentally sound manner in the State of import or elsewhere. Technical guidelines for the environmentally sound management of wastes subject to this Convention shall be decided by the Parties at their first meeting.
9. Parties shall take the appropriate measures to ensure that the transboundary movement of hazardous wastes and other wastes only be allowed if:

THE SCHEDULE — *continued*

- (a) The State of export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound and efficient manner; or
- (b) The wastes in question are required as a raw material for recycling or recovery industries in the State of import; or
- (c) The transboundary movement in question is in accordance with other criteria to be decided by the Parties, provided those criteria do not differ from the objectives of this Convention.

10. The obligation under this Convention of States in which hazardous wastes and other wastes are generated to require that those wastes are managed in an environmentally sound manner may not under any circumstances be transferred to the States of import or transit.

11. Nothing in this Convention shall prevent a Party from imposing additional requirements that are consistent with the provisions of this Convention, and are in accordance with the rules of international law, in order better to protect human health and the environment.

12. Nothing in this Convention shall affect in any way the sovereignty of States over their territorial sea established in accordance with international law, and the sovereign rights and the jurisdiction which States have in their exclusive economic zones and their continental shelves in accordance with international law, and the exercise by ships and aircraft of all States of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.

13. Parties shall undertake to review periodically the possibilities for the reduction of the amount and/or the pollution potential of hazardous wastes and other wastes which are exported to other States, in particular to developing countries.

ARTICLE 5

Designation of Competent Authorities and Focal Point

To facilitate the implementation of this Convention, the Parties shall:

- 1. Designate or establish one or more competent authorities and one focal point. One competent authority shall be designated to receive the notification in case of a State of transit.
- 2. Inform the Secretariat, within three months of the date of the entry into force of this Convention for them, which agencies they have designated as their focal point and their competent authorities.

THE SCHEDULE — *continued*

3. Inform the Secretariat, within one month of the date of decision, of any changes regarding the designation made by them under paragraph 2 above.

ARTICLE 6

Transboundary Movement between Parties

1. The State of export shall notify, or shall require the generator or exporter to notify, in writing, through the channel of the competent authority of the State of export, the competent authority of the States concerned of any proposed transboundary movement of hazardous wastes or other wastes. Such notification shall contain the declarations and information specified in Annex V A, written in a language acceptable to the State of import. Only one notification needs to be sent to each State concerned.

2. The State of import shall respond to the notifier in writing, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. A copy of the final response of the State of import shall be sent to the competent authorities of the States concerned which are Parties.

3. The State of export shall not allow the generator or exporter to commence the transboundary movement until it has received written confirmation that:

- (a) The notifier has received the written consent of the State of import; and
- (b) The notifier has received from the State of import confirmation of the existence of a contract between the exporter and the disposer specifying environmentally sound management of the wastes in question.

4. Each State of transit which is a Party shall promptly acknowledge to the notifier receipt of the notification. It may subsequently respond to the notifier in writing, within 60 days, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. The State of export shall not allow the transboundary movement to commence until it has received the written consent of the State of transit. However, if at any time a Party decides not to require prior written consent, either generally or under specific conditions, for transit transboundary movements of hazardous wastes or other wastes, or modifies its requirements in this respect, it shall forthwith inform the other Parties of its decision pursuant to Article 13. In this latter case, if no response is received by the State of export within 60 days of the receipt of a given notification by the State of transit, the State of export may allow the export to proceed through the State of transit.

5. In the case of a transboundary movement of wastes where the wastes are legally defined as or considered to be hazardous wastes only:

THE SCHEDULE — *continued*

- (a) By the State of export, the requirements of paragraph 9 of this Article that apply to the importer or disposer and the State of import shall apply *mutatis mutandis* to the exporter and State of export, respectively;
- (b) By the State of import, or by the States of import and transit which are Parties, the requirements of paragraphs 1, 3, 4 and 6 of this Article that apply to the exporter and State of export shall apply *mutatis mutandis* to the importer or disposer and State of import, respectively; or
- (c) By any State of transit which is a Party, the provisions of paragraph 4 shall apply to such State.

6. The State of export may, subject to the written consent of the States concerned, allow the generator or the exporter to use a general notification where hazardous wastes or other wastes having the same physical and chemical characteristics are shipped regularly to the same disposer via the same customs office of exit of the State of export via the same customs office of entry of the State of import, and, in the case of transit, via the same customs office of entry and exit of the State or States of transit.

7. The States concerned may make their written consent to the use of the general notification referred to in paragraph 6 subject to the supply of certain information, such as the exact quantities or periodical lists of hazardous wastes or other wastes to be shipped.

8. The general notification and written consent referred to in paragraphs 6 and 7 may cover multiple shipments of hazardous wastes or other wastes during a maximum period of 12 months.

9. The Parties shall require that each person who takes charge of a transboundary movement of hazardous wastes or other wastes sign the movement document either upon delivery or receipt of the wastes in question. They shall also require that the disposer inform both the exporter and the competent authority of the State of export of receipt by the disposer of the wastes in question and, in due course, of the completion of disposal as specified in the notification. If no such information is received within the State of export, the competent authority of the State of export or the exporter shall so notify the State of import.

10. The notification and response required by this Article shall be transmitted to the competent authority of the Parties concerned or to such governmental authority as may be appropriate in the case of non-Parties.

11. Any transboundary movement of hazardous wastes or other wastes shall be covered by insurance, bond or other guarantee as may be required by the State of import or any State of transit which is a Party.

THE SCHEDULE — *continued*

ARTICLE 7

Transboundary Movement from a Party through States which are not Parties

Paragraph 1 of Article 6 of the Convention shall apply mutatis mutandis to transboundary movement of hazardous wastes or other wastes from a Party through a State or States which are not Parties.

ARTICLE 8

Duty to Re-import

When a transboundary movement of hazardous wastes or other wastes to which the consent of the States concerned has been given, subject to the provisions of this Convention, cannot be completed in accordance with the terms of the contract, the State of export shall ensure that the wastes in question are taken back into the State of export, by the exporter, if alternative arrangements cannot be made for their disposal in an environmentally sound manner, within 90 days from the time that the importing State informed the State of export and the Secretariat, or such other period of time as the States concerned agree. To this end, the State of export and any Party of transit shall not oppose, hinder or prevent the return of those wastes to the State of export.

ARTICLE 9

Illegal Traffic

1. For the purpose of this Convention, any transboundary movement of hazardous wastes or other wastes:

- (a) without notification pursuant to the provisions of this Convention to all States concerned; or
- (b) without the consent pursuant to the provisions of this Convention of a State concerned; or
- (c) with consent obtained from States concerned through falsification, misrepresentation or fraud; or
- (d) that does not conform in a material way with the documents; or
- (e) that results in deliberate disposal (e.g. dumping) of hazardous wastes or other wastes in contravention of this Convention and of general principles of international law,

shall be deemed to be illegal traffic.

2. In case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the State of export shall ensure that the wastes in question are:

THE SCHEDULE — *continued*

- (a) taken back by the exporter or the generator or, if necessary, by itself into the State of export, or, if impracticable,
- (b) otherwise disposed of in accordance with the provisions of this Convention,

within 30 days from the time the State of export has been informed about the illegal traffic or such other period of time as States concerned may agree. To this end the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the State of export.

3. In the case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the importer or disposer, the State of import shall ensure that the wastes in question are disposed of in an environmentally sound manner by the importer or disposer or, if necessary, by itself within 30 days from the time the illegal traffic has come to the attention of the State of import or such other period of time as the States concerned may agree. To this end, the Parties concerned shall co-operate, as necessary, in the disposal of the wastes in an environmentally sound manner.

4. In cases where the responsibility for the illegal traffic cannot be assigned either to the exporter or generator or to the importer or disposer, the Parties concerned or other Parties, as appropriate, shall ensure, through co-operation, that the wastes in question are disposed of as soon as possible in an environmentally sound manner either in the State of export or the State of import or elsewhere as appropriate.

5. Each Party shall introduce appropriate national/domestic legislation to prevent and punish illegal traffic. The Parties shall co-operate with a view to achieving the objects of this Article.

ARTICLE 10

International Co-operation

1. The Parties shall co-operate with each other in order to improve and achieve environmentally sound management of hazardous wastes and other wastes.

2. To this end, the Parties shall:

- (a) Upon request, make available information, whether on a bilateral or multilateral basis, with a view to promoting the environmentally sound management of hazardous wastes and other wastes, including harmonization of technical standards and practices for the adequate management of hazardous wastes and other wastes;
- (b) Co-operate in monitoring the effects of the management of hazardous wastes on human health and the environment;

THE SCHEDULE — *continued*

- (c) Co-operate, subject to their national laws, regulations and policies, in the development and implementation of new environmentally sound low-waste technologies and the improvement of existing technologies with a view to eliminating, as far as practicable, the generation of hazardous wastes and other wastes and achieving more effective and efficient methods of ensuring their management in an environmentally sound manner, including the study of the economic, social and environmental effects of the adoption of such new or improved technologies;
- (d) Co-operate actively, subject to their national laws, regulations and policies, in the transfer of technology and management systems related to the environmentally sound management of hazardous wastes and other wastes. They shall also co-operate in developing the technical capacity among Parties, especially those which may need and request technical assistance in this field;
- (e) Co-operate in developing appropriate technical guidelines and/or codes of practice.

3. The Parties shall employ appropriate means to co-operate in order to assist developing countries in the implementation of subparagraphs (a), (b), (c) and (d) of paragraph 2 of Article 4.

4. Taking into account the needs of developing countries, co-operation between Parties and the competent international organizations is encouraged to promote, *inter alia*, public awareness, the development of sound management of hazardous wastes and other wastes and the adoption of new low-waste technologies.

ARTICLE 11

Bilateral, Multilateral and Regional Agreements

1. Notwithstanding the provisions of Article 4 paragraph 5, Parties may enter into bilateral, multilateral or regional agreements or arrangements regarding transboundary movement of hazardous wastes or other wastes with Parties or non-Parties provided that such agreements or arrangements do not derogate from the environmentally sound management of hazardous wastes and other wastes as required by this Convention. These agreements or arrangements shall stipulate provisions which are not less environmentally sound than those provided for by this Convention in particular taking into account the interests of developing countries.

2. Parties shall notify the Secretariat of any bilateral, multilateral or regional agreements or arrangements referred to in paragraph 1 and those which they have entered into prior to the entry into force of this Convention for them, for the purpose of controlling transboundary movements of hazardous wastes and other

THE SCHEDULE — *continued*

wastes which take place entirely among the Parties to such agreements. The provisions of this 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 this Convention.

ARTICLE 12

Consultations on Liability

The Parties shall co-operate with a view to adopting, as soon as practicable, a protocol setting out appropriate rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes.

ARTICLE 13

Transmission of Information

1. The Parties shall, whenever it comes to their knowledge, ensure that, in the case of an accident occurring during the transboundary movement of hazardous wastes or other wastes or their disposal, which are likely to present risks to human health and the environment in other States, those States are immediately informed.

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

- (a) Changes regarding the designation of competent authorities and/or focal points, pursuant to Article 5;
- (b) Changes in their national definition of hazardous wastes, pursuant to Article 3;

and, as soon as possible,

- (c) Decisions made by them not to consent totally or partially to the import of hazardous wastes or other wastes for disposal within the area under their national jurisdiction;
- (d) Decisions taken by them to limit or ban the export of hazardous wastes or other wastes;
- (e) Any other information required pursuant to paragraph 4 of this Article.

3. The Parties, consistent with national laws and regulations, shall transmit, through the Secretariat, to the Conference of the Parties established under Article 15, before the end of each calendar year, a report on the previous calendar year, containing the following information:

- (a) Competent authorities and focal points that have been designated by them pursuant to Article 5;

THE SCHEDULE — *continued*

- (b) Information regarding transboundary movements of hazardous wastes or other wastes in which they have been involved, including:
 - (i) The amount of hazardous wastes and other wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the response to notification;
 - (ii) The amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods;
 - (iii) Disposals which did not proceed as intended;
 - (iv) Efforts to achieve a reduction of the amount of hazardous wastes or other wastes subject to transboundary movement;
- (c) Information on the measures adopted by them in implementation of this Convention;
- (d) Information on available qualified statistics which have been compiled by them on the effects on human health and the environment of the generation, transportation and disposal of hazardous wastes or other wastes;
- (e) Information concerning bilateral, multilateral and regional agreements and arrangements entered into pursuant to Article 11 of this Convention;
- (f) Information on accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures undertaken to deal with them;
- (g) Information on disposal options operated within the area of their national jurisdiction;
- (h) Information on measures undertaken for development of technologies for the reduction and/or elimination of production of hazardous wastes and other wastes; and
- (i) Such other matters as the Conference of the Parties shall deem relevant.

4. The Parties, consistent with national laws and regulations, shall ensure that copies of each notification concerning any given transboundary movement of hazardous wastes or other wastes, and the response to it, are sent to the Secretariat when a Party considers that its environment may be affected by that transboundary movement has requested that this should be done.

THE SCHEDULE — *continued*

ARTICLE 14

Financial Aspects

1. The Parties agree that, according to the specific needs of different regions and subregions, regional or sub-regional centres for training and technology transfers regarding the management of hazardous wastes and other wastes and the minimization of their generation should be established. The Parties shall decide on the establishment of appropriate funding mechanisms of a voluntary nature.

2. The Parties shall consider the establishment of a revolving fund to assist on an interim basis in case of emergency situations to minimize damage from accidents arising from transboundary movements of hazardous wastes and other wastes or during the disposal of those wastes.

ARTICLE 15

Conference of the Parties

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of UNEP not later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties under this Convention.

4. The Parties at their first meeting shall consider any additional measures needed to assist them in fulfilling their responsibilities with respect to the protection and the preservation of the marine environment in the context of this Convention.

5. The Conference of the Parties shall keep under continuous review and evaluation the effective implementation of this Convention, and, in addition, shall:

- (a) Promote the harmonization of appropriate policies, strategies and measures for minimizing harm to human health and the environment by hazardous wastes and other wastes;

THE SCHEDULE — *continued*

- (b) Consider and adopt, as required, amendments to this Convention and its annexes, taking into consideration, *inter alia*, available scientific, technical, economic and environmental information;
- (c) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation and in the operation of the agreements and arrangements envisaged in Article 11;
- (d) Consider and adopt protocols as required; and
- (e) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention.

6. The United Nations, its specialized agencies, as well as any State not party to this Convention, may be represented as observers at meetings of the Conference of the Parties. Any other body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to hazardous wastes or other wastes which has informed the Secretariat of its wish to be represented as an observer at a meeting of the Conference of the Parties, may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

7. The Conference of the Parties shall undertake three years after the entry into force of this Convention, and at least every six years thereafter, an evaluation of its effectiveness and, if deemed necessary, to consider the adoption of a complete or partial ban of transboundary movements of hazardous wastes and other wastes in light of the latest scientific, environmental, technical and economic information.

ARTICLE 16

Secretariat

1. The functions of the Secretariat shall be:
 - (a) To arrange for and service meetings provided for in Articles 15 and 17;
 - (b) To prepare and transmit reports based upon information received in accordance with Articles 3, 4, 6, 11 and 13 as well as upon information derived from meetings of subsidiary bodies established under Article 15 as well as upon, as appropriate, information provided by relevant intergovernmental and non-governmental entities;
 - (c) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;

THE SCHEDULE — *continued*

- (d) To ensure the necessary coordination with relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;
- (e) To communicate with focal points and competent authorities established by the Parties in accordance with Article 5 of this Convention;
- (f) To compile information concerning authorized national sites and facilities of Parties available for the disposal of their hazardous wastes and other wastes and to circulate this information among Parties;
- (g) To receive and convey information from and to Parties on;

- sources of technical assistance and training;
- available technical and scientific know-how;
- sources of advice and expertise; and
- availability of resources

with a view to assisting them, upon request, in such areas as:

- the handling of the notification system of this Convention;
- the management of hazardous wastes and other wastes;
- environmentally sound technologies relating to hazardous wastes and other wastes, such as low- and non-waste technology;
- the assessment of disposal capabilities and sites;
- the monitoring of hazardous wastes and other wastes; and
- emergency responses;

- (h) To provide Parties, upon request, with information on consultants or consulting firms having the necessary technical competence in the field, which can assist them to examine a notification for a transboundary movement, the concurrence of a shipment of hazardous wastes or other wastes with the relevant notification, and/or the fact that the proposed disposal facilities for hazardous wastes or other wastes are environmentally sound, when they have reason to believe that the wastes in question will not be managed in an environmentally sound manner. Any such examination would not be at the expense of the Secretariat;

THE SCHEDULE — *continued*

- (i) To assist Parties upon request in their identification of cases of illegal traffic and to circulate immediately to the Parties concerned any information it has received regarding illegal traffic;
- (j) To co-operate with Parties and with relevant and competent international organizations and agencies in the provision of experts and equipment for the purpose of rapid assistance to States in the event of an emergency situation; and
- (k) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties.

2. The secretariat functions will be carried out on an interim basis by UNEP until the completion of the first meeting of the Conference of the Parties held pursuant to Article 15.

3. At its first meeting, the Conference of the Parties shall designate the Secretariat from among those existing competent intergovernmental organizations which have signified their willingness to carry out the secretariat functions under this Convention. At this meeting, the Conference of the Parties shall also evaluate the implementation by the interim Secretariat of the functions assigned to it, in particular under paragraph 1 above, and decide upon the structures appropriate for those functions.

ARTICLE 17

Amendment of the Convention

1. Any Party may propose amendments to this Convention and any Party to a protocol may propose amendments to that protocol. Such amendments shall take due account, *inter alia*, of relevant scientific and technical considerations.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the Signatories to this Convention for information.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval, formal confirmation or acceptance.

THE SCHEDULE — *continued*

4. The procedure mentioned in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the Parties to that protocol present and voting at the meeting shall suffice for their adoption.

5. Instruments of ratification, approval, formal confirmation or acceptance of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraph 3 or 4 above shall enter into force between Parties having accepted them on the ninetieth day after the receipt by the Depositary of their instrument of ratification, approval, formal confirmation or acceptance by at least three-fourths of the Parties who accepted them or by at least two-thirds of the Parties to the protocol concerned who accepted them, except as may otherwise be provided in such protocol. The amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval, formal confirmation or acceptance of the amendments.

6. For the purpose of this Article, “Parties present and voting” means Parties present and casting an affirmative or negative vote.

ARTICLE 18

Adoption and Amendment of Annexes

1. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

- (a) Annexes to this Convention and its protocols shall be proposed and adopted according to the procedure laid down in Article 17, paragraphs 2, 3 and 4;
- (b) Any Party that is unable to accept an additional annex to this Convention or an annex to any protocol to which it is party shall so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;
- (c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective

THE SCHEDULE — *continued*

for all Parties to this Convention or to any protocol concerned, which have not submitted a notification in accordance with the provision of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, *inter alia*, of relevant scientific and technical considerations.

4. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any protocol, the additional annex or amended annex shall not enter into force until such time as the amendment to this Convention or to the protocol enters into force.

ARTICLE 19

Verification

Any Party which has reason to believe that another Party is acting or has acted in breach of its obligations under this Convention may inform the Secretariat thereof, and in such an event, shall simultaneously and immediately inform, directly or through the Secretariat, the Party against whom the allegations are made. All relevant information should be submitted by the Secretariat to the Parties.

ARTICLE 20

Settlement of Disputes

1. In case of a dispute between Parties as to the interpretation or application of, or compliance with, this Convention or any protocol thereto, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute, if the Parties to the dispute agree, shall be submitted to the International Court of Justice or to arbitration under the conditions set out in Annex VI on Arbitration. However, failure to reach common agreement on submission of the dispute to the International Court of Justice or to arbitration shall not absolve the Parties from the responsibility of continuing to seek to resolve it by the means referred to in paragraph 1.

3. When ratifying, accepting, approving, formally confirming or acceding to this Convention, or at any time thereafter, a State or political and/or economic integration organization may declare that it recognizes as compulsory *ipso facto* and without special agreement, in relation to any Party accepting the same obligation:

THE SCHEDULE — *continued*

(a) submission of the dispute to the International Court of Justice; and/or

(b) arbitration in accordance with the procedures set out in Annex VI.

Such declaration shall be notified in writing to the Secretariat which shall communicate it to the Parties.

ARTICLE 21

Signature

This Convention shall be open for signature by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organizations, in Basel on 22 March 1989, at the Federal Department of Foreign Affairs of Switzerland in Berne from 23 March 1989 to 30 June 1989, and at United Nations Headquarters in New York from 1 July 1989 to 22 March 1990.

ARTICLE 22

Ratification, Acceptance, Formal Confirmation or Approval

1. This Convention shall be subject to ratification, acceptance or approval by States and by Namibia, represented by the United Nations Council for Namibia, and to formal confirmation or approval by political and/or economic integration organizations. Instruments of ratification, acceptance, formal confirmation, or approval shall be deposited with the Depositary.

2. Any organization referred to in paragraph 1 above which becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of formal confirmation or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who will inform the Parties of any substantial modification in the extent of their competence.

ARTICLE 23

Accession

1. This Convention shall be open for accession by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or

THE SCHEDULE — *continued*

economic integration organizations from the day after the date on which the Convention is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

3. The provisions of Article 22 paragraph 2, shall apply to political and/or economic integration organizations which accede to this Convention.

ARTICLE 24

Right to Vote

1. Except as provided for in paragraph 2 below, each Contracting Party to this Convention shall have one vote.

2. Political and/or economic integration organizations, in matters within their competence, in accordance with Article 22, paragraph 3, and Article 23, paragraph 2, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to the Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

ARTICLE 25

Entry into Force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance, formal confirmation, approval or accession.

2. For each State or political and/or economic integration organization which ratifies, accepts, approves or formally confirms this Convention or accedes thereto after the date of the deposit of the twentieth instrument of ratification, acceptance, approval, formal confirmation or accession, it shall enter into force on the ninetieth day after the date of deposit by such State or political and/or economic integration organization of its instrument of ratification, acceptance, approval, formal confirmation or accession.

3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a political and/or economic integration organization shall not be counted as additional to those deposited by member States of such organization.

THE SCHEDULE — *continued*

ARTICLE 26

Reservations and Declarations

1. No reservation or exception may be made to this Convention.
2. Paragraph 1 of this Article does not preclude a State or political and/or economic integration organization, when signing, ratifying, accepting, approving, formally confirming or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, *inter alia*, to the harmonization of its laws and regulations with the provisions of this Convention, provided that such declarations or statements do not purport to exclude or to modify the legal effects of the provisions of the Convention in their application to that State.

ARTICLE 27

Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depository.
2. Withdrawal shall be effective one year from receipt of notification by the Depository, or on such later date as may be specified in the notification.

ARTICLE 28

Depository

The Secretary-General of the United Nations shall be the Depository of this Convention and of any protocol thereto.

ARTICLE 29

Authentic texts

The original Arabic, Chinese, English, French, Russian and Spanish texts of this Convention are equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Basel on the 22nd day of March 1989.

ANNEX I

CATEGORIES OF WASTES TO BE CONTROLLED

Waste Streams

THE SCHEDULE — *continued*

- | | |
|-----|--|
| 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:

THE SCHEDULE — *continued*

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 congener of polychlorinated dibenzo-furan
Y44	Any congener of polychlorinated dibenzo-p-dioxin
Y45	Organohalogen compounds other than substances referred to in this Annex (eg. Y39, Y41, Y42, Y43, Y44).

THE SCHEDULE — *continued*

- (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

Y48 Plastic waste, including mixtures of such waste, with the exception of the
¹ following:

(a) Plastic waste that is hazardous waste pursuant to paragraph 1(a) of Article 1²

(b) Plastic waste listed below, provided it is destined for recycling³ in an environmentally sound manner and almost free from contamination and other types of wastes:⁴

(i) Plastic waste almost exclusively⁵ consisting of one non-halogenated polymer, including but not limited to the following polymers:

(A) Polyethylene (PE)

(B) Polypropylene (PP)

(C) Polystyrene (PS)

(D) Acrylonitrile butadiene styrene (ABS)

THE SCHEDULE — *continued*

- (E) Polyethylene terephthalate (PET)
- (F) Polycarbonates (PC)
- (G) Polyethers
- (ii) Plastic waste almost exclusively⁶ consisting of one cured resin or condensation product, including but not limited to the following resins:
 - (A) Urea formaldehyde resins
 - (B) Phenol formaldehyde resins
 - (C) Melamine formaldehyde resins
 - (D) Epoxy resins
 - (E) Alkyd resins
- (iii) Plastic waste almost exclusively⁷ consisting of one of the following fluorinated polymers:⁸
 - (A) Perfluoroethylene/propylene (FEP)
 - (B) Perfluoroalkoxy alkanes:
 - (BA) Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA)
 - (BB) Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA)
 - (C) Polyvinylfluoride (PVF)
 - (D) Polyvinylidene fluoride (PVDF)
- (c) Mixtures of plastic waste, consisting of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET), provided they are destined for separate recycling⁹ of each material and in an environmentally sound manner and almost free from contamination and other types of wastes.¹⁰

Y49 Electrical and electronic waste:

11

- (a) Waste electrical and electronic equipment:
 - (i) not containing and not contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic, and

THE SCHEDULE — *continued*

- (ii) in which none of the components (e.g. certain circuit boards, certain display devices) contain or are contaminated with Annex I constituents to an extent that the component exhibits an Annex III characteristic.
- (b) Waste components of electrical and electronic equipment (e.g. certain circuit boards, certain display devices) not containing and not contaminated with Annex I constituents to an extent that the waste components exhibit an Annex III characteristic, unless covered by another entry in Annex II or by an entry in Annex IX.
- (c) Wastes arising from the processing of waste electrical and electronic equipment or waste components of electrical and electronic equipment (e.g. fractions arising from shredding or dismantling), and not containing and not contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic, unless covered by another entry in Annex II or by an entry in Annex IX.

Notes

1. Parties can impose stricter requirements in relation to this entry.
2. Note the related entry on list A A3210 in Annex VIII.
3. Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B) or, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.
4. In relation to “almost free from contamination and other types of wastes”, international and national specifications may offer a point of reference.
5. In relation to “almost exclusively”, international and national specifications may offer a point of reference.
6. In relation to “almost exclusively”, international and national specifications may offer a point of reference.
7. In relation to “almost exclusively”, international and national specifications may offer a point of reference.
8. Post-consumer wastes are excluded.
9. Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B), with prior sorting and, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.
10. In relation to “almost free from contamination and other types of wastes”, international and national specifications may offer a point of reference.

THE SCHEDULE — *continued*

11. Note the related entry on list A A1181 in Annex VIII.

[S 871/2024 wef 01/01/2025]

ANNEX III

LIST OF HAZARDOUS CHARACTERISTICS

<i>UN Class*</i>	<i>Code</i>	<i>Characteristics</i>
1	H 1	<i>Explosive</i> 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.
3	H 3	<i>Flammable liquids</i> 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.)
4.1	H4.1	<i>Flammable solids</i> 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.
4.2	H4.2	<i>Substances or wastes liable to spontaneous combustion</i>

THE SCHEDULE — *continued*

		<p>Substances 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.</p>
4.3	H4.3	<p><i>Substances or wastes which, in contact with water emit flammable gases</i></p> <p>Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.</p>
5.1	H5.1	<p><i>Oxidizing</i></p> <p>Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.</p>
5.2	H5.2	<p><i>Organic Peroxides</i></p> <p>Organic substances or wastes which contain the bivalent-O-O-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.</p>
6.1	H6.1	<p><i>Poisonous (Acute)</i></p> <p>Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.</p>
6.2	H6.2	<p><i>Infectious substances</i></p> <p>Substances or wastes containing viable micro organisms or their toxins which are known or suspected to cause disease in animals or humans.</p>
8	H8	<p><i>Corrosives</i></p> <p>Substances 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.</p>
9	H10	<p><i>Liberation of toxic gases in contact with air or water</i></p>

THE SCHEDULE — *continued*

- Substances 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 *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.
- 9 H13 Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.

* Corresponds to the hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods (ST/SG/AC.10/1/Rev.5, United Nations, New York, 1988).

TESTS

The potential hazards posed by certain types of wastes are not yet fully documented; 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. Standardized tests have been derived with respect to pure substances and materials. Many countries have developed national tests which can be applied to materials listed in Annex I, in order to decide if these materials exhibit any of the characteristics listed in this Annex.

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.)

THE SCHEDULE — *continued*

- 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 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

THE SCHEDULE — *continued*

- 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 waste¹
- 3. Generator(s) of the waste and site of generation¹
- 4. Disposer of the waste and actual site of disposal¹
- 5. Intended carrier(s) of the waste or their agents, if known¹
- 6. Country of export of the waste
Competent authority²
- 7. Expected countries of transit
Competent authority²
- 8. Country of import of the waste
Competent authority²
- 9. General or single notification

THE SCHEDULE — *continued*

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)³
11. Means of transport envisaged (road, rail, sea, air, inland waters)
12. Information relating to insurance⁴
13. Designation and physical description of the waste including Y number and UN number and its composition⁵ 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/volume⁶
16. Process by which the waste is generated⁷
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.

THE SCHEDULE — *continued*

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 waste¹
2. Generator(s) of the waste and site of generation¹
3. Disposer of the waste and actual site of disposal¹
4. Carrier(s) of the waste¹ 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.

THE SCHEDULE — *continued*

Notes

The information required on the movement document shall where possible be integrated in one document with that required under transport rules. Where this is not possible the information should complement rather than duplicate that required under the transport rules. The movement document shall carry instructions as to who is to provide information and fill-out any form.

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 in case of emergency.

ANNEX VI
ARBITRATION

Article 1

Unless the agreement referred to in Article 20 of the Convention provides otherwise, the arbitration procedure shall be conducted in accordance with Articles 2 to 10 below.

Article 2

The claimant Party shall notify the Secretariat that the Parties have agreed to submit the dispute to arbitration pursuant to paragraph 2 or paragraph 3 of Article 20 and include, in particular, the Articles of the Convention the interpretation or application of which are at issue. The Secretariat shall forward the information thus received to all Parties to the Convention.

Article 3

The arbitral tribunal shall consist of three members. Each of the Parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the chairman of the tribunal. The latter shall not be a national of one of the Parties to the dispute, nor have his usual place of residence in the territory of one of these Parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of either Party, designate him within a further two months period.

THE SCHEDULE — *continued*

2. If one of the Parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other Party may inform the Secretary-General of the United Nations who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the Party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the United Nations, who shall make this appointment within a further two months' period.

Article 5

1. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention.

2. Any arbitral tribunal constituted under the provisions of this Annex shall draw up its own rules of procedure.

Article 6

1. The decisions of the arbitral tribunal both on procedure and on substance, shall be taken by majority vote of its members.

2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the Parties, recommend essential interim measures of protection.

3. The Parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.

4. The absence or default of a Party in the dispute shall not constitute an impediment to the proceedings.

Article 7

The tribunal may hear and determine counter-claims arising directly out of the subject-matter of the dispute.

Article 8

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the Parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the Parties.

Article 9

Any Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

THE SCHEDULE — *continued*

Article 10

1. The tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time-limit for a period which should not exceed five months.

2. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the Parties to the dispute.

3. Any dispute which may arise between the Parties concerning the interpretation or execution of the award may be submitted by either Party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.

ANNEX VIII

LIST A

Wastes contained in this Annex are characterized as hazardous under Article 1, paragraph 1(a), of this Convention, and their designation on this Annex does not preclude the use of Annex III to demonstrate that a waste is not hazardous.

A1 — Metal and metal-bearing wastes

A1010 Metal wastes and waste consisting of alloys of any of the following:

- (a) Antimony
- (b) Arsenic
- (c) Beryllium
- (d) Cadmium
- (e) Lead
- (f) Mercury
- (g) Selenium
- (h) Tellurium
- (i) Thallium

but excluding such wastes specifically listed on list B

A1020 Waste having as constituents or contaminants, excluding metal waste in massive form, any of the following:

- (a) Antimony; antimony compounds
- (b) Beryllium; beryllium compounds

THE SCHEDULE — *continued*

- (c) Cadmium; cadmium compounds
 - (d) Lead; lead compounds
 - (e) Selenium; selenium compounds
 - (f) Tellurium; tellurium compounds
- A1030 Wastes having as constituents or contaminants any of the following:
- (a) Arsenic; arsenic compounds
 - (b) Mercury; mercury compounds
 - (c) Thallium; thallium compounds
- A1040 Wastes having as constituents any of the following:
- (a) Metal carbonyls
 - (b) Hexavalent chromium compounds
- A1050 Galvanic sludges
- A1060 Wastes 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 on list B, containing lead and cadmium in concentrations sufficient to exhibit Annex III 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
- A1150 Precious metal ash from incineration of printed circuit boards not included on list B¹
- A1160 Waste lead-acid batteries, whole or crushed

THE SCHEDULE — *continued*

A1170 Unsorted waste batteries excluding mixtures of only list B batteries. Waste batteries not specified on list B containing Annex I constituents to an extent to render them hazardous

[Deleted by S 871/2024 wef 01/01/2025]

A1181 Electrical and electronic waste (note the related entry Y49 in Annex II)⁹:

- (a) Waste electrical and electronic equipment:
 - (i) containing or contaminated with cadmium, lead, mercury, organohalogen compounds or other Annex I constituents to an extent that the waste exhibits an Annex III characteristic, or
 - (ii) with a component containing or contaminated with Annex I constituents to an extent that the component exhibits an Annex III characteristic, including but not limited to any of the following components:
 - (A) glass from cathode-ray tubes included on list A
 - (B) a battery included on list A
 - (C) a switch, lamp, fluorescent tube or a display device backlight which contains mercury
 - (D) a capacitor containing PCBs
 - (E) a component containing asbestos
 - (F) certain circuit boards
 - (G) certain display devices
 - (H) certain plastic components containing a brominated flame retardant
- (b) Waste components of electrical and electronic equipment containing or contaminated with Annex I constituents to an extent that the waste components exhibit an Annex III characteristic, unless covered by another entry on list A.
- (c) Wastes arising from the processing of waste electrical and electronic equipment or waste components of electrical and electronic equipment, and containing or contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic (e.g. fractions arising from shredding or dismantling), unless covered by another entry on list A.

THE SCHEDULE — *continued*

A1190 Waste metal cables coated or insulated with plastics containing or contaminated with coal tar, PCB⁴, lead, cadmium, other organohalogen compounds or other Annex I constituents to an extent that they exhibit Annex III characteristics

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 on list B

A2030 Waste catalysts but excluding such wastes specified on list B

A2040 Waste gypsum arising from chemical industry processes, when containing Annex I constituents to the extent that it exhibits an Annex III hazardous characteristic (note the related entry on list B B2080)

A2050 Waste asbestos (dusts and fibres)

A2060 Coal-fired power plant fly-ash containing Annex I substances in concentrations sufficient to exhibit Annex III characteristics (note the related entry on list B B2050)

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

A3050 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives excluding such wastes specified on list B (note the related entry on list B 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 on list B

THE SCHEDULE — *continued*

- A3090 Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides (note the related entry on list B 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 on list B B3090)
- A3110 Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on list B B3110)
- A3120 Fluff-light fraction from shredding
- A3130 Waste organic phosphorous compounds
- A3140 Waste non-halogenated organic solvents but excluding such wastes specified on list B
- 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 more⁵
- A3190 Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment of organic materials
- A3200 Bituminous material (asphalt waste) from road construction and maintenance, containing tar (note the related entry on list B B2130)
- A3210 Plastic waste, including mixtures of such waste, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entries Y48 in Annex II and on list B B3011)

A4 — Wastes which may contain either inorganic or organic constituents

THE SCHEDULE — *continued*

- A4010 Wastes from the production, preparation and use of pharmaceutical products but excluding such wastes specified on list B
- 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,⁶ or unfit for their originally intended use
- A4040 Wastes from the manufacture, formulation and use of wood-preserving chemicals⁷
- A4050 Wastes that contain, consist of or are contaminated with any of the following:
- (a) Inorganic cyanides, excepting precious-metal-bearing residues in solid form containing traces of inorganic cyanides
 - (b) 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 on list B (note the related entry on list B B4010)
- A4080 Wastes of an explosive nature (but excluding such wastes specified on list B)
- A4090 Waste acidic or basic solutions, other than those specified in the corresponding entry on list B (note the related entry on list B B2120)
- A4100 Wastes from industrial pollution control devices for cleaning of industrial off-gases but excluding such wastes specified on list B
- A4110 Wastes that contain, consist of or are contaminated with any of the following:
- (a) Any congener of polychlorinated dibenzo-furan
 - (b) Any congener of polychlorinated dibenzo-p-dioxin
- A4120 Wastes that contain, consist of or are contaminated with peroxides
- A4130 Waste packages and containers containing Annex I substances in concentrations sufficient to exhibit Annex III hazard characteristics

THE SCHEDULE — *continued*

- A4140 Waste consisting of or containing off-specification or outdated⁸ chemicals corresponding to Annex I categories and exhibiting Annex III 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 on list B (note the related entry on list B B2060)

Notes

1. Note that mirror entry on list B (B1160) does not specify exceptions.
2. [*Deleted by S 871/2024 wef 01/01/2025*]
3. [*Deleted by S 871/2024 wef 01/01/2025*]
4. PCBs are at a concentration level of 50 mg/kg or more.
5. 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.
6. “Outdated” means unused within the period recommended by the manufacturer.
7. This entry does not include wood treated with wood preserving chemicals.
8. “Outdated” means unused within the period recommended by the manufacturer.
9. PCBs or PBBs are at a concentration level of 50 mg/kg or more in equipment, in a component, or in wastes arising from the processing of waste electrical and electronic equipment or waste components of electrical and electronic equipment.

[*S 871/2024 wef 01/01/2025*]

ANNEX IX

LIST B

Wastes contained in the Annex will not be wastes covered by Article 1, paragraph 1(a), of this Convention unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic.

B1 — Metal and metal-bearing wastes

- B101 Metal and metal-alloy wastes in metallic, non-dispersible form:
- 0 (a) Precious metals (gold, silver, the platinum group, but not mercury)

THE SCHEDULE — *continued*

- (b) Iron and steel scrap
 - (c) Copper scrap
 - (d) Nickel scrap
 - (e) Aluminium scrap
 - (f) Zinc scrap
 - (g) Tin scrap
 - (h) Tungsten scrap
 - (i) Molybdenum scrap
 - (j) Tantalum scrap
 - (k) Magnesium scrap
 - (l) Cobalt scrap
 - (m) Bismuth scrap
 - (n) Titanium scrap
 - (o) Zirconium scrap
 - (p) Manganese scrap
 - (q) Germanium scrap
 - (r) Vanadium scrap
 - (s) Scrap of hafnium, indium, niobium, rhenium and gallium
 - (t) Thorium scrap
 - (u) Rare earths scrap
 - (v) Chromium scrap
- B102 0 Clean, uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plate, beams, rods, etc.), of:
- (a) Antimony scrap
 - (b) Beryllium scrap
 - (c) Cadmium scrap
 - (d) Lead scrap (but excluding lead-acid batteries)
 - (e) Selenium scrap
 - (f) Tellurium scrap

THE SCHEDULE — *continued*

- B103 Refractory metals containing residues
0
- B103 Molybdenum, tungsten, titanium, tantalum, niobium and rhenium metal
1 and metal alloy wastes in metallic dispersible form (metal powder),
excluding such wastes as specified in list A under entry A1050, Galvanic
sludges
- B104 Scrap assemblies from electrical power generation not contaminated
0 with lubricating oil, PCB or PCT to an extent to render them hazardous
- B105 Mixed non-ferrous metal, heavy fraction scrap, not containing Annex I
0 materials in concentrations sufficient to exhibit Annex III
characteristics¹
- B106 Waste selenium and tellurium in metallic elemental form including
0 powder
- B107 Waste of copper and copper alloys in dispersible form, unless they
0 contain Annex I constituents to an extent that they exhibit Annex III
characteristics
- B108 Zinc ash and residues including zinc alloys residues in dispersible form
0 unless containing Annex I constituents in concentration such as to
exhibit Annex III characteristics²
- B109 Waste batteries conforming to a specification, excluding those made
0 with lead, cadmium or mercury
- B110 Metal-bearing wastes arising from melting, smelting and refining of
0 metals:
- (a) Hard zinc spelter
 - (b) Zinc-containing drosses:
 - (i) Galvanizing slab zinc top dross (> 90% Zn)
 - (ii) Galvanizing slab zinc bottom dross (> 92% Zn)
 - (iii) Zinc die casting dross (> 85% Zn)
 - (iv) Hot dip galvanizers slab zinc dross (batch) (> 92% Zn)
 - (v) Zinc skimmings
 - (c) Aluminium skimmings (or skims) excluding salt slag
 - (d) Slags from copper processing for further processing or refining not
containing arsenic, lead or cadmium to an extent that they exhibit
Annex III hazard characteristics

THE SCHEDULE — *continued*

- (e) Wastes of refractory linings, including crucibles, originating from copper smelting
- (f) Slags from precious metals processing for further refining
- (g) Tantalum-bearing tin slags with less than 0.5% tin

[Deleted by S 871/2024 wef 01/01/2025]

B1115 Waste metal cables coated or insulated with plastics, not included in list A A1190, excluding those destined for Annex IVA operations or any other disposal operations involving, at any stage, uncontrolled thermal processes, such as open-burning

B112 Spent catalysts excluding liquids used as catalysts, containing any of:

0

1. Transition metals, excluding waste catalysts (spent catalysts, liquid used catalysts or other catalysts) on list A:

- (a) Scandium
- (b) Vanadium
- (c) Manganese
- (d) Cobalt
- (e) Copper
- (f) Yttrium
- (g) Niobium
- (h) Hafnium
- (i) Tungsten
- (j) Titanium
- (k) Chromium
- (l) Iron
- (m) Nickel
- (n) Zinc
- (o) Zirconium
- (p) Molybdenum
- (q) Tantalum
- (r) Rhenium

2. Lanthanides (rare earth metals):

THE SCHEDULE — *continued*

- (a) Lanthanum
- (b) Praseodymium
- (c) Samarium
- (d) Gadolinium
- (e) Dysprosium
- (f) Erbium
- (g) Ytterbium
- (h) Cerium
- (i) Neodymium
- (j) Europium
- (k) Terbium
- (l) Holmium
- (m) Thulium
- (n) Lutetium

- B113 Cleaned spent precious-metal-bearing catalysts
0
- B114 Precious-metal-bearing residues in solid form which contain traces of
0 inorganic cyanides
- B115 Precious metals and alloy wastes (gold, silver, the platinum group, but
0 not mercury) in a dispersible, non-liquid form with appropriate
packaging and labelling
- B116 Precious-metal ash from the incineration of printed circuit boards (note
0 the related entry on list A A1150)
- B117 Precious-metal ash from the incineration of photographic film
0
- B118 Waste photographic film containing silver halides and metallic silver
0
- B119 Waste photographic paper containing silver halides and metallic silver
0
- B120 Granulated slag arising from the manufacture of iron and steel
0

THE SCHEDULE — *continued*

- B121 0 Slag arising from the manufacture of iron and steel including slags as a source of TiO₂ and vanadium
- B122 0 Slag from zinc production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g., DIN 4301) mainly for construction
- B123 0 Mill scaling arising from the manufacture of iron and steel
- B124 0 Copper oxide mill-scale
- B125 0 Waste end-of-life motor vehicles, containing neither liquids nor other hazardous components

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

- B2010 Wastes from mining operations in non-dispersible form:
- (a) Natural graphite waste
 - (b) Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise
 - (c) Mica waste
 - (d) Leucite, nepheline and nepheline syenite waste
 - (e) Feldspar waste
 - (f) Fluorspar waste
 - (g) Silica wastes in solid form excluding those used in foundry operations
- B2020 Glass waste in non-dispersible form:
- (a) Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses
- B2030 Ceramic wastes in non-dispersible form:
- (a) Cermet wastes and scrap (metal ceramic composites)
 - (b) Ceramic based fibres not elsewhere specified or included
- B2040 Other wastes containing principally inorganic constituents:
- (a) Partially refined calcium sulphate produced from flue-gas desulphurization (FGD)

THE SCHEDULE — *continued*

- (b) Waste gypsum wallboard or plasterboard arising from the demolition of buildings
 - (c) Slag from copper production, chemically stabilized, 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
 - (d) Sulphur in solid form
 - (e) Limestone from the production of calcium cyanamide (having a pH less than 9)
 - (f) Sodium, potassium, calcium chlorides
 - (g) Carborundum (silicon carbide)
 - (h) Broken concrete
 - (i) Lithium-tantalum and lithium-niobium containing glass scraps
- B2050 Coal-fired power plant fly-ash, not included on list A (note the related entry on list A A2060)
- B2060 Spent activated carbon not containing any Annex I constituents to the extent they exhibit Annex III characteristics, for example, carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (note the related entry on list A A4160)
- B2070 Calcium fluoride sludge
- B2080 Waste gypsum arising from chemical industry processes not included on list A (note the related entry on list A 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 on list A A4090)

THE SCHEDULE — *continued*

B2130 Bituminous material (asphalt waste) from road construction and maintenance, not containing tar⁶ (note the related entry on list A A3200)

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

B301 Plastic waste (note the related entries Y48 in Annex II and on list 1 A A3210):

(a) Plastic waste listed below, provided it is destined for recycling⁷ in an environmentally sound manner and almost free from contamination and other types of wastes:⁸

(i) Plastic waste almost exclusively⁹ consisting of one non-halogenated polymer, including but not limited to the following polymers:

- (A) Polyethylene (PE)
- (B) Polypropylene (PP)
- (C) Polystyrene (PS)
- (D) Acrylonitrile butadiene styrene (ABS)
- (E) Polyethylene terephthalate (PET)
- (F) Polycarbonates (PC)
- (G) Polyethers

(ii) Plastic waste almost exclusively¹⁰ consisting of one cured resin or condensation product, including but not limited to the following resins:

- (A) Urea formaldehyde resins
- (B) Phenol formaldehyde resins
- (C) Melamine formaldehyde resins
- (D) Epoxy resins
- (E) Alkyd resins

(iii) Plastic waste almost exclusively¹¹ consisting of one of the following fluorinated polymers:¹²

- (A) Perfluoroethylene/propylene (FEP)
- (B) Perfluoroalkoxy alkanes:

THE SCHEDULE — *continued*

(BA) Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA)

(BB) Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA)

(C) Polyvinylfluoride (PVF)

(D) Polyvinylidene fluoride (PVDF)

(b) Mixtures of plastic waste, consisting of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET), provided they are destined for separate recycling¹³ of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.¹⁴

B302 Paper, paperboard and paper product wastes

0

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

Waste and scrap of paper or paperboard of:

(a) unbleached paper or paperboard or of corrugated paper or paperboard

(b) other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass

(c) paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter)

(d) other, including but not limited to 1) laminated paperboard
2) unsorted scrap

B302 The following waste from the pre-treatment of composite packaging for liquids, not containing Annex I materials in concentrations sufficient to exhibit Annex III characteristics:

6

(a) Non-separable plastic fraction

(b) Non-separable plastic-aluminium fraction

B302 Self-adhesive label laminate waste containing raw materials used in label material production

7

B303 Textile wastes

0

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

THE SCHEDULE — *continued*

1. Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
 - (a) not carded or combed
 - (b) other
2. Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock
 - (a) noils of wool or of fine animal hair
 - (b) other waste of wool or of fine animal hair
 - (c) waste of coarse animal hair
3. Cotton waste (including yarn waste and garnetted stock)
 - (a) yarn waste (including thread waste)
 - (b) garnetted stock
 - (c) other
4. Flax tow and waste
5. Tow and waste (including yarn waste and garnetted stock) of true hemp (*Cannabis sativa* L.)
6. Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
7. Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus *Agave*
8. Tow, noils and waste (including yarn waste and garnetted stock) of coconut
9. Tow, noils and waste (including yarn waste and garnetted stock) of abaca (Manila hemp or *Musa textilis* Nee)
10. Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included
11. Waste (including noils, yarn waste and garnetted stock) of man-made fibres
 - (a) of synthetic fibres
 - (b) of artificial fibres
12. Worn clothing and other worn textile articles

THE SCHEDULE — *continued*

13. Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials
- (a) sorted
 - (b) other
- B303 Waste textile floor coverings, carpets
5
- B304 Rubber wastes
0
- The following materials, provided they are not mixed with other wastes:
- (a) Waste and scrap of hard rubber (e.g., ebonite)
 - (b) Other rubber wastes (excluding such wastes specified elsewhere)
- B305 Untreated cork and wood waste:
0
- (a) Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
 - (b) Cork waste: crushed, granulated or ground cork
- B306 Wastes arising from agro-food industries provided it is not infectious:
0
- (a) Wine lees
 - (b) Dried and sterilized vegetable waste, residues and byproducts, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included
 - (c) Degras: residues resulting from the treatment of fatty substances or animal or vegetable waxes
 - (d) Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised
 - (e) Fish waste
 - (f) Cocoa shells, husks, skins and other cocoa waste
 - (g) Other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption
- B306 Waste edible fats and oils of animal or vegetable origin (e.g., frying oils),
5 provided they do not exhibit an Annex III characteristic
- B307 The following wastes:
0
- (a) Waste of human hair

THE SCHEDULE — *continued*

(b) Waste straw

(c) Deactivated fungus mycelium from penicillin production to be used as animal feed

B308 Waste parings and scrap of rubber
0

B309 Paring and other wastes of leather or of composition leather not suitable
0 for the manufacture of leather articles, excluding leather sludges, not containing hexavalent chromium compounds and biocides (note the related entry on list A A3100)

B310 Leather dust, ash, sludges or flours not containing hexavalent chromium
0 compounds or biocides (note the related entry on list A A3090)

B311 Fellmongery wastes not containing hexavalent chromium compounds or
0 biocides or infectious substances (note the related entry on list A A3110)

B312 Wastes consisting of food dyes
0

B313 Waste polymer ethers and waste non-hazardous monomer ethers
0 incapable of forming peroxides

B314 Waste pneumatic tyres, excluding those destined for Annex IVA
0 operations

B4 — Wastes which may contain either inorganic or organic constituents

B401 Wastes consisting mainly of water-based/latex paints, inks and hardened
0 varnishes not containing organic solvents, heavy metals or biocides to an extent to render them hazardous (note the related entry on list A A4070)

B402 Wastes from production, formulation and use of resins, latex, plasticizers,
0 glues/adhesives, not listed on list A, free of solvents and other contaminants to an extent that they do not exhibit Annex III characteristics, e.g., water-based, or glues based on casein starch, dextrin, cellulose ethers, polyvinyl alcohols (note the related entry on list A A3050)

[Deleted by S 871/2024 wef 01/01/2025]

Notes

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

*Hazardous Waste (Control of
Export, Import and Transit)
Act 1997*

2020 Ed.

98

THE SCHEDULE — *continued*

2. 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.
3. [*Deleted by S 871/2024 wef 01/01/2025*]
4. [*Deleted by S 871/2024 wef 01/01/2025*]
5. [*Deleted by S 871/2024 wef 01/01/2025*]
6. The concentration level of Benzol (a) pyrene should not be 50 mg/kg or more.
7. Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B) or, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.
8. In relation to “almost free from contamination and other types of wastes”, international and national specifications may offer a point of reference.
9. In relation to “almost exclusively”, international and national specifications may offer a point of reference.
10. In relation to “almost exclusively”, international and national specifications may offer a point of reference.
11. In relation to “almost exclusively”, international and national specifications may offer a point of reference.
12. Post-consumer wastes are excluded.
13. Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B), with prior sorting and, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.
14. In relation to “almost free from contamination and other types of wastes”, international and national specifications may offer a point of reference.

[S 871/2024 wef 01/01/2025]

[6/2020; S 820/2019]

LEGISLATIVE HISTORY
HAZARDOUS WASTE (CONTROL OF
EXPORT, IMPORT AND TRANSIT)
ACT 1997

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 13 of 1997 — Hazardous Waste (Control of Export, Import and Transit) Act 1997

Bill	:	13/1997
First Reading	:	7 October 1997
Second and Third Readings	:	19 November 1997
Commencement	:	16 March 1998

2. 1998 Revised Edition — Hazardous Waste (Control of Export, Import and Transit) Act (Chapter 122A)

Operation	:	30 May 1998
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3. Act 9 of 2003 — Statutes (Miscellaneous Amendments) Act 2003
(Amendments made by section 16 read with item (2) of the Schedule to the above Act)

Bill	:	7/2003
First Reading	:	20 March 2003
Second and Third Readings	:	24 April 2003
Commencement	:	16 May 2003 (section 16 read with item (2) of the Schedule)

4. G.N. No. S 820/2019 — Hazardous Waste (Control of Export, Import and Transit) Act (Amendment of Schedule) Regulations 2019

Commencement	:	10 December 2019
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5. Act 6 of 2020 — Hazardous Waste (Control of Export, Import and Transit) (Amendment) Act 2020

Bill	:	6/2020
First Reading	:	6 January 2020
Second and Third Readings	:	3 February 2020

Commencement : 1 April 2020 (except sections 7 and 9)
1 October 2020 (section 7)

6. 2020 Revised Edition — Hazardous Waste (Control of Export, Import and Transit) Act 1997

Operation : 31 December 2021

7. G.N. No. S 871/2024 — Hazardous Waste (Control of Export, Import and Transit) Act 1997 (Amendment of Schedule) Regulations 2024

Date of commencement : 1 January 2025

Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)
S.S.G.G.	Straits Settlements Government Gazette
S.S.G.G. (E)	Straits Settlements Government Gazette (Extraordinary)

COMPARATIVE TABLE
HAZARDOUS WASTE (CONTROL OF
EXPORT, IMPORT AND TRANSIT)
ACT 1997

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	1998 Ed.
5—(2)	5—(1A)
(3)	(2)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
30—(4)	30—(3A)
(5)	(4)
(6)	(5)
(7)	(6)