

# The international legislation

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- The Bamako Convention.
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- Waste Electrical and Electronic Equipment (WEEE) Directive in the European Union  
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- Restrictions of Hazardous Substances (RoHS) Directive

# The international legislation

## The Basel Convention:

- The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal is the most comprehensive global environmental agreement on hazardous and other wastes.
- It was signed by 173 countries on 22 March 1989 and entered into force on 5 May 1992.
- It was basically created to prevent the economically motivated dumping of hazardous wastes from richer to poorer countries, which had resulted from a tightening of environmental regulations and a steep rise in the cost of hazardous waste disposal in industrialized countries.
- In the first decade (1989-1999), the Convention was primarily devoted to three agenda

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## The Basel Convention:

- setting up a framework for controlling the ‘transboundary’ movement of hazardous wastes, that is, the movement of hazardous wastes across international frontiers;
- developing the criteria for ‘environmentally sound management’ (ESM); and
- putting into place a ‘control system’ based on prior written notification.

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## The Basel Convention:

The 1999 Ministerial Declaration adopted at the Fifth Conference of the Parties (COP-5) set out the agenda for the current decade (2000-2010), laying special emphasis on two areas:

- building on the transboundary framework by emphasizing full implementation and enforcement of treaty commitments;
- minimization of hazardous waste generation

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## The Basel Convention:

- It was on the 10th Anniversary of the Basel Convention on Hazardous Wastes in December 1999 that the Government Ministers assembled in Basel, Switzerland adopted a declaration on the environmentally sound management of hazardous wastes.
- The declaration which emphasized the urgent need to reduce the generation of hazardous wastes-both in terms of quantity and hazardousness- represented a major shift toward cleaner production and capacity building and strengthening especially in the developing countries.
- In view of that, the declaration sought to guide the activities of the Convention in specific areas, as follows:

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## The Basel Convention:

- active promotion and use of cleaner technologies and production methods;
- further reduction of the movement of hazardous and other wastes;

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## The Basel Convention:

- the prevention and monitoring of illegal traffic;
- improvement of institutional and technical capabilities— through technology when appropriate — especially for developing countries and countries with economies in transition;
- further development of regional and subregional centres for training and technology transfer; and
- enhancement of information exchange, education and awareness-raising in all sectors of society.

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The Basel Convention:

Compliance and Implementation :

- The Basel Convention contains specific provisions for the monitoring of its implementation and compliance.
- A number of articles in the Convention oblige the Parties to take appropriate measures to implement and enforce its provisions, including measures to prevent and punish conduct that breach the Convention.

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## **Scheme to Control the Movement of Hazardous Waste**

- One of the guiding principles of the Basel Convention is that, in order to minimize the potential threat to human health and environment, hazardous wastes should be dealt with as nearly as possible where they are produced.
- Therefore, under the Convention, transboundary movements of hazardous wastes or other wastes can take place only upon prior written notification by the State of export to the competent authorities of the State of import and transit.
- Each shipment of hazardous waste or other waste must be accompanied by a movement document from the point at which a transboundary movement begins to the point of disposal.
- Hazardous waste shipments made without such documents are, therefore, illegal.

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## **Technical Assistance Offered by the Convention**

- In order to assist countries as well as interested organizations and private companies, etc. to manage or dispose of their wastes in an environmentally sound way, the Secretariat of the Basel Convention cooperates with national authorities in developing national legislation, setting up inventories of hazardous wastes, strengthening national institutions, assessing the hazardous waste management situation, and preparing hazardous waste management plans and policy tools.
- It also provides legal and technical advice to countries in order to solve specific problems related to the control and management of hazardous wastes.

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## **Training in the Management and Minimization of Hazardous Wastes**

- An integral part of implementing the Basel Convention is building the capability to manage and dispose of hazardous waste.
- To this end, the Basel Convention has established Regional Centres for Training and Technology Transfer in several countries which include China, India and Indonesia in Asia.
- The Centres provide guidance on technical and technological issues as well as advice on enforcement aspects of the Convention.
- They also encourage the introduction of cleaner production technologies and the use of environmentally sound waste management practices.

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## Other important highlights of the Basel Convention

- After coming into force, there have been several important milestones in the history of the Basel Convention which briefly include—
- The 1995 Ban Amendment which called for prohibiting exports of hazardous wastes for any purpose from countries listed in a proposed new Annex VII to the Convention i.e. Parties that are members of the EU(European Union), OECD (Organisation for Economic Co-operation and Development), and Liechtenstein to all other Parties to the Convention. The Ban Amendment has not yet entered into force as it has to be ratified by three fourths of the Parties who accepted it.
- As of now, it is considered to be morally binding. The United States is the only OECD country which has neither ratified the original Basel Convention nor the Basel Ban Amendment.

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- Classification and Characterizations of Wastes by the Technical Working Group of the Basel Convention in 1998 into specific lists of hazardous or non-hazardous wastes, which were later adopted by the Parties to the Convention, thereby clarifying the scope of the Convention.
- The Protocol on Liability and Compensation, adopted in December 1999, which established rules on liability and compensation for damages caused by accidental spills of hazardous waste during export or import or disposal.
- The Compliance Mechanism, adopted at the Sixth Conference of Parties (COP6) in December 2002, which promoted the identification, as early as possible, of implementation and compliance difficulties encountered by Parties such as dealing with illegal traffic, or meeting reporting obligations.

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- The Ministerial Statement on 'Partnerships for Meeting the Global Waste Challenge' adopted at the Seventh Conference of Parties (COP7) in 2004 which called for the reduction of the impacts of hazardous wastes on human health and the environment; and promoted a fundamental shift in emphasis from remedial measures to preventive measures such as reduction at source, reuse, recycling and recovery.
- The Eighth Conference of the Parties (COP8) on Basel Convention in Nairobi in November 2006, which convened a high-level "World Forum on E-wastes".

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- A new 10 year vision unveiled at the Seventh Session of the Open-ended Working Group (OEWG 7) of the Basel Convention on 14 May 2010 which laid greater emphasis on highlighting the links between waste management, the achievement of the Millennium Development Goals and human health and livelihoods.
- Developing global recycling guidelines for used computers and support for furthering the objectives of the Ban Amendment to the Convention which prohibits the export of hazardous waste from developed countries to developing countries was one of the key outcomes of the Convention.



# **BASEL CONVENTION**

*the world environmental  
agreement on wastes*



Group 1.  
YWYTT



# Historical Backgrounds



- With the tightening of environmental regulations in developing nations , the disposal cost of hazardous waste dramatically rose up in 1970.
- transboundary movement of waste more accessible because disposal costs in developing economies were low, few regulations, low standards.
- Toxic colonialism
- no legal framework to control dump
- When these practices are more distinct, International
- outrage led to the drafting and adoption of the Basel Convention.



# General Overview

❖ A global legal instrument on “the control of transboundary movements of hazardous wastes and on their disposal”.

- ❑ Adopted in **1989**,
- ❑ entered into force in **1992**.
- ❑ Status of participation (2014): **180 countries**
- ❑ Affiliated instruments:
  - ✓ Basel Ban (1995)
  - ✓ Liability Protocol (1995)
  - ✓ Environmentally Sound Management (1999)



- **The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal**
- Transboundary movement of hazardous waste that is based on environmental and economic grounds with agreement between the exporting and receiving country, can ensure that waste is reused or recycled in an environmentally sound manner.
- Adopted in May 1989
- Came into force in May 1992
- 180 Parties as of October 2013

## Salient Points of Basel Convention:

1. It came into force in 1992.
2. The Basel Convention **secretariat** is situated in Geneva, Switzerland.
3. It applies **Prior Consent Approval** procedure to regulate the transboundary movement of the hazardous and other wastes.
4. **Non-parties cannot transport hazardous** waste to and from each other unless specially agreed. Basel Convention states such transportation, illegal.
5. The member nations to the convention are required to have **domestic legislation** for both prevention and the punishment of the illegal trafficking of such hazardous wastes.
6. It ensures that the **member nations control the generation**, storage, transportation, treatment, reuse, recycling, recovery and final disposal of hazardous wastes.
7. **Conference of Parties (COP)** is a primary organ of the Basel Convention and is responsible to make decisions about the operations of the convention. It meets biennially.
8. Official site – <http://www.basel.int/>

## Basel Convention – Wastes

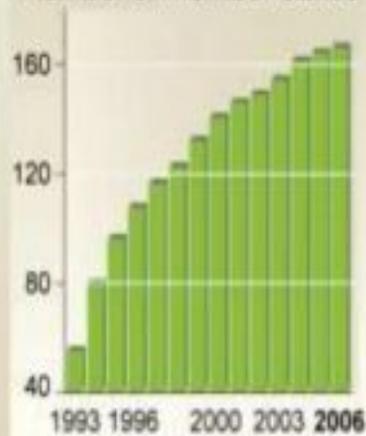
- Biomedical and healthcare wastes
- Used oils
- Used lead acid batteries
- Persistent Organic Pollutant wastes (POPs wastes)
- Chemicals and pesticides that persist for many years in the environment.
- Polychlorinated Biphenyls (PCBs), compounds used in industry as heat exchange fluids, in electric transformers and capacitors, and as additives in paint, carbonless copy paper, sealants and plastics.
- Thousands of chemical wastes generated by industries and other consumers

## 168 Parties to the Basel Convention in 2006

(167 States  
and the European  
Community)



Number of member states



How many Parties since 1993?

### The Basel Convention

Non-parties

Parties

Parties who reported  
their hazardous waste  
exports and imports for 2004  
(latest reporting year)

Regional centre

Note: The regional centres undertake regional projects and deliver training and technology transfer for the implementation of the Convention.

Source: Basel

# Non Parties to the convention

- ☀ Angola
- ☀ Burma
- ☀ East Timor
- ☀ Fiji
- ☀ Grenada
- ☀ Haiti
- ☀ São Tomé and Príncipe
- ☀ ,San Marino

- ☀ Sierra Leone
- ☀ Solomon Islands
- ☀ South Sudan
- ☀ Tajikistan
- ☀ Tuvalu
- ☀ United States
- ☀ Vanuatu



*Basel Convention celebrates  
its 20th Anniversary*

## Overall goal

- ✓ To protect human health and the environment against the adverse effects resulting from the generation and management of hazardous wastes and other wastes.

## Further Objectives

- ✓ Reduction of transboundary movements of hazardous wastes;
- ✓ Minimization of generation - quantity and degree of hazard;
- ✓ Promotion of environmentally sound management of hazardous wastes

# Wastes covered by Basel Convention

- Toxicity
- Corrosivity
- Ignitability
- Reactivity
- Eco-toxicity



- Clinical wastes.
- Mining wastes.
- Industrial wastes.
- Agricultural wastes.
- End of life equipments and commodities
- (asbestos, PCB equip., stockpiles, batteries, e-wastes, ships, etc.)



## POISON

Pesticides, Chemicals  
Rat poison, Bleach  
Pharmaceuticals  
Cleaning fluids



## EXPLOSIVE

Aerosols  
Propane cylinders



## CORROSIVE

Batteries  
Drain cleaners  
Oven cleaners



## FLAMMABLE

Paints, Solvent  
Oils, Gasoline  
BBQ starter

- Currently addresses 27 specific categories of waste and 18 waste streams (Source :UNEP ,2005)

# Basel Restriction

- ❖ The exports of waste occur only under the following circumstances:
  - ☀ If the exporting country does not have sufficient disposal capacity
  - ☀ If the exporting country does not have disposal sites that can dispose of the waste in an environmentally sound manner
  - ☀ If the wastes are required as a raw material for recycling or recovery industries in the importing country.
- ❖ Basel also prohibits movement of waste between parties to the convention and non-parties except when these movements occur under an equivalent bilateral or multilateral agreement. The bilateral or multilateral agreements must provide an equally sound management structure for transboundary movements of waste.



Under the Basel Convention, all parties must report all hazardous wastes and other wastes generated. The scoping and implementation plan for the inventory should answer at least the following questions:

- Waste streams to be covered;
- Geographical area to be covered;
- Specific exclusions from the scope;
- Level of classification of waste generating facilities (level of ISIC code or corresponding);
- The system and the level of classification of hazardous wastes and other wastes, and harmonization between the national and Basel codes.

# Milestones

## First decade achievements (1989-1999)

- ❖ Framework for controlling transboundary movements of hazardous wastes; Control system (based on prior written notification);
- ❖ Developed criteria for “Environmentally Sound Management” (ESM).
- ❖ Partnerships to increase co-operation and strategic alliances;

## 2000-2010 Second decade Priorities

- ❖ Environmentally sound management and active promotion and use of cleaner technologies and production methods;
- ❖ Further reduction of the movement of hazardous and other wastes;
- ❖ Prevention and monitoring of illegal traffic;
- ❖ Improvement of institutional and technical capabilities especially for developing and EIT countries;
- ❖ Further development of regional and sub-regional centres for training and technology transfer.

# Strategic Framework

- ❖ The strategic framework for 2012–2021 was adopted by the tenth meeting of the Conference of the Parties
- ❖ Effective implementation of parties' obligations on transboundary movements of hazardous and other wastes
- ❖ Strengthening the environmentally sound management of hazardous and other wastes
- ❖ Promoting the implementation of the environmentally sound management of hazardous and other wastes as an essential contribution to the attainment of sustainable livelihood, the Millennium Development Goals and the protection of human health and the environment



# Conclusion

- The ability of each Party to implement the Basel Convention is enhanced.
- The environmentally sound management of hazardous wastes and other wastes is accessible to all Parties.
- Transboundary Movements of hazardous wastes are further reduced and illegal traffic is prevented.
- Partnership for the effective implementation of the Convention is strengthened at the global, national and local level.
- Awareness and understanding of the Convention is increased amongst all sectors of society
- Global membership of the Convention is achieved.

## UNIT-V

- The international legislation: The Basel Convention;
- The Bamako Convention.
- The Rotterdam Convention.
- Waste Electrical and Electronic Equipment (WEEE) Directive in the European Union,
- Restrictions of Hazardous Substances (RoHS) Directive

# The Rotterdam Convention

- Like the Bamako Convention, the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Chemicals and Pesticides in International Trade regulates trade in hazardous wastes but contains no commitment to reduce their use and release.
- Adopted in September, 1998, the Rotterdam Convention came into force in February, 2004. As of July, 2007, it had 73 signatories and 117 Parties.
- As on date there are 140 parties. India had acceded to the convention on 24 May 2005.
- It is a multilateral treaty to promote shared responsibilities between exporting and importing countries in protecting human health and environment from the harmful effects of hazardous chemicals.
- The Convention promotes exchange of information among Parties over a broad range of potentially hazardous chemicals that may be exported or imported.
- A key goal is to provide technical assistance for developing countries and countries with economies in transition to develop the infrastructure and capacity necessary to implement the provisions of the Convention

- The Rotterdam Convention calls on exporters of hazardous chemicals to use proper labeling, include directions on safe handling, and inform purchasers about known restrictions or bans.
- Parties can decide whether to allow or ban the import of chemicals listed in the treaty, and countries exporting chemicals are obliged to make sure that producers within their jurisdiction comply with the directions and rules.
- The Parties have nine months to prepare a response concerning the future import of the chemical.
- The response can consist of either a final decision— to allow import of the chemical, not to allow import, or to allow import subject to specified conditions- or an interim response.

- Decisions by an importing country must be trade neutral, that is, apply equally to domestic production for domestic use as well as to imports from any source. The Convention requires each Party to notify the Secretariat, provided jointly by the FAO and UNEP, when taking a domestic regulatory action to ban or severely restrict a chemical.
- Apart from the principle of Prior Informed Consent, the Rotterdam Convention highlights another principle of the Basel Convention which deals with transparency and Environmentally Sound Management (ESM) of hazardous substances. Among the 40 chemical substances covered under the Convention, mercury compounds, polybrominated biphenyls (PBB), polychlorinated biphenyls (PCB) are also substances that are found in e-waste.

# Waste Electrical and Electronic Equipment (WEEE) Directive in the European Union

- The Waste Electrical and Electronic Equipment (WEEE) Directive is the European Community directive (2002/96/EC) on waste electrical and electronic equipment which, together with the Restriction of Hazardous Substances (RoHS) Directive (2002/95/EC), became European Law in February, 2003 setting collection, recycling and recovery targets for all types of electrical and electronic goods.
- The WEEE Directive obliged the twenty-five EU member states to transpose its provisions into national law by 13 August, 2004.
- By August, 2005, all member states except Malta and the UK had transposed at least framework regulations.
- In May, 2001, the EU Parliament approved a directive that required producers of electronic gazettes to take responsibility—financial and otherwise—for the recovery and recycling of e-waste.
- Recognizing the scope and urgency of e-waste problem, the European Union has taken the lead in addressing it by proposing an ambitious system of the Extended Producer Responsibility (EPR).
- The EPR has been defined as “an environmental protection strategy to reach an environmental objective of a decreased total impact from a product, by making the manufacturer of the product responsible for the entire life cycle of the product and especially for the take back, recycling and final disposal of the product”

# Obligations of the Producer under the WEEE

- The WEEE Directive imposes most of the obligations on the producer of the electrical and electronic equipments (EEE).
- Article 4 of the WEEE Directive requires the producer to design the products in such a way that will facilitate dismantling and recovery.
- In addition, the producer is required not to prevent, through specific design features or manufacturing processes, the e-waste from being reused unless it is compromising the environment and/or safety requirements.
- Under Article 5 (3), the producer is obliged to collect waste electrical and electronic equipment at its end of life.
- The treatment of the EEE, when handed over to a facility for de-pollution, dis-assembly, shredding, recovery, or preparation for disposal, has to be the 'best available treatment' which includes the removal of all fluids and, in accordance with Annexe II to the WEEE Directive, the removal of certain substances, consumables and components from any separately collected WEEE.

- Article 7(1) obliges the producers to set up a recovery system either individually or by joining a collective system.
- The responsibility for collection, recovery and the financing thereof are governed by two parameters.
- If a product or so-called 'historical waste' was put on the market on or before 13 August, 2005, then the product is a business-to-consumer (B2C) product and the responsibility has to be borne by the producer according to his market share, while the user has to take care of a business-to-business (B2B) product.
- If the product was put on the market after the date, then the producer is responsible for his individual (waste) product.
- Finally, Article 12(1) requires the member states to draw up a register of producers.
- The producers of the EEE have to register in the country where they are based and have to report in the registers the sales volume and the volume of collected and recovered products

# Restriction of Hazardous Substances (RoHS) Directive

- As a legislative initiative to solve the problem of huge amounts of toxic e-waste, a Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment, namely 2002/95/EC, commonly referred to as the Restriction of Hazardous Substances Directive or RoHS was adopted in February 2003 by the European Union.
- The RoHS Directive came into force with effect from 1 July 2006, and is required to be enforced and become law in each member state.
- The Directive restricts the use of six hazardous materials in the manufacture of various types of electronic and electrical equipment.

- In order to prevent the generation of hazardous waste, the RoHS Directive requires the substitution of various heavy metals, namely lead, mercury, cadmium, hexavalent chromium and brominated flame retardants like polybrominated biphenyls (PBB) or poly-brominated diphenyl ethers (PBDE) in new electrical and electronic equipments put on the market since 1 July, 2006.
- In brief, the WEEE Directive obliges a producer of electronic equipment to be responsible for the product at the end of its consumer life.
- The RoHS Directive takes a step further by requiring manufacturers to phase out the use of hazardous substances in the production of electrical and electronics equipment by 2008