



Decision-Recommendation of the
Council on Transfrontier
Movements of Hazardous Waste

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Date(s)

Adopted on 01/02/1984
Amended on 25/10/2001
Amended on 12/07/2017

Background Information

The Decision-Recommendation on Transfrontier Movements of Hazardous Wastes was adopted by the OECD Council on 1 February 1984 on the proposal of the Environment Committee (now called Environment Policy Committee). This instrument sets requirements for Adherents to monitor and control hazardous waste exports and imports within and outside the OECD area in order to protect human health and the environment.

THE COUNCIL,

HAVING REGARD to Articles 5 a) and 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Recommendation of the Council of 28 September 1976 on a Comprehensive Waste Management Policy [C(76)155(Final)];

BEARING IN MIND that the Governments of the OECD Member countries have recognised “the responsibility they share to safeguard and improve the quality of the environment, both nationally and in a global context” and have declared that “the protection and progressive improvement of the quality of the environment is a major objective of the OECD Member countries” (Declaration on Environmental Policy, 1974);

CONSIDERING that a number of OECD Member countries generate substantial amounts of hazardous waste and that a significant proportion of such waste is subject to transfrontier movements;

CONSIDERING that efficient and environmentally sound management of hazardous waste may justify some transfrontier movements of such waste in order to make use of appropriate disposal or recovery facilities in other countries;

CONSIDERING that the generator of a hazardous waste has responsibilities to ensure that the disposal or recovery of its waste is carried out in a manner consistent with the protection of the environment, whatever the place of disposal;

CONSIDERING that countries have the sovereign right to manage hazardous waste within their jurisdiction pursuant to their own environmental policies and legislation, taking account of the rules of international law;

CONSIDERING the need for concerted action among Member countries to protect man and his environment against pollution which may arise in connection with hazardous waste management;

On the proposal of the Environment Policy Committee;

I. DECIDES that Member countries shall control the transfrontier movements of hazardous waste and, for this purpose, shall ensure that the competent authorities of the countries concerned are provided with adequate and timely information concerning such movement.

II. RECOMMENDS that, to implement this Decision, countries apply the principles concerning transfrontier movements of hazardous waste set out below.

III. INSTRUCTS the Environment Policy Committee, having regard to work of other international organisations, to elaborate a programme of activities to develop further the principles set out below and facilitate their implementation, and to explore what additional international action may be necessary concerning transfrontier movements of hazardous waste.

IV. INSTRUCTS the Environment Policy Committee to review periodically action taken by Member countries in pursuance of this Decision and Recommendation.

Principles Concerning Transfrontier Movements of Hazardous Waste

The following principles are designed to facilitate the development of harmonized policies concerning transfrontier movements of hazardous waste. They do not prejudice the implementation of more favourable measures for the protection of the environment than are now in force or that may be adopted; neither do they prejudice the application of any international agreement dealing with the free trade of goods or services or the transport of dangerous goods.

Definitions of terms used in these Principles are given in the Appendix.

General Principles

1. Countries should ensure that hazardous waste situated within the limits of their jurisdiction is managed in such a way as to protect man and the environment. For this purpose, countries should promote the establishment of appropriate disposal or recovery installations and should adopt all necessary measures to enable their authorities to control the activities related to generation, transport and disposal or recovery of hazardous waste, and to ensure compliance with the laws and regulations in force.

2. In respect of the management of hazardous waste that is subject to transfrontier movements countries should require that:

a) The entities concerned abstain from participation in transfrontier movements which do not comply with the laws and regulations applicable in the countries concerned;

b) The entities involved in transport or disposal or recovery be authorized for this purpose.

3. Furthermore, with regard to any specific transfrontier movement of hazardous waste, countries should require that the generator of the waste should:

a) Take all practicable steps to ensure that the transport and disposal or recovery of its waste be undertaken in accordance with the laws and regulations applicable in the countries concerned;

b) In particular, obtain assurances that all entities concerned with the transfrontier movement or the disposal or recovery of its waste have the necessary authorisations to perform their activities in accordance with the laws and regulations applicable in the countries concerned;

c) Reassume responsibility for the proper management of its waste, including if necessary the re-importation of such waste, if arrangements for safe disposal or recovery cannot be completed.

4. Countries should apply their laws and regulations on control of hazardous waste movements as stringently in the case of waste intended for export as in the case of waste managed domestically.

International Pre-Notification and Co-operation

5. Countries should co-operate in the control, from the place of generation to the place of disposal, or recovery of all hazardous waste that is subject to transfrontier movements.

5.1. For this purpose, and given the Decision, countries should take the measures necessary to ensure that the entities within their jurisdiction provide, directly or indirectly, the authorities of the exporting, importing and transit countries with adequate and timely information.

5.2. This information should specify the origin, nature, composition, and quantities of waste intended to be exported, the conditions of carriage, the nature of environmental risks involved, the type of disposal or recovery and the identity of all entities concerned with the transfrontier movement or the disposal of the waste.

6. Exporting countries should take the measures necessary to ensure that a request from an importing or transit country for relevant information elicits a constructive and diligent response.

7. Countries should adopt the measures necessary to enable their authorities to object to or, if necessary, prohibit the entrance of a consignment of hazardous waste into their territory, for either disposal, recovery or transit, if the information provided is insufficient or inaccurate or the arrangements made for transport or disposal are not in conformity with their legislation.

8. Countries should take all practicable steps to ensure that a projected transfrontier movement of hazardous waste is not initiated if one of the countries concerned has decided in conformity with its legislation to oppose the import or transit of the waste and has so informed the entities or authorities concerned in the exporting country.

9. When an importing or transit country opposes in conformity with its legislation a transfrontier movement into its territory and the waste has already left the exporting country, the latter should not oppose reimport of the waste.

APPENDIX

DEFINITIONS

For the purposes of the above principles:

- a) "Waste" is defined in the Decision of the Council on the Control of Transboundary Movements of wastes destined for Recovery Operations [C(2001)107/FINAL];
- b) "Hazardous waste" is defined in the Decision of the Council on the Control of Transboundary Movements of wastes destined for Recovery Operations [C(2001)107/FINAL];
- c) "Transfrontier movement of hazardous waste" means any shipment of waste from one country to another, where the waste is considered as being hazardous waste in at least one of the countries concerned. Hazardous waste arising from the normal operation of ships, including slops and residues, shall not be considered a transfrontier movement covered by this Decision-Recommendation;
- d) "Exporting country" means any country from which a transfrontier movement of hazardous waste is initiated or is envisaged;
- e) "Importing country" means any country to which a transfrontier movement of hazardous waste takes place or is envisaged for purpose of disposal (treatment, landfill, storage, dumping or incineration at sea);
- f) "Transit country" means any country other than the exporting or importing country across which a transfrontier movement of hazardous waste takes place or is envisaged;
- g) "Countries concerned" mean the exporting, transit and importing countries;
- h) "Entity" means the waste generator and any natural or legal, public or private person, acting on his own behalf or as contractor or subcontractor (export, import, transport, collection, disposal, etc.), who owns or has the possession of the waste;
- i) "Disposal" is defined in the Decision of the Council on the Control of Transboundary Movements of wastes destined for Recovery Operations [C(2001)107/FINAL];
- j) "Recovery" is defined in the Decision of the Council on the Control of Transboundary Movements of wastes destined for Recovery Operations [C(2001)107/FINAL].

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