



Food and Agriculture
Organization of the
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BASEL CONVENTION



ROTTERDAM CONVENTION



CONVENTION DE STOCKHOLM

International trade control measures under the Basel, Rotterdam and Stockholm Conventions

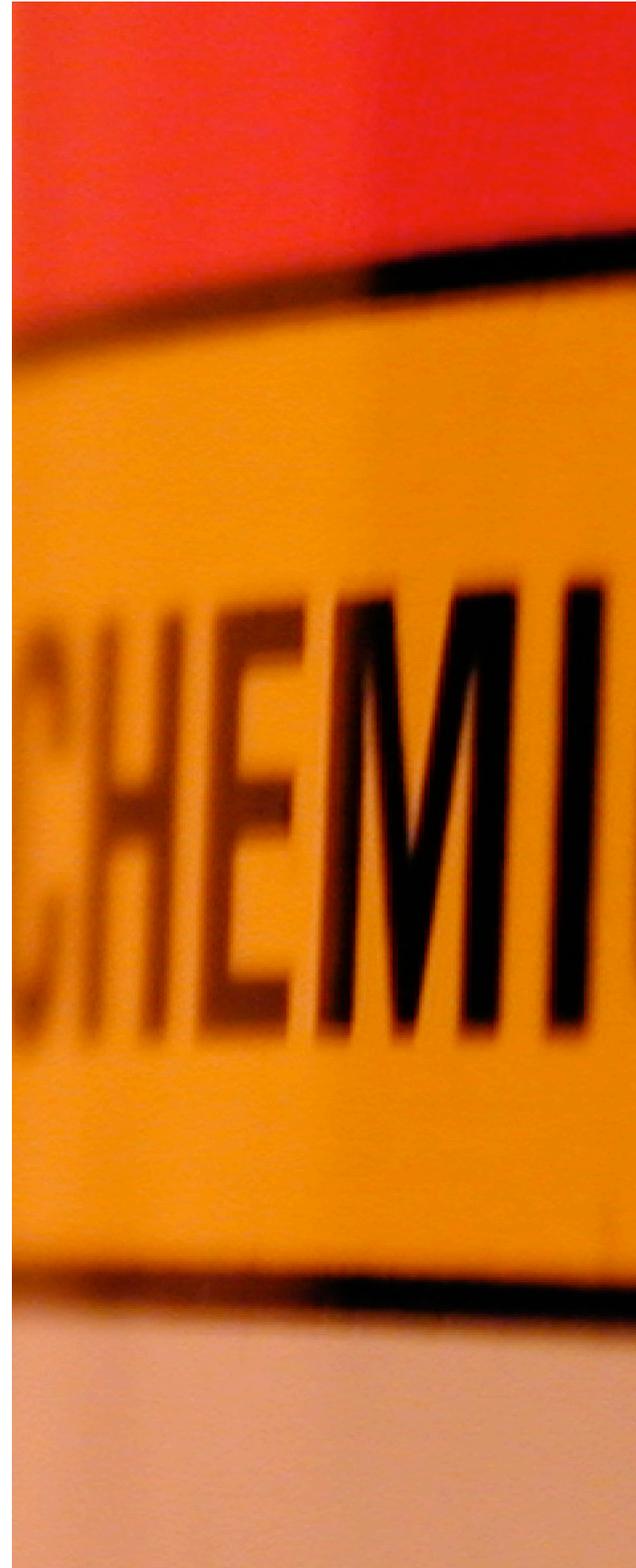
The Conventions and their objectives

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants share the common objective of protecting human health and the environment from hazardous chemicals and wastes at all stages of their life cycle, from production to disposal. All three Conventions provide for the control of the international trade or transboundary movements of the substances and wastes covered. This leaflet provides an overview of the provisions under each Convention aimed at controlling such international trade and transboundary movements. It also highlights commonalities and differences between them.

Controlling international trade and transboundary movements

The Basel, Rotterdam and Stockholm Conventions provide for a range of measures to protect human health and the environment against the negative impacts of hazardous chemicals and wastes.

All three Conventions have in common that they set conditions and procedures to be followed for the import and export of the covered chemicals and wastes. These procedures are expected to ensure that importing States are not confronted with hazardous chemicals and wastes that they do not wish to receive, for instance because they are unable to manage them in an environmentally sound manner. The control of the international trade of chemicals is covered by the Rotterdam and Stockholm Conventions, while wastes trade is primarily regulated under the Basel Convention. The Rotterdam and Stockholm Conventions are however expected to have an impact upstream by restricting the production, and use of certain chemicals that will, when becoming wastes, fall within the scope of the Basel Convention.





The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

Parties to the Basel Convention have the overall obligation to ensure that transboundary movements of hazardous and other wastes (hereinafter “TBM”) are minimized and that any TBM is conducted in a manner which will protect human health and the environment. In addition to these general obligations, the Convention provides that TBM can only take place if certain conditions are met and if they are in accordance with certain procedures. It is the Competent Authorities (CA) designated by each Party that assess whether the Basel Convention requirements for TBM are met.

What is a “transboundary movement” under the Convention?

Under the Basel Convention, a TBM 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.

Conditions for transboundary movements

Parties are under an obligation to take the appropriate measures to ensure that TBM of hazardous wastes and other wastes are only allowed if one of the three following conditions is met (article 4 paragraph 9):

- 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 manner”; or

- the wastes in question are required as **raw material** for recycling or recovery industries in the State of import; or
- the TBM in question is in accordance with **other criteria** decided by the Parties (such criteria will normally be found in the decisions adopted by the Conference of the Parties).

In all cases, the Convention requires that the standard of “**environmentally sound management**” (ESM) of hazardous wastes or other wastes is met. ESM 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 (article 2 paragraph 8).

In addition to these conditions, the Basel Convention specifies in its article 4 instances in which Parties **may restrict** TBM and instances in which Parties **must restrict** TBM:

- Parties have the right to prohibit totally or partially the import of hazardous wastes or other wastes into their jurisdiction for disposal (article 4 paragraph 1). Such decisions are available on the Convention website at: <http://www.basel.int/Countries/ImportExportRestrictions/tabid/1481/Default.aspx>
- If a Party restricts or prohibits the import of hazardous wastes or other wastes, other Parties must respect this restriction or prohibition (article 4 paragraph 2).
- A Party must not allow exports to a State when it has reason to believe that the wastes in question will not be managed in an environmentally sound manner (article 4 paragraph 2 (g)).
- Parties may decide to limit or ban the export of hazardous wastes or other wastes to other Parties (article 13 paragraph 2 (d)).
- Parties are prohibited from exporting wastes falling within the scope of the Convention for disposal within the area south of 60° South latitude, in other words within the Antarctic area (article 4 paragraph 6).

- A TBM should not occur with a non-Party unless an agreement or arrangement regarding TBM is in place that provides for the ESM requirement to apply (article 4 paragraph 5 and article 11 paragraph 1).
- TBM can take place through transit States that are not Parties to the Convention but the generator, exporter or State of export is required to notify the competent authority of the State of transit of any proposed TBM (Article 7).

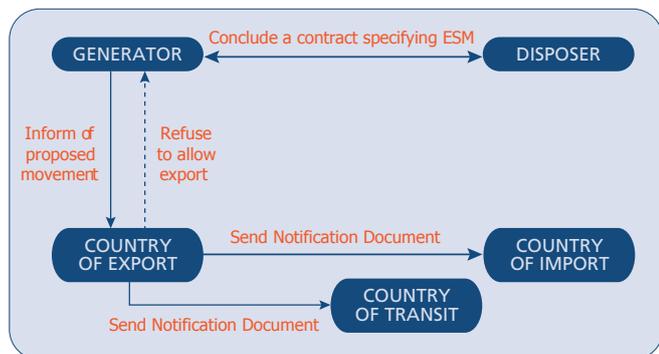
In addition, the Basel Convention requires that only persons authorized or allowed to transport or dispose of wastes undertake such operations and that wastes subject to a TBM be packaged, labelled and transported in conformity with generally accepted and recognized international rules and standards (article 4 paragraph 7 (a) and (b)).

Procedures for transboundary movements

The Basel Convention sets out in its article 6 a detailed Prior Informed Consent (PIC) procedure with strict requirements for TBM of hazardous wastes and other wastes. The procedure forms the heart of the Basel Convention control system and is based on four key stages (1) notification; (2) consent and issuance of movement document; (3) transboundary movement; and (4) confirmation of disposal.

Stage 1: Notification

The purpose of stage 1 is for the exporter to properly inform the importer of a proposed transboundary movement of hazardous wastes or other wastes.



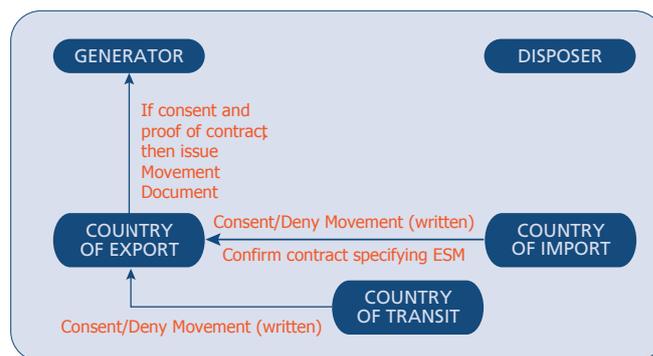
- After the exporter/generator of the wastes has **informed** the Competent Authority (CA) of the State of export of a proposed shipment of hazardous or other wastes, the CA of the State of export decides to **refuse or allow the export**.
- Before the shipment can be allowed a **contract** ensuring that the disposal of the wastes is conducted in an environmentally sound manner is concluded between the exporter/generator and the disposer.
- If it has no objection to the export, the CA of the State of export, or the generator or exporter acting through the CA of the State of export, informs the CA of the States concerned (State of import and State(s) of transit) of the proposed movement of hazardous wastes or other wastes by means of a **Notification Document** containing all necessary information specified in Annex V A of the Convention.

The Notification Document is available on the Convention website at:

<http://www.basel.int/Procedures/NotificationMovementDocuments/tabid/1327/Default.aspx>

Stage 2: Consent & issuance of Movement Document

The purpose of stage 2 is to ensure that the importer agrees to the proposed transboundary movement and that the appropriate documentation accompanies the shipment of hazardous wastes or other wastes.



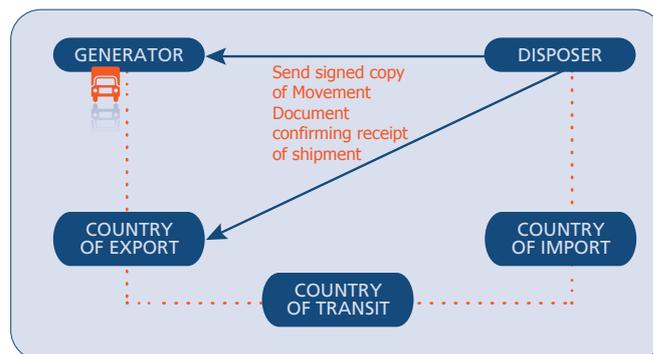
- On receipt of the Notification Document, the CA of the country of import must provide its **written consent** (with or without conditions) or **denial** (can ask for further clarification) and confirm to the notifier the existence of the **contract** between the exporter and the disposer in case of consent.
- The CA of any country of transit must acknowledge promptly receipt and may provide its written consent to the country of export (with or without conditions) or denial within 60 days.
- Once the relevant CAs have established that all the requirements of the Convention have been met and have agreed to the movement, the CA of the country of export can proceed with the issuance of the **Movement Document** and authorize the shipment to start.

The Movement Document is available on the Convention website at:

<http://www.basel.int/Procedures/NotificationMovementDocuments/tabid/1327/Default.aspx>

Stage 3: Transboundary movement

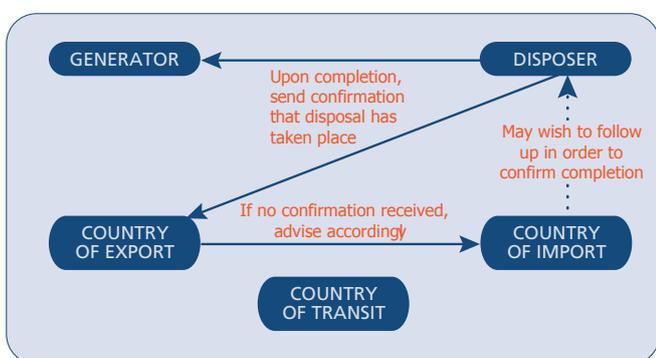
Stage 3 illustrates the various steps that need to be followed once the transboundary movement has been initiated and until the wastes have been received by the disposer.



- The disposer sends a **signed copy of the Movement Document** confirming the receipt of the shipment to the exporter/generator and the CA of the country of export.
- Each person who takes charge of a TBM has to sign the movement document. It contains detailed information about the shipment (the type of waste, packaging, authorizations by the CAs, carriers of the consignment, customs officers it has to pass through, etc.) and must accompany the consignment from the point at which a transboundary movement commences to the point of disposal.

Stage 4: Confirmation of disposal

The purpose of stage 4, the final stage in the TBM procedure, is for the generator and country of export to receive confirmation that the wastes moved across borders have been disposed of by the disposer as planned and in an environmentally sound manner.



- The Convention requires a **confirmation** from the disposer when the disposal has taken place, according to the terms of the contract, as specified in the notification document.
- If the CA of the country of export has not received the confirmation that disposal has been completed, it must inform the CA of the country of import accordingly.

Illegal Traffic

The Basel Convention is one of the very few environmental treaties to define a prohibited activity as **"criminal"**. Illegal traffic is defined as a transboundary movement of hazardous wastes (article 9):

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

The Convention requires all Parties to prevent and punish conduct in contravention to its provision, including illegal traffic (Article 4 paragraph 4 and Article 9 paragraph 5).



The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

The Convention requires Parties to exchange information with respect to the import and export of the covered chemicals. Two procedures are established: (1) The Prior Informed Consent procedure for chemicals listed in Annex III to the Convention, and (2) the Export Notification procedure for other banned and severely restricted chemicals not listed yet in Annex III.

What international trade is covered by the Convention?

Trade under the Rotterdam Convention refers to the **export** and **import** of covered chemicals, as defined by article 2 paragraph (f):

- the movement of a chemical from one Party to another Party,
- the exclusion of mere transit operations.

Conditions for international trade

Parties are under an obligation to take the appropriate measures to ensure that import and export of the covered chemicals comply with the following requirements:

- The movements of hazardous chemicals **listed in Annex III** are subject to the Prior Informed Consent procedure (hereinafter "PIC procedure"). Exports are only allowed if the State of import has consented to the future import of the specific chemical through an Import Response. If the Party has, in its Import Response, consented to import subject to specified conditions, these conditions must also be complied with (article 10 and article 11).
- When a chemical not listed in Annex III but **banned or severely restricted** by a Party is exported from its territory, that Party must notify each individual importing Party before the first shipment and annually thereafter (article 12), the information requirements for export notifications are contained in Annex V.
- Exports of banned or severely restricted chemicals, as well as of chemicals subject to the PIC procedure, are to be appropriately **labelled** and accompanied by basic health and safety information in the form of a **safety data sheet** (article 13 paragraph 2).
- Because of the requirement of the trade neutrality of the Import Response, a Party deciding not to consent or providing specified conditions to the import of certain chemicals, must also refuse, or allow only under the same specified conditions, imports of these chemicals from any source, including from non-Parties (article 10 paragraph 9).

Procedures for international trade

1. The Prior Informed Consent procedure

The PIC procedure, along with information exchange, is one of the key provisions of the Rotterdam Convention. It consists of a mechanism for formally obtaining and disseminating the decisions of importing Parties as to whether they wish to receive future shipments of those chemicals listed in Annex III of the Convention and for ensuring compliance with these decisions by exporting Parties. The PIC procedure only applies to the export and import of chemicals listed in Annex III. The Convention stipulates 2 key stages; (1) Import Responses and; (2) follow up Parties' responsibilities.

Stage 1: Import Responses

Once the chemical becomes subject to the PIC procedure, Parties, through their Designated National Authority (DNA), individually pronounces themselves about the future import of the specific chemical.

- Parties are required to take a decision as to whether they will allow future import of each of the chemicals in Annex III. The decision may be interim or final and contain a refusal, consent or consent with conditions.

The form and instructions are available on the Convention website at:

<http://www.pic.int/Procedures/ImportResponses/FormandInstructions/tabid/1165/language/en-US/Default.aspx>

- These decisions, known as **Import Responses**, are published by the Secretariat and made available to all Parties every six months through the **PIC Circular** and on the Convention's website in the section Import Responses. This way, Parties are informed prior to an export as to whether or not an import has been consented to or not.

The Import Responses Database is available on the Convention website at:

<http://www.pic.int/Procedures/ImportResponses/Database/tabid/1370/language/en-US/Default.aspx>

The PIC Circular is available on the Convention website at:

<http://www.pic.int/Implementation/PICCircular/tabid/1168/language/en-US/Default.aspx>

- Import decisions taken by Parties must be trade neutral. This means that if the Party decides not to accept imports of a specific

chemical, it must also stop domestic production of the chemical for domestic use and refuse imports from any source, including from countries that are not Party to the Convention.

Stage 2: Follow up on importing and exporting Party responsibilities

Importing Parties are expected to immediately disseminate their Import Response published in the PIC Circular to those concerned within their national jurisdiction, namely all relevant agencies that may be involved in the regulation, production and trade of chemicals in the country, e.g. government departments, manufacturers, export industries, department of customs, etc. Similarly, exporting Parties are to communicate Import Responses to those concerned in their jurisdiction and to take the necessary measures to ensure that exporters within their jurisdiction comply with these. Unlike the Basel Convention however, the Rotterdam Convention does not provide for specific consequences in case the export or import is undertaken contrary to the Import Response, and it is up to each Party to consider providing for such consequences in its national legal framework.

Video on the Rotterdam Convention Prior Informed Consent procedure:

<http://www.youtube.com/watch?v=5UFMB2FdvRs>

2. The Export Notification procedure

The Convention stipulates at its article 12 an Export Notification procedure for the other chemicals banned or severely restricted by an exporting Party yet not listed in Annex III, namely not subject to the PIC procedure.

Stage 1: Export Notification

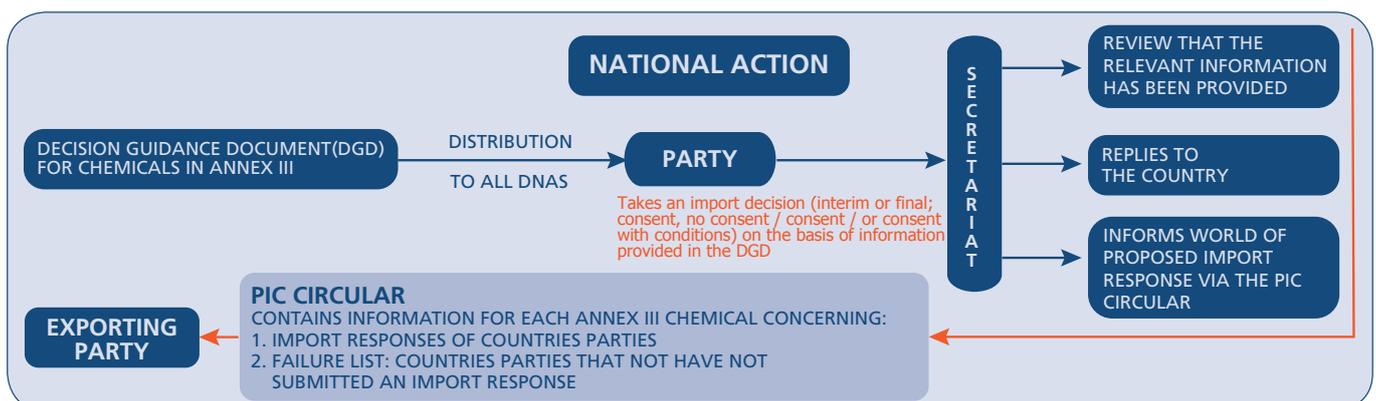
The DNA of the exporting Party planning to export chemicals banned or severely restricted in its territory shall prior provide an Export Notification to the importing Party. It shall contain all the information requirements specified in Annex V of the Convention.

Stage 2: Acknowledgment of Receipt

The DNA of the importing Party has the obligation to acknowledge receipt of the export notification within 30 days. If it fails, the exporting Party shall submit a second notification.

The standard form and instructions are available on the Convention website at:

<http://www.pic.int/Procedures/ExportNotifications/FormandInstructions/tabid/1365/language/en-US/Default.aspx>





The Stockholm Convention on Persistent Organic Pollutants

The Stockholm Convention regulates the import and export of covered POPs, however there is no specific procedure defined under the Stockholm Convention for the international trade of POPs. In the event the POPs fall within the scope of the Basel or the Rotterdam Conventions, then the control procedures provided by these Conventions apply to the import, transit and export, as appropriate, of POPs falling within the scope of those Conventions.

What international trade is covered by the Convention?

The Convention regulates the export and import of intentionally produced chemicals listed in Annexes A and B of the Convention.

Conditions for international trade

Among the measures to reduce or eliminate releases from intentional production and use provided by article 3, is the obligation to ensure that any import and export of the chemicals listed in Annex A and B of the Convention complies with strict requirements.

With respect to the **import**:

- These chemicals can only be imported for the purpose of environmentally sound disposal as set forth in article 6 paragraph 1 (d); or
- For a use or purpose which is permitted for that Party under Annex A or Annex B.

With respect to the **export**: chemicals for which safer alternatives are not readily available to all countries and for which there is a specific exemption or acceptable purpose can only be exported:

- For the purpose of environmentally sound disposal as set forth in article 6 paragraph 1 (d);
- To a Party which is permitted to use that chemical under Annex A or Annex B; or
- To a non-Party to the Convention which has provided an annual certification to the exporting Party. This certification shall ensure that the importing State will minimize or prevent releases, dispose the chemicals in an environmentally sound manner and respect the provisions of Annex B part II paragraph 2.

The Register of Specific Exemptions is available on the Convention website at:

<http://chm.pops.int/Implementation/Exemptions/RegisterofSpecificExemptions/tabid/1133/Default.aspx>

The Acceptable Purpose Registers are available at:

<http://chm.pops.int/Implementation/Exemptions/AcceptablePurposesDDT/tabid/456/Default.aspx> and;

<http://chm.pops.int/Implementation/Exemptions/AcceptablePurposesPFOSandPFOSF/tabid/794/Default.aspx>

The template for the certification of non-Party imports is available at:

<http://chm.pops.int/Procedures/ExporttoanonPartyState/tabid/3349/Default.aspx>

Any export of these chemicals must take into account any relevant provisions in existing international prior informed consent instruments (article 3 paragraph 1 (b)), for instance the PIC procedures provided by the Basel and the Rotterdam Conventions.

Summary of the import/export procedures under the Basel and Rotterdam Conventions

	BASEL	ROTTERDAM	ROTTERDAM
Object	All the hazardous and other wastes covered by the Convention	Chemicals listed in annex III of the Convention.	Chemicals outside annex III that are banned or restricted by the Exporting Party
Timing	As a general rule, for each proposed movement	Subsequent to the listing of the substance in Annex III	Prior to the first export following adoption of the corresponding final regulatory action
Trigger	TBM proposed by State of export to State of transit and State of import, using a Notification Document	Decision Guidance Document sent by the Secretariat to all Parties	Export notification sent by State of export to State of import
Decision by the State of import (and State of transit)	Consent/ deny/ request for additional information	Consent/ no consent/ consent with conditions	Acknowledgement
Form for expressing decision	Written decision communicated to the State of export by the import (and transit) State in the Notification Document	Written notification sent to the Secretariat. Notifications (so-called "Import Responses") made available in the PIC circular	Written notification
Contact	Competent Authority	Designated National Authority	Designated National Authority

Synergies between the Basel, Rotterdam and Stockholm Conventions

In order to better achieve the objectives of the three global Conventions on hazardous wastes and chemicals, the international community has worked over the past years on enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions. These efforts are sometimes referred to as the "**synergies**" process. With respect to trade control measures, the following elements are, inter alia, areas where synergy can happen:

Coverage

Although the chemicals and wastes covered by the three Conventions differ, with the scope of the Basel Convention being much wider than that of the Rotterdam and Stockholm conventions, it is possible to identify the substances that are **regulated by all three Conventions**. At the juncture of the Conventions are POPs: as of October 2013, 13 of the 19 intentionally produced POPs covered by the Stockholm Convention are also subject to the Rotterdam Convention. When becoming wastes, POPs as substances; as well as mixtures and articles containing POPs will fall within the scope of the Basel Convention.

A table showing the **overlap between the chemicals** listed under the Rotterdam, Stockholm and Basel Conventions as of October 2013 is available on the websites of the Conventions at <http://synergies.pops.int/Implementation/TechnicalAssistance/tabid/2628/language/fr-CH/Default.aspx>.

Legal and institutional frameworks

In order to implement the Conventions at the national level, Parties should develop regulatory infrastructures. Countries that are Parties to more than one Convention may benefit from harmonizing their national legal and institutional frameworks pertaining to the implementation and enforcement of those Conventions. This can be done, for instance, by establishing coordination mechanisms among relevant governmental agencies at the national level or by designating one entity to serve as Competent Authority (under the Basel Convention), National Focal Point/Official Contact Point (under the Stockholm Convention) and Designated National Authority (under the Rotterdam Convention). The national authorities should share information to ensure awareness among relevant authorities at the national level. Close cooperation will assist with an integrated approach and coordinated implementation. For instance, the three Conventions require labelling of chemicals and wastes in conformity with recognized international rules and standards.

Overview of the Conventions

The Basel Convention

The Basel Convention is the most comprehensive global environmental agreement on hazardous wastes and other wastes. Its scope of application covers a wide range of wastes defined as "hazardous wastes", as well "other wastes" (household waste and incinerator ash). The provisions of the Convention centre around:

- Reduction of hazardous waste generation and promotion of environmentally sound management of hazardous wastes;
- Restriction of transboundary movements of hazardous wastes except where it is perceived to be in accordance with the principles of environmentally sound management;
- A regulatory system for cases where transboundary movements are permissible.

The Rotterdam Convention

The Rotterdam Convention promotes shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals. The Convention aims at contributing to the environmentally sound use of those hazardous chemicals, by:

- Facilitating information exchange about their characteristics;
- Providing for a national decision-making process on their import and export;
- Disseminating these decisions to Parties.

The Convention creates legally binding obligations for the implementation of the Prior Informed Consent procedure (PIC).

The Stockholm Convention

The Stockholm Convention is a global treaty about chemicals that remain intact in the environment for long periods, become widely distributed geographically, accumulate in the fatty tissue of humans and wildlife, and have harmful impacts on human health or on the environment. The Convention requires each Party to, inter alia:

- Prohibit and/or eliminate the production and use, as well as the import and export, of the intentionally produced POPs that are listed in Annex A to the Convention;
- Restrict the production and use, as well as the import and export, of the intentionally produced POPs that are listed in Annex B to the Convention;
- Reduce or eliminate releases from unintentionally produced POPs that are listed in Annex C to the Convention;
- Ensure that stockpiles and wastes consisting of, containing or contaminated with POPs are managed safely and in an environmentally sound manner;
- Target additional POPs.

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