

**Report of the  
First Meeting of the Scientific and Technical Advisory Committee  
of the Waigani Convention  
21-23 June 2004, SPREP Headquarters  
Apia, Samoa**

**AGENDA ITEM 1: Official Opening**

1. The First Meeting of the Scientific and Technical Advisory Committee (STAC 1) of the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani Convention) met in Apia, Samoa on 21 to 23 June, 2004.

2. The Meeting was attended by the representatives of the following Parties: Australia, Cook Islands, New Zealand, Niue, Samoa, Solomon Islands, Tonga and Tuvalu. Vanuatu which is completing ratification procedures participated as an observer. A list of participants is attached as Annex 1.

3. Reverend Lotu Uele opened the meeting with a prayer. The Deputy Director, Mr F. Vitolio Lui of SPREP then made his opening remarks. He welcomed the delegates to the SPREP Headquarters. He recalled the reasons for the establishment of the STAC as a subsidiary body of the Conference of the Parties which included providing the Parties and Secretariat guidance towards the effective implementation of the Convention. He also referred to the need for the Committee to report to the next meeting of the Parties.

4. He acknowledged and thanked the Government of New Zealand for funding the meeting and wished the delegates a successful three day deliberation. He then invited the Honourable Tagaloa Tuala Sale Tagaloa, Minister of Natural Resources and Environment for the Government of Samoa to deliver the opening speech.

5. The Minister welcomed the delegates to Samoa and reiterated the key role of the STAC in helping Parties address and find solutions to issues covered by the Convention. He referred to the collective concern of Pacific island countries (PICs) including his own country on the critical issue of hazardous wastes and pollution in particular the lack of financial, human and information resources to manage these problems. He called for assistance from developed partners, other international Conventions, and NGOs to assist the PICs in the implementation of the provisions of the Waigani Convention and reiterated the importance of the subsidiary body in advising COP2 of the outcomes of the meeting.

6. He reminded the STAC of the need to prioritise the work programme drafted in 2002 to address the most urgent and priority issues of concern. He also urged delegates to consider carefully and recommend on how the budget of the Convention was to be apportioned among its Parties. He urged the meeting to draw on the best of the Pacific tradition of fair contributions according to means and good natured give and take in their efforts to approach this matter and called on the STAC to cooperate with and seek assistance from other international conventions for the effective and speedy implementation of the Convention.

7. He congratulated the progress made by the Secretariat in its collaboration with the Basel Convention Secretariat in respect of joint programmes on training and technology transfer and noted that this type of approach would ensure effective implementation for the good of the Pacific Island peoples and especially for future generations.

8. The Minister then officially opened the Meeting and wished them a successful week and God's blessings upon their deliberations.

## **AGENDA ITEM 2: Selection of Chairperson and Organisational Matters**

### ***(a) Election of Chair***

9. The Secretariat drew the attention of the Meeting to the Rules of Procedure (Rule 22.3) on the selection of the Chair and pointed to the decision of COP1 that authorised the STAC to elect its own Chairperson and called for nominations. Vanuatu, nominated by Tonga and seconded by New Zealand was duly elected as Chair.

### ***(b) Organisational matters***

10. English was the working language of the Meeting. A draft summary report would be prepared by the Secretariat for consideration and approval of the Meeting. The Committee also approved its working hours and programme of work.

## **AGENDA ITEM 3: Adoption of the Agenda**

11. The proposed agenda adopted by the Meeting is attached as Annex 2 of the report.

## **AGENDA ITEM 4: Institutional Arrangements for the Implementation of the Convention: Establishment of a Subsidiary Body - Review of the Terms of Reference (TOR) for the STAC**

12. The Secretariat introduced STAC1/WP.4 on the background of the establishment of the STAC and its TOR and drew the attention of the Meeting to Att.1 (Draft TORs for the STAC) noting that Cook Islands, Fiji and New Zealand had earlier provided comments to the draft TOR first circulated to Parties in early March 2004.

13. Tonga queried in relation to TOR 2(c) whether there was going to be standards for the region or the existing EPA standards were going to be utilised. The Secretariat advised that there was a possibility of using both existing and new procedures to be developed based on the needs of the STAC and Parties.

14. Australia commented on the complexity of developing standards. Australia further noted that any development of standards would need to recognize Parties' existing standards, and rights to use those standards. It would be good, however, to try and develop a consistent approach after first determining a procedure to identify the needed guidelines and how Parties might use the available ones.

15. The Committee agreed to adopt the phrase “a suitable representative and alternate” in relation to TOR 1 and “with the approval of all Parties” in TOR 4.

16. The Meeting, recognizing the STAC is a key subsidiary body to facilitate the implementation of the Waigani Convention while promoting an increased knowledge of Parties on necessary legal and technical actions to be undertaken to this effect, reviewed and made amendments to the draft TOR:

- (i) **Adopted** the TOR (attached as Annex 3) together with the amendments for referral to the Second Meeting of the Conference of the Parties (Waigani COP2) for endorsement

#### **AGENDA ITEM 5: Designation of Competent Authorities and Focal Points**

17. The Secretariat recalled the importance of the timely designation of competent authorities and focal points for official communications and networking with Parties on the implementation of the Convention. It noted that Cook Islands, Niue, Solomon Islands and Tonga have yet to advise the Secretariat of its designated competent authority and focal point.

18. Tonga expressed concern about the reference to people’s names and requested the use of titles or institution names instead. The Secretariat in response informed that it was the prerogative of the Contracting Party to designate its recognized authorities for the purposes of the Convention and for those Parties that have formally informed the Secretariat, some have added names to titles/institutions, others have only institutions and titles. Samoa informed of a change to its competent authority which would now be the Ministry of Foreign Affairs. The Secretariat would be officially informed in due course.

19. The representative of Cook Islands drew the attention of the Secretariat to the fact that no information on the Cook Island’s focal point and competent authority was shown in the table attached to the working paper. He advised that his Government had conveyed its official designations of competent authority and focal point to the secretariat in a letter dated 19 May 2004.

20. The Secretariat apologized and ensured that the necessary amendments to the list of focal points and competent authorities would be made accordingly.

21. Discussion ensued on the possibility of using email to forward the required designation to the Secretariat to facilitate the process. The Parties preferred to stay with the traditional method of a formal letter from the official SPREP focal point. This was agreed to.

22. The Secretariat also drew the attention of the Meeting to the requirement in Article 7 of the Waigani Convention for Parties to inform the Secretariat of any changes to their competent authorities and focal points.

23. The Meeting recalling Article 5, which requires the Parties to designate or establish one competent authority and one focal point and to inform the Secretariat within three months of the date of the entry into force for them of the agencies they have designated as

their focal point and their competent authorities; having noted the list of Parties that have designated competent authorities and focal points as provided for in document (STAC 1/WP.5/Att.1)

- (i) **Urged** all Parties who had not yet informed the Secretariat of their designated Competent Authorities and Focal Point to do so in writing as soon as possible through the National Focal Points for SPREP

**AGENDA ITEM 6: Relationship between the Secretariats of the Waigani and Basel Convention Secretariat: Status of establishment of the Pacific Regional Centre for Training and Technology Transfer (PRC) for the Joint Implementation of the Waigani and Basel Conventions and recommendations for its effective operation**

24. In introducing the item and working paper STAC1/WP.6 the Secretariat referred to the agreement in principle of the first meeting of the Waigani COP to the concept of a joint Basel, Waigani Convention Pacific Regional Centre for training and technology transfer and that the two Secretariats completed a feasibility study on the establishment of such a centre. Consistent with this decision, the feasibility study was completed in November 2002 and now tabled for the STAC's consideration and approval.

25. After hearing a number of expressions of support and appreciation for the progress made by the Secretariat on the centre, with its aim of helping the Parties and the Secretariat implement the Convention, the STAC endorsed the establishment of the PRC. The Committee also noted that an MOU between the Waigani and Basel Secretariats on the operation of the centre has been signed.

26. The Meeting agreed to defer consideration of the business plan for the center to be addressed together with Agenda Item 9 on the work programme and budget of the Waigani Convention.

27. The Meeting recognizing the value of close working relationships between the Waigani and Basel Secretariats as a means to help address the significant cost and expertise needed for the implementation of the Waigani Convention and reaffirming the need and importance to have a regional centre for training and technology transfer for the Waigani and Basel Conventions as a mechanism for an improved management of hazardous wastes:

- (i) **Approved** the establishment of the Pacific Regional Centre;
- (ii) **Urged** the Secretariat to further its collaboration with the Basel Secretariat and any other relevant Secretariats of Conventions to allow the Pacific Regional Centre to become operational at the earliest;
- (iii) **Strongly** appealed to Parties to make every effort to support the Centre in its effort to implement the business plan (attached as Annex 4) in line with the agreed work programme of the Waigani Convention

- (iv) **Stressed** that there be no undue financial implications on the Parties in the establishment of the Pacific Regional Centre

**AGENDA ITEM 7: Cooperation with other Institutions: Status of cooperation with the Interim Secretariat of the Rotterdam Convention and the Interim Secretariat of the Stockholm Convention on the Management of Persistent Organic Pollutants (POPs). Status of ratification by PICs of the Stockholm Convention on POPs - Regional Centre for the Stockholm Convention)**

28. The Secretariat provided a summary on activities conducted in collaboration with the Secretariat of the Basel Convention and other relevant international and regional bodies as mandated under Article 14 paragraph 1(e) of the Waigani Convention. Special mention was made of the collaborative efforts with the Interim Secretariat of the Stockholm Convention in the convening of the Workshop on Dioxins and Furans, in Wellington, New Zealand from the 14-17 June 2004.

29. The Secretariat referred to the interest of the Parties in developing synergetic approaches for the four Conventions to assist in developing national legislations.

30. Australia encouraged the closer links and communication between the various Conventions and pointed to the recent POPs in PICs work that could assist in progressing the Waigani Convention. He also drew the attention of the STAC to a study conducted by the Australian Department of the Environment and Heritage on dioxins in Australia which although nationally oriented, gave a general idea of dioxins which could help Parties in formulating their own studies and for awareness raising purposes.

31. New Zealand informed the Meeting of its intention to ratify the Stockholm Convention in July 2004.

32. The Chair provided an update of the Stockholm Convention Wellington meeting outcomes for the STAC's information. He commended the Secretariat in its efforts and urged it to continue its efforts in establishing closer ties with appropriate NGOs which may provide financial and/or technical assistance in the implementation of the Waigani Convention.

33. Samoa expressed concern on the way a recent meeting was conducted with government agencies excluded from a particular seminar as it was only targeted for NGOs. Samoa encouraged the integration of NGOs and government agencies within these meetings as the material produced by NGOs and used at this particular awareness- raising seminar, would have come in useful for government agencies.

34. Tonga reported on the technical component of the workshop and how useful it was for the PICs to be able to use tools to identify the toxic dioxins. Tonga reiterated the point raised by Samoa and stated that it should be governments directing the process and not NGOs.

35. The Chair pointed to that nationally it was up to governments to streamline the work with NGOs. Australia indicated that Parties, in understanding that while NGOs

might have agendas different to their own, still might be useful most especially in terms of wider community awareness. He stated that the Parties should be able to seize the best opportunities available and utilize available resources especially in light of scarce resources.

36. New Zealand advised the Committee that the New Zealand Government intends to have an integrated and comprehensive national hazardous waste management policy in place by December 2005, which would cover reduction, transport, treatment and disposal of hazardous waste. Samoa requested clarification in the inclusion of training of competent authorities in regard to the Stockholm Convention especially in regards to industrial chemicals and for the Secretariat to assist in the implementation of national implementation plans (NIPs).

37. Solomon Islands requested clarification of regulatory framework as mentioned in the Proposed Action. The Secretariat defined it as a framework that provides guidelines on the development of national legislations.

38. Solomon Islands expressed concern about the wording of proposed action para.5 as it implied action at the higher level and requested that the wording be rephrased to better reflect the need at the national level to develop frameworks.

39. Samoa noting the concern with the lack of adequate national legislations requested the Secretariat to include training for the Parties to draw up appropriate legislations and to assist Parties in the implementation of NIPs.

40. The Meeting recognising the need to address the environmentally sound management of chemicals and hazardous wastes in an integrated approach through better integration of the Waigani Convention, SPREP related Programmes and the relevant chemical Conventions; noting the increased interest of Pacific island countries to become Parties to the related chemicals conventions; further noting with concern the lack of adequate national legislation on the management of chemicals and hazardous wastes as required by the four chemical conventions; further noting with much satisfaction the success of the sub-regional Case Study on dioxins and furans information collection and management training in the Pacific island region as part of the process of assessing the capacity of SPREP to host a Stockholm Centre for capacity building and transfer of technology to assist Pacific Islands Parties to the Stockholm Convention to fulfill their obligations under this Convention;

- (i) **Supported** the need to give all consideration to the Pacific Regional Centre for the Joint implementation of the Waigani and Basel Conventions in the process of assessing SPREP capacity to host a Stockholm Centre;
- (ii) **Encouraged** the Secretariat to pursue its discussions with the Interim Secretariat of the Stockholm Convention on POPs on the possible establishment of a Stockholm Centre to be hosted by SPREP;
- (iii) **Invited** the Secretariat to further strengthen its collaboration with the Secretariats of the Stockholm, Rotterdam and Basel Conventions and any other institutions to undertake the necessary steps for conducting joint capacity development activities for the management of chemicals and hazardous wastes in an integrated manner at the national level;

- (iv) **Called** on the Secretariat where appropriate, to make every effort to ensure the involvement of relevant NGOs in the process of implementation of the Waigani Convention, in particular matters related to awareness raising;
- (v) **Requested** the Secretariat jointly with SPREP to continue their cooperation with the Secretariat of the Stockholm Convention on the POPs to assist countries with the finalisation and implementation of their National Implementation Plans (NIPs);
- (vi) **Urged** the Secretariat to undertake joint fund raising efforts with the Secretariats of relevant conventions to aid in the implementation of the conventions, including the development of a model national regulatory framework for the management of chemicals and hazardous wastes

#### **AGENDA ITEM 8: Financial Arrangement for the Administration of the Waigani Convention: Consideration of the scale of contributions**

41. In introducing the item and working paper STAC1/WP.8, the Secretariat advised the meeting that this was one of the issues deferred from the Waigani COP1 for examination and a recommendation by the STAC.

42. New Zealand agreed to the proposed scale of contributions, noting that it is in line with other regional conventions where developed countries have covered 80% of the budget with the remaining 20% shared among the developing country members. In supporting the New Zealand position, Australia also flagged its intention to reopening of Financial Rules for amendment at COP2 to include the words “by consensus” in Rule 4.3. He volunteered to prepare a paper for consideration by the COP2.

43. The Meeting recalling Article 13 paragraph 2 of the Waigani Convention stipulating that the first meeting of the Conference of the Parties shall adopt by consensus the scale of contribution of the Parties to this Convention to the regular budget; further recalling decision IX/2 of the Waigani COP1 asking STAC1 to further consider the proposed scale of contribution prior to the second meeting of the Conference of the Parties; and having considered the scale of contribution of the Parties to the budget for the operation of the Convention:

- (i) **Agreed** to recommend the scale of contributions attached as Annex 5 for endorsement by the second meeting of the Conference of the Parties

#### **AGENDA ITEM 9: Work programme and budget: review and prioritizations of projects as contained in the indicative work programme of Waigani COP**

44. The Secretariat presented a brief background in relation to COP1’s decision to defer prioritization of the work programme to the STAC and for the Secretariat to draw up TORs for the proposed projects. The Secretariat also reminded the meeting of its earlier agreement under item 6 to defer discussion of the business plan for the PRC to be done together with the work programme for the Waigani Convention.

45. Australia spoke in favour of the split between core and non-core budgets and suggested that the Parties and Secretariat look at realistic timeframes, rethink the activities and to prioritise projects and look at seeking funding from other donor agencies like the European Union and bigger international companies. He suggested creating partnerships with other agency departments, NGOs and the wider world community.

46. New Zealand asked the Secretariat for information on strategies for securing donor funding for the proposed activities in the work programme. If no strategies were yet in place, perhaps the STAC might consider recommending that the Secretariat begin working on such strategies.

47. The Secretariat responded that it appreciated the concerns expressed and reminded the Parties that they needed to prioritise projects and activities which once done, the Secretariat would then use as leverage to seek financial assistance from existing and possible regional and other international partners and donors.

48. Australia expressed concern about some of the activities listed in the work programme and whether it could be addressed under the SPREP work programme which could alleviate the problem of scarce resources and allow the Secretariat to target Waigani specific activities only. He suggested that the Secretariat look at the work programme in light of the SPREP Programme Strategy and SPREP Work Programme to see where there were duplication and perhaps 'marry' the three thereby targeting funds for use on projects and activities that were specifically on the implementation of the Waigani Convention.

49. The Secretariat advised that while one or two listed activities have some cross-sectoral elements, the activities listed in the Waigani work programme were very much specific to the Convention implementation. The recent MEA meeting in Fiji also indicated that the current work programme is very much aligned with country priorities in relation to the Waigani Convention.

50. New Zealand congratulated the Secretariat on the progress of the work programme noting that three key activities under the six outputs had already been completed and requested countries to prioritise activities as listed to make sure that whatever was in the work programme, business plan and budget were reflective of the needs of the Parties. Most Parties indicated priority for national legislation with Solomon prioritizing national legislation and awareness. Samoa asked for the work programme to be specific. It noted that there was training but perhaps it should focus more on building capacity of countries to be able to draft and implement their national legislations.

51. The Committee agreed with New Zealand's suggestion that the Secretariat should be asked to present a paper to Waigani COP2 outlining the work that was currently being undertaken by SPREP in the general area of waste management (to give Parties a clearer idea of where the specific work on hazardous wastes fitted in). Australia requested STAC to suggest to COP2 that the business plan include a proviso that if funding came from a particular donor for a particular activity, that this be taken into consideration. He also suggested to focus the work programme to include only specific activities to be completed for the implementation of the Waigani Convention. The Secretariat was also queried about the information provision section and whether it could be taken out as it could be implemented in the SPREP Work Programme. The Secretariat clarified that the work reflected in the Waigani work programme would be specifically required to extend

existing networks (eg: PEIN, SIDsNet) to include designated competent authorities and relevant stakeholders (eg: police, ports) who normally would not have been included in the current work conducted through the SPREP work programme.

52. Solomon Islands and Tonga were adamant that no activity be taken out of the existing Waigani work programme and that the PEIN was the only relevant working network in the Pacific and should be better used to assist parties in their reporting obligations to the two Conventions. Solomon Islands also stated that the Waigani work programme operated in collaboration with other existing action plans and work programmes (eg. SPREP Work Programme & Budget) and the narrative of the Waigani work programme clearly stated that some of the activities listed are implemented in collaboration with these other work programmes. He further stated the Waigani work programme should also reflect the fact that some of the existing activities have already been implemented.

53. Tonga stated the need for a much clearer distinction between the plans presented by the Secretariat and requested the Secretariat to develop a detailed work programme inclusive of timelines as the business plan presented was not a 'normal' business plan as it included much more detailed information than just a matrix. He went on to state that if the Secretariat insisted on using a business plan, then it should follow existing formats for business plans.

54. The Meeting agreed that the Secretariat provide a proper business plan complete with financial data and a detailed work programme for consideration and recommendation to COP2.

55. On the Secretariat producing a work programme logframe, discussions ensued on the text of the work programme and how timeframes should reflect prioritization by Parties. The Meeting agreed that projects with the most immediate timeframe reflected higher priority for the Secretariat to implement.

56. The Secretariat sought guidance from the STAC on how the required funding of the work programme was to be sourced, as the Secretariat would not be able to implement any of the activities if it did not have the funding.

57. Solomon Islands agreed with the need for Parties to commit to the implementation but requested that this decision be left to the COP2. New Zealand and Samoa agreed with Solomon Islands and did not want for STAC to discuss financial commitment at this time as it would be best discussed and approved at the COP2.

58. The Secretariat agreed to look at drawing up a work programme that best reflects the need of the Parties to implement the Convention but at the same time, be realistic in that sometimes the needs are much bigger than the budget and available finances. Stronger fostering of partnership could perhaps alleviate the "wish list".

59. The Meeting having considered the proposed work programme terms of reference of its activities, and core budget for 2005-2006 together with the business plan:

- (i) **Recommended** that the amended work programme (attached as Annex 6) and core budget (attached as Annex 7) agreed to at this meeting be put forward to the second meeting of the Conference of the Parties for adoption;
- (ii) **Urged** all Parties to consider the recommended work programme budget before COP2 with a view to making additional contributions over and above the core budget for a decision of COP2;
- (iii) **Further recommended** that the second meeting of the Conference of the Parties seek the commitment of Parties to make contributions to fund the work programme;
- (iv) **Urged** donors and the Secretariat to make every effort to identify sources of funding and to assist implement the work programme 2005-2006

## AGENDA ITEM 10: Reporting and transmission of information

60. The Secretariat summarised the reporting and transmission of information required by the Convention and referred to the forms provided, adapted from the Basel Convention, for the reporting obligations of the Waigani Convention.

61. Vanuatu underlined the importance of linking existing networks and encouraged all Parties to share information as much as possible to assist in the effective implementation of the Waigani Convention.

62. Australia referred to a website, the National Chemical Information Gateway, developed by the Department of Environment and Heritage which hosted a variety of information on hazardous wastes and provided links to the various secretariats of related conventions. The Secretariat also informed that where there was inadequate access to information communication infrastructure, the Pacific Environmental Information Network (PEIN) project had through the establishment of national resource centers tried to bridge this gap. The SPREP network and the established national resource centers would assist alleviate the problem faced by the Parties in relation to the analysis of available data and information.

63. Samoa requested clarification on the proposed training workshop scheduled for November 2004. The Secretariat advised that the training targeted formatting and how to use the forms to report under the Basel Conventions.

64. The Committee agreed to have a drafting group consisting of Australia, the Secretariat and any other interested Parties to review the draft reporting and transmission of information form and report back to the Committee.

65. The Secretariat stressed the need for a clear recommendation from the STAC that if there was anything to report for 2003 to the next COP Meeting, the Parties use on an interim basis the draft forms under review. Australia commented on the need for updated information and how difficult it was to provide an analysis of an issue or problem if there was no available data.

66. The drafting group tasked to review the forms, presented the revised forms to the STAC for consideration. Solomon Islands again raised the issue of referring just to the name of the institution which could cause difficulties in some countries and suggested that

the meeting amend the form to include “name of person” and “title”. The Secretariat suggested the inclusion of a section titled “contact person” would best serve both parties as opposed to changing the contents of the form.

67. The Meeting agreed to allow flexibility in filling in the form by each Party.

68. The Meeting recognizing the importance of reporting and transmission of information is a fundamental mechanism to monitor the implementation of the Waigani Convention through better assessment of the needs and capacity of the Parties for targeted assistance; acknowledging difficulties faced by some Parties in gathering data and information in accordance with reporting requirements of Article 7 of the Convention due to the lack of proper arrangements and procedures in place at the national level for this purpose; having considered the Draft reporting and transmission of information as well as the draft notification and draft movement and tracking forms:

- (i) **Adopted** the draft reporting and transmission of information (attached as Annex 8A) as well as the draft notification and draft movement document forms (attached as Annex 8B);
- (ii) **Recommended** that the Waigani COP2 endorse the draft reporting and transmission of information as well as the draft notification and draft movement document forms;
- (iii) **Requested** Parties to report under Article 7 of the Convention for the calendar year 2004 using the forms adopted by the Second Meeting of the Conference of the Parties and for any reports on 2003 and previous years, these could be in the draft forms pending their approval;
- (iv) **Encouraged** the Secretariat to further its efforts to secure funds to hold the workshop training on reporting and inventories of hazardous wastes and to use any existing tools or mechanisms such as the Pacific Environmental Information Network (PEIN) project to link its regional clearinghouse mechanism with other relevant clearinghouses or databases managed by other regional organizations and any other relevant Secretariat of Conventions for better management, sharing and analysis of information on hazardous wastes.

#### **AGENDA ITEM 11: Illegal Traffic**

69. The Secretariat introduced the item and working paper STAC1.WP.11 and provided background information and drew attention of the meeting to the need to comment on the draft form provided on Guidance Elements for Detection, Prevention and Control of Illegal Traffic on Hazardous Wastes for recommendation to the Waigani COP2 for adoption.

70. The Resource Person from GHD Ltd elaborated on the difficulties faced when compiling information sent by various Parties on shipments of hazardous wastes and the challenge in ensuring that the manifests included all the different types of information required. Trying to identify and quantify all the various chemicals, checking with destruction facilities and finalising other documents such as emergency response plans were time consuming and she was happy to offer one-on-one assistance during the course of the STAC meeting, to individual Parties in the use of and filling of the various forms. She also explained that under the Waigani Convention, shipment if turned away from a

port, would be the responsibility of the individual Party where the shipment originated from which would pay for all associated costs.

71. The Chair referred to the need for training and awareness-raising for captains and crews of ships.

72. Tonga requested the Secretariat for a checklist and the GHD Resource person stated that discussions were already underway with the Secretariat to compile a fact sheet or brochure covering general information such as how many forms each Party was required to fill. The fact sheet would also include a checklist on other issues that needed to be addressed.

73. A discussion ensued on whether radioactive wastes were to be included in this particular agenda. The STAC decided that radioactive wastes were best covered under the transboundary movement control and should not be included in the text of required action for this particular agenda.

74. Solomon Islands requested the inclusion of a provision in the form for Parties of the Waigani and Basel Conventions to contact each other direct especially in relation to technical assistance.

75. STAC agreed for the Technical sub-committee to review the Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Wastes and the STAC to endorse on an interim basis until approved by the Waigani COP2.

76. Australia presented the revised form and drew the attention of the meeting to paragraphs 28 & 29 in particular and invited the meeting to comment and amend as necessary.

77. The Meeting went through the revised forms making suggestions for appropriate changes.

78. The Meeting acknowledging illegal traffic remains a threat for the Parties to the Waigani Convention together with the potential negative consequences on human health and the environment; expressing its concern with the weakness of effective means for prevention, identification, management and monitoring of illegal traffic; and convinced that the prevention of illegal traffic requires close cooperation among Parties of the Convention with the support of the Secretariat in collaboration with the Secretariat of the Basel Convention:

- (i) **Encouraged** Parties to undertake consultation and where necessary develop any informal agreements with the Parties to the Basel Convention to better prevent, monitor and remedy illegal traffic and to inform the Secretariat of the Waigani Convention about such consultation and recommendations;
- (ii) **Requested** Parties to promote cross-sectoral coordination within their government and other means to prevent and penalize illegal traffic in hazardous wastes;
- (iii) **Urged** Parties to promulgate or develop stringent national legislation on the control of transboundary movement of hazardous wastes including appropriate sanctions or penalties for the illegal traffic of hazardous wastes;

- (iv) **Recommended** that the Guidance Elements for Detection, Prevention and control of Illegal Traffic in Hazardous Wastes (attached as Annex 9A) and the Form for confirmed cases of Illegal Traffic (attached as Annex 9B) as amended by the meeting be endorsed by the Waigani COP2.

## AGENDA ITEM 12: Legal and Technical Assistance

79. The Secretariat introduced the item and working paper STAC1/WP.12 and briefed the meeting on its collaborative efforts with the Basel and other relevant international secretariats to develop programmes for training and capacity building to assist Parties in their implementation work. It also drew attention to an attached draft Instruction Manual on the Control System for the movement of hazardous wastes to assist Parties. This needed to be endorsed for referral to COP2 for approval.

80. New Zealand and Samoa pointed to the need for consistency in text and terms used throughout the document.

81. The Secretariat tabled the draft Instruction Manual which was revised by the Technical sub-committee for the STAC's consideration. Australia suggested including a practical case study information as an annex to the manual.

82. Samoa requested Australia and New Zealand's assistance in respect of any existing technical guidelines on packaging that it could use as a guide and on whether there was any possibility of environmental personnel being involved in the actual clean-up activities proposed under the Waigani Convention. Arrangements were in place to allow 2 people from countries to observe during the proposed AusAID POP's in PICs waste clean up project.

83. The Meeting acknowledging the important role that the Waigani Convention could play in the sound management of hazardous wastes within the Pacific region; aware of the significant amount of resources and expertise required for the implementation of the Convention; and mindful of the importance of cooperation to address the insufficient expertise and resources available within the Pacific to implement the Waigani Convention; and affirming the importance of the Pacific Regional Centre to strengthen the capacity of Pacific Islands Parties to implement the Basel and Waigani Convention and its potential in mobilizing resources and promoting cooperation:

- (i) **Requested** the Secretariat of the Waigani Convention, as funding allows in the budget agreed by the Parties, in cooperation with the Secretariat of the Basel Convention, as well as national authorities, to develop programmes of training and technology transfer, and to conduct capacity building activities;
- (ii) **Urged** Parties, non Parties, intergovernmental organizations, members of the industry and business sectors, and non-governmental organizations to provide financial resources or assistance in-kind, to assist countries in need of such assistance in the development of training activities, seminar and technology transfer for the environmentally sound management of hazardous wastes which is directly related to the implementation of the Waigani Convention;

- (iii) **Also urged** Parties, other States and potential donors to contribute financially, technically or in kind to the operation of the Pacific Regional Centre toward the implementation of activities as contained in its business plan;
- (iv) **Invited** the Parties which have not had the opportunity to review the Waigani Instruction Manual on the Control System for Transboundary Movements of Hazardous Wastes to do so at the Waigani COP2;
- (v) **Endorses in principle** the Waigani Instruction Manual on the Control System for Transboundary Movements of Hazardous Wastes agreed to at STAC1; and
- (vi) **Requested** COP2 to consider the adoption of the Waigani Instruction Manual on the Control System for Transboundary Movements of Hazardous Wastes (attached as Annex 10) in light of the comments received from the Parties

### AGENDA ITEM 13 - Other Business

84. In respect of its summary Record of proceedings, the Secretariat proposed that the Meeting consider adopting before closing its agreed actions and recommendations and that the secretariat circulate electronically after the meeting the full text of the Draft Record to participants. Participants would have one week to comment on any substantive amendments to the Record on sections other than the agreed actions/recommendations after which the Secretariat would finalise the Record for reproduction and referral to the Parties for consideration at COP2. The Meeting agreed with this procedure and went on to adopt all its agreed actions and recommendations.

### AGENDA ITEM 14: Closure of Meeting

85. The Chair thanked Australia for its assistance in the revision of the forms and documents and New Zealand for funding the Meeting. He also thanked participants for their contributions to the discussions.

86. Australia thanked the Chair on behalf of the delegates.

87. The SPREP Deputy Director also expressed the Secretariat's appreciation to the Chair for his guidance throughout the meeting, the members of the Technical sub Committee for the work put into the review of the manual and technical forms and delegates for the support given to the Secretariat and active participation in the Meeting discussions. He wished all delegates a safe journey home. The Chair then closed the meeting.

## Annex I

**Participants List**

DELEGATES	ADDRESS
<p><b><u>AUSTRALIA</u></b></p> <p>Dr Greg Rippon Assistant Manager Department of the Environment and Heritage Hazardous Waste Section GPO Box 787 Canberra, ACT Australia</p>	<p>Phone: + 612 6274 1619 Fax: + 612 6274 1164 E-mail: <a href="mailto:greg.rippon@deh.gov.au">greg.rippon@deh.gov.au</a></p>
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<p><b><u>SOLOMON ISLANDS</u></b></p> <p><b>Mr Moses Biliki</b> Director Department of Forests, Environment and Conservation PO Box G24 HONIARA, <b>Solomon Islands</b></p>	<p>Phone: +677 28611 Fax: +677 28735 E-mail: <a href="mailto:mbiliki@hotmail.com">mbiliki@hotmail.com</a></p>

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## Annex II

<i>Agenda</i>
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- Agenda Item 1:** **Official Opening of the Meeting**
- Agenda Item 2:** Selection of Chairperson and Organisational Matters
- Agenda Item 3:** Adoption of the Agenda
- Agenda Item 4:** Institutional Arrangements for the Implementation of the Convention: Establishment of a Subsidiary Body – Review of the Terms of Reference (TOR) for the Scientific and Technical Advisory Committee (STAC).
- Agenda Item 5:** Designation of Competent Authorities
- Agenda Item 6:** Relationship between the Secretariats of the Basel and Waigani Conventions Secretariat : Status of establishment of the Pacific Regional Centre for Training and Technology Transfer (PRC) for the Joint Implementation of the Basel and Waigani Conventions and recommendations for its effective operation.
- Agenda Item 7:** Cooperation with other Institutions :Status of cooperation with the Interim Secretariat of the Rotterdam Convention and the Interim Secretariat of the Stockholm Convention on the Management of Persistent Organic Pollutants (POPs). Status of ratification by PICs of the Stockholm Convention on POPs – Regional centre for the Stockholm Convention)
- Agenda Item 8:** Financial Arrangement for the Administration of the Waigani Convention: Consideration of the scale of contributions as proposed by Waigani COP 1
- Agenda Item 9:** Work programme and budget: Review and prioritisation of projects as contained in the indicative work Programme of Waigani COP1 and the Business Plan of the PRC
- Agenda Item 10:** Reporting and Transmission of Information:
- Agenda Item 10.1:* Revision of the Draft Reporting and Transmission of Information,
- Agenda Item 10.2:* Draft Notification and Draft Movement Document Forms
- Agenda Item 11:* Illegal Traffic:

Agenda Item 11.1: Examine information related to illegal traffic (if any) received by Parties

Agenda Item 11.2: Revise and amend the Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Wastes developed under the Basel Convention

Agenda Item 11.3: Revise and amend the Form for Confirmed Cases of Illegal Traffic developed under the Basel Convention

*Agenda Item 12:* Legal and Technical Assistance:

Agenda Item 12.1: Revision of technical guidelines

Agenda Item 12.2: Review of the Draft Waigani Guide to the Control System

Agenda Item 12.3: Identification of potential training areas and joint capacity activities to assist the Waigani and Basel Convention Secretariats develop targeted programmes and activities in these areas.

*Agenda Item 13:* Other business

*Agenda Item 14:* Closure of the meeting

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***Terms of Reference of the Scientific and Technical Advisory Committee of the Waigani Convention***

1. Each Party shall designate *a suitable representative and alternate* to the Scientific and Technical Advisory Committee (STAC) who may be accompanied by other experts and advisers appointed by that Party.
2. *The Conference of the Parties shall determine the matters to be considered by the STAC which will fulfill such tasks and report to the next Conference of the Parties. This will include inter alia:*
  - a) In collaboration with the Secretariat, the examination of information provided by Parties on measures taken to implement the Convention and the formulation of recommendations on the necessary actions to be undertaken for consideration by the Conference of the Parties.
  - b) The provision through the Secretariat of guidance on the development of plans, programmes and measures related to the technical and scientific aspects (awareness, training, legal, scientific) of the implementation of the Convention.
  - c) The provision of advice on the development/adaptation of guidelines and standards for the environmentally sound management of hazardous wastes.
  - d) The review of guidelines, standards and other relevant documents prior to adoption by the Conference of Parties.
  - e) The provision of advice on priority measures and activities in the legal and technical fields for the implementation of the Convention.
  - f) The assistance with co-ordination of work at the global, regional and national levels including the necessary linkages with relevant global Conventions.
  - g) The provision of advice to the Secretariat and the Parties on the technical and scientific needs of the Convention.
  - h) Assessment and prioritisation of the work-programme and budget for the implementation of the Convention and submission to the Conference of Parties
3. The Committee will perform such other functions relating to the implementation of the Convention as may be instructed by the Conference of the Parties.
4. Notwithstanding paragraphs 2 and 3 of this TOR a Party may add any other specific issue in direct relation to the implementation of the Convention on the mandate of the STAC, *with the approval of all Parties.*

5. Notwithstanding rule 22.3 of the Rules of Procedures of the Conference of the Parties which apply *mutatis mutandis* to the meeting of the STAC, the latter could elect its own Chairperson.

## Annex IV

### Business Plan for the Pacific Regional Centre

Work Programme & Activities	Timeframe	Outcome	Partners	Budget (US\$)	Relation to the Strategic Plan
General backstopping	2003-2004	Core staff, office space, office equipment, telecommunication, audiovisual equipment, maintenance of office space and equipment.	SPREP	80,000 In-kind	Field (f)
Fund raising	2003-2004	Number of activities funded.	SPREP	3,000 In kind	Field (f)
Development of adequate legislation on the management of hazardous wastes in five (5) Countries	2003-2004	Review of national legislation; consultation with relevant stakeholders; awareness raising and drafting of national legislation for five (5) countries.	SBC-SPREP	50,000	Field (e)
Information knowledge management	2003-2004	Surveys of information needs; Development of information systems; Training (workshop/ attachments).	SOPAC SPREP SBC UNEP Chemicals	70,000	Field (g)
Training for enforcement staff (customs, police, port, legal officers, etc.)	2003-2004	Workshops to familiarize enforcement staff with the obligations under the Conventions and to further facilitate their implementation; Production of guidance manual.	SBC-SPREP	50,000	Field (i)
Promotion of ratification and implementation of the Basel/Waigani Conventions	2003-2004	Increasing number of Pacific Islands countries to the Basel and Waigani Conventions; Production of fact sheets, briefing papers, booklets, press kit, etc.	SPREP	2,000 In Kind	Field (g)
Development of partnerships	2003-2004	Formal working relationship with secretariats of relevant conventions, NGOs and the business sector developed.	SPREP SBC Stockholm NGOs	In kind	Field (f) Field (h)
Identification and adaptation of tools to facilitate implementation of the Basel/Waigani Conventions	2003-2004	A number of tools revised including technical guidelines to respond to specific needs of the Pacific.	SPREP SBC	10,000	Field (f)
Training on reporting requirements (Basel Art. 13&16, Waigani Art. 14.2)	2003-2004	Appropriate training provided to Focal Points to better monitor the implementation of the Basel and Waigani Conventions at the national level.	SPREP SBC	30,000	Field (i)
Advice to Competent Authorities in the Use of the Control System	2004	Hazardous wastes and chemicals from 13 Pacific Islands packaged, labeled and disposed in accordance with the Basel and Waigani Conventions.	SPREP	AusAid in Kind	Field (a)

Annex V

**Recommended Scale of Contributions to the  
Waigani Convention Budget**

<b>Parties</b>	<b>Percentage</b>
Australia	40.0%
Cook Islands	2.0%
Federated States of Micronesia	2.0%
Fiji	2.0%
Kiribati	2.0%
New Zealand	40.0%
Niue	2.0%
Papua New Guinea	2.0%
Samoa	2.0%
Solomon Islands	2.0%
Tonga	2.0%
Tuvalu	2.0%
<b>Total</b>	<b>100%</b>

Annex VI and VII

Recommended Waigani Convention Work Programme 2005 - 2006

**Goal: The effective implementation of the Waigani Convention**

Output	Outcome	Activities	Performance Measure	Timeframe	Estimated Budget (USD)	Reference to SPREP Programme	Partners
1. Development of adequate national legislation on the management of hazardous wastes	Convention implemented through national legislation	Review of national legislation; consultation with relevant stakeholders; awareness raising and drafting of national legislation	Five Parties provided with adequate national legislation on the control system for the transboundary movement and management of hazardous wastes	2005/2006	85,000		
2. Information effectively managed, disseminated and exchanged	Surveys of information needs; development of information systems; training (workshop/attachments)	1. Strengthening of national and regional clearinghouse mechanisms in synergy with existing national and regional clearinghouse(s) such as PEIN, SIDSnet, and SPREP; 2. Training with respect to the clearinghouse mechanisms	1. Clearinghouse mechanism initiated at national and regional level; 2. Key enforcement staff trained in analytical use of clearinghouse mechanism.	2005 – 2008	50,000		
3. Training of competent authorities and focal point	Competent authorities and focal points able to implement responsibilities under the convention	Workshop on the reporting requirements of the Waigani and Basel Conventions, with reference to developing national inventories of hazardous wastes.	1. Inventories initiated in-country. 2. Parties report as required under the Conventions	2005/2006	65,000		
4. Relevant stakeholders effectively implementing the Convention	Familiarisation of enforcement staff with the obligations under the Convention	National workshops in five countries to train customs, police, port, environment, and legal officers	Workshops are held; Officers of national agencies trained	2006 – 2007	50,000		
5. Promotion of ratification and implementation to the Waigani/Basel Conventions	Broader representation and participation of Pacific Island Countries in the Conventions	Development of fact sheets, briefings papers, booklets, press kit.	3 more ratifications to the Waigani Convention; Increased awareness of politicians and community to issues concerning hazardous waste management (eg e-waste)	2005/2006	5,000		
6. Collaboration with the Basel Convention and	Development of complementary approach to hazardous waste	Promotion of the Waigani Convention and the Pacific Regional Centre to facilitate	Waigani and Pacific Regional Centre effectively used to facilitate the implementation of	2005/2006	2,000		

Output	Outcome	Activities	Performance Measure	Timeframe	Estimated Budget (USD)	Reference to SPREP Programme	Partners
relevant institutions	management in the Pacific region	implementation of related chemicals Conventions	related Chemical Conventions				
7. Effective operation of the Pacific Regional Centre	Regional Centre facilitating implementation of the Waigani and Basel Conventions	<ol style="list-style-type: none"> <li>1. Develop joint business plan for Regional Centre with Basel Secretariat</li> <li>2. Maintenance of Regional Centre fund raising</li> </ol>	Business plan implemented	2005/2006	80,000		
					<b>\$337,000</b>		

## Recommended Waigani Convention Core Budget for the Biennium 2005-2006

### Core Budget

	USD
Third Conference of the Parties:	18,000
(a) Secretariat Support, Communications, Photocopying/Stationery, etc       \$10,000	
(b) Technical/Secretariat Support to members \$8,000	
Second Meeting of Scientific and Technical Advisory Committee	\$30,000
	US\$48,000

### Contributions to the Core Budget

Parties	Percentage	Value USD
Australia	40.0%	\$ 19,200
Cook Islands	2.0%	\$ 960
Federated States of Micronesia	2.0%	\$ 960
Fiji	2.0%	\$ 960
Kiribati	2.0%	\$ 960
New Zealand	40.0%	\$ 19,200
Niue	2.0%	\$ 960
Papua New Guinea	2.0%	\$ 960
Samoa	2.0%	\$ 960
Solomon Islands	2.0%	\$ 960
Tonga	2.0%	\$ 960
Tuvalu	2.0%	\$ 960
Total	100.0%	\$ 48,000

**Secretariat of the Convention to Ban the Importation into Forum Islands Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani Convention)**

**Questionnaire on “Transmission of Information”  
in accordance with Articles 7 & 14 of the  
Waigani Convention**

**Reporting for the year.....**

**Please fill in the following**

**Country:**

\_\_/\_\_/\_\_\_\_

**Date when form completed(D/M/Y):**

**Name of the person who completed the questionnaire:**

**Title:**

**Address:**

**Telephone no:**

**Fax no:**

**E-mail:**

To request an electronic version of this questionnaire, to return the completed questionnaire by e-mail, or for further information and clarification, please contact:

Secretariat of the Waigani Convention

SPREP

PO Box 240, Apia

Samoa

Tel : (685) 21 929

Fax : (685) 20 231

Email: [sprep@sprep.org.ws](mailto:sprep@sprep.org.ws)

## INTRODUCTION

The Parties to the Waigani Convention are required, in accordance with Articles 7 and 14 of the Convention, to inform each other, through the Secretariat of the Waigani Convention, on issues related to the implementation of the Waigani Convention. To facilitate reporting by Parties, under both the Basel and Waigani Conventions, the secretariat has revised and adapted the questionnaire on “Transmission of Information” as developed under the Basel Convention to meet the reporting requirements under the Waigani Convention. The questionnaire consists of two parts, namely:

Part I: Status of information and;  
Part II: Annual reporting.

All Parties should complete Part I: Status of Information of the questionnaire for a certain calendar year which might only need to be updated for any subsequent year.

**Part I: Status of information** covers issues such as designation of Competent Authority and Focal Point; national definition of waste; national definition of hazardous waste; restrictions on transboundary movement of hazardous and radioactive wastes; control procedure of the transboundary movement of waste; reduction and/or elimination of the generation of hazardous wastes; reduction of the amount of hazardous wastes subject to transboundary movement; effect on human health and the environment; bilateral, multilateral or regional agreements or arrangements; disposal and recovery facilities and sources of assistance.

**Part II: Annual reporting** covers those issues for which reporting is required on an annual basis. For the ease of electronic reporting and processing of the reported data/information, Part II: Annual reporting is divided into two sections namely, Section A and Section B.

Part II: Section A covers issues such as export/import hazardous wastes and radioactive wastes and the generation of hazardous wastes .

Part II: Section B covers issues such as disposals, which did not proceed as intended and accidents occurring during the transboundary movement and disposal of hazardous wastes.

Some of the general guidelines to fill in the questionnaire are:

- Complete the questionnaire in English.
- Ensure that all quantities are in metric tonnes.
- Complete the questionnaire by providing information/data in the required format.
- Provide an electronic version of the completed questionnaire, if possible or handwritten in block letter for legibility.

The questionnaire and the manual are available both in hard copy as well as in electronic version from the Waigani Convention Secretariat

**PART I: STATUS OF INFORMATION (for the year....)**

*Note: If there is any update to the pre-filled answer provided in the middle column by your country to this query since the last update, please indicate so on the right column and update all relevant information accordingly!*

<b>1</b>	<b>Competent Authority and Focal Point</b>	<b>Updated?</b>
<b>1a</b>	<p><b>Is there a designated Competent Authority to the Waigani Convention?</b></p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No      <input type="checkbox"/> In preparation</p> <p>If yes, please provide:</p> <p>Name: _____</p> <p>Title: _____</p> <p>Address: _____</p> <p>Tel: _____</p> <p>Fax: _____</p> <p>E-mail: _____</p> <p>Official Web site: _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>1b</b>	<p><b>Is there a designated Focal Point to the Waigani Convention?</b></p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No      <input type="checkbox"/> In preparation</p> <p>If yes, please provide:</p> <p>Name: _____</p> <p>Title: _____</p> <p>Address: _____</p> <p>Tel: _____</p> <p>Fax: _____</p> <p>E-mail: _____</p> <p>Official Web site: _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>2</b>	<b>Wastes Controlled for the Purpose of Transboundary Movement</b>	<b>Updated?</b>
<b>2a</b>	<p><b>Is there a national definition of <u>waste</u> used for the purpose of transboundary movements of waste?</b></p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No      <input type="checkbox"/> In preparation</p> <p>If yes, please provide the text of the national definition of waste (use additional space/attachment, if required):</p> <p>_____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2b	<p><b>Is there a national definition of hazardous waste used for the purpose of transboundary movements of waste?</b></p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No      <input type="checkbox"/> In preparation</p> <p>If yes, please provide the text of the national definition of hazardous waste (use additional space/attachment, if required):</p>	<p><input type="checkbox"/> Yes   <input type="checkbox"/> No</p>
2c	<p><b>Does your country regulate/control any additional wastes as hazardous that are not included in Art. 2 (1)a of the Waigani Convention and would be controlled for the purpose of transboundary movements pursuant to Art. 2 (1)b?</b></p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No      <input type="checkbox"/> In preparation</p> <p>If yes, please specify those wastes (use additional space/attachment, if required):</p>	<p><input type="checkbox"/> Yes   <input type="checkbox"/> No</p>
2d	<p><b>Are there any wastes other than those identified in above questions 2b and 2c that require special consideration when subjected to transboundary movement?</b></p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No      <input type="checkbox"/> In preparation</p> <p>If yes, specify (use additional space/attachment, if required):</p>	<p><input type="checkbox"/> Yes   <input type="checkbox"/> No</p>
3	<p><b>Restrictions on Transboundary Movement Wastes and Radioactive Wastes</b></p>	<p><b>Updated?</b></p>
3a	<p><b>Have the provisions of Article 4.1 (a) or (b) of the Waigani Convention, where applicable, been implemented in your country?</b></p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No      <input type="checkbox"/> In preparation</p> <p>Remarks:</p>	<p><input type="checkbox"/> Yes   <input type="checkbox"/> No</p>

<b>3b</b>	<b>Are there any restrictions on the <u>export</u> of hazardous and radioactive wastes for <u>final disposal</u> (Annex V ) in your country?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In preparation		
	If yes, please provide the following:		
	(i) Specify relevant legislation and its entry into force:		
<b>3c</b>	<b>Are there any restrictions on the <u>export</u> of hazardous and radioactive wastes for <u>recovery</u> (Annex V B) in your country?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In preparation		
	If yes, please provide the following:		
	(i) Specify relevant legislation and its entry into force:		
<b>3d</b>	<b>Are there any restrictions on the <u>import</u> of hazardous wastes and radioactive wastes for <u>final disposal</u> (Annex V A) in your country?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In preparation		
	If yes, please provide the following:		
	(i) Specify relevant legislation and its entry into force:		

3e	<p><b>Are there any restrictions on the <u>import</u> of hazardous and radioactive wastes for <u>recovery</u> (Annex V B) in your country?</b></p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No      <input type="checkbox"/> In preparation</p> <p>If yes, please provide the following:</p> <p>(i) Specify relevant legislation and its entry into force:</p> <p>(ii) Specify country/region and/or waste which would be covered by this restriction:</p> <p>(iii) Remarks:</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
3f	<p><b>Are there any restrictions on the <u>transit</u> of hazardous wastes and radioactive wastes through your country?</b></p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No      <input type="checkbox"/> In preparation</p> <p>If yes, please provide the following:</p> <p>(i) Specify relevant legislation and its entry into force:</p> <p>(ii) Specify country/region and/or waste which would be covered by this restriction:</p> <p>(iii) Remarks:</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
4	<p><b>Control Procedure of the Transboundary Movement of Wastes</b></p>	<p><b>Updated?</b></p>
4a	<p><b>Are the Notification and Movement document forms of the Waigani Convention used and/or accepted in the control of transboundary movement of hazardous wastes?</b></p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No      <input type="checkbox"/> In preparation</p> <p>(i) If yes, have there been any problems in the usage of the Notification and Movement document forms?</p> <p><input type="checkbox"/> Yes      <input type="checkbox"/> No</p> <p>If you have encountered any problem, please explain:</p> <p>(ii) Provide information on any other forms which are used and/or accepted in the control of transboundary movement of hazardous.</p> <p>:</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

<b>4b</b>	<b>Is the border control for the purpose of export/import/transit of hazardous wastes was established?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In preparation	
	(i) Is the Harmonized System on customs control of the World Customs Organization used?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In preparation
(ii)	Remarks:	
<b>5</b>	<b>Reduction and/or Elimination of the <u>Generation</u> of Hazardous Wastes</b>	<b>Updated?</b>
(i)	<b>Describe measures taken for the reduction and/or elimination of the amount of hazardous wastes <u>generated</u>:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	National strategies/policies:	
(ii)	Legislation, regulations and guidelines:	
(iii)	Economic instruments/initiatives:	
(iv)	Measures taken by industries/waste generators:	
(v)	Others:	

6	<b>Reduction of the Amount of Hazardous Wastes <u>Subject to the Transboundary Movement</u></b>	<b>Updated?</b>	
(i)	<b><u>Describe measures taken for the reduction of the amount of hazardous wastes subject to the transboundary movement:</u></b>	<input type="checkbox"/>	Yes
	(i) National strategies/policies:	<input type="checkbox"/>	No
	(ii) Legislation, regulations and guidelines:	<input type="checkbox"/>	<input type="checkbox"/>
	(iii) Economic instruments/initiatives:	<input type="checkbox"/>	<input type="checkbox"/>
	(iv) Measures taken by industries/waste generators:	<input type="checkbox"/>	<input type="checkbox"/>
	(v) Others:	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
7	<b>Effect on Human Health and the Environment</b>	<b>Updated?</b>	
	<b>Please provide information relevant to your country (e.g. activities, effects, regions, period covered and the sources of data/information) relevant to your country on any available statistics, studies, monitoring reports, etc. which have been compiled on the effects of the generation, collection, handling, transportation and disposal of hazardous wastes on human health and the environment or alternatively provide contact information on where this could be found:</b>	<input type="checkbox"/>	Yes
		<input type="checkbox"/>	No







<b>OR</b>	
Sources of information from where such information could be obtained:	
Remarks:	

<b>Table 4</b>								<b>Updated?</b>	
Sources of Technical Assistance									
Please list institutions (e.g. governmental bodies, universities, research centers etc.) to contact within your country for technical assistance and training; technical and scientific know-how, and for advice and expertise in various fields of assistance specified below:									
Name and address of institutions	Field of Assistance								
	Notification system	Management of hazardous wastes	Environmentally sound technologies	Assessment of disposal capabilities and sites	Monitoring of hazardous wastes	Emergency response	Identification of cases of illegal traffic	Yes	No



<b>OR</b>							
Sources of information from where such information could be obtained:							
Remarks:							

Annex VIII B

**TRANSBOUNDARY MOVEMENT OF WASTE - Notification**

**WAIGANI CONVENTION**

<b>1. Exporter (name, address):</b>  Contact person: Tel: Fax/T Reason for export:		<b>3. Notification concerning</b>	
		A (i) Single Movement <input type="checkbox"/> (ii) General notification (multiple movements) <input type="checkbox"/>	B (i) Disposal (no recovery) <input type="checkbox"/> (ii) Recovery operation <input type="checkbox"/>
<b>2. Importer (name, address):</b>  Contact person: Tel: Fax/T Intended date(s) or period of time for shipment(s)		Pre-authorized Facility Registration Number (if Yes) Ye <input type="checkbox"/> No <input type="checkbox"/> (To be completed for a recovery facility located in an OECD State)	
		<b>4. Total intended number of shipments</b>	<b>5. Estimated quantity (3)</b> _____ kg _____ litres
<b>7. Intended carrier(s)* (name, address) (2):</b>  Contact person: Tel: Fax/T Intended date(s) or period of time for shipment(s)		<b>8. Disposer (name, address)</b>  Contact person: Tel: Fax/T Actual site of disposal:	
<b>10. Waste generator(s) (name, address) (2):</b>  Contact person: Tel: Fax/T Site of generation & process:		<b>9. Method(s) of disposal:</b> D code / R code (4):  Technology employed (Attach details if necessary):	
<b>13. (i) Designation and chemical composition of the waste</b>		<b>11. Mode(s) of transport (4):</b>	<b>12. Packaging Type(s) (4):</b>
<b>13. (ii) Special handling requirements</b>		<b>14. Physical characteristics</b>	
<b>15. Waste identification code</b> in country of export: IWI in country of import: C: EW C:		<b>17. Y-number (4):</b>  <b>18. H-number (4):</b>	

Customs Code H.S:		Other (specify):		
<b>16. OECD classification (1):</b> <b>amber</b> <input type="checkbox"/> <b>red</b> <input type="checkbox"/> and number: <b>other</b> <input type="checkbox"/> <b>(attach details)</b>		<b>19. (i) UN identification:</b> UN Shipping name:		<b>(ii) UN class (4):</b>
<b>20. Concerned states, code number of Component authorities, and specific points of entry and exit: (5)</b>				
State of export		States of transit		State of Import
<b>21. Customs offices of entry and/or departure (European-Community):</b> Entry  Departure:		<b>22. Number of annexes</b>  <b>Attached (5)</b>	<b>23. Exporter's/Generators declaration:</b> I certify that the above information is complete and correct to my best knowledge. I also certify that legally-enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantees are or shall be in force covering the transboundary movement.  Name: _____ Signature: _____	
<b>For use by competent authorities</b>				
<b>24. To be completed by</b> - Import (EEC, OECD) Notification received on: <b>- transit (Basel)</b> Acknowledgment sent on: Name of competent authority, stamp and/or signature:		<b>25. Consent to the movement provided by the competent authority of (country):</b> Consent given on: _____ Consent expires on: Specific <input type="checkbox"/> Yes See block 26 overleaf/annex <input type="checkbox"/> No Name of competent authority, stamp and/or signature:		

(1) Enter X in appropriate box; (2) Attach a list if more than one; (3) Attach a list if multiple shipment ; (4) See codes on the reverse; [5] Annexes to be provided for reasons on reverse



S A W	Sea	4 Box	4 Sludgy	4.2 H4.2 Substances or wastes liable to spontaneous combustion
	Air	5 Bag 6 Composite Packaging	5 Liquid 6 Gaseous	4.3 H4.3 Substances or waste which, in contact with water, emit inflammable gases
Inland Waterways		7 Pressure receptacle	7 Other (specify)	5.1 H5.1 Oxidizing
		8 Bulk 9 Other (Specify)		5.2 H5.2 Organic peroxides 6.1 H6.1 Poisonous (acute) 6.2 H6.2 Infectious substances 8 H8 Corrosives
ANNEXES – Other information required including that as described in Annex VIA of the Waigani Convention (Block 22)				9 H10 Liberation of toxic gases in contact with air or water
1 Reasons for waste export				9 H11 Toxic (delayed or chronic)
2 Full name, address, phone, telex or fax number of the competent authorities of the State of export of the wastes, the expected transit countries, and the country of import of the wastes				9 H12 Ecotoxic
3 Planned shipping itinerary giving dates and points of entry and exit				9 H13 Capable, after disposal, of yielding another material, e.g. leachate, which possesses any of the characteristics listed above
4 Information on insurance				
5 Process by which the waste is generated				
6 Information used by the exporter or generator to assess the capacity of the importer to deal with the material in an environmentally sound manner and in accordance with legislation of the country of import				Codes used for the radioactive materials
7 Information concerning the contract between the exporter and the disposer				
8 Others as needed				
<p><b><i>Y numbers (block 17) refer to categories of waste listed in Annex I of the Waigani Convention. These codes, as well as more detailed information can be found in an instruction manual available from the Secretariat of Waigani Convention.</i></b></p>				
26. SPECIFIC CONDITIONS ON CONSENTING TO THE MOVEMENT				

**D R A F T**

**GUIDANCE ELEMENTS FOR DETECTION, PREVENTION AND CONTROL OF ILLEGAL TRAFFIC IN HAZARDOUS WASTES**

**1. INTRODUCTION**

*Purpose of these guidance elements*

1. Decision V/11 of the first meeting of the Conference of the Parties for the Waigani Convention (COP1) invited Parties in their efforts to prevent, identify and manage illegal traffic to use the Guidance Elements for Detection, Prevention and Control of Illegal traffic in Hazardous Wastes developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal (the Basel Convention) as an interim measure and further requested the Scientific and Technical Advisory Committee (STAC) to revise and amend the guidance elements for adoption by the Conference of the Parties (COP).

2. Decision V/12 of COP1 also invited Parties to use the Basel Convention Form for Confirmed Cases of Illegal Traffic to report confirmed cases of illegal traffic to the Secretariat as an interim measure and further requested STAC to revise and amend the guidance elements for adoption by the COP.

3. The purpose of the document is to be a practical guide to assist enforcement of national law implementing the Waigani Convention.

4. Its intended audience includes Party Governments, ministries, federal and state authorities and agencies, law enforcement authorities and competent authorities.

5. Various readers will be interested in paragraphs dealing with matters related to their particular sphere of concern.

6. Representatives of Governments and ministries will be mainly interested in those paragraphs providing guidance for developing their national legislation or institution arrangements (e.g. paragraphs 14 to 17; 37 to 41; 49-50 and Appendix 1). Police officers will be more interested in reading paragraphs which could be useful to their particular mandate and activity (e.g. paragraphs 45 to 47; 51 to 54; 82 to 88). Customs officers will find it useful to read those paragraphs dealing with techniques of inspection of consignments on how to determine whether the material is or is not a hazardous waste.

7. These guidance elements are intended to set out the recommended procedures requested at COP1 Decisions V/11 and V/12.

*Objectives*

8. These guidelines focus on enforcement at the domestic level. By reference to the Convention documents and other resources they also provide guidance for Parties who have yet to develop implementing legislation.

## ***Background***

9. Ensuring enforcement of law implementing Multilateral Environmental Agreements (MEAs) is a widely recognised problem because enforcing national legislation and procedures across international boundaries is difficult and complex. Nevertheless, there is much useful experience of enforcement of law implementing MEAs amongst countries.

and this is currently being examined by UNEP in developing two sets of guidelines: Draft Guidelines on Options for Enhancing Compliance with Multilateral Environmental Agreements (MEAs) and Draft Guidelines for Effective National Environmental Enforcement, International Cooperation and Coordination in Combating Violations of Multilateral Environmental Agreements

10. By Decision SS VII/4,21/27 of the Seventh Special Session of the Governing Council/Global Ministerial Environment Forum of UNEP, adopted by the Governing Council of UNEP, requested the Executive Director of UNEP to continue the preparation of these draft guidelines, to ensure the completion of this process and submit the draft guidelines to the Governing Council of UNEP for its consideration at its seventh special session in 2002.

### ***The Guidelines on Compliance with and Enforcement of Multilateral Environmental Agreements.***

11. This process of adoption of these Guidelines has highlighted the need for Parties to have the flexibility to design domestic implementation measures that are suited to their national circumstances and attributes.

### ***Developing a national capacity to identify and manage illegal traffic***

12. In order to implement the Waigani Convention effectively, it is important to develop and/or maintain national capacity for identifying, controlling and managing illegal traffic. The secretariat of the Waigani Convention will continue to support measures designed to enhance national and local capacity to comply with the agreements. These include technical and financial assistance, training and technology transfer. The private sector should also be encouraged to take a role.

13. As there are a number of complex legal and technical aspects to effective management of illegal traffic, a multifaceted approach to combating illegal traffic will be required.

### ***National legislation***

14. A key element in preventing and managing illegal traffic is an effective national regulatory environment. States should develop and implement a participatory approach to determining domestic needs and to setting priorities to encourage a culture of compliance. States should also provide for effective participation by civil society, including industry and non-governmental organizations when developing legislation and strengthen domestic institutions, including the judiciary.

15. Building an effective legal and institutional framework for enforcement and awareness raising, taking into account interlinkages between obligations in deriving from various MEAs, should be considered by Parties.

16. The secretariat of the Waigani Convention will continue to offer legal assistance to Parties that request it.

17. Those Parties in need of assistance for developing their national legislation, in addition to contacting the secretariat of the Waigani Convention, could seek bilateral assistance from other

parties, etc, or consult three documents adopted by the Conference of the Parties to the Basel Convention: Model National Legislation; the Manual for the Implementation of the Basel Convention and the Instruction Manual, noting the similarities between the Basel and Waigani Conventions.

### ***Definitions***

18. There are different interpretations for terms such as "compliance", "enforcement" and "environmental crime" in international practice and law. These definitions are currently the subject of considerable debate in the international area.

19. The Waigani Convention contains a number of definitions that are relevant to managing illegal traffic. They include, for example, "wastes", "transboundary movement", "disposal", "environmentally sound management", "area under the national jurisdiction of a State", "importing Party", "exporting Party", "transit Party", "person", "exporter", "importer", "carrier" and "generator" and "disposer". These all have a bearing on how intelligence is gathered and how illegal traffic is detected and monitored. Moreover, different Parties implement their Waigani obligations under different forms of national legislation, which all carry their own definitions. These may be broader than those laid out by the Waigani Convention.

20. Hazardous wastes are defined, in Article 2.1(a) of the Waigani Convention, as wastes that belong to any category contained in Annex I, unless they do not possess any of the characteristics contained in Annex II. Annex I of the Waigani Convention lists the categories of wastes to be controlled.

21. Annex II lists the hazardous characteristics of Waigani Convention wastes. The seventh session of the Technical Working Group of the Basel Convention noted that the United Nations Committee of Experts on the Transport of Dangerous Goods *Recommendations on the Transport of Dangerous Goods, English revised edition 1993* had defined test procedures that elaborated the interpretation of H1, H3, H4.1, H4.2, H4.3, H5.1, H5.2, H6.1 and H8. However, it also noted that these were relevant only to the transport of the wastes, not their disposal. Annex II notes that 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 Annex II. Technical Working Group of the Basel Convention is still to finalise its work on some of these hazard characteristics.

22. Hazardous wastes are also defined, in Article 2.1(b) of the Waigani Convention, as wastes that are not covered under sub-paragraph (a) but are defined as, or are considered to be, hazardous wastes by the national legislation of the exporting, importing or transit Party. Article 3 states that each Party shall, within six months of becoming a Party, inform the secretariat of the wastes that, under its national legislation, are covered under Article 2.1(b). Parties shall also inform the secretariat of any significant changes to the information provided. The secretariat shall inform all Parties of the information it has received. Parties shall be responsible for making this information available to their exporters, importers and other appropriate bodies.

23. Interpretation of these definitions is complex and cases of illegal traffic may stem from differing interpretations of hazardous waste definitions. This may be further complicated by problems in translation from one language to another.

***Summary of the provisions of the Waigani Convention concerning Illegal Traffic and of the Decisions of the Conference of the Parties***

24. Illegal traffic is the subject of Article 9 of the Waigani Convention. Article 9.1 defines illegal traffic as any transboundary movement of hazardous wastes:

- (a) without notification pursuant to the provisions of this Convention to all countries concerned; or
- (b) without the consent pursuant to the provisions of this Convention of a country concerned; or
- (c) with consent obtained from countries concerned through falsification, misrepresentation or fraud; or
- (d) that does not conform in a material way with the supporting documentation; or
- (e) that results in deliberate disposal (e.g. dumping) of hazardous wastes in contravention of this Convention, other relevant international instruments and of general principles of international law, or in contravention of the import or export bans established by Article 4.1.

24bis. Article 9.2 specifies that each Party should introduce or adopt appropriate national legislation to prevent and punish illegal traffic, and that the Parties shall cooperate with a view to achieving the objects of this Article.

25. Article 9.3 specifies what must be done if a transboundary movement is deemed to be illegal traffic as the result of conduct on the part of the exporter or generator. The exporting Party shall ensure that the wastes in question are:

- (a) taken back by the exporter or the generator or, if necessary, by itself into the exporting Party, or, if impracticable,
- (b) otherwise disposed of in accordance with the provisions of this Convention, within 30 days from the time the exporting Party has been informed about the illegal traffic or such other period of time countries concerned may agree to. To this end the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the exporting Party.

26. Article 9.4 specifies what must be done if a transboundary movement is deemed to be illegal traffic as the result of conduct on the part of the importer or disposer. The importing Party 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. This shall be done within 30 days from the time the illegal traffic has come to the attention of the importing Party or such other period of time as the countries concerned may agree on. To this end, the Parties concerned shall cooperate, as necessary, in the disposal of the wastes in an environmentally sound manner.

27. Article 9.5 specifies what must be done if 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 cooperate to ensure that the wastes in question are disposed of as soon as possible in an environmentally sound manner either in the exporting Party or the importing Party or elsewhere as appropriate.

28. Article 9.6 requires the Secretariat to coordinate with the Secretariat of the Basel Convention in relation to the effective prevention and monitoring of illegal traffic in hazardous wastes. This is to include the exchange of information on incidents or alleged incidents of illegal traffic in the Convention Area and on the appropriate steps to remedy such incidents, and providing assistance in the field of capacity building including development of national legislation

and of appropriate infrastructure in the Pacific Island Developing Parties with a view to the prevention and penalisation of illegal traffic of hazardous wastes.

29. The prevention and control of illegal traffic in hazardous wastes is an important issue for the Waigani Convention, particularly with respect to the ban on imports of hazardous wastes and radioactive wastes from outside the Convention area which is specified in Article 4.1(a). PICs continue to be targeted by persons outside the Convention area who propose the import of hazardous waste in the guise of “benign” material (e.g. “clean” landfill).

30. At the first meeting of the Conference of the Parties, it was recognized that illegal traffic of hazardous wastes remains an issue of concern for the Pacific Region and requires close cooperation among States with the support of the secretariat, the Secretariat of the Basel Convention, as well as other relevant organisations.

31. The main provisions of the decision adopted by the Conferences of the Parties on the issue of illegal traffic are:

- requests Parties to ensure that national legislation for the management of chemical wastes and hazardous wastes to be developed also addressed the issue of illegal traffic of hazardous wastes and radioactive wastes;
- requests the Parties to incorporate in their legal systems, appropriate sanctions or penalties on all persons who have planned, carried out or assisted in illegal traffic in hazardous wastes and radioactive wastes;
- requests Parties to promote at the Ministerial level, all means to prevent and penalise illegal traffic in hazardous wastes;
- requests the Secretariat to assist Parties in developing national legislation and administrative procedures for the prevention, monitoring, repression and remediation of illegal traffic;
- encourages Parties to establish informal bilateral arrangements to better target illegal traffic between their countries;
- encourages Parties to bring any cases, or, if appropriate, alleged cases of illegal traffic to the attention of the Secretariat and to provide the Secretariat with all necessary information to enable it to take any appropriate action in accordance with Article 9.6;
- invites Parties in their efforts to preventing, identifying and managing illegal traffic to use the Guidance Elements for Detection, Prevention and Control of Illegal traffic in Hazardous Wastes developed under the Basel Convention as an interim measure and further requested STAC to revise and amend the guidance elements for adoption by the Conference of the Parties (COP); and
- invites Parties to use the Basel Convention Form for Confirmed Cases of Illegal Traffic to report confirmed cases of illegal traffic to the Secretariat as an interim measure and further requested STAC to revise and amend the guidance elements for adoption by the Conference of the Parties (COP).

32. The secretariat of the Waigani Convention was requested by the decision made at COP1 to report to the second meeting of the Conference of the Parties, through the STAC as appropriate, on information received by Parties, and encouraged to:

- to establish or strengthen collaboration with the Basel Convention Secretariat and the relevant international institutions in order to achieve better control and monitoring of cases of illegal traffic in hazardous wastes; and
- to explore ways of improving its cooperation with non governmental organisation, industry and the private sector for the prevention and monitoring of illegal traffic.

33. Appendix 1 contains all the provisions of the Waigani Convention related to illegal traffic and all the provisions of the decision adopted at COP1 by the Conference of the Parties of the Waigani Convention in relation to the issue of illegal traffic.

34. The five parts of the guidance elements for the detection, prevention and control of illegal traffic in hazardous waste should be considered in their entirety including all appendices, each part bringing specific suggestions for the same general goal.

35. Appendix 2 contains case studies/examples of successful actions of Parties under the Basel Convention.

36. These Draft Guidance Elements were prepared by the secretariat based on those developed under the Basel Convention and modified according to suggestions from Parties.

## PART 1: NATIONAL CAPACITY BUILDING AND INTERNATIONAL COOPERATION

### **National Capacity Building**

#### ***1a. Competent Authority/Focal Point***

37. Article 5 of the Waigani Convention requires Parties to designate or establish one or more competent authority and one focal point. Parties must inform one another through the secretariat, of any changes in these arrangements.

38. National competent authorities have the main obligation to prevent, manage and punish illegal traffic of hazardous wastes. The secretariat should continue to organize training activities for competent authorities.

#### ***1b. Administrative procedures***

39. Effective and transparent administrative procedures are another key agent in preventing and managing illegal cases of hazardous wastes.

#### ***1c. National inventories***

40. National authorities should adopt a common approach for compiling statistics (including from the export/importing companies) on the legal and illegal transboundary movements of hazardous wastes. Such an approach should incorporate both the Waigani Convention, Basel Convention and the Harmonised System of classification.

41. National inventories should be maintained on a yearly basis and should be used as a policy tool against illegal traffic, and to implement pragmatic and focused preventive and coercive measures against illegal traffic.

## ***1d. Promotion of compliance***

42. Competent authorities should develop compliance and enforcement strategies covering the four main components of compliance. These are education and information dissemination, permitting, detecting offences and investigations and enforcement action.

### *a. Education and information dissemination*

43. This component focuses on behaviour modification and includes dissemination of information to shippers and exporters, responding to inquiries about the scope of the Convention and ensuring easy access for industry to guidance documents and promotional material. Another important thrust concerns proactive activities which seek to find solutions for waste disposal in country or to improve industry practice. These activities may include regular advertisements, production of guidance documents for dissemination to industry, initiating and participating in workshops, workgroups and discussions to assist where possible in establishing appropriate domestic solutions to waste disposal and encouraging companies to implement waste minimisation practices, cleaner production techniques and best practice technologies and methodologies.

### *b. Permitting*

44. This component is about ensuring that any system of permits has in place checks and balances. It aims to ensure clarity of requirements, crossing-checking of information, minimum standard requirements for public notices and tailoring of permit conditions to particular circumstances. Activities may include revision of forms to make requirements clear, ensuring the security of permit numbers, establishing procedures to cross check actual movements, as reported in Customs data, against those specified in permits. The permits should clearly specify the obligations of the exporters.

### *c. Detecting offences*

45. This component involves ad hoc inspections of shipments, taking of samples by inspectors, targeting particular types of export/import movements for compliance checks, checking of Customs data and provision of intelligence to Customs, targeting high-risk situations and initiating specific enforcement activities. Activities include ensuring a regular supply of information from Customs and establishing protocols for reviewing Customs data on a regular basis and responding to data that needs further action, targeting high-risk shipments for inspection and developing training courses for inspectors and Customs personnel.

### *d. Investigations and enforcement actions*

46. This component consists of referral of possible breaches of the laws implementing the Convention to law-enforcement agencies. Activities may include developing standard operating procedures to assist in conducting investigation and developing comprehensive investigative procedures which do not risk compromising an investigation.

47. As enforcement of law becomes increasingly diverse and complex more demands are being made of all sectors of the community to ensure compliance with the law. This can be achieved proactively through education or reactively through investigation and subsequently, possible prosecution. Non-governmental organizations and community groups can make important contributions to enforcement and competent authorities should ensure that they can work effectively with them.

***1e. Training of enforcement personnel***

48. Training of personnel involved in preventing, identifying and managing illegal traffic is central to effective control. Where there is a breach of a law an investigation is often necessary. Given the complexities inherent in such an investigation it is essential that the investigator be equipped with appropriate competencies and knowledge in order to fulfil the role effectively and efficiently. A basic training manual, jointly prepared by the Secretariat for the Basel Convention, Interpol and WCO but still with obvious relevance for the Waigani Convention, will be attached to this Guidance as Appendix 4.

***1f. Technical expertise/facilities***

49. Lack of technical expertise/facilities is an obstacle to effective prevention, monitoring and management of illegal traffic in hazardous wastes. The secretariat shall develop Guidelines on the development of incident, accident and contingency preparedness plan for hazardous wastes. Regional and sub-regional mechanism for Dump Watch alert system are encourage.

50. Where use of a national laboratory or facility is not feasible a regional solution should be sought. Regional training centres could play a key role in addressing this issue. Advice may be sought from the secretariat of the Waigani Convention, which may refer inquiries to relevant experts. The International Network on Compliance and Enforcement (INECE) can also help.

***1g. Enforcement/intelligence capacity***

51. When developing strategies for preventing and managing illegal traffic in hazardous wastes, Parties could use any existing draft guidelines for compliance and enforcement. In particular, recommendations on transparency of approach, strengthening treaty reporting requirements, site monitoring, compliance incentives, building national capacity and education and awareness raising would provide a sound basis for such work.

52. Data gathering and information analysis is also a very important tool. In particular, close monitoring of hazardous waste import and export statistics, should be based on waste trade patterns and the modus operandi of confirmed illegal shipments to form an overall picture. For example, much of the data on illegal traffic in hazardous wastes is related to contaminated waste (i.e. wastes mixed with hazardous substances) or non-recyclable wastes. Past experience indicates that illegally imported or exported waste is often declared as non-hazardous scrap (e.g. mixed metal scrap and plastic scrap) and tends to be exported by small trading firms or agents with no waste recycling facilities, rather than original waste generators. Prior to the arrival of the waste at its destination, the waste is likely to have changed hands several times. Consequently, illegal traffic is generally suspected where the origin or exporter of a shipment is difficult to determine.

53. Some countries have been liaising with their major waste trade partners to share operational experience and refine the criteria for selecting shipments for inspection. Cooperation between competent authorities is also useful in determining the legal status of a shipment.

54. Heavy cargo traffic at many international ports and the time taken to conduct random screening and inspection, mean that sometimes illegal traffic is not detected prior to departure. Where an illegal shipment is suspected, competent authorities can exchange information on the name of the vessel, the contained number(s) and the date of departure so that the waste can be intercepted on its arrival at its destination. This type of cooperation can benefit both parties, as it allows time for shipping documents to be scrutinised and for inspections to be organized. It is also relevant to all modes of transport including sea, road, rail, river and air.

55. Competent authorities should use a risk management approach to setting compliance and enforcement priorities, to ensure that their resources are targeted effectively. A typical approach would involve five steps, namely:

1. Establish the context
2. Identify the risks
3. Analyse the risks
4. Assess the risks and set priorities
5. Treat the risks
6. Following-up the process

56. Guidelines for such a risk management approach are provided in Appendix 5.

#### ***1h. Effective licensing and monitoring of facilities***

57. The Waigani Convention provides that each Party shall prohibit all persons under its national jurisdiction from transporting or disposing of hazardous wastes or other waste unless such persons are authorised or allowed to perform such types of operation. In order to meet this obligation all parties must have effective licensing and monitoring systems in place.

#### ***1i. Effective inter-agency cooperation etc.***

58. National environmental agencies generally work with local, national and international authorities to enforce controls on transboundary movements of hazardous waste. Customs agencies and competent authorities are key partners in detecting, intercepting and inspecting suspect hazardous waste shipments at critical control points.

59. International and national environmental agencies should collaborate with competent authorities, local police, transport companies, recycling industries, NGOs, etc. in detecting, investigating and managing illegal waste traffic. A high level of cooperation is crucial in managing and monitoring the waste if it is to be safely and quickly returned to its place of origin.

60. Illegal hazardous waste shipments can often be detected by reviewing information contained in shipping manifests. Information received from partner agencies is also useful in building profiles for targeting illegal waste traders. For example, companies previously involved in illegal or problematic shipments are targeted for inspection as are shipments with profiles describe above. Often such shipments are identified in cooperation with overseas control authorities, and provide an effective additional check to random inspections.

### ***International Cooperation***

#### ***a. Levels of international cooperation***

61. International cooperation for detection, prevention and control of illegal traffic in hazardous wastes can occur on the following levels:

- interaction of competent authorities
- use of international intelligence networks by enforcement/intelligence officers
- role of/cooperation with other international organizations such as the World Customs Organization (WCO), Interpol, etc.

62. The interaction between the competent authorities of the country of export, country of import and countries of transit is necessary and could help in detecting, preventing and controlling the illegal traffic of hazardous wastes. Formal and informal communication could be used, including e-mail messages which facilitate quick interaction.

63. The World Customs Organization initiated in July 2000 a network called Customs Enforcement Network (CEN). The aim of this network is to link all customs administrations for enforcement purposes and provide them with a common database and reference system. Any national customs administration should be connected to CEN through its National Contact Point. By using the CEN network, national customs administration can have immediate and direct access to the database of all previous cases of illegal traffic of hazardous wastes.

64. Another source of intelligence and useful information about past cases of illegal traffic of hazardous wastes and modus operandi could be obtained from Interpol through National Central Bureaus.

65. Such profiles will need to be continually updated if regulatory authorities are to keep abreast of developments in illegal traffic trends.

***b. Role of the secretariat of the Waigani Convention***

66. The secretariat of the Waigani Convention is rapidly improving its ability to facilitate international cooperation in the prevention, identification and management of illegal traffic in hazardous waste. In particular, the secretariat has identified a large number of relevant international organizations (other than the Secretariat for the Basel Convention) that could cooperate in joint activities aimed at better controlling and monitoring alleged or confirmed cases of illegal traffic. These include Interpol, World Customs Organization, UN Commission on Crime Prevention and Criminal Justice, UNEP, UNDP, IAEA/World Atom, the Secretariat of Climate Change, CITES, Ozone Secretariat, the UN High Commissioner for Human Rights, the Food and Agriculture Organization of the United Nations (FAO), the European Commission, the International Maritime Organization (IMO), the Organization for Economic Cooperation and Development (OECD), the Organization for the Prohibition of Chemical Weapons (OPCW).

67. The secretariat intends to develop Memoranda of Understanding or similar agreements with most, if not all, these organizations. These agreements will outline each party's area of responsibility and modalities for cooperation.

68. Future cooperative efforts will be focused on achieving practical and concrete results in the following priority areas:

- (i) identifying opportunities for combating illegal traffic;
- (ii) information exchange;
- (iii) improving data collection and analysis;
- (iv) updating criminal profiling;
- (v) improving methodologies for compliance and enforcement;
- (vi) identifying and resolving deficiencies in existing national legislation;
- (vii) training in compliance and enforcement;
- (viii) awareness raising and information dissemination.

**PART 2: PREVENTION**

69. It is very important for Parties prohibiting the import of various wastes to ensure that this information is transmitted to other Parties via the secretariat as required by Article 7 of the Convention.

70. Article 3.1 of the Waigani Convention requires each Party, within six months of becoming a Party to the Convention, to inform the secretariat of the Convention of the wastes, other than those listed in Annex I, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes.

71. Article 3.4 requires Parties to be responsible for making the information transmitted to them by the secretariat available to their exporters, importers and other appropriate bodies.

72. In cases where national legislation is defective or where there is information or technical obstacles to compliance, there are a range of measures that might enhance the capacity of Parties to comply, such as legal and technical assistance which could be requested through the Waigani secretariat.

73. Prevention can encompass detection, investigation, management of the intercepted cargo and legal action.

**2a. *Cooperation with Customs and other regulatory authorities***

74. Cooperation with Customs and other regulatory authorities is central to preventing illegal traffic. Work currently being undertaken on the Harmonised System (HS) of the World Customs Organization will provide a much greater understanding of the extent of the illegal traffic problem and will allow greater scope for identifying and targeting problem areas.

75. There is today wide agreement about the importance of strengthening linkages among MEAs that will allow greater compliance verification and problem identification. Cooperation between secretariats, government agencies and non-governmental experts in on-site monitoring as a measure for increasing transparency is developing.

**2b. *Identification of waste streams at source***

76. Exporting countries should develop strategies for identifying hazardous waste streams at the point of exit. This could be achieved by identifying regular hazardous waste exporters, maintaining tight administrative control at the notification stage, promoting enhanced cooperation and information exchange amongst relevant national authorities, and tightening legal provisions relating to the 'duty to re-import' under their national laws in accordance with Article 8 of the Waigani Convention.

77. For some wastes, however, it may be best to identify waste streams at source. For example, hazardous electronic scrap is likely to be shipped under a general customs code such as "mixed metal scrap". It is very difficult to identify electronic scrap among the numerous entries for this code. However, companies that collect and dispose of electronic scrap will advertise their services, and it should be possible to check what each company is doing with the waste it collects.

**2c. *Promoting awareness***

78. Some cases of illegal traffic are due to lack of information and for this reason a key strategy for prevention will be international and national awareness raising campaigns. This might include activities such as training courses, seminars, advertising, information papers and guidance documents targeted at those involved in the import and export of hazardous waste. Ensuring clear and enforceable regulations is also an effective prevention measure.

79. For intentional cases, publicity of prosecuted illegal cases may be an effective deterrent if detection and enforcement measures are successful. Other options for prevention might be advertising, strengthening detection and enforcement measures, closing loopholes in legislation and raising penalties to a level that will act as an effective deterrent.

## **2d. Guidance documents by national authorities**

80. Guidance documents targeted at importers and exporters are essential for preventing inadvertent breaches of legislation. In areas of uncertainty such as determining waste from non-waste, whether or not a waste is hazardous, and what constitutes environmentally sound management, guidance documents can be useful in clarifying the Convention's rules. They also provide a transparent and consistent basis for determining how the Convention will be interpreted. For hazardous waste importers and exporters, such guidance provides clarification on issues that could potentially lead to illegal activity and leads to greater certainty in planning and administration.

81. Guidance documents are also useful for providing a simple explanation of the rules that need to be followed. Often legislation is difficult to interpret and contains ambiguities that could lead to potential inadvertent breaches. Providing simple explanation and clarification of legislative instruments promotes an environment of transparency, cooperation, awareness and trust and can therefore be a useful tool in preventing illegal traffic.

### **2e.. Inspection: overt and covert**

82. In preventing illegal activity, it is important to know how and why breaches occur. It is also useful to know whether there are patterns or linkages of non-compliance that may point to potential or further illegal activity and whether there are obstacles or loopholes that act as disincentives to compliance. Strategies to promote transparency, cooperation amongst parties, public awareness and opportunities for a wide range of stakeholders to contribute to identifying problems and possible solutions should be encouraged.

83. In some cases it would be more convenient to inspect a transboundary shipment when it arrives at the importer's facility rather than at the border crossing. In this case the inspectors may wish to follow up their inspection of transboundary shipment by also inspecting equipment and processes at the inspector's facility to assess if they are consistent with the recycling and/or disposal operation(s) indicated in their licences/permits. Non-tariff requirements could be established so that at the border the environmental inspectors could verify the documents related to hazardous wastes.

84. In other cases, taking into account intelligence information, the inspection could also be undertaken at an export facility.

85. In all circumstances, the inspection procedure will begin with collection of all documents related to the generation of hazardous wastes, related to plans of export/import, related to recycling activities, disposal facilities and any other documents which might be useful (record information about exporter, carrier, importer, etc.).

86. After the documents are gathered and checked, a visual inspection of the hazardous waste is necessary, including storage facilities. People undertaking inspections should always take appropriate precautions. For example, closed shoes with steel caps should normally be worn in cargo-handling areas. Care should be taken when opening containers in case cargoes have shifted in transit. Respiratory protection and gloves should be worn if there is a risk of exposure to hazardous dusts.

87. Last, but not least, sampling might be necessary, for determining precisely what are the characteristics of the hazardous wastes. Sampling should always be done in accordance with the guidance in Appendix 3. As with visual inspections, appropriate safety precautions must always be taken.

88. In all cases of inspection, if there are signs of violation, the inspectors should remember that the purpose of inspection is to collect evidence to determine if a violation of the law was made. Subsequently, if this is the case the appropriate procedures of investigation should be followed.

## **2f. *International cooperation at all levels***

89. International cooperation amongst key players and at all levels is central to prevention and management of illegal traffic. These include national competent authorities, the secretariat of the Waigani and Basel Conventions, the secretariats of other environmental conventions, UNEP, Interpol, World Customs Organization, etc.

90. In addition, Parties should promote, as appropriate, strategies to bring their actions as well as actions of other relevant participants in the open for appropriate scrutiny by Parties, and as appropriate, other groups in the international system. The public should have access to information about the Convention, including reports on national compliance pursuant to Article 7 of the Waigani Convention and opportunities to assist in monitoring compliance.

91. Parties should consider making provision for measures designed to enhance national and local capacity, to comply with the Waigani Convention requirements. These include such measures as technical and financial assistance, training and supplying necessary equipment. The private sector should be encouraged to assist in enhancing the national capacity to comply. Economic or other incentives should be considered to facilitate effective implementation of the Waigani Convention.

92. Cooperation amongst the secretariats of relevant international Conventions, non-government and government experts, business and industrial association, recycling industries, universities, technical institutes, research centres, NGOs and individuals should be initiated in order to prevent and reduce illegal traffic.

## **2j. *Insurance and bonds***

### ***Insurance***

93. Article 6(11) of the Waigani Convention provides that any transboundary movement of hazardous wastes shall be covered by an insurance policy, bond or other guarantee as may be required or agreed to by the importing Party or any transit Party. It does not stipulate the level of or type of insurance that is required. However, it may be assumed that importers and exporters should be reasonably insured against risks that might occur in relation to the hazardous waste concerned.

94. There are many insurance options that competent authorities can consider when determining what might constitute a "reasonable" level of insurance scheme. For example, insured legal liability to third parties covers claims in respect of personal injury or damage to property. It can also cover the cost of removing, nullifying or cleaning up any contamination or pollution, which is caused by a "sudden and accidental" event (insurance policies commonly exclude liability caused by or arising out of contamination or pollution unless caused by a sudden, identifiable, unintended, unexpected and accidental event). Competent authorities could choose to accept this double exclusion or they could require a less restrictive (but more expensive) type of insurance such as environment impairment liability insurance. This may cover any disposal, release, dispersal, discharge or seepage, even if it is not "sudden and accidental".

95. Geographical exclusions and conditions are also common in policies. Competent authorities may wish to consider not accepting such exclusions if the excluded countries include the proposed importing Party, export or transit.

96. A common feature of insurance policies however, is that they generally do not cover cases where shipments are deemed illegal. Where an accident occurs as a result of an illegal shipment, it may be difficult to apportion liability and even more difficult to enforce laws that will ensure adequate environmental clean up. In cases where an illegal shipment has resulted from an inadvertent error, financial guarantees or bonds, in addition to insurance, may minimize the exporting country's risk of having to meet the cost of environmental damage.

97. An analysis of the amount required for insurance, bonds or other guarantees in relation to the quantity and quality of hazardous wastes described in the shipping or movement documents could also provide useful for the detection or prevention of illegal traffic.

### ***Financial Guarantees and Bonds***

98. Article 8 of the Waigani Convention requires exporting Parties to ensure that wastes are taken back, by the exporter, if a transboundary movement cannot be completed in accordance with the terms of the contract. To ensure that exporters are able to do this, competent authorities may require financial guarantees and bonds. The amount of money involved should be calculated so that all likely costs of a forced return and disposal of the wastes are covered. Financial guarantees and bonds may not be required if the competent authority is satisfied that the exporter has sufficient assets to be able to meet these costs.

99. The major benefit of financial guarantees and bonds over insurance is that financial payouts are assured regardless of the legal status of the shipment. In short, they ensure that the risk lies with those responsible for shipping the waste.

100. Multiple financial guarantees or bonds may be required by all Parties concerned, that is the exporting, importing and transit Parties. It is not normally appropriate for one Party to rely on another Party's financial guarantee because for example, the importing Party may wish to call on a financial guarantee in circumstances outside the scope of the financial guarantee held by the exporting Party.

## **PART 3: DETECTION, MONITORING AND INTELLIGENCE**

### ***3a. Problems relating to transit***

101. The Waigani Convention defines "transit Party" as any Party, other than the exporting Party or importing Party, through which a movement of hazardous wastes is planned or takes place. The definition of "transboundary movement" includes movement through an area under the jurisdiction of any Party, , to or through an area under the jurisdiction of another Party, or to or through an area not under the jurisdiction of another Party, provided at least two Parties are involved in the movement. Article 2.4 states that nothing in this Convention shall affect in any way the sovereignty of States over their territorial sea, the sovereign rights and jurisdiction that States have in their exclusive economic zones and continental shelves, and the exercise by vessels and aircraft of all States of navigational rights and freedoms, as provided for in international law and as reflected in the 1982 United Nations Convention on the Law of the Sea and other relevant international instruments.

102. Put simply, the general principles of maritime law are in one part the sovereignty of States over internal waters (which include ports), in the other part freedom of passage through the territorial sea and the exclusive economic zone. The right of freedom of passage in the territorial

sea has been increasingly affected by regulations made by coastal States, particularly for reasons of security and protection of the environment. To a lesser extent, national regulations relating to the exclusive economic zone may be made to protect and preserve the marine environment. This is why, today, ships travelling in the territorial waters of States are subject to numerous regulations.

103. The Convention allows a Party to require notification and consent for transits of hazardous wastes which are planned to cross its territorial sea or exclusive economic zone. In practice, however, most Parties are understood to require notification and consent only when a ship enters a port under their jurisdiction. This is because during a visit to a port there is always a risk that wastes may be unloaded, even if this was not planned, and then abandoned. However, some Parties only require notification and consent if it is planned that the wastes be unloaded and then loaded again.

104. Because there is a risk associated with unloading of the wastes, some Parties require notification and consent if the ship enters a roadstead instead of a port. At international law a roadstead is an area of water which is normally used for the loading, unloading and anchoring of ships. The definition of a port would not include a roadstead: in referring to ports Article 11 of the UN Law of the Sea Convention (UNCLOS) does not expressly include roadsteads. Rather, the provision includes “permanent harbour works which form an integral part of the harbour system” but expressly excludes off-shore installations and artificial islands. Article 12 of UNCLOS provides for roadsteads to be considered part of the territorial sea and not part of internal waters.

105. It is recommended that Competent Authorities should follow the notification and consent procedure for all transboundary movements involving entry into a port or roadstead, unless they are aware that the wastes are not proposed to be unloaded and the particular Transit Party does not require notification under those circumstances. It is recommended that Parties which require notification and consent for transits through their territorial sea or exclusive economic zone should advise other Parties, through the secretariat, of their requirements.

106. Similar principles apply to proposed transits through airspace and airports.

107. Written consent from a transit Party is required for each movement that passes through it. International canals and free ports present special problems where a central system of control should be instituted.

### **3b. *Data gathering and information analysis***

108. It is important and necessary that each Party shall designate a competent authority to work together to address illegal traffic and share enforcement information through a confidential network.

109. Data gathering and analysis can take place at many stages, especially where the activity has been observed by intelligence gathering operations as potentially illegal. This may then trigger requests to customs authorities to investigate as the next paragraph suggests.

110. Typically, investigation of alleged illegal traffic is triggered by the detection of suspect material by customs officials or competent authorities in the country of import. Generally such shipments are not accompanied by the relevant documentation or the documentation provided does not correspond to description of the material being transported. Such cases tend to be intentional and are generally more difficult to resolve than unintentional breaches of the Convention involving companies that routinely comply with established regulations.

111. Intelligence about intentions of identified illegal traffic is crucial for preventing, monitoring and detecting illegal activities. Where unintentional breaches are detected, the reasons

for non-compliance can be assessed and procedures refined or education programmes targeted to reduce the likelihood of a recurrence. Intentional breaches can point to loopholes in national legislation or procedures that may need amended or may point to wider organized criminal activity that may require further monitoring.

112. Once an illegal shipment is detected, further investigation is necessary to confirm who is responsible for the illegal activities and whether or not prosecution is likely to be successful. Collection of evidence is crucial for successful prosecution, and should be conducted strictly in accordance with established procedures.

113. Proper procedure for evidence collection and witness interviewing are vital if a successful prosecution is to take place under the relevant jurisdiction.

### ***3c. Packaging, labelling, sampling and analysis***

114. The Waigani Convention obliges each Party to ensure that all hazardous wastes and other wastes that are to be transported are packed, labelled and transported in conformity with generally accepted and recognised international rules and standards. Accepted international standards have been established under the UN Dangerous Goods Codes and ISO 14000 and all packaging, labelling and transportation procedures should conform to these standards.

115. Improper packaging and labelling may be indicative of illegal traffic, and any shipment that does not conform to the above standards should be investigated.

116. Sampling and analysis is dealt with in Appendix 3.

### ***3d. Waigani Convention, national and other legal requirements***

117. All legal requirements (provisions of the Waigani Convention, national laws and regulations) should be taken into account when determining whether or not a transboundary shipment of hazardous wastes is illegal.

### ***3e. Liaison with customs authorities***

118. Customs authorities are key players in detecting and intercepting illegal traffic. However, the current Harmonised System Code does not allow for the identification of hazardous wastes, making the task of customs even more difficult in identifying illegal traffic. For this reason, competent authorities, in cooperation with Customs, have begun to develop procedures for aligning Basel Convention wastes with categories in the Harmonised System. This will be of benefit for the Waigani Convention as well, and it is only through close cooperation between the customs authorities and national environmental agencies will customs authorities be able to become effective agents in the battle against illegal traffic in hazardous wastes.

### ***3f. Dealing with ambiguity***

119. Ambiguities can be of a legal, technical and/or practical nature and important ones must be resolved before an illegal shipment can be confirmed.

120. Legal ambiguities stem from different interpretations about what is or is not covered by the Convention. These are further complicated by national definitions of hazardous wastes. Consequently, a certain level of ambiguity will always remain. Ultimately Parties will need to resolve these matters through existing mechanisms established under the Convention, or through lengthy and costly legal proceedings in the Courts.

121. Technical ambiguities are related to determining the physico-chemical properties of a material. These relate to questions of whether a material is considered to be a waste or whether a waste is considered hazardous. Currently, these ambiguities are resolved by the Waigani Convention Scientific and Technical Advisory Committee (STAC) which can debate the issues and provide the opportunity for Parties to state their case and have their proposal examined by experts in a number of countries.

122. Ambiguities may also arise from disputes over sampling and analytical methods (see Appendix 3, Sampling and analysis).

123. Practical ambiguities relate to problems such as identifying a party or parties responsible for an illegal shipment, the ability of an aggrieved party to recover costs, differences in opinion about concepts such as temporary storage and determining the responsibility of concerned parties in meeting the Waigani Convention obligations on the cooperative resolution of illegal traffic.

124. In establishing certainty, it is useful to consult Part 3 of these Guidelines, especially paragraphs 127 to 130.

#### **PART 4: MANAGING ALLEGED AND CONFIRMED CASES**

125. There are many challenges that face regulators in their efforts to effectively manage alleged cases of illegal traffic. One of the most difficult amongst them is determining whether the alleged case constitutes illegal traffic. Another key issue is determining who is responsible until illegal traffic has been confirmed. And once liability has been apportioned, the question of how to bring the perpetrator or perpetrators to justice poses further problems that can be extremely difficult to resolve.

126. Given the multiple jurisdictions and different legal systems that are often involved, resolving these challenges can be a complex and lengthy process. In many cases, national legislation is unable to effectively deal with inter-jurisdictional matters, making incidents of illegal traffic extremely difficult, if not impossible, to resolve within the 30-day time period contemplated in Article 9 of the Convention. However, with effective cooperation of all authorities involved, cases of illegal traffic can be successfully resolved with minimal impact on the environment.

##### ***4a. Determining whether Article 9.1 has been violated***

127. Once suspected illegal shipments are detected, further investigation must be carried out to confirm whether or not it is illegal traffic as defined by Article 9.1 of the Convention. Through intelligence received from various national and international sources, waste shipments may be intercepted for inspection at key control points such as container terminals. In later stages, investigations will be aimed at determining those responsible for undertaking the alleged illegal activities and whether or not prosecutions will be likely to succeed. As evidence is collected both locally and internationally, cooperation between relevant competent authorities is central to illegal traffic management.

128. Identification of hazardous waste in one country may not necessarily provide a basis for enforcement in another. Even where there is general agreement, Parties' rights under Article 3 of the Convention, to define non-Waigani waste as hazardous wastes under national legislation, may make prosecution difficult. This highlights the importance of the Waigani Convention's notification and consent procedures and the requirement under Article 3 to inform the secretariat of any non-Waigani hazardous wastes defined under national legislation.

129. There may also be a time lag between the arrival of the wastes in the importing Party and notification of the exporting Party of illegal traffic. Within 30 days from the time the exporting Party has been informed of the illegal traffic, the exporting Party or the generator shall take back the waste in question. The States concerned could agree to extend the period of 30 days. If it is impracticable to take back the wastes, the exporting Party or the generator shall dispose of the waste in accordance with the provisions of the Waigani Convention. Nevertheless, Parties' obligations to cooperate to resolve illegal traffic incidents should ensure that the material is returned to the country of origin and dealt with in an environmentally sound manner as soon as possible.

130. The tendency for countries to reject extra-territorial application of national laws in criminal cases makes it difficult for the exporting country to pursue prosecution of illegal traders based solely on allegations of the country of import. The country of export has to have legal authority to require reimportation and the country of import has the right to insist on the duty of the Party of export to take back the illegal waste.

#### ***4b. Determining who was the exporter of the waste***

131. Under the Waigani Convention, exporter means any person under the jurisdiction of the exporting Party who arranges for hazardous wastes to be exported. National legislation reflecting elements of the Convention, could provide that the exporter may be the generator, broker, carrier or other person with responsibility for the waste.

132. Considerable time may be spent determining the person or persons responsible for an illegal shipment. Complications increase with complexity in relationships between companies especially where foreign companies are involved. For example, the use of subsidiary companies, foreign brokers and agents and the sale of wastes to foreign companies prior to physical transfer of the waste can introduce complexities that obscure the identity of the exporter. Additional questions may arise if the exporter is an overseas-based company without a presence or agent in the exporting Parties. In the absence of adequate legislative provisions to ensure legal liability is enforceable, the country of export must accept responsibility for making arrangements for the return of the waste. It is therefore in a party's interest to ensure that all loopholes in its national legislation are eliminated.

#### ***2a. Cooperation with Customs and other regulatory authorities***

76. Co-operation with Customs and other regulatory authorities is central to preventing illegal traffic. Work currently being undertaken on the Harmonised System (HS) of the World Customs Organisation will provide a much greater understanding of the extent of the illegal traffic problem and will allow greater scope for identifying and targeting problem areas.

#### ***4c. Determining how to return the waste***

133. Although the provisions of the Waigani Convention require the exporting Party or the generator to take back the illegal waste within 30 days from the time of receiving information about the illegal traffic, experience shows that complications could occur, such as determining who owns the waste.

134. Where there is a dispute between parties as to the legal ownership of the waste, the time taken to resolve the dispute could be lengthy, thus delaying the speedy return of the waste as required by the Waigani Convention.

135. The domestic law of some countries requires a successful conviction before steps can be taken to reimport an illegal shipment. In such cases, if the company involved in the illegal

shipment does not voluntarily agree to reimport the waste, the time taken to resolve the illegal traffic incident is likely to be lengthy.

136. Once an illegal shipment of hazardous or contaminated waste has been intercepted, the country of import is often responsible for arranging the return of the waste to the country of origin. To facilitate early return of the waste in accordance with the requirements of the Waigani Convention, effective cooperation and liaison between the competent authority of the importing state and other relevant states should be a priority.

**4d. *Whether the exporter followed the requirements of the Waigani Convention***

137. The country of export may take all reasonable steps to ensure that an illegal shipment is reimported and disposed of in accordance with the Convention. Nevertheless, it is possible that the Convention could once again be breached, either fraudulently or unintentionally, in the course of reimportation. In such cases, the reimport of the material would also be considered to be illegal traffic. Once confirmed, steps should be taken to investigate the breach and the perpetrators brought to justice.

**4e. *Seizure of the material***

138. If the waste (in particular recyclable material that has economic value) is still legally owned by the exporting or importing company, but this company refuses to comply with requests to return the waste, government authorities may face legal difficulties in seizing or moving wastes that they do not own. Difficulties encountered by governments in seizing or moving waste may be addressed through provisions in national law.

**4f. *Temporary storage***

139. It is important that the material is safely stored during an illegal traffic investigation. In particular, consideration should be given to protecting human health and the environment, safeguarding the chain of evidence and avoiding any counter-claims by companies relating to damage to their material.

140. Once an alleged illegal shipment of wastes has been identified, sampling and analysis is carried out to determine whether or not the material is hazardous. As the quality of sampling and analysis is central to legal proceedings and, later, whether or not a prosecution is likely to succeed, it is crucial that correct procedures are followed and evidence is not compromised. To ensure that highest quality results are obtained, the considerations in Appendix 3 should be taken into account in investigations of alleged illegal traffic.

**4g. *Dealing with abandoned waste***

141. Cases of abandoned illegal shipments of hazardous wastes are increasing. It is therefore important to institute national legal and technical provisions and mechanisms for dealing with each case. For example old ships are being abandoned in the ports of developing countries or are dumped in the territorial waters of developing countries.

**4h. *Notification to the Secretariat of the Waigani Convention and concerned Parties***

142. Article 16,(1)(j) of the Waigani Convention gave the secretariat the mandate to assist Parties upon request in identification of cases of illegal traffic and to circulate immediately to the Parties concerned, any information it has received regarding illegal traffic, and to coordinate with the Secretariat for the Basel Convention.

143. Ensuring that all relevant countries are aware of alleged illegal shipments is crucial in preventing illegal traffic. Notification, either by the secretariat for the Parties, or directly between Parties, encourages governments, companies, NGOs and other stakeholders to work together to develop effective prevention strategies and provides an incentive to quickly and effectively resolve illegal traffic incidents, to the extent that is consistent with legal requirements and enforcement practice.

**4i. *Differences in interpretations of the countries involved***

144. On-going negotiation by relevant countries is crucial in resolving cases of illegal traffic where the countries of export and import disagree on the status of the shipment. Where agreement cannot be reached, despite the genuine effort of both Parties, it might be necessary to resort to the procedure for settlement of disputes described in Article 20 of the Convention.

**PART 5: USE OF ELECTRONIC INFORMATION**

**5a. *Domestic Examples***

145. Opportunities for increasing the automated administration of national legislation are increasing all the time. This includes both the collection of notification information from companies regarding proposed exports, imports and transits, the issuance of permits electronically, and the development of software for the electronic tracking of shipments. Some considerations experience include not only hardware and software capability within the administering agency, but also parallel and compatible electronic systems within industry and among trading partners.

146. Automated administration would likely require a large electronic database of information for example that is drawn from notification and movement documents. Other software uses could include systems that query these databases and can quickly provide information to officers in the field via a secure website which limits access to authorized individuals. These systems allow for direct access to the database, and at the same time, reports can be generated, shared and transmitted electronically. These are all technologies that Parties to the Conventions may have already implemented, or could consider developing.

147. For communication with regulated companies, one possibility is an internet based system of electronic data exchange (EDE). With such a system, it is possible to deposit notifications and movement documents directly into a database using either of the following methods:

- regulates fill out electronic forms over the internet; or
- regulates transfer bulk notification and movement document information from their databases using an e-mail attachment.

148. Given that not all regulates have the same level of technological capacity, an electronic system should also allow interface with traditional paper-based systems.

149. The systems outlined above support the generation and collection of data. The collected data can then be used to monitor regulatees' regulatory compliance. Additionally, the same or similar databases may be used to support intelligence and enforcement activities. Details regarding these activities may be considered to be confidential for security reasons. One possibility is the use of electronic libraries that contain case assessments.

**5b. *International Examples***

150. In the international setting, there are also automated customs, trade and investigative processes that can incorporate electronic information and allow customs and law enforcement officers to track shipments and possession of wastes and to detect illegal shipments or dumping.

For example, the World Customs Organization has a Customs Enforcement Network which has international accessibility restricted to authorized customs enforcement officers.

151. Bar codes and global positioning systems represent other electronic technologies with applicability to transboundary movements of hazardous wastes, particularly during their transportation. Partnerships among regulatory and enforcement authorities, and the affected industry (e.g. transportation) can be important aspects of the effective operation of such initiatives. These technologies can expedite customs clearance at international borders and also flag shipments which do not comply.

## **Appendix 1**

### **Provisions of the Waigani Convention and decisions adopted by the Conferences of the Parties to the Waigani Convention**

77. In particular, it would be useful to develop a table relating Annexes VIII and IX of the Convention to the Harmonised Customs Codes. This would assist Parties in identifying priority areas requiring review. These could then be brought to the attention of the World Customs Organisation.

78. There is today wide agreement about the importance of strengthening linkages among MEAs that will allow greater compliance verification and problem identification. Co-operation between Secretariats, government agencies and non-governmental experts in on-site monitoring as a measure for increasing transparency is developing.

#### ***2b. Identification of waste streams at source***

79. Export countries should develop strategies for identifying hazardous waste streams at the point of exit. This could be achieved by identifying regular hazardous waste exporters, maintaining tight administrative control at the notification stage, promoting enhanced cooperation and information exchange amongst relevant national authorities, and tightening legal provisions relating to the 'duty to reimport' under their national laws in accordance with Article 8 of the Basel Convention.

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86. In some cases it would be more convenient to inspect a transboundary shipment when it arrives at the importer's facility rather than at the border crossing. In this case the inspectors may wish to follow up their inspection of transboundary shipment by also inspecting equipment and processes at the inspector's facility to assess if they are consistent with the recycling and/or disposal operation(s) indicated in their licences/permits. Non-tariff requirements could be established so that at the border the environmental inspectors could verify the documents related to hazardous wastes.

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89. After the documents are gathered and checked, a visual inspection of the hazardous waste is necessary, including storage facilities. People undertaking inspections should always take appropriate precautions. For example, closed shoes with steel caps should normally be worn in cargo-handling areas. Care should be taken when opening containers in case cargoes have shifted in transit. Respiratory protection and gloves should be worn if there is a risk of exposure to hazardous dusts.

90. Last, but not least, sampling might be necessary, for determining precisely what are the characteristics of the hazardous wastes. Sampling should always be done in accordance with the guidance in Appendix 3. As with visual inspections, appropriate safety precautions must always be taken.

91. In all cases of inspection, if there are signs of violation, the inspectors should remember that the purpose of inspection is to collect evidence to determine if a violation of the law was made. Subsequently, if this is the case the appropriate procedures of investigation should be followed.

## ***2f. International cooperation at all levels***

92. International cooperation amongst key players and at all levels is central to prevention and management of illegal traffic. These include national competent authorities, the Secretariat of the Basel Convention, the secretariats of other environmental conventions, UNEP, Interpol, World Customs Organisation, etc.

93. In addition, Parties should promote, as appropriate, strategies to bring their actions as well as actions of other relevant participants in the open for appropriate scrutiny by Parties, and as appropriate, other groups in the international system. The public should have access to information about the Convention, including reports on national compliance pursuant to Article 13 of the Basel Convention and opportunities to assist in monitoring compliance.

94. Parties should consider making provision for measures designed to enhance national and local capacity, to comply with the Basel Convention requirements. These include such measures as technical and financial assistance, training and supplying necessary equipment. The private sector should be encouraged to assist in enhancing the national capacity to comply. Economic or other incentives should be considered to facilitate effective implementation of the Basel Convention.

95. Co-operation amongst the Secretariats of relevant international Conventions, non-government and government experts, business and industrial association, recycling industries, universities, technical institutes, research centres, NGOs and individuals should be initiated in order to prevent and reduce illegal traffic.

## **2g. Insurance and bonds**

### **Insurance**

96. Article 6(11) of the Basel Convention provides that any transboundary movement of hazardous wastes or other wastes shall be covered by an insurance policy, bond or other guarantee as may be required by the state of import or any state of transit, which is a Party. It does not stipulate the level of or type of insurance that is required. However, it may be assumed that importers and exporters should be reasonably insured against risks that might occur in relation to the hazardous waste concerned.

97. There are many insurance options that competent authorities can consider when determining what might constitute a "reasonable" level of insurance. For example, insured legal liability to third parties covers claims in respect of personal injury or damage to property. It can also cover the cost of removing, nullifying or cleaning up any contamination or pollution, which is caused by a "sudden and accidental" event (insurance policies commonly exclude liability caused by or arising out of contamination or pollution unless caused by a sudden, identifiable, unintended, unexpected and accidental event). Competent authorities could choose to accept this double exclusion or they could require a less restrictive (but more expensive) type of insurance such as environment impairment liability insurance. This may cover any disposal, release, dispersal, discharge or seepage, even if it is not "sudden and accidental".

98. Geographical exclusions and conditions are also common in policies. Competent authorities may wish to consider not accepting such exclusions if the excluded countries include the proposed state of import, export or transit.

99. A common feature of insurance policies however, is that they generally do not cover cases where shipments are deemed illegal. Where an accident occurs as a result of an illegal shipment, it may be difficult to apportion liability and even more difficult to enforce laws that will ensure adequate environmental clean up. In cases where an illegal shipment has resulted from an inadvertent error, financial guarantees or bonds, in addition to insurance, may minimise the exporting country's risk of having to meet the cost of environmental damage.

100. An analysis of the amount required for insurance, bonds or other guarantees in relation to the quantity and quality of hazardous wastes described in the shipping or movement documents could also provide useful for the detection or prevention of illegal traffic.

### **Financial Guarantees and Bonds**

101. Article 8 of the Basel Convention requires States of export to ensure that wastes are taken back, by the exporter, if a transboundary movement cannot be completed in accordance with the terms of the contract. To ensure that exporters are able to do this, competent authorities may require financial guarantees and bonds. The amount of money involved should be calculated so that all likely costs of a forced return and disposal of the wastes are covered. Financial guarantees and bonds may not be required if the competent authority is satisfied that the exporter has sufficient assets to be able to meet these costs.

102. The major benefit of financial guarantees and bonds over insurance is that financial payouts are assured regardless of the legal status of the shipment. In short, they ensure that the risk lies with those responsible for shipping the waste.

103. Multiple financial guarantees or bonds may be required by all States concerned, that is the States of export, import and transit. It is not normally appropriate for one State to rely on another State's financial guarantee because for example, the State of import may wish to call on a financial guarantee in circumstances outside the scope of the financial guarantee held by the State of export.

## **Protocol on liability and compensation for damage resulting from transboundary movements of hazardous wastes and their disposal**

104. The Protocol on liability and compensation adopted by the fifth meeting of the Conference of the Parties in December 1999, although not yet in force, contains important provisions which could nevertheless be taken into consideration as a useful guide by the Parties.

### **PART 3. DETECTION, MONITORING AND INTELLIGENCE**

#### ***3a. Problems relating to transit***

105. The Basel Convention defines "State of transit" as 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. The definition of "transboundary movement" includes movement through an area under the national jurisdiction of another State, including any land, marine area or air space within which a State exercises administrative and regulatory responsibility in accordance with international law in regard to protection of human health and the environment. Article 4.12 states that nothing in the Convention shall affect in any way the sovereignty of States over their territorial sea, and the jurisdiction which States have in their exclusive economic zones, and the exercise by ships and aircraft of all States of navigational rights and freedoms.

106. Put simply, the general principles of maritime law are in one part the sovereignty of States over internal waters (which include ports), in the other part freedom of passage through the territorial sea and the exclusive economic zone. The right of freedom of passage in the territorial sea has been increasingly affected by regulations made by coastal States, particularly for reasons of security and protection of the environment. To a lesser extent, national regulations relating to the exclusive economic zone may be made to protect and preserve the marine environment. This is why, today, ships travelling in the territorial waters of States are subject to numerous regulations.

107. The Convention allows a State to require notification and consent for transits of hazardous wastes which are planned to cross its territorial sea or exclusive economic zone. In practice, however, most Parties are understood to require notification and consent only when a ship enters a port under their jurisdiction. This is because during a visit to a port there is always a risk that wastes may be unloaded, even if this was not planned, and then abandoned. However, some Parties only require notification and consent if it is planned that the wastes be unloaded and then loaded again.

108. Because there is a risk associated with unloading of the wastes, some Parties require notification and consent if the ship enters a roadstead instead of a port. At international law a roadstead is an area of water which is normally used for the loading, unloading and anchoring of ships. The definition of a port would not include a roadstead: in referring to ports Article 11 of the UN Law of the Sea Convention (UNCLOS) does not expressly include roadsteads. Rather, the provision includes "permanent harbour works which form an integral part of the harbour system" but expressly excludes off-shore installations and artificial islands. Article 12 of UNCLOS provides for roadsteads to be considered part of the territorial sea and not part of internal waters.

109. It is recommended that Competent Authorities should follow the notification and consent procedure for all transboundary movements involving entry into a port or roadstead, unless they are aware that the wastes are not proposed to be unloaded and the particular State of transit does not require notification under those circumstances. It is recommended that Parties which require notification and consent for transits through their territorial sea or exclusive economic zone should advise other Parties, through the Secretariat, of their requirements.

110. Similar principles apply to proposed transits through airspace and airports.

111. Written consent from a State of transit is required for each movement that passes through it. International canals and free ports present special problems where a central system of control should be instituted.

### ***3b. Data gathering and information analysis***

112. It is important and necessary that each Party shall designate one or more competent authorities to work together to address illegal traffic and share enforcement information through a confidential network.

113. Data gathering and analysis can take place at many stages, especially where the activity has been observed by intelligence gathering operations as potentially illegal. This may then trigger requests to customs authorities to investigate as the next paragraph suggests.

114. Typically, investigation of alleged illegal traffic is triggered by the detection of suspect material by customs officials in the country of import. Generally such shipments are not accompanied by the relevant documentation or the documentation provided does not correspond to description of the material being transported. Such cases tend to be intentional and are generally more difficult to resolve than unintentional breaches of the Convention involving companies that routinely comply with established regulations.

115. Intelligence about intentions of identified illegal traffic is crucial for preventing, monitoring and detecting illegal activities. Where unintentional breaches are detected, the reasons for non-compliance can be assessed and procedures refined or education programmes targeted to reduce the likelihood of a recurrence. Intentional breaches can point to loopholes in national legislation or procedures that may need amended or may point to wider organised criminal activity that may require further monitoring.

116. Once an illegal shipment is detected, further investigation is necessary to confirm who is responsible for the illegal activities and whether or not prosecution is likely to be successful. Collection of evidence is crucial for successful prosecution, and should be conducted strictly in accordance with established procedures.

117. Proper procedure for evidence collection and witness interviewing are vital if a successful prosecution is to take place under the relevant jurisdiction.

### ***3c. Packaging, labelling, sampling and analysis***

118. The Basel Convention obliges each Party to ensure that all hazardous wastes and other wastes that are to be transported are packed, labelled and transported in conformity with generally accepted and recognised international rules and standards. Accepted international standards have been established under the UN Dangerous Goods Codes and ISO 14000 and all packaging, labelling and transportation procedures should conform to these standards.

119. Improper packaging and labelling may be indicative of illegal traffic, and any shipment that does not conform to the above standards should be investigated.

120. Sampling and analysis is dealt with in Appendix 3.

### ***3d. Basel Convention, national and other legal requirements***

121. All legal requirements (provisions of the Basel Convention, national laws and regulations) should be taken into account when determining whether or not a transboundary shipment of hazardous wastes is illegal.

### ***3e. Liaison with customs authorities***

122. Customs authorities are key players in detecting and intercepting illegal traffic. However, the current Harmonised System Code does not allow for the identification of hazardous wastes and other wastes, making the task of customs authorities even more difficult in the task of identifying illegal traffic.

For this reason, competent authorities, in cooperation with Customs, have begun to develop procedures for aligning Basel Convention wastes with categories in the Harmonised System. Only through close cooperation between customs authorities and national environmental agencies, will customs authorities be able to become effective agents in the battle against illegal traffic in hazardous wastes.

### **3f. Dealing with ambiguity**

123. Ambiguities can be of a legal, technical and/or practical nature and important ones must be resolved before an illegal shipment can be confirmed.

124. Legal ambiguities stem from different interpretations about what is or is not covered by the Convention. These are further complicated by national definitions of hazardous wastes. Consequently, despite clarification and refinement of the Basel lists, a certain level of ambiguity will always remain. Ultimately Parties will need to resolve these matters through existing mechanisms established under the Convention, or through lengthy and costly legal proceedings in the Courts.

125. Technical ambiguities are related to determining the physical properties of a material. These relate to questions of whether a material is considered to be a waste or whether a waste is considered hazardous.

Currently, these ambiguities are resolved by the Basel Convention Technical Working Group which considers applications for placement or removal from the Basel annexes. Open debate within this forum provides the opportunity for Parties to state their case and have their proposal examined by experts in a number of countries.

126. Ambiguities may also arise from disputes over sampling and analytical methods (see Appendix 3, Sampling and analysis).

127. Practical ambiguities relate to problems such as identifying a party or parties responsible for an illegal shipment, the ability of an aggrieved party to recover costs, differences in opinion about concepts such as temporary storage and determining the responsibility of concerned parties in meeting the Basel Convention obligations on the cooperative resolution of illegal traffic.

128. In establishing certainty, it is useful to consult Part 4 of these Guidelines, especially paragraphs 130 to 136.

## **PART 4. MANAGING ALLEGED AND CONFIRMED CASES**

129. There are many challenges that face regulators in their efforts to effectively manage alleged cases of illegal traffic. One of the most difficult amongst them is determining whether the alleged case constitutes illegal traffic. Another key issue is determining who is responsible until illegal traffic has been confirmed. And once liability has been apportioned, the question of how to bring the perpetrator or perpetrators to justice poses further problems that can be extremely difficult to resolve.

130. Given the multiple jurisdictions and different legal systems that are often involved, resolving these challenges can be a complex and lengthy process. In many cases, national legislation is unable to effectively deal with inter-jurisdictional matters, making incidents of illegal traffic extremely difficult, if not impossible, to resolve within the 30-day time period contemplated in Article 9 of the Convention. However, with effective cooperation of all authorities involved, cases of illegal traffic can be successfully resolved with minimal impact on the environment.

### **4a. Determining whether Article 9.1 has been violated**

131. Once suspected illegal shipments are detected, further investigation must be carried out to confirm whether or not it is illegal traffic as defined by Article 9.1 of the Convention. Through intelligence received from various national and international sources, waste shipments may be intercepted for inspection at key control points such as container terminals. In later stages, investigations will be aimed at determining those responsible for undertaking the alleged illegal activities and whether or not prosecutions will be likely to

succeed. As evidence is collected both locally and internationally, cooperation between relevant competent authorities is central to illegal traffic management.

132. Identification of hazardous waste in one country may not necessarily provide a basis for enforcement in another. Even where there is general agreement, Parties' rights under Article 3 of the Convention, to define non-Basel waste as hazardous wastes under national legislation, may make prosecution difficult. This highlights the importance of the Basel Convention's notification and consent procedures and the requirement under Article 3 to inform the Secretariat of any non-Basel hazardous wastes defined under national legislation.

133. There may also be a time lag between the arrival of the wastes in the state of import and notification of the State of export of illegal traffic. Within 30 days from the time the state of export has been informed of the illegal traffic, the State of export or the generator shall take back the waste in question. The States concerned could agree to extend the period of 30 days. If it is impracticable to take back the wastes, the State of export or the generator shall dispose of the waste in accordance with the provisions of the Basel Convention. Nevertheless, Parties' obligations to cooperate to resolve illegal traffic incidents should ensure that the material is returned to the country of origin and dealt with in an environmentally sound manner as soon as possible.

134. The tendency for countries to reject extra-territorial application of national laws in criminal cases makes it difficult for the exporting country to pursue prosecution of illegal traders based solely on allegations of the country of import. The country of export has to have legal authority to require re-importation and the country of import has the right to insist on the duty of the Party of export to take back the illegal waste.

#### ***4b. Determining who was the exporter of the waste***

135. Under the Basel Convention, exporter means any person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported. National legislation reflecting elements of the Convention, could provide that the exporter may be the generator, broker, carrier or other person with responsibility for the waste.

136. Considerable time may be spent determining the person or persons responsible for an illegal shipment. Complications increase with complexity in relationships between companies especially where foreign companies are involved. For example, the use of subsidiary companies, foreign brokers and agents and the sale of wastes to foreign companies prior to physical transfer of the waste can introduce complexities that obscure the identity of the exporter. Additional questions may arise if the exporter is an overseas-based company without a presence or agent in the States of export. In the absence of adequate legislative provisions to ensure legal liability is enforceable, the country of export must accept responsibility for making arrangements for the return of the waste. It is therefore in a party's interest to ensure that all loopholes in its national legislation are eliminated.

#### ***4c. Determining how to return the waste***

137. Although the provisions of the Basel Convention require the Party of export or generator to take back the illegal waste within 30 days from the time of receiving information about the illegal traffic, the past experience showed that complications could occur, such as ownership of the waste.

138. Where there is a dispute between parties as to the legal ownership of the waste, the time taken to resolve the dispute could be lengthy, thus delaying the speedy return of the waste as required by the Basel Convention.

139. The domestic law of some countries requires a successful conviction before steps can be taken to reimport an illegal shipment. In such cases, if the company involved in the illegal shipment does not voluntarily agree to reimport the waste, the time taken to resolve the illegal traffic incident is likely to be lengthy.

140. Once an illegal shipment of hazardous or contaminated waste has been intercepted, the country of import is often responsible for arranging the return of the waste to the country of origin. To facilitate early return of the waste in accordance with the requirements of the Basel Convention, effective cooperation and liaison between the competent authority of the importing state and other relevant states should be a priority.

#### ***4d. Whether the exporter followed the requirements of the Basel Convention***

141. The country of export may take all reasonable steps to ensure that an illegal shipment is reimported and disposed of in accordance with the Convention. Nevertheless, it is possible that the Convention could once again be breached, either fraudulently or unintentionally, in the course of reimportation. In such cases, the reimport of the material would also be considered to be illegal traffic. Once confirmed, steps should be taken to investigate the breach and the perpetrators brought to justice.

#### ***4e. Seizure of the material***

142. If the waste (in particular recyclable material that has economic value) is still legally owned by the exporting or importing company, but this company refuses to comply with requests to return the waste, government authorities may face legal difficulties in seizing or moving wastes that they do not own. Difficulties encountered by governments in seizing or moving waste be addressed through provisions in national law.

#### ***4f. Temporary storage***

143. It is important that the material is safely stored during an illegal traffic investigation. In particular, consideration should be given to protecting human health and the environment, safeguarding the chain of evidence and avoiding any counter-claims by companies relating to damage to their material.

144. Once an alleged illegal shipment of wastes has been identified, sampling and analysis is carried out to determine whether or not the material is hazardous. As the quality of sampling and analysis is central to legal proceedings and, later, whether or not a prosecution is likely to succeed, it is crucial that correct procedures are followed and evidence is not compromised. To ensure that highest quality results are obtained, the considerations in Appendix 3 should be taken into account in investigations of alleged illegal traffic.

#### ***4g. Dealing with abandoned waste***

145. Cases of abandoned illegal shipments of hazardous wastes are increasing. It is therefore important to institute national legal and technical provisions and mechanisms for dealing with each case. For example old ships are being abandoned in the ports of developing countries or are dumped in the territorial waters of developing countries.

#### ***4h. Notification to the SBC and concerned Parties***

146. Article 16,(1)(i) of the Basel Convention gave the Secretariat the mandate to assist Parties upon request in identification of cases of illegal traffic and to circulate immediately to the Parties concerned, any information it has received regarding illegal traffic.

147. Ensuring that all relevant countries are aware of alleged illegal shipments is crucial in preventing illegal traffic. Notification, either by the Secretariat for the Parties, or directly between Parties, encourages governments, companies, NGOs and other stakeholders to work together to develop effective prevention strategies and provides an incentive to quickly and effectively resolve illegal traffic incidents, to the extent that is consistent with legal requirements and enforcement practice.

#### ***4i. Differences in interpretations of the countries involved***

148. On-going negotiation by relevant countries is crucial in resolving cases of illegal traffic where the countries of export and import disagree on the status of the shipment. Where agreement cannot be reached,

despite the genuine effort of both Parties, it might be necessary to resort to the procedure for settlement of disputes described in Article 20 of the Convention. When a compliance mechanism is agreed, this mechanism could serve as a place for disputes to be avoided/solved.

## **PART 5. USE OF ELECTRONIC INFORMATION (Canada's Draft)**

### **Domestic Examples**

149. Opportunities for increasing the automated administration of national legislation are increasing all the time. This includes both the collection of notification information from companies regarding proposed exports, imports and transits, the issuance of permits electronically, and the development of software for the electronic tracking of shipments. Some considerations experience include not only hardware and software capability within the administering agency, but also parallel and compatible electronic systems within industry and among trading partners.

150. Automated administration would likely require a large electronic database of information for example that is drawn from notification and movement documents. Other software uses could include systems that query these databases and can quickly provide information to officers in the field via a secure website which limits access to authorized individuals. These systems allow for direct access to the database, and at the same time, reports can be generated, shared and transmitted electronically. These are all technologies that Parties to the Conventions may have already implemented, or could consider developing.

151. For communication with regulated companies, one possibility is an internet based system of electronic data exchange (EDE). With such a system, it is possible to deposit notifications and movement documents directly into a database using either of the following methods:

- regulates fill out electronic forms over the internet; or
- 
- regulates transfer bulk notification and movement document information from their databases using an e-mail attachment.

152. Given that not all regulates have the same level of technological capacity, an electronic system should also allow interface with traditional paper-based systems.

153. The systems outlined above support the generation and collection of data. The collected data can then be used to monitor regulatees' regulatory compliance. Additionally, the same or similar databases may be used to support intelligence and enforcement activities. Details regarding these activities may be considered to be confidential for security reasons. One possibility is the use of electronic libraries that contain case assessments.

### **International Examples**

154. In the international setting, there are also automated customs, trade and investigative processes that can incorporate electronic information and allow customs and law enforcement officers to track shipments and possession of wastes and to detect illegal shipments or dumping. For example, the World Customs Organisation has a Customs Enforcement Network which has international accessibility restricted to authorized customs enforcement officers.

155. Bar codes and global positioning systems represent other electronic technologies with applicability to transboundary movements of hazardous wastes, particularly during their transportation. Partnerships among regulatory and enforcement authorities, and the affected industry (e.g. transportation) can be

important aspects of the effective operation of such initiatives. These technologies can expedite customs clearance at international borders and also flag shipments which do not comply.

**Appendix 1**

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

**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.
- (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:  
.....
  - (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;
  - (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:

.....

- (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.

**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:

(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.

#### **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:
  - (a) taken back by the exporter or the generator or, if necessary, by itself into the State of export, or, if impracticable,
  - (b) are 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 13**

### **Transmission of Information**

1. 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.

**Article 16**

**Secretariat**

1. The functions of the Secretariat shall be:

.....

- (i) to assist Parties upon request in identification of cases of illegal traffic and to circulate immediately to the Parties concerned, any information it has received regarding illegal traffic.  
Decisions adopted by the Conferences of the Parties to the Waigani Convention

Case studies/examples of successful actions of Parties  
**Three cases from Australia**

**1. FIRST CASE FROM AUSTRALIA CONFIRMED CASES OF ILLEGAL TRAFFIC**

**A. TRANSMITTING AUTHORITY**

**Name:** Environment Australia  
**Address:** GPO Box 787 CANBERRA **Party**  
ACT 2601 Competent Authority   
**Tel:** 61 2 6274 1411 **Focal Point**  
**Fax:** 61 2 6274 1164 **National Authority**  
**E-mail:** hwa@ea.gov.au

**Date of transmission:** \_\_\_\_\_

**B. REPORTING BODY**

**Name:** "As Above"  
**Address:** \_\_\_\_\_ **Party**<sup>1</sup>  
Observer State \_\_\_\_\_  
**Tel:** \_\_\_\_\_ **NGO**  
**Fax:** \_\_\_\_\_ **Company**  
**E-mail:** \_\_\_\_\_ **Individual**

**C. DESCRIPTION OF THE ILLEGAL ACT**

**C.1. Act(s) found to be illegal traffic (please include information on which Basel Convention provisions has (have) been contravened)**

**Description:**

On 13 December 1996, 84,000kgs of used lead acid batteries were exported from Australia destined for recycling/recovery operations in Manila, Philippines. The export contravened Articles 6.1 and 6.3 of the Basel Convention because the requirements for notification and consent were not observed. The export also contravened section 40 of the Australian *Hazardous Waste (Regulation of Exports and Imports) Act 1989*, which prohibits the export of hazardous waste without a permit.

<sup>1</sup> Please specify if different from Transmitting Authority.

**C.2. Name of States affected by the illegal traffic (i.e. country of origin, transit or destination):**

**Country of Origin:** Australia

**Countries of Transit:** Singapore

**Country of Destination:** Philippines

**C.3. Brief description of the waste(s) subject to the illegal act, including modes of transport, place of discovery, environmental conditions of the location:**

**Description of the waste:** Scrap drained/dry whole intact lead batteries (“Rains”).

**Modes of Transport:** The waste was loaded into shipping containers, transported by road, loaded onto a ship at the Port of Burnie, Tasmania, Australia and offloaded at Manila in the Philippines.

**Place of Discovery:** The illegal export was discovered in Australia during a routine check of Australian Customs records.

**Date of discovery of the wastes:** April 1997

**C.4. Date of the infraction:**

Day Month Year

Infraction: 13 / 12 / 96

**D. WASTE IDENTIFICATION**

**D.1. Description of the waste:**

**Name of the Waste:** Waste lead-acid batteries, whole or crushed (Annex VIII entry A1020).

**Origin of the Waste:** Tasmania, Australia.

**Physical form:** Solid.

**Major constituents:** Lead, plastic.

**Typical contaminants:** Not known.

**Volume/Quantity of wastes:** 84,000kgs.

**Waste Code:** Y number(s) Y31 UN Class 6.1

**H number(s)** 6.1,11,12 **UN number**

**IWIC** **OECD** **HS**

**EWC**

**D.2. Sampling and testing:**

No sampling or testing was done on the waste.

**Results:**

**D.3. Other relevant information (e.g. containment appearance, etc.):**

None

**E. DETECTION OF ILLEGAL TRAFFIC, TYPES OF DAMAGES, REMEDIAL ACTIONS AND DISPOSAL**

**E.1. Detection of illegal traffic:**

**By whom:** Environment Australia

**Where:** Australia

**When:** April 1997

**E.2. Damages:**

**Details of type and extent of known damages:**

There were no damages reported from the illegal traffic.

**E.3. Remedial actions:**

**Type of action(s):**

No remedial actions were necessary.

Date:

Cost:

Allocation:

**E.4. Final disposal of wastes subject to illegal traffic (i.e. measures taken, State of disposal, etc.)**

The waste was disposed of by recycling/reclamation of metals and metal compounds in the Importing Party, by Philippine Recyclers Inc at Manila, Philippines.

**F. PUNISHMENT**

**F.1. State of conviction:** Australia

**F.2. Date of conviction:**

Day Month Year

Conviction: 25 / 05 / 1999

### **F.3. Description of punishment by the authority in the State of conviction:**

The exporting company pleaded guilty to negligently contravening Section 40(1) of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* by exporting a hazardous waste without an export permit. An executive officer of the company pleaded guilty to contravening Section 40B(1) of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* by being negligent as to whether the contravention of section 40(1) would occur, being in a position to influence the conduct of the company and failing to take all reasonable steps to prevent the contravention. The exporting company was convicted and fined AUD2,000. The executive officer was convicted and fined AUD500.

As this matter was the first prosecution under the amendments to the Act, which entered into force on 12 December 1996, the Magistrate made a number of general remarks in relation to the offences prior to passing sentence. Of particular note were his comments that this was not a matter where there had been a deliberate plot to export the battery waste or a conscious decision not to apply for a permit. Rather, the commission of this offence was the unintentional consequence of a series of events which had been occurring over a number of months. The Magistrate noted that the plea of guilty was in respect of a negligent export of lead battery waste without a permit, rather than a deliberate act.

## **2. SECOND CASE FROM AUSTRALIA**

On 1 September 1997, a shipment of approximately 60 tonnes of waste, mainly computer scrap, was exported from Sydney, Australia, bound for Hong Kong. On 22 September 1997, the Hong Kong authorities, after being notified by Greenpeace Australia of the hazardous nature of the goods, refused to allow the scrap entry. The containers were subsequently returned to Sydney, together with another two containers, also consigned to Hong Kong, that were removed from another vessel before it left Brisbane, Australia, on 1 October 1997.

The shipments contravened Articles 6.1 and 6.3 of the Basel Convention because the requirements for notification and consent were not observed. The export also contravened section 40 of the Australian Hazardous Waste (Regulation of Exports and Imports) Act 1989 ('Act'), which prohibits the export of hazardous waste without a permit. The suspected contravention of the Act was the subject of a joint investigation by the Australian Federal Police (AFP) and the Department of the Environment and Heritage.

The investigation found that the computer scrap had been collected by an Australian company concerned with the collection and re-sale of most kinds of metal and electrical scrap. In August 1997, the Australian company sold the scrap to a foreign company for AUD26,693. The Australian company then stuffed the containers and transported them to the docks. During the process of stuffing the containers, Greenpeace Australia became aware of the possible hazardous nature of the goods.

The problem during the investigation centred upon which company was responsible for the illegal export of the goods. The investigation found that the terms of the contract between the Australian company and the foreign company were Free on Board (FOB) and under commercial law this in effect made the foreign company the owner and exporter of the waste. However, there was no basis for criminal proceedings against the foreign company because an offence against section 40 of the Act can only be committed by a person who acts knowingly or recklessly. It could not be shown that anyone associated with the foreign company knew or ought to have known that the containers contained hazardous waste.

It could be argued that the Australian company was the exporter of the scrap for the purposes of section 40, having sold the scrap and packed it into the containers knowing that it was to be shipped to Hong Kong. Nevertheless, the investigation found that the prospects for a successful prosecution were not good, partly because the only individual who clearly knew precisely what was in the containers had died during the investigation, and partly because it was uncertain whether a company could be an exporter for the purpose of section 40 unless it was also the exporter for the purpose of commercial law. The Australian company was wound up while the investigation proceeded.

The Act is currently being amended to close this loophole by making it illegal for Australian companies to sell hazardous waste to foreign companies unless an export permit is in place.

The hazardous waste was disposed of in Australia, under Australian law, at the expense of the Australian Federal Government and at a total cost of AUD94,426. There are provisions in the Act under which the Government may seek to recover these costs from the foreign company.

### **3. THIRD CASE FROM AUSTRALIA**

An alleged import of waste oil from a South Pacific island country was detected in October 1999 when the oil was transported from an Australian port to a storage facility without the waste transport certificates that were required by the local environment agency.

Investigations by the Australian Federal Police confirmed that 20,000 litres of waste oil had been imported on 12 October 1999 in an isotainer that was owned/leased by an Australian oil company. The oil was owned by a mining company based in the South Pacific island country. This company was unable to dispose of the oil in their previous manner, through a local liquid soap manufacturer, because that manufacturer had closed due to civil unrest.

Enquiries subsequently found that a previous import of 16,800 litres of waste oil had occurred on 17 June 1999. This oil had been treated by a local recycling facility before disposal to a power generating plant.

The Director of Public Prosecutions determined that a *prima facie* case existed against the Australian oil company but prosecution would not be in the public interest after considering that:

- (a) the imports were designed to ensure the disposal of the waste oil in a more environmentally friendly manner in the light of the civil unrest in the South Pacific island country at the time;
- (b) no waste oil was spilled or caused any damage as a result of the import; and
- (c) the two imports were isolated incidents occurring four months apart and were not part of a continuing course of conduct.

A letter of caution was formally issued to the Australian oil company.



## Case from the United Kingdom of Great Britain and Northern Ireland

‡ Please specify if different from Transmitting Authority.

### (Form for) CONFIRMED CASES OF ILLEGAL TRAFFIC

#### A. TRANSMITTING AUTHORITY

Name: Department for Environment, Food and Rural Affairs  
Address: Waste Policy Division,  
Ashdown House  
123 Victoria Street  
London, SW1 6DE

Tel: + 44 (0) 20 7944 6424  
Fax: + 44 (0) 20 7944 6409  
E-mail: waste\_policy@defra.gsi.gov.uk

Date of transmission: 3 September 2001

#### B. REPORTING BODY

Name: As above  
Address:

Tel:  
Fax:  
E-mail:

#### C. DESCRIPTION OF THE ILLEGAL ACT

##### C.1. Act(s) found to be illegal traffic (please include information on which Basel Convention provisions has (have) been contravened)

Description:

Shipment of hazardous waste from Sweden to the UK without notification to the relevant Competent Authorities. This contravened Article 9(1)(a) of the Basel Convention and Article 26(1)(a) of Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community.

##### C.2. Name of States affected by the illegal traffic (i.e. country of origin, transit or



Please specify if different from Transmitting Authority.

**(Form for)**  
**CONFIRMED CASES OF ILLEGAL TRAFFIC**

**A. TRANSMITTING AUTHORITY**

Name: Department for Environment, Food and Rural Affairs  
Address: Waste Policy Division,  
Ashdown House  
123 Victoria Street  
London, SW1 6DE

Tel: + 44 (0) 20 7944 6424  
Fax: + 44 (0) 20 7944 6409  
E-mail: waste\_policy@defra.gsi.gov.uk

Date of transmission: 3 September 2001

**B. REPORTING BODY**

Name: As above  
Address:

Tel:  
Fax:  
E-mail:

**C. DESCRIPTION OF THE ILLEGAL ACT**

**C.1. Act(s) found to be illegal traffic (please include information on which Basel Convention provisions has (have) been contravened)**

Description:

Shipment of hazardous waste from Sweden to the UK without notification to the relevant Competent Authorities. This contravened Article 9(1)(a) of the Basel Convention and Article 26(1)(a) of Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community.

**C.2. Name of States affected by the illegal traffic (i.e. country of origin, transit or destination):**

Sweden (country of origin) and the United Kingdom (country of destination)

**C.3. Brief description of the waste(s) subject to the illegal act, including modes of transport, place of discovery, environmental conditions of the location:**

Waste rags, gloves, overalls and liquid solvents, including acetone. The waste arrived in 45 gallon drums at a solvent recovery facility in Morecambe, Lancashire. An employee at the site contacted the Environment Agency as the load was not accompanied by all the necessary paperwork. The waste was inspected by Agency

## **D.2. Sampling and testing:**

On 13 December 1999 seven samples of liquid solvent waste were submitted by the Environment Agency to Lancashire County Council Laboratory for analysis. These samples were obtained by Environment Agency officers on 10 December 1999.

### **Results:**

The samples were found to contain concentrations of acetone varying from 4.1% to 67%. Flash point analysis carried out on the waste sampled varied from -10 degrees centigrade to 55 degrees centigrade.

## **D.3. Other relevant information (e.g. containment appearance, etc.):**

The waste was poorly packaged in 45 gallon drums some of which had missing lids and sealing bungs. The waste gave off strong solvent odours and was a potentially explosive cocktail of substances.

Only a small amount of the total quantity of waste would have been suitable for solvent recovery, whilst the majority of the waste would have required final disposal.

## **E. DETECTION OF ILLEGAL TRAFFIC, TYPES OF DAMAGES, REMEDIAL ACTIONS AND DISPOSAL**

### **E.1. Detection of illegal traffic:**

By whom: Employee of the solvent recovery site at Morecambe, Lancashire, UK.

Where: Solvent recovery site, Morecambe, Lancashire, UK.

When: 1 December 1999

### **E.2. Damages:**

Details of type and extent of known damages: None

### **E.3. Remedial actions:**

Type of action(s):

Date:

Cost:

Allocation:

### **E.4. Final disposal of wastes subject to illegal traffic (i.e. measures taken, State of disposal, etc.)**

The Environment Agency arranged for the waste to be shipped back to Sweden at Stirling Lloyd's cost. TFS notification no. GB 004528





**F. PUNISHMENT**

**F.1. State of conviction:**

United Kingdom

**F.2. Date of conviction:**

Conviction: 17 November 2000

**F.3. Description of punishment by the authority in the State of conviction:**

Stirling Lloyd Contracts Limited were fined £1500 for the illegal shipment and were ordered to pay £4594.80 costs to the Environment Agency.

If more space required, please use additional sheet(s)

*Authority completing the Form shall forward a copy to all Competent Authorities or Focal Points in the State(s) concerned as appropriate.*

Adopted by the fourth meeting of the  
Conference of the Parties to the Basel Convention  
February 1998

**Appendix 3**  
**Sampling and analysis**

***A. Quality of Investigations***

1. It is important that investigation officers are familiar with sampling and analysis procedures before proceeding with investigations. Improper collection of evidence may compromise the likelihood of a successful prosecution. Consequently, investigation officers should be trained in determining the chain of custody, retaining samples and security procedures that the sampling team and laboratory intend to follow.

2. Experienced government agencies that regularly deal with environmental crime will have the relevant background and expertise to carry out investigations to a high standard. However, if a less experienced local officer, the person in charge of the investigation, is taking samples will need to ensure that appropriate chains of custody procedures are followed.

***B. Quality of Analysis***

3. Similarly, it cannot be assumed that laboratories will necessarily follow appropriate procedures once samples have been taken. This is especially true for laboratories or personnel that are relatively inexperienced in collecting and analysing samples for use in criminal proceedings. Consequently, it is important to work with accredited or certified laboratories that are familiar with the relevant procedures.

***C. Sampling Procedures***

4. A number of questions may be asked to ensure proper handling of samples, as follows:

(a) Does the chain of custody form follow the samples from the time they are taken until the time they are delivered to the laboratory for analysis?

(b) If sampling exceeds one day or samples require storage prior to delivery to the laboratory, investigators should determine what the samples are intended to be used for and what security procedures are in place to protect existing samples. Procedures should ensure secure overnight storage for all samples which are to be used as evidence in criminal cases. For example if the samples are to be stored in a locked vehicle, then the vehicle should be garaged in secure conditions. Where samples are being taken to determine clean-up costs for civil cases, secured storage is not required. They should also determine whether there are any other storage or packaging requirements relevant to the material being sampled and check how the samples will be packaged. For example the samples may need to be stored at a certain temperature, in a dark place and/or away from moisture until analysis is carried out to ensure their integrity. Ensure that all packaging and storage requirements are met.

(c) Is a chain of custody procedure or other record generated when the laboratory receives the samples?

(d) How does the laboratory store the samples prior to analysis?

(e) Will the samples be handled by multiple personnel during the course of analysis? If so, what records are maintained to track samples and procedures?

(f) What happens to the samples after analysis? Does the laboratory retain the samples? If so, how long are the samples retained and are the samples secure?

***D. Capability of Laboratory***

(a) Are approved testing methods used to analyse samples and are the correct methods used for the specific circumstance?

(b) Are appropriate quality assurance/quality control procedures strictly applied?

(c) Does the laboratory have a track record in providing high quality services for criminal investigation? The experience and reputation of the laboratory undertaking the analysis will have a direct bearing on the quality of the analysis. Certification or accreditation should be a minimum requirement for all cases involving criminal investigations. To this end, consideration should be given to establishing a regional network of accredited laboratories that can be used for this purpose.

(d) Does the laboratory understand the objectives of the investigation?

***E. Capability of Inspectors***

6. A number of questions may be asked to ensure laboratory capability, as follows:

(a) Does the investigator understand the correct analytical procedures to be followed and what information is required? As with sampling, it is important to furnish scientific personnel with as much relevant case history as possible prior to analysis to maximise the accuracy of the results.

(b) Can the investigator accurately interpret the results? If not, has he/she clarified any areas of confusion? It is important to obtain early clarification of results in areas where there may be confusion or a lack of understanding.

(c) Has the investigators asked the laboratory to retain the samples for the requisite period of time?

***F. Treatment of video and photographic evidence***

7. As a general rule, photographic or videotaped evidence is not recommended for recording sampling or analysis procedures. However, should photographic or videotaped evidence be required, the following measures should be taken:

(a) personnel undertaking sampling or analysis should not be videotaped or photographed.

(b) the sample area and sample jars should be videotaped or photographed before and after sampling takes place as a record that correct procedures have been followed.

(c) where a videotaped record of sampling and analysis procedures is undertaken, a new video cassette should be used, the sound turned off and the original tape retained by the investigator in charge.

(d) where a photographic record of sampling and analysis procedures is undertaken, a full record of the photographic evidence should be kept including photo sequence numbers, a description of the photograph and the time and date of photography. As with videotaped evidence, films should be retained by the investigator in charge.

(e) should the company under investigation request the right to videotape or photograph sampling procedures, permission should not be granted where there is a risk of interference with the sampling being undertaken.

***G. Treatment of original documents***

8. The sampling team and other technical staff involved in investigations should be informed that all original documents must be stored in a secure location until the investigator notified them that the documents are no longer required. These documents include chain of custody forms, field notes and reports.

9. Likewise, the laboratory responsible for analysing the samples should be requested to maintain all original documents relating to the analysis until otherwise informed. These documents include laboratory notes, chromatograms and final reports.

***H. Treatment in the Laboratory***

10. Treatment in the laboratory includes the following operations:

(a) Sample pre-treatment: homogenisation, subsampling, extraction, clean-up, purification, irradiation, etc.

(b) Component separation, chemical and physico-chemicals.

(c) Components measure: detection, identification, quantification.

***I. Results and Data***

11. Reliability of analytical data means that it is precise and true. Precision is achieved when random errors are minimised. Accuracy is reached when systematic errors are eliminated.

Note: At some later date Appendix 3 might benefit from some worked examples. Such examples could be added after the guidance elements have been adopted and used in practice.

**Appendix 4**  
**Guidelines for Risk Management Approach**

***Step 1: Establish the context***

1. The political, social, economic, legal and physical environments in which the competent authority operates must be considered in establishing the context. The following questions may be asked:

- What legislation is being enforced?
- What does the legislation seek to control?
- What, broadly, is the nature, size and complexity of the business or community activity concerned?
- What are the major threats of non-compliance?
- What are the major outcomes expected/desired?
- Who has an interest in ensuring compliance with the legislation?
- Who must comply with the legislation?
- What is their interest in the matters the legislation is protecting?
- What must individuals or organizations external to the competent authority do, in order to comply with the legislation?
- What problems or obstacles have been identified?

***Step 2: Identify the risks***

2. For the purposes of compliance and enforcement, risk means the risks, or incidents, of failure to comply with the legislation. This step is concerned with identifying the potential or actual incident. The consequences and likely occurrence of these non-compliance risks or incidents will be analysed in step 3. The following questions may be asked:

- What is the source of each non-compliance risk or incident?
- When is an incident of failure to comply with the Convention likely to occur?
- What is the compliance rate at present for similar activities?
- Are there any geographical regions in which breaches of the Convention are particularly prevalent?
- Why might an individual or organization not comply with the Convention?
  - ignorance of existence of the Convention
  - knowledge of the Convention but insufficient awareness of provisions
  - wilful non-compliance
  - lack of clarity of Convention/processes/regulations
  - ignorance/inadvertence/recklessness/negligence
- What advantages might be gained by failing to comply with the Convention?
- What is the nature of penalties vis-à-vis potential advantages from non-compliance?
- Are individuals or organizations aware of their responsibilities under the Convention?
- Have any individual, or classes, of people or organizations displayed a particular tendency not to comply with the Convention in the past?
- What problems might arise from excessive or inadequate enforcement activity?

### *Step 3: Analyse the risks*

3. In this step the level of risk will be determined. The level of risk is determined by the relationship between the likelihood that a person or organization will fail to comply with the Convention and the consequences of that failure. The consequence of a failure to comply should be considered from three perspectives:

- the consequences for the environment,
- consequences for the community, present and future, and
- consequences for the Government

4. The level of risk may be determined by answering the following questions:

- What is the potential likelihood of the non-compliance risks or incidents occurring?
- What is the compliance rate at present for similar activities?
- Are there any geographical regions in which breaches of the legislation are particularly likely to occur?
- What advantages might be gained by failing to comply with the legislation?
- What is the nature of penalties vis-à-vis potential advantages from non-compliance
- Are individuals or organizations aware of their responsibilities under the legislation?
- Have any individual, or classes, of people or organizations displayed a particular tendency not to comply with the legislation in the past?
- What are the potential consequences of each non-compliance risk or incident, should it occur?
- What environmental damage may result from the failure to comply with the legislation?
- Are there any classes of illegal activities that are likely to damage the environment more than others?
- Are there any geographic regions where damage as a result of failure to comply with the legislation may be particularly severe?
- Are there any protected elements of the environment (e.g. particular species, objects and/or places, or cultural values) which are particularly vulnerable to illegal actions (or failures to act)?
- Are there any matters covered by the legislation that have a high public profile in which there is a high degree of community or political interest?
- What are the current controls which may detect or prevent potential non-compliance risks or incidents?

***Step 4: Assess risk and set priorities***

5. This steps involves deciding whether a given risk (assessed in Step 3 as severe, high, etc.) is acceptable or unacceptable. An assessment of the acceptability of the risk involves, takes into account cost impact, benefits and opportunities presented by the risk. Thresholds may be appropriate in some cases, to determine how much effort is warranted in relation to each area of level of risk.

6. In order to set priorities and assess the risk, the following key questions should be answered:

- What is the acceptable level of risk (for the environment, for the community and for the Government)?
- Are there any matters covered by the legislation that have a high public profile or in which there is a high degree of community or political interest?
- What level or priority is the risk (severe, high, etc.)?

***Step 5: Treat the risks***

7. This step involved deciding what measures need to be taken to minimise identified risks and their impacts. Promoting compliance with legislation will reduce the risks and incidents; certain measures may be necessary to promote compliance. The information identified in the previous steps will help identify which strategies are the most appropriate under a given set of circumstances.

- What are the current controls which may detect or prevent potential non-compliance risks or incidents?
- How may these be improved?
- What other strategies may promote compliance and enforcement activities?

8. Possible strategies include:

- Compliance assistance
- Education and awareness
- Technical assistance
- Partnership arrangements
- Monitoring and investigation
- Addressing contraventions
- Enforcement options
- Remedial actions
- Managing key partnerships
- Ensuring other agencies can be relied upon for some of the compliance and enforcement functions.

***Monitoring and review***

9. Periodic review is necessary to ensure changing circumstances do not alter risk priorities.

Note: At some later date Appendix 4 might benefit from some worked examples. Such examples could be added after the guidance elements have been adopted and used in practice.

Please specify if different from Transmitting Authority.

**(Form for)**  
**CONFIRMED CASES OF ILLEGAL TRAFFIC**

**A. TRANSMITTING AUTHORITY**

Name: Department for Environment, Food and Rural Affairs  
Address: Waste Policy Division,  
Ashdown House  
123 Victoria Street  
London, SW1 6DE

Tel: + 44 (0) 20 7944 6424  
Fax: + 44 (0) 20 7944 6409  
E-mail: waste\_policy@defra.gsi.gov.uk

Date of transmission: 3 September 2001

**B. REPORTING BODY**

Name: As above  
Address:

Tel:  
Fax:  
E-mail:

**C. DESCRIPTION OF THE ILLEGAL ACT**

**C.1. Act(s) found to be illegal traffic (please include information on which Basel Convention provisions has (have) been contravened)**

Description:

Shipment of hazardous waste from Sweden to the UK without notification to the relevant Competent Authorities. This contravened Article 9(1)(a) of the Basel Convention and Article 26(1)(a) of Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community.

**C.2. Name of States affected by the illegal traffic (i.e. country of origin, transit or**



**PERMISSION FOR EXPORT:**

**HAS PERMISSION FOR EXPORT BEEN GRANTED BY THE EXPORTING PARTY WITHOUT:**

*WRITTEN CONSENT OF THE IMPORTING PARTY:* YES  NO

*WRITTEN CONSENT OF EVERY TRANSIT PARTY:* YES  NO

*WRITTEN CONSENT OF EVERY NON-PARTY OF CONSENT:*  
YES  NO

*WRITTEN CONFIRMATION FROM THE IMPORTING PARTY OF THE EXISTENCE OF A CONTRACT BETWEEN THE EXPORTER AND THE DISPOSER SPECIFYING THE ENVIRONMENTALLY SOUND MANAGEMENT OF THE WASTES IN QUESTION:*  
YES  NO

*WRITTEN CONFIRMATION FROM THE THE EXPORTER OF THE EXISTENCE OF ADEQUATE INSURANCE, BOND, INSURANCE OR OTHER GUARANTEE SATISFACTORY TO THE EXPORTING PARTY:* YES  NO

**INFORMATION RELATED TO THE HAZARDOUS WASTES:**

*GENERAL DESCRIPTION OF THE WASTE:*

*QUANTITY:*

*PLACE AND DATE OF DISCOVERY:*

*MEANS OF TRANSPORT:*

*SAMPLES TAKEN:* YES  NO

*SAMPLES ANALYZED:* YES  NO

*RESULT:*

*OTHER TECHNICAL INFORMATION AVAILABLE?:* YES  NO

{ IF YES, PLEASE FILL THE ANNEX }

**ACTORS INVOLVED IN THE ILLEGAL TRAFFIC**

(e.g. Exporter, Importer, Carrier, Generator, Disposer):

**EXPORTING COUNTRY:                      TRANSIT COUNTRY(IES):                      IMPORTING COUNTRY:**

**COMPANY(IES):**

ADDRESS:

ADDRESS:

ADDRESS:

**COMPANY(IES):**

ADDRESS:

ADDRESS:

ADDRESS:

TEL:

TEL:

TEL:

FAX:

FAX:

FAX:

**PERSON:**

ADDRESS:

ADDRESS:

ADDRESS:

TEL:

TEL:

TEL:

FAX:

FAX:

FAX:

**PART B:**

**INFORMATION RELATED TO EXPORT/IMPORT/TRANSIT**

**EXPORTING COUNTRY:**

**WAS ILLEGAL TRAFFIC DETECTED BY THE EXPORTING COUNTRY?:**

YES  NO

***BEFORE LEAVING ITS NATIONAL TERRITORY:***

YES  NO

REMEDIAL ACTIONS UNDERTAKEN:

YES  NO

***AFTER LEAVING ITS NATIONAL TERRITORY:***

YES  NO

HAS THE EXPORTING STATE INFORMED:

EXPECTED IMPORTING COUNTRY:

YES  NO

EXPECTED TRANSIT COUNTRY:

YES  NO

INTERPOL:

YES  NO

OTHER REGIONAL CONVENTION OR COMMISSION:

YES  NO

WHICH:

**WAS ANY REMEDIAL ACTION UNDERTAKEN BY EXPORTING COUNTRY?:**

YES  NO

***WERE THE WASTES TAKEN BACK?:***

YES  NO

IF NO, WHY?:

BY THE GENERATOR  BY THE EXPORTER  BY THE EXPORTING STATE

DATE OF RE-IMPORT:

MEANS OF RE-IMPORT:

***WERE THE WASTES DISPOSED OF IN ACCORDANCE WITH WAIGANI CONVENTIONS?:***

YES  NO

DESCRIPTION OF WAYS AND MEANS:

***OTHER REMEDIAL ACTION(S):***

YES  NO

IF YES, SPECIFY:

**IMPORTING COUNTRY:**

**IN THE CASE THAT ILLEGAL TRAFFIC IS A RESULT OF CONDUCT ON THE PART OF THE EXPORTER OR GENERATOR:**

***HAS IMPORTING COUNTRY BEEN INFORMED OF THE ILLEGAL TRAFFIC?***

BEFORE ARRIVAL?: BY EXPORTING COUNTRY: YES  NO

BY TRANSIT COUNTRY: YES  NO

AFTER ARRIVAL ? : BY EXPORTING COUNTRY: YES  NO

BY TRANSIT COUNTRY: YES  NO

***HAS THE EXPORTING COUNTRY BEEN INFORMED OF THE ILLEGAL TRAFFIC BY THE IMPORTING COUNTRY?:***

YES  NO

***HAS THE EXPORTING COUNTRY REPLIED?:***

YES  NO

***HAS EXPORTING COUNTRY IDENTIFIED THE EXPORTED OR GENERATOR?:***

YES  NO

***HAS THE RE-IMPORT TO EXPORTING COUNTRY ALREADY BEEN MADE?:***

YES  NO

***HAS THE REQUEST TO RE-IMPORT TAKEN PLACE?:***

YES  NO

IF NOT, WHY?:

***HAS ANY OTHER REMEDIAL ACTION BEEN TAKEN BY THE EXPORTING COUNTRY?:***

YES  NO

IF YES, SPECIFY:

***HAS INTERPOL BEEN INFORMED OF THE ILLEGAL TRAFFIC?:***

YES  NO

**IN THE CASE THAT ILLEGAL TRAFFIC IS A RESULT OF CONDUCT ON THE PART OF THE IMPORTER OR DISPOSER:**

***HAS REMEDIAL ACTION BEEN TAKEN BY THE IMPORTING COUNTRY?:***

YES  NO

IF YES, SPECIFY:

**WERE THE WASTES DISPOSED OF IN ACCORDANCE WITH THE WAIGANI CONVENTION?:**

YES  NO

DESCRIPTION OF WAYS AND MEANS:

**TRANSIT COUNTRY:**

**ILLEGAL TRAFFIC DETECTED BY THE TRANSIT COUNTRY:** YES  NO

*BEFORE THE WASTES LEFT ITS NATIONAL TERRITORY?:* YES  NO

*REMEDIAL ACTION UNDERTAKEN:*  
*HAS TRANSIT COUNTRY INFORMED:* YES  NO

THE EXPORTING COUNTRY: YES  NO

INTERPOL: YES  NO

OTHER REGIONAL CONVENTION OR COMMISSION: YES  NO

WHICH:

**AFTER THE WASTES LEFT ITS NATIONAL TERRITORY?:**

*HAS THE TRANSIT COUNTRY INFORMED:*

THE EXPECTED IMPORTING COUNTRY: YES  NO

OTHER EXPECTED TRANSIT COUNTRY: YES  NO

INTERPOL: YES  NO

OTHER REGIONAL CONVENTION OR COMMISSION: YES  NO

WHICH:

**PUNISHMENT**

**IS THE ILLEGAL TRAFFIC CONSIDERED A CRIMINAL ACT BY THE NATIONAL LEGISLATION OF?:**

EXPORTING COUNTRY:	IMPORTING COUNTRY:	TRANSIT COUNTRY:
YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO: <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>

**PUNISHMENT IMPOSED BY:**

EXPORTING COUNTRY  IMPORTING COUNTRY  TRANSIT COUNTRY

**IDENTIFICATION OF THE PERSON(S) PUNISHED:**

**PUNISHMENT ALREADY EXECUTED:** YES  NO:

**TYPE OF PUNISHMENT:**

**COMMUNICATION OF PUNISHMENT TO THE:**

EXPORTING COUNTRY  IMPORTING COUNTRY  TRANSIT COUNTRY

## Annex

### 1. PLACE AND DATE OF DISCOVERY:

HYDROGEOLOGICAL CONDITIONS:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
HUMAN SETTLEMENT AREAS:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
INDUSTRIAL ZONES:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
COASTAL AREAS:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
FORESTS:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
AGRICULTURE AREAS:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
RIVERSIDES:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
OTHER (PLEASE SPECIFY):	YES <input type="checkbox"/>	NO <input type="checkbox"/>

### 2. GENERAL DESCRIPTION OF THE WASTES:

<b>COMPOSITION:</b>	PURE:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	MIXED:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	SOLID:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	LIQUID:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	ORGANIC:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	INORGANIC:	YES <input type="checkbox"/>	NO <input type="checkbox"/>

### ***PHYSICO-CHEMICAL PROPERTIES/CHARACTERISTICS: CLASSIFICATION IN WAIGANI CONVENTION:***

EXPLOSIVE:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
FLAMMABLE LIQUIDS:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
FLAMMABLE SOLIDS:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
SUBSTANCES OR WASTES LIABLE TO SPONTANEOUS COMBUSTION	YES <input type="checkbox"/>	NO <input type="checkbox"/>
SUBSTANCES OR WASTES WHICH, IN CONTACT WITH WATER, EMIT FLAMMABLE GASES	YES <input type="checkbox"/>	NO <input type="checkbox"/>
OXIDIZING	YES <input type="checkbox"/>	NO <input type="checkbox"/>
ORGANIC PEROXIDES	YES <input type="checkbox"/>	NO <input type="checkbox"/>
POISONOUS (ACUTE)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
INFECTIOUS SUBSTANCES	YES <input type="checkbox"/>	NO <input type="checkbox"/>
CORROSIVES	YES <input type="checkbox"/>	NO <input type="checkbox"/>
LIBERATION OF TOXIC GASES IN CONTACT WITH AIR OR WATER	YES <input type="checkbox"/>	NO <input type="checkbox"/>
TOXIC (DELAYED OR CHRONIC)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
ECOTOXIC	YES <input type="checkbox"/>	NO <input type="checkbox"/>
ORGANIC PEROXIDES:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
POISONOUS:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
INFECTIOUS SUBSTANCES:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
CORROSIVE:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
TOXIC:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
ECOTOXIC:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
CAPABLE, BY ANY MEANS, AFTER DISPOSAL, OR YIELDING ANOTHER MATERIAL,	YES <input type="checkbox"/>	NO <input type="checkbox"/>

**3. MODES OF TRANSPORT:**

PACKAGING: YES  NO

IF YES, PLEASE SPECIFY:

LABELLING: YES  NO

**4. TESTING**

SAMPLES TAKEN:

SAMPLES ANALYZED:

RESULTS:

**5. CONTAINMENT APPEARANCE:**

LEAKAGES OBSERVED: YES  NO

EMISSIONS DETECTED: YES  NO

ODOURS DETECTED: YES  NO

OTHER: YES  NO

DETAILS OF OBSERVATION MADE:

MEASURES TAKEN: YES  NO

IF NO, EXPLAIN WHY:

**6. OCCURRENCE OF DAMAGES TO:**

POPULATION: YES  NO

PROPERTIES: YES  NO

ENVIRONMENTAL MEDIAS: YES  NO

IF KNOWN, PLEASE QUALIFY MEDIA

# SECRETARIAT OF THE WAIGANI CONVENTION

**DRAFT**

**INSTRUCTION MANUAL**

**CONTROL SYSTEM FOR TRANSBOUNDARY MOVEMENTS  
OF HAZARDOUS WASTES**

# TABLE OF CONTENTS

## PART I: THE CONTROL PROCEDURE

- 1. Introduction**
- 2. Wastes controlled under the Waigani Convention**
  - 2.1 What is waste?*
  - 2.2 Which wastes are covered by the Convention?*
- 3. Restrictions on transboundary movements of hazardous and other wastes**
- 4. Description of the control procedure**
  - 4.1 Responsibility to notify*
  - 4.2 Documentation and general notification*
  - 4.3 Contracts*
  - 4.4 Financial guarantees*
  - 4.5 International transport rules and regulations*
  - 4.6 Environmentally sound management of hazardous wastes and other wastes*
- 5. Detailed description of the control procedure**
  - 5.1 Main stages of the control procedure*
  - 5.2 Check list for the exporter*
  - 5.3 Check list for the disposer*
  - 5.4 Check list for the competent authority of the State of export*
  - 5.5 Check list for the competent authority of the State of import*
  - 5.6 Check list for the competent authority of the State of transit*
- 6. Other issues of importance**
  - 6.1 Transit through a State not party to the Waigani Convention*
  - 6.2 Movements destined for disposal operations D13-D15 and R12-R13*
  - 6.3 Cases when the notification is to be sent to the Secretariat of the Waigani Convention*
  - 6.4 Dealing with interpretation differences and the mutatis mutandis principle*
- 7. Movements that cannot be completed as intended and illegal traffic**
  - 7.1 Movements that cannot be completed as intended*
  - 7.2 Illegal traffic*

## **PART II: THE NOTIFICATION AND MOVEMENT DOCUMENT**

### **Notification**

#### **Instructions for completing the notification**

### **Movement document**

#### **Instructions for completing the movement document**

## **APPENDIXES**

### *1 Glossary*

### *2. Annex I: Categories of Wastes Which are Hazardous Wastes*

### *3. Annex II: List of Hazard Characteristics*

### *4. Annex V: Disposal Operations*

### *5. Reasons why materials are intended for disposal*

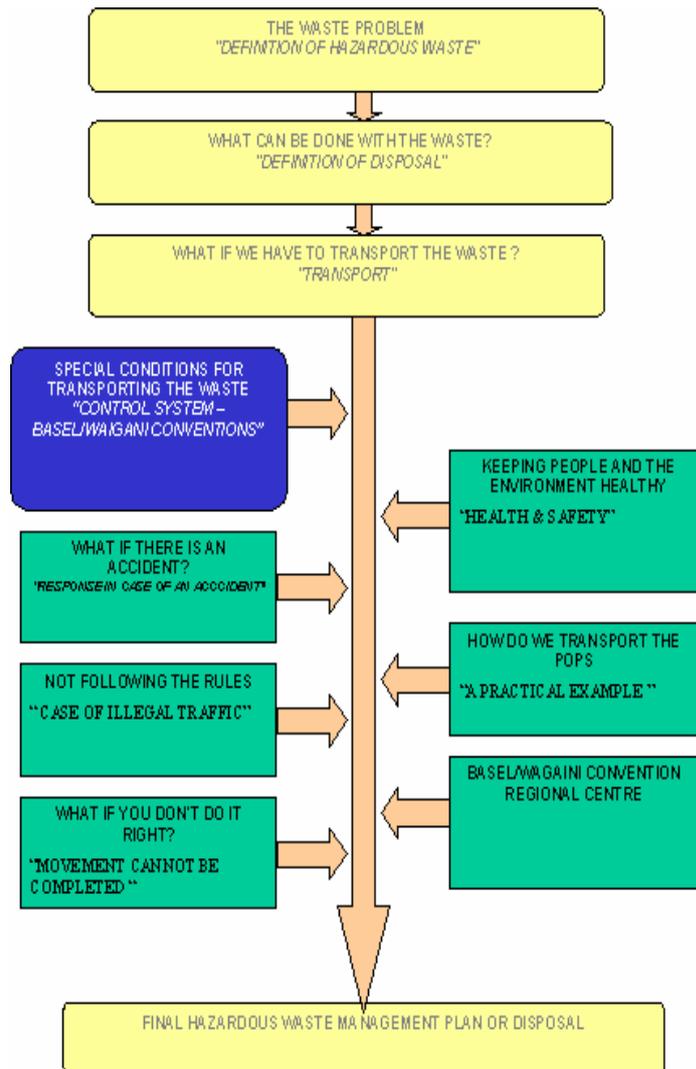
### *6. Structure of Permit*

### *7. Basic elements to be included in the contract between the exporter and the disposer*

### *8. Waigani Competent Authorities and focal points*

### *9. Distinction wastes from Non-Wastes under Australia's Hazardous Waste Act*

### *10. Shipment of hazardous wastes: Case Study, Samoa*



## PART I

### DESCRIPTION OF THE CONTROL PROCEDURE

#### 1. Introduction

**Name of the Convention:** The Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani Convention).

**Date and place of adoption:** *16 September 1995, Waigani Papua New Guinea*

**Date of entry into force:** *21 October 2001*

**Secretariat:** *The South Pacific Regional Environmental Programme (SPREP)*

**Depository:** *The Secretary General for the Pacific Islands Forum Secretariat (PIFS)*

Party	Signed		Ratified		In Force	
	Month	Year	Month	Year	Month	Year
Australia	16 September	1995	17 August	1998	21 October	2001
Cook Islands	17 September	1995	30 October	2000	21 October	2001
Fed St of Micronesia	17 September	1995	26 January	1996	21 October	2001
Fiji	16 September	1995	18 April	1996	21 October	2001
Kiribati	16 September	1995	28 June	2001	21 October	2001
Marshall Is, Rep	-		-			
Nauru	16 September	1995				
New Zealand	16 September	1995	30 November	2000	21 October	2001
Niue	16 September	1995	22 July	2003	21 August	2003
Palau	16 September	1995				
Papua New Guinea	16 September	1995	11 December	1995	21 October	2001
Samoa	16 September	1995	23 May	2001	21 October	2001
Solomon Islands	16 September	1995	7 October	1998	21 October	2001
Tonga	16 September	1995	22 May	2003	21 June	2003
Tuvalu	-		21 September	2001	21 October	2001
Vanuatu	16 September	1995				
France	-					
United Kingdom	-					
United States	-					

### **Main Reasons why the Convention was adopted:**

- The threat to human health and the environment posed by the generation of hazardous wastes and their disposal by environmentally unsound methods;
- The danger posed by radioactive wastes to the people and the environment of the Pacific;
- The attempts made by numerous foreign waste dealers for the importation into and the disposal within the Pacific Region of hazardous and radioactive wastes.

### **Overall goal of the Convention:**

- To establish strict control over transboundary movements of hazardous wastes and to protect human health and the environment against the adverse effects which may result from the generation and management of these wastes.

### **The main objectives of the Convention:**

- To prohibit the importation of hazardous and radioactive wastes into Pacific Islands Developing countries
- to reduce transboundary movements of hazardous wastes to a minimum consistent with their environmentally sound management;
- to treat and dispose of hazardous wastes as close as possible to their source of generation in an environmentally sound way; and
- to minimize the generation of hazardous wastes (in terms of quantity and potential hazard).

Each State Party to the Waigani Convention is bound by all the obligations under the Convention. A State that is a Party to the Waigani Convention has to have national legislation implementing the requirements of the Convention. Any person within the national jurisdiction of a State that is a Party to the Waigani Convention, who is involved in transboundary movement of hazardous wastes, is therefore legally bound to comply with the relevant national laws and regulations governing the transboundary movements of wastes and their disposal.

This Permit Control Manual is intended to provide practical and workable guidance for all persons involved in the transboundary movements of the wastes subject to the Waigani Convention.

## **2. Wastes Controlled under the Waigani Convention**

### **2.1 What is waste?**

The Waigani Convention defines waste as "substances or materials which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law" (Art. 1). See glossary in Appendix 1 for the definition of disposal for the purposes of the Waigani Convention. It is important to note that national provisions concerning the definition of waste may differ and, therefore, the same material may be regarded as waste in one State but as a commodity or raw material in another State. Please refer to section 6.4 for the procedures to be applied in cases of such differences. (see Appendix 9 on distinction of wastes from Non-Wastes under Australia's Hazardous Waste Act.)

## 2.2 Which wastes are covered by the Convention?

**According to Article 2 of the Convention, the following wastes that are subject to transboundary movement are covered by the Convention:**

- wastes referred to as "hazardous wastes" for the purposes of this Convention;
- wastes that belong to any category contained in Annex I of the Convention, unless they do not possess any of the characteristics contained in Annex II of the Convention;
- wastes other than those referred to above which are defined as, or are considered to be, hazardous wastes by national legislation of the Party of export, import or transit (Art. 1, para. 1); and

**The following wastes are excluded from the scope of the Waigani Convention:**

- wastes which, as a result of being radioactive, are subject to other international control systems, including international instruments, applying specifically to radioactive materials (Art. 2, para. 2); and
- wastes which derive from the normal operations of a ship, the discharge of which is covered by another international instrument (Art. 1, para. 3).

Annex I to the Convention consists of a list of 47 broad generic categories of wastes, divided into waste streams (Y1 - Y18 and Y46, Y47) and constituents of waste (Y19 - Y45). The Y categories of waste are displayed in [Appendix 2 to this Manual](#). A waste which falls under any of the categories of waste in Annex I (Y1 - Y47) is considered to be hazardous waste subject to the Waigani Convention unless it can be shown that the waste does not possess or exhibit any of the hazardous characteristics described in Annex II to the Convention ([see Appendix 3 of this Manual](#)). In other words, these wastes must have certain characteristics to be considered as hazardous wastes (explosive, flammable, corrosive, toxic, etc.) Normally, it is the duty of the exporter or any other person (e.g. generator) engaged in exporting the waste, to prove, if necessary, that the waste in question does not possess or exhibit any of the hazardous characteristics, so that the waste will not be subject to control under the Convention.

## 3. Restrictions on transboundary movements of hazardous wastes

The Waigani Convention lays down some restrictions on the transboundary movements of hazardous wastes. These restrictions shall always be taken into account when assessing acceptability of a particular transboundary movement of waste. In accordance with the provisions of the Waigani Convention:

**It is not always obvious whether a material is a waste or not, or whether it is hazardous or not**  
**Some countries will have different definitions of what is a waste.**  
**It is important to get your definitions clear, and to understand whether the potential importing country also considers the material a waste.**

### **Example of Used Lead Acid Batteries:**

#### **Y codes:**

Y31 (Lead, lead compounds)

If wet, also Y34 (Acidic solutions or acids in solid form)

#### **H codes:**

H6.1 – Poisonous (Acute),

H11 – Toxic (Delayed or chronic),

H12 – Ecotoxic

If wet, also H8 – corrosive

Each Pacific Island Developing Party shall take the appropriate legal, administrative and other measures within the area under its jurisdiction to ban the import of all hazardous and Radioactive wastes from outside the Convention. Also “Other Parties” such as Australia and New Zealand shall take the necessary measures to ban the export of all hazardous wastes and radioactive wastes to all Forum Islands Countries, or to Territories which don’t have the status of “Other Party” area (Article 4, paragraph 1. The Convention further prohibit the importation of hazardous and radioactive wastes from non Parties unless the Parties concerned have concluded bilateral, multilateral or regional agreements or arrangements pursuant to Article 11 of the Convention that set forth the conditions under which the transboundary movement is to be carried out. Those conditions shall not be less environmentally sound than those provided by the Convention in particular taking into account the interests of developing countries.

#### 4. Description of the Control Procedure GENERAL: steps to be undertaken by actors involved

**States of Transit: It is important to list and contact ALL potential Transit States. Some States don’t allow wastes to transit their waters. This may lead to the shipments getting stuck along the process.**

1. **The exporter has the responsibility to determine if the waste is covered under the Waigani Convention** and subject to the control procedure as well as in compliance with the Waigani and national legislation.
2. Exporter contacts the competent authority of the State of Export in order to get the notification and movement documents **and all relevant information concerning the notification and tracking procedures.**
3. **Exporter concludes a contract with the disposer** of the waste specifying the environmentally sound management of the wastes (carriers, traders, disposal facilities operate under appropriate legal status, licensed, authorized, approved or recognized by the State concerned (see section 9 of Australia Guide). The contract should ensure compliance with the provisions of the Waigani Convention. The assignment of responsibilities and liability shall be clearly identified.
4. The exporter shall arrange **financial guarantees** (*insurance, bond or other*) as may be required by the importing or transit party. Needed for alternative arrangement in case the shipment and disposal of the wastes cannot take place in accordance with the terms of the contract.



5. **The exporter complete the notification form** in an acceptable language and make the necessary original copies (State of export, Import, Transit). Those shall be signed by the generator or/and the exporter.
6. **The exporter send copies of the notification** to the Competent Authority of the Country of export
7. **The Competent Authority of the State of Export** (the generator or the exporter as required by the Competent Authority of the State of export) **shall notify** in writing using the appropriate documentation (*notification form*) the Competent Authorities of the countries concerned (Import-Transit).
8. **The Competent Authority of the Importing Party shall acknowledge receipt of notification** to the Competent Authority of the Exporting Party within fourteen days.
9. **The Competent Authority of the Importing Party may require additional information within 21 days.**
10. **The Competent Authority of the Exporting Party needs to make sure that the Exporter also received the reply** from the Competent Authority of the Importing Party.
11. **The Competent Authority of the Exporting Party shall wait for authorization** from the Competent Authority of the State of Import and Transit if any, to commence the movement.
12. **To authorize the shipment, the Competent Authority of the Exporting Party shall make sure that he has received:**
  - a. Written consent of the importing Party;
  - b. Written consent from every transit Party;
  - c. Written consent of every non-Party country of transit;
  - d. Written confirmation from the importing Party of the existence of a contract between the exporter and the disposer specifying the environmentally sound management of the wastes in question;
  - e. Written confirmation from the exporter of the existence of adequate insurance, bond or other guarantee satisfactory to the exporting Party.
13. **The exporter shall complete a movement document** which will accompany the movement of the Hazardous wastes (enclose a copy of the notification document is recommended) and ensure its signing by the carriers.
14. **Receipt of the wastes: The disposer shall inform the exporter** and competent Authority of the Exporting Party of receipt by the disposer of the wastes.
15. **Completion of disposal: The disposer shall inform the exporter and Competent Authority of the Exporting Party** the completion of the disposal.

The procedure for the notification of transboundary movements of hazardous wastes forms the foundation of the control system of the Waigani Convention. One important condition under the Waigani Convention is that a transboundary movement of hazardous wastes can take place only upon prior written notification to the competent authorities of the States of export, import and transit (if appropriate), and upon consent from these authorities permitting the transboundary movement of waste. Furthermore, each shipment of hazardous waste shall be accompanied by a movement document from the point at which a transboundary movement begins to the point of disposal (See Annex IV of the Waigani Convention).

## 4.1 Responsibility to notify

In accordance with Article 6, paragraph 1 of the Waigani Convention, the State of export shall notify, or shall require the generator or exporter to notify in writing, using appropriate documentation, the competent authorities of the States concerned of any transboundary movement of hazardous wastes. See glossary in Appendix 1 for the definition of generator, exporter and competent authority.

## 4.2 Documentation and general notification

Specific documents are to be used to notify the competent authorities in the concerned countries of all transboundary movements of hazardous wastes and, subsequently, to accompany the movement of waste. Competent authorities will issue these documents, which consist of two forms: the notification and the movement document. A sample of each document is included in Part II of this Manual along with instructions for their completion.

The notification and its annexes are designed to provide detailed, accurate and complete information of the parties involved with the movement(s), on the waste itself, on the type of disposal operation to which the waste is destined, and on other details relating to the proposed movement. This information will allow the competent authorities concerned to be sufficiently informed to make a judgment on whether to object or consent to the movement, in accordance with the Waigani Convention and relevant national legislation.

A notification may usually cover only one type of waste. The notification may cover several shipments of wastes over a maximum period of one year, provided the waste in question has the same physical and chemical characteristics and will be regularly shipped to the same disposer via the same customs offices for entry and exit. The term general notification is used when referring to such a notification (ref. Art. 6, para. 6)

The movement document is intended to accompany the consignment at all times from the time of departure from the waste generator to the arrival of the consignment at the disposer in another country. The movement document provides relevant information on a particular consignment, for example, on the carriers of the consignment, passage through customs offices, and the receipt and disposal of waste by the disposer.

The movement document should also provide accurate information on the authorizations by the competent authorities for the proposed movement of waste. Most of the countries accept a copy of the duly completed and fully authorized notification to be enclosed with the movement document. However, some other countries require that an original notification, stamped and signed by the competent authority, shall always accompany the movement document. In the latter case, the exporter/generator will have to provide the competent authority concerned with as many completed notification documents as intended consignments. The competent authority shall sign and stamp each notification document and return all of them to the exporter/generator.

## 4.3 Contracts

The existence of a contract between the exporter and the disposer specifying environmentally sound management of the waste in question is an important precondition for the authorization of the transboundary movement of waste (Art. 6 para. 3).

The parties to a contract must ensure that the contract complies with the requirements set in the Waigani Convention and in relevant national legislation. The involved parties must be aware that in some countries, competent authorities may impose additional requirements concerning the contracts. For example, the involved parties may be required to submit the contracts (or portions thereof) to the competent authorities for review. It is therefore suggested to attach a copy of the contract to the notification.

**The onus is on the exporter to get all the information, and to ensure the steps in the export process are right.**

**The important role for the Competent Authority is to ensure that they ask the right questions and that appropriate information is provided in the export application process**

In general, contracts should confirm that the carriers, traders, and disposal facilities operate under the legal jurisdiction of the Contracting Parties to the Waigani Convention and have appropriate legal status. They must be licensed or otherwise authorized, approved, or "recognized" by the competent authorities of the State of export, State(s) of transit or State of import.

The assignment of legal responsibility and liability in contracts for any adverse consequences resulting from mishandling, accidents or other unforeseeable events, assists the competent authorities in identifying the responsible parties at any given moment, in accordance with national and international rules and regulations. The contract should also specify which party shall assume responsibility for alternative arrangements in cases where the original terms of the contract cannot be fulfilled. It should be noted that, according to Article 8 of the Waigani Convention, the State of export shall ensure that the wastes are taken back into the State of export, by the exporter, when a transboundary movement of hazardous waste or other waste cannot be completed in accordance with the terms of the contract and if alternative arrangements cannot be made for the disposal of the waste in an environmentally sound manner.

It should be noted that a contract should normally be concluded before the notification is provided and the competent authorities have issued their authorizations. Therefore, the contract should include a caveat "subject to authorisation", in order to avoid possible practical trade problems in case the proposed movement of waste will not be permitted by the competent authorities.

Basic elements for the preparation of contracts for transboundary movement of hazardous wastes are included in Appendix 6. However, national legislation may require different or additional requirements with regard to the content of the contract.

#### 4.4 Financial guarantees

The Waigani Convention requires that "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" (Art. 6, para. 10). These guarantees are intended to provide for immediate funds for alternative management of the waste in cases where shipment and disposal cannot be carried out as originally intended. These guarantees may take the form of an insurance policy, bank letters, bonds or other promise of compensation for damage, depending on the countries concerned.

## 4.5 Environmentally sound management of hazardous wastes

The aim of the regulatory system of the Waigani Convention is to ensure that hazardous wastes and other wastes are disposed of in an environmentally sound manner, regardless where the disposal operation is to take place.

In order to assist relevant authorities and other bodies to assess and improve the standard of disposal operations, the Technical Working Group of the Basel Convention has prepared technical guidelines on the following waste streams and disposal operations:

Framework Document on the preparation of technical guidelines for the environmentally sound management of wastes subject to the Waigani Convention;

- Technical Guidelines on hazardous waste from the production and use of organic solvents (Y6);
- Technical Guidelines on hazardous waste: waste oils from petroleum origins and sources (Y8);
- Technical Guidelines on wastes comprising or containing PCBs, PCTs and PBBs (Y10);
- Technical Guidelines on wastes collected from households (Y46);
- Technical Guidelines on specially engineered landfills (D5);
- Technical Guidelines on incineration on land (D10);
- Technical Guidelines on used oil re-refining or other re-uses of previously used oil (R9); and
- Guidance Document on transboundary movements of hazardous wastes destined for recovery operations.

These documents and guidelines have been adopted by the Conference of the Parties. They are available from the Secretariat of the Waigani Convention. The Technical Working Group continues to prepare additional technical guidelines on other priority waste streams and disposal operations; for example, technical guidelines on physico-chemical and biological treatment, and on clinical waste and waste tyres.

## 5. Detailed Description of the Control Procedure

**The Party of Export, Party of Import or a Party of Transit are involved in the permitting process.**

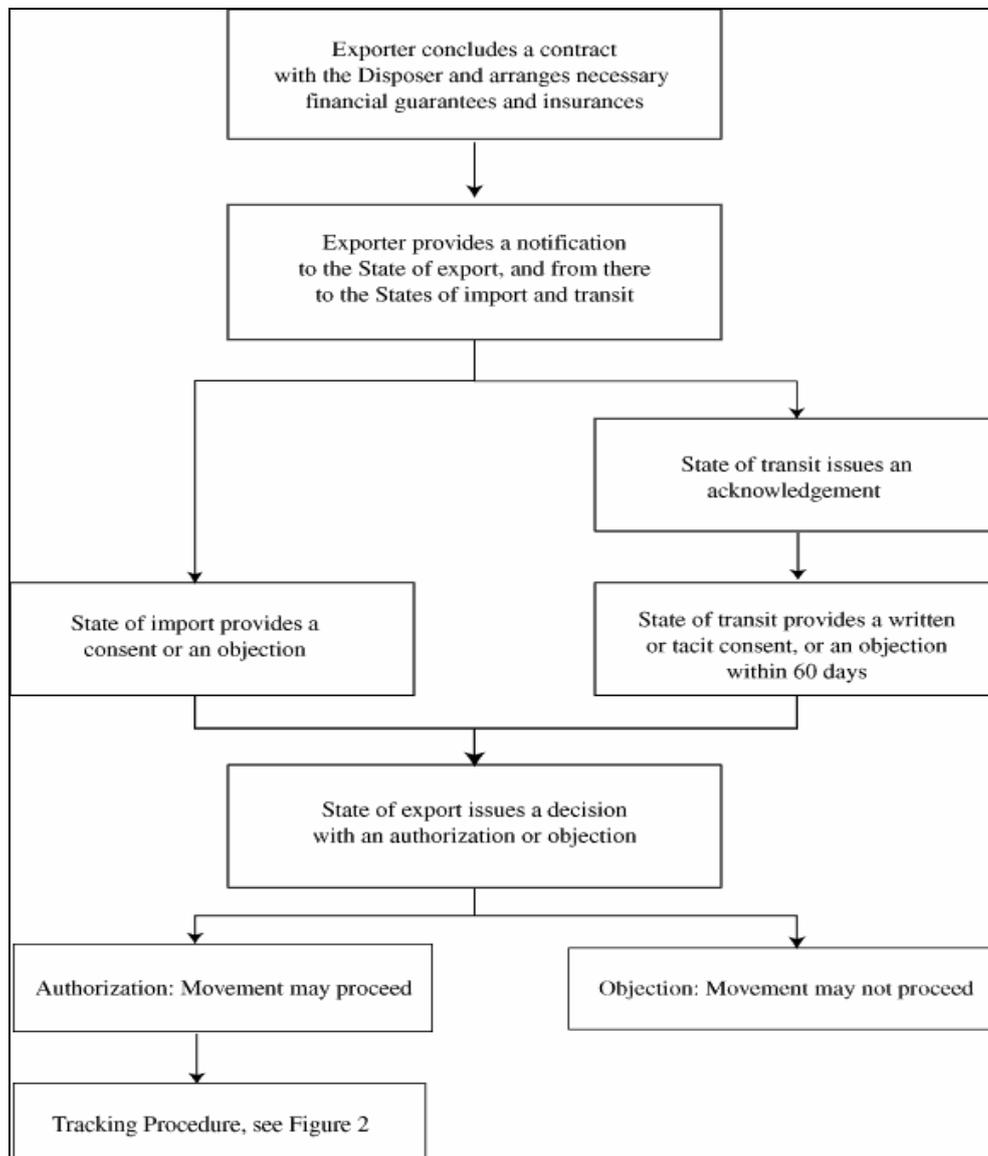
**The process also applied the “Cradle to grave” concept**

**This includes, under the Waigani process, the tracking of waste, and any residue derived from its treatment which is also a hazardous waste, from the exporter, through the transit countries, to the importing country and then to evidence of final destruction.**

**For the ‘paper trail’ it is important for parties to acknowledge in writing that they have received any requests or applications for transit or import, and that they notify the Party of Export of their decision to either consent or not to consent to the movement. It is also important for the exporter and the competent authority in the state of export to receive written evidence that the wastes have been successfully destroyed or recycled at the end of the process.**

## 5.1 Main stages of the control procedure

The main stages of the control procedure of the Waigani Convention are shown in figures 1 and 2. The main responsibilities of the different parties involved in the control system are presented in figures 3 - 7. Please note that the flow charts describe the control system in a simplified way. The control system is dealt with in more detail in the check lists presented in sections 5.2 - 5.6.



**Fig.1. Flow chart of the notification and authorization procedure of the Waigani Convention.**

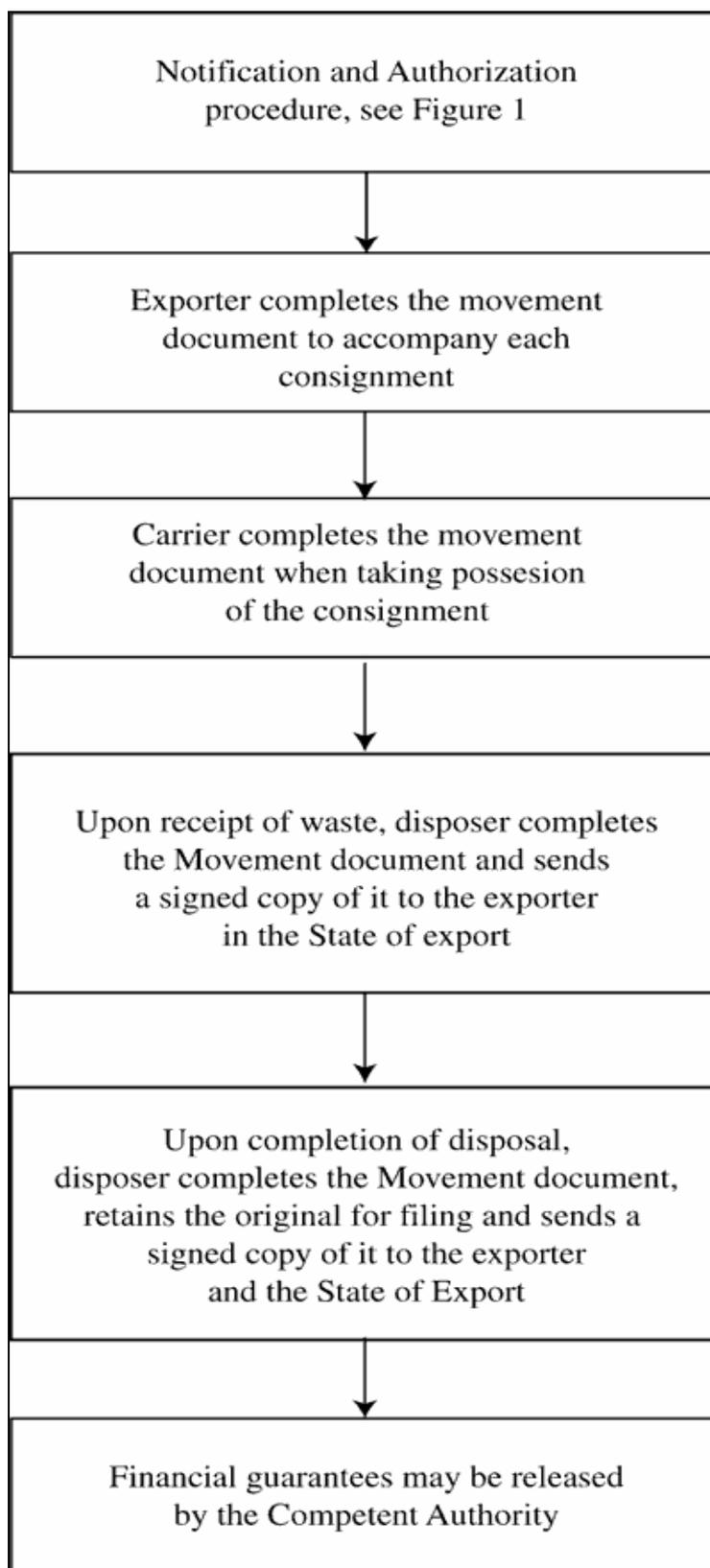
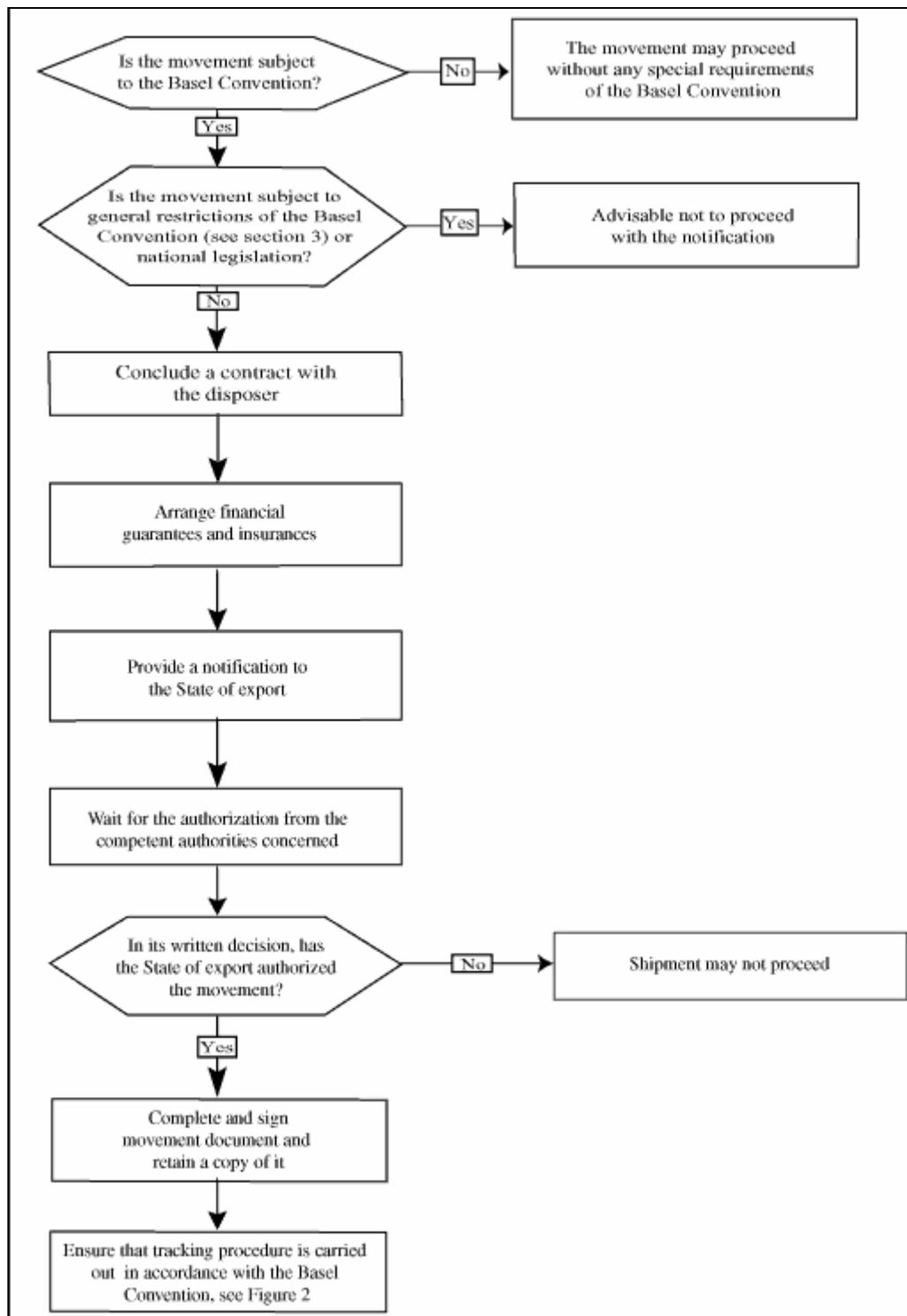


Fig.2. Flow chart of the tracking procedure of the Waigani Convention.

## 5.2 Check list for the exporter (when acting as a notifier)



**Fig.3** Flow chart of the main responsibilities of the exporter (for more details see below)

## RESPONSABILITIES OF THE EXPORTER

### 1

Determine if the material is considered as a waste and covered under the Waigani Convention and subject to the control procedures and be carried out in accordance with the Waigani Convention and the national legislation of the concerned countries.

- State of import is a Party to the Waigani Convention or has concluded an agreement under Article 11 ?
- Movement is subject to prohibitions?
- The waste cannot be disposed of in the country of export?
- The waste is needed as raw material in the State of import in case of recovery?
- The disposal facility licensed in accordance with the national legislation of the state of import?
- Will the movement be carried out in an environmentally sound manner?

### 2

Contact the Competent Authority of the State of Export in order to get the notification and movement document and all the relevant information concerning the notification and tracking procedures

### 3

Conclude a contract with the disposer

- The existence of a contract is a prerequisite for the authorization of the transboundary movement of hazardous wastes and be concluded prior to the notification.
- It shall **specify the environmentally sound management** of hazardous wastes and comply with the requirements of the Waigani Convention and relevant national legislation (additional national requirements might exist).
- Contract shall confirm that carriers, traders, and disposal facilities **operate under the legal jurisdiction of the Parties** to the Waigani Convention and have appropriate legal status. They must be licensed or authorized/approved, or recognized by the State of export, transit or import.
- Contract should state the **assignment of responsibility and liability** for any adverse consequences resulting from mishandling, accidents and other unforeseeable events in accordance with national and international rules and regulations.

- It should specify which **Party will assume responsibility for alternative arrangements** in cases where the original terms of the contract cannot be completed. (See Article 8 of the Waigani Convention.)

**Basic elements to be included in the contract:**

- Scope of disposer services (*acceptance of wastes; disposal facilities authorized*)
- Term of contract (*period of the contract*)
- Waste material and method of disposal
- Quantity
- Delivery (*type of packaging, information of date of shipment, arrival, completion of disposal; used transport*)
- Title and ownership of the waste
- Inspection, sampling, analysis and acceptance of the shipment including alternative management of the waste when the company receiving the wastes cannot accept it
- Representations and warrants of exporter and the disposer
- Liability (*delineation of the responsibility for third party property damage and any other specific damages -environment, trading loss...*)
- Insurance
- Law and arbitration
- Financial arrangement (*compensation*)

**4**

<p><b>Arrange the financial guarantees and insurances required by the national legislation of the country concerned</b></p>
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The Waigani Convention requires that any transboundary movement of hazardous wastes shall be covered by insurance, bond or other guarantee as may be required by the state of import (or transit). These guarantees are intended to provide for immediate funds for alternative management of the waste in cases where shipment and disposal cannot be carried out as originally intended.

Applicants must be reasonably insured against risks that might occur in relation to the hazardous wastes. It should also be a suitable person having regard to their financial viability including the costs of returning and disposing of the waste in cases where arrangements for the shipment or the recovery operations cannot be carried out as originally intended (i.e. in Australia to be financially viable, an applicant must control assets to meet the likely costs of returning and disposing of the wastes).

Some countries may require separate insurance against damage to third parties.

## 5

Acquire all necessary information in accordance with Annex VI A (*information to be provided on notification*) and Annex VI B (*information to be provided on the movement document*)

## 6

**Complete the notification**

Complete the notification in accordance with the instructions. The notification may cover several shipments of wastes over a maximum period of one year providing that the wastes have the same physical and chemical characteristics, is intended to be regularly shipped to the same disposer via the same customs officers for entry and exit (general notification). The notification shall be completed in language acceptable to the competent Authority of the State of import.

Make the necessary number of copies of the completed notification which shall be sign by the generator/or the exporter.

Prepare signed copies for:

- The competent authority of the State of export;
- The competent authority of the State of import
- The Competent authority of the State of Transit if any.

[Some authorities may also wish to check the contents of the movement document in advance. In such a case, a movement document, completed as far as possible at the time of notification, shall be provided to the competent authority along with the notification]

## 7

Send the copies of the notification to the Competent Authority of the State of Export at least two month before the intended date of the first movement of wastes. (*the competent authority will forward the notification to the other competent authority(ies)*)

## 8

**Provide any other additional data where necessary**

Provide any additional data requested by the competent authorities

The exporter is to receive a reply in writing from the competent authorities of the States of import and transit if any.

When having received such replies, it is advisable to check if the competent authority of the State of export has received copy of the reply.

If not, a copy of the reply should be forwarded to the competent authority of the State of export.

**9****Wait for the authorisations from the competent authorities**

The movement of waste may commence only upon receipt of the authorization by the competent authority of the Exporting Party consenting to the movement.

This authorisation can be given only if the competent authority of the State of import has issued its written consent to the movement and the competent authority of transit, if any, have consented to the movement.

**10****Complete a movement document to accompany each movement of waste**

Complete the movement document in accordance with the instructions provided. A completed movement document shall accompany each shipment.

The movement document is intended to accompany the consignment at all times from the time of departure from the waste generator to the arrival of the consignment at the disposer in another country.

The movement document provides relevant information on a particular consignment (*for example, on the carriers of the consignment, passage through customs offices, and the receipt and disposal of waste by the disposer*)

The movement document should also provide accurate information on the authorizations by the competent authorities for the proposed movement of waste. It is recommended to enclose a copy of the completed notification to accompany the movement document.

**11****Signing of the movement document by the carriers**

Ensure that the carriers are aware of their duty to sign the movement document upon receipt of the waste.

Retain a copy of the movement document signed by the first carrier.

At each successive transfer of the consignment to another carrier, a copy of the signed document is to be retained by the previous carrier.

**12****Certification of receipt of wastes**

Ensure that the disposer is aware of his/her duty to complete the movement document and to send the copies of the document to the exporter and the competent authority of the state of export.

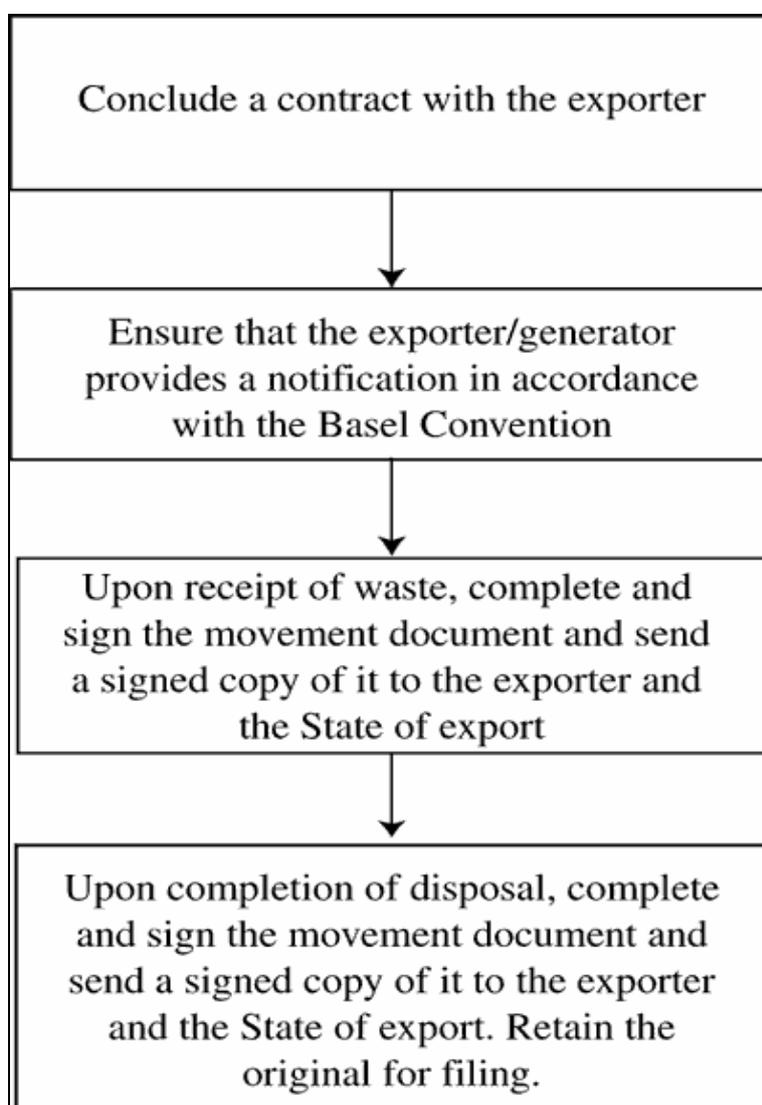
**13****Certification of disposal**

Ensure that the disposer is aware of his duty to complete the movement document by certifying that the waste has been disposed of, as set out in the notification, and to send the certification to the exporter and the competent authority of the State of export

**14****Release of financial guarantees**

Ensure that the competent authority returns the financial guarantees arranged for the movement after all the certifications of disposal have been given by the disposer, indicating that the consignments of wastes have been disposed of in an environmentally

## II

**RESPONSABILITIES OF THE DISPOSER**


## 1

Conclude a contract with the exporter

*(See Appendix 7: on Basic elements to be included in the contract)*

## 2

Provide the necessary information

For example on the disposal processes to the exporter/generator in order to facilitate the completion of the notification and the movement document.

**3****Notification**

Ensure that the exporter/generator notifies the competent authorities of the State of export and State transit, if any of the intended movement of waste in accordance with the Waigani Convention.

The notification may cover several shipments of wastes over a maximum period of one year, if wastes having the same characteristics is intended to be regularly shipped to the same disposer via the same customs officers for entry and exit.

**4****Certification of receipt of waste**

Upon the receipt of the waste, weight the amount of waste and check, if necessary by testing and sampling, whether the consignment complies with the notification and contract.

Complete the movement document and give it to the last carrier.

Send signed copies of the completed movement document to the exporter and the competent authority of the State of export, and retain the original for filing.

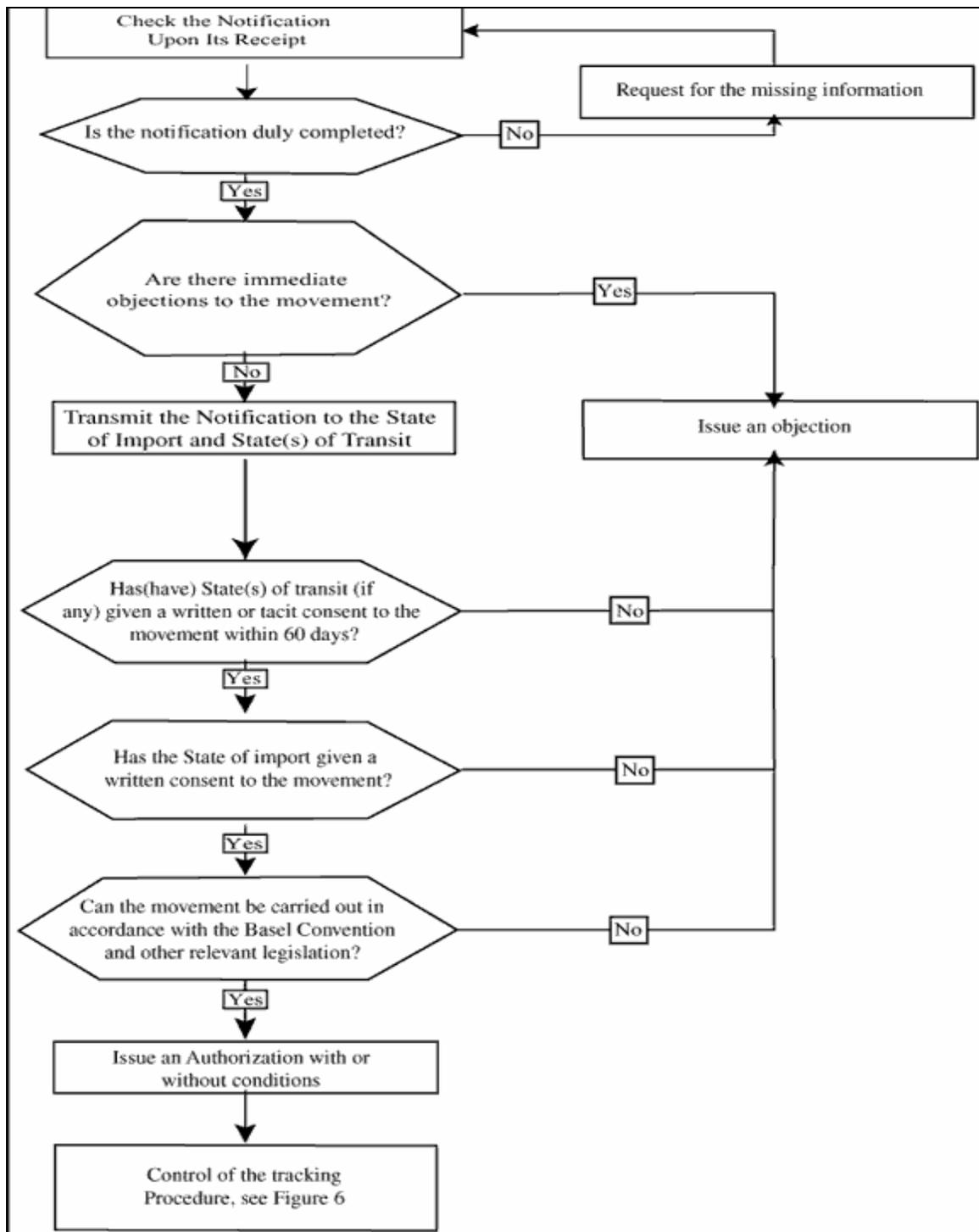
**5****Certification of disposal**

After the consignment of waste has been disposed of in an environmentally sound manner complete the movement document by certifying that the disposal has been completed.

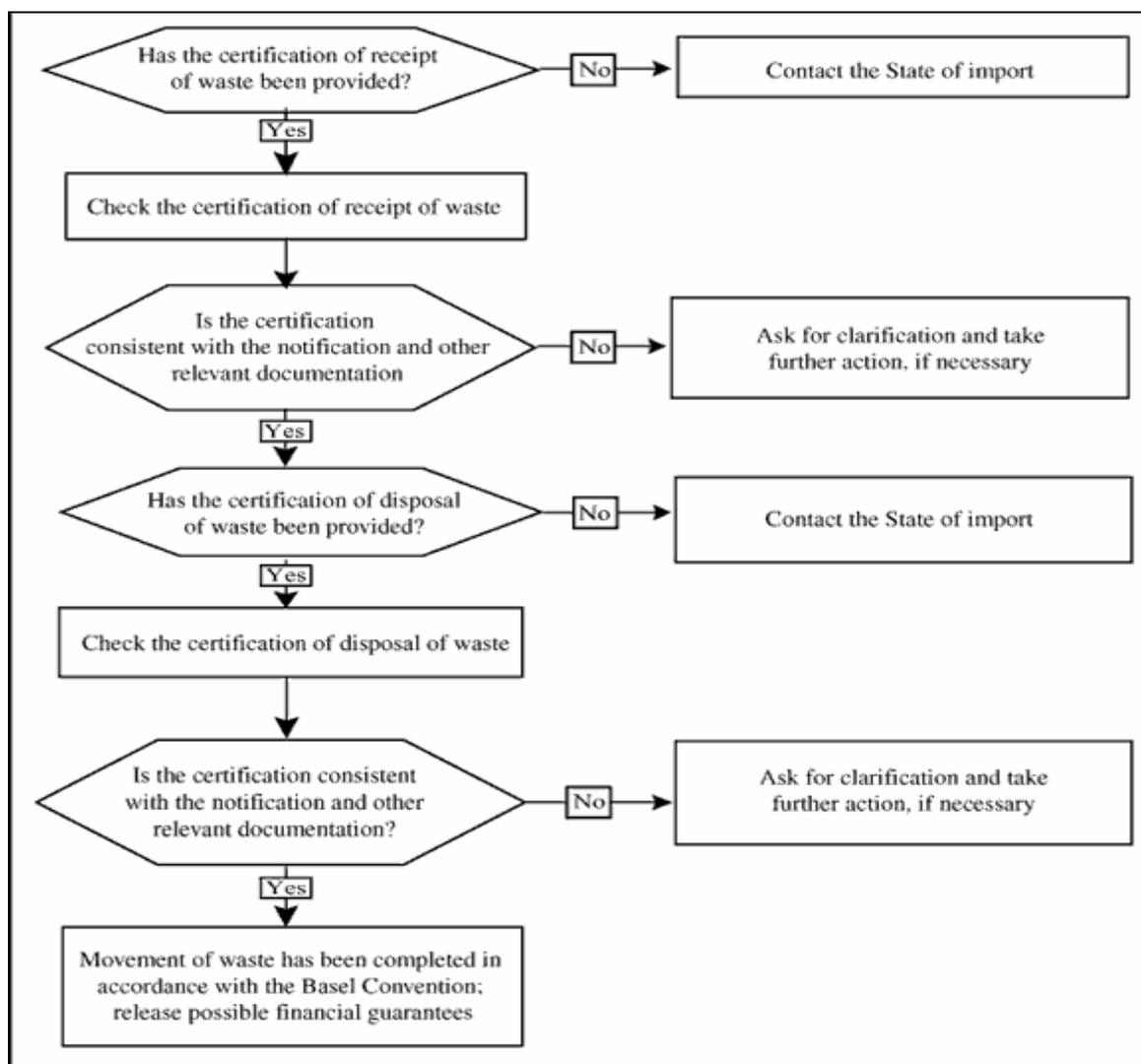
Send signed copies of the movement document to the exporter and the competent authority of the State of export and retain the original for filing.

## III

## RESPONSIBILITIES OF THE COMPETENT AUTHORITY OF THE STATE OF EXPORT



**Main responsibilities of the Competent Authority of the state of export in the notification and authorisation procedure of the Waigani Convention**



**Main responsibilities of the Competent Authority of the state of export under the tracking procedure.**

1

Assist the exporter, if necessary, to determine whether is the material the waste is subject to control under the Waigani Convention

2

Distribute forms (notification -movement) and all necessary information to exporter/generator

## 3

**Check the Notification**

Upon receipt of the notification, check if the notification is duly completed.

If not, return the notification to the exporter/generator and ask for the missing information.

Check if the exporter/generator has provided a sufficient number of the notification documents and ask for additional documents if necessary.

Competent authorities might also wish to check the content of the movement document in advance. If yes, a movement document, completed at the time of notification, shall be provided by the exporter/generator to the competent authority along with the notification. If the competent authority decides not to proceed with the notification for immediate reasons, immediately inform the exporter/generator of these objections.

## 4

**Transmit the notification to other competent authorities**

Transmit copies of the notification (only if duly completed and there are no immediate objections) to the competent authority of the state of import (and transit if any)

## 5

**Assess if the proposed movement is in accordance with the Waigani Convention and national legislation**

Based on the information given in the notification, assess if the movement of wastes complies with the requirements of the Waigani Convention and national legislation. Special attention should be given to the following:

- Is the State of import a Party to the Waigani Convention or is there an agreement under Article 11.
- Is the movement subject to prohibitions
- Has the State of import generally prohibited the import of such waste
- The waste cannot be disposed in the State of export
- In case of recovery, does the State of import need the waste as raw material
- Is the disposer licensed in accordance with the national legislation of the State of import
- Will the movement be carried out in an environmentally sound manner (transport, storage, disposal)
- If necessary, request additional information.

**6**

**Ensure that the competent authority of the State of import acknowledge within 15 working days of receipt of notification**

**7**

**Ensure that the movement is allowed by the Competent Authorities of the States of Transit if any**

The Competent authority of the State of transit shall promptly acknowledge receipt of within 15 working days receipt of notification of the exporter. If you don't receive copy of the acknowledgement, you can ask to provide you with a copy of the response.

The competent authority of the transit Party shall have sixty days after issuing the acknowledgement to inform the notifier that it is consenting to the movement, with or without conditions, denying permission for the movement or requesting additional information.

In the case of additional information is needed, another period of 20 days begins from the time of receipt of the additional information.

**8**

**Ensure that the movement is allowed by the Competent Authority of the State of import**

Ensure that the competent authority of the State of import has issued its written response and has confirmed the existence of a contract between the exporter and the disposer.

In practice, this confirmation may rarely be necessary, because information concerning the contract is to be given by the exporter in the notification.

**9**

**Issue a decision in writing**

Issue a decision:

- Consenting to the movement of the wastes with or without conditions
- Denying permission for the movement
- Requesting additional information

The proposed movement can be authorized only in the absence of objections from the competent authority of the state of export and of other competent authorities concerned.

In the case of a general notification, authorization can be given only for a period of one year.

**10****Check the certifications of receipt of the wastes**

Check the certifications of receipt of the waste sent by the disposer.

In case of inconsistencies with the notification, request explanations from the exporter/generator or the disposer or, contact the competent authority of the State of import.

If the certifications have not been provided, contact the competent authority of the State of importation

**11****Check the certifications of disposal**

Check the certifications of receipt of the disposal sent by the disposer. In case of inconsistencies with the notification, ask for explanations from the exporter/generator or the disposer or contact the competent authority of the State of import.

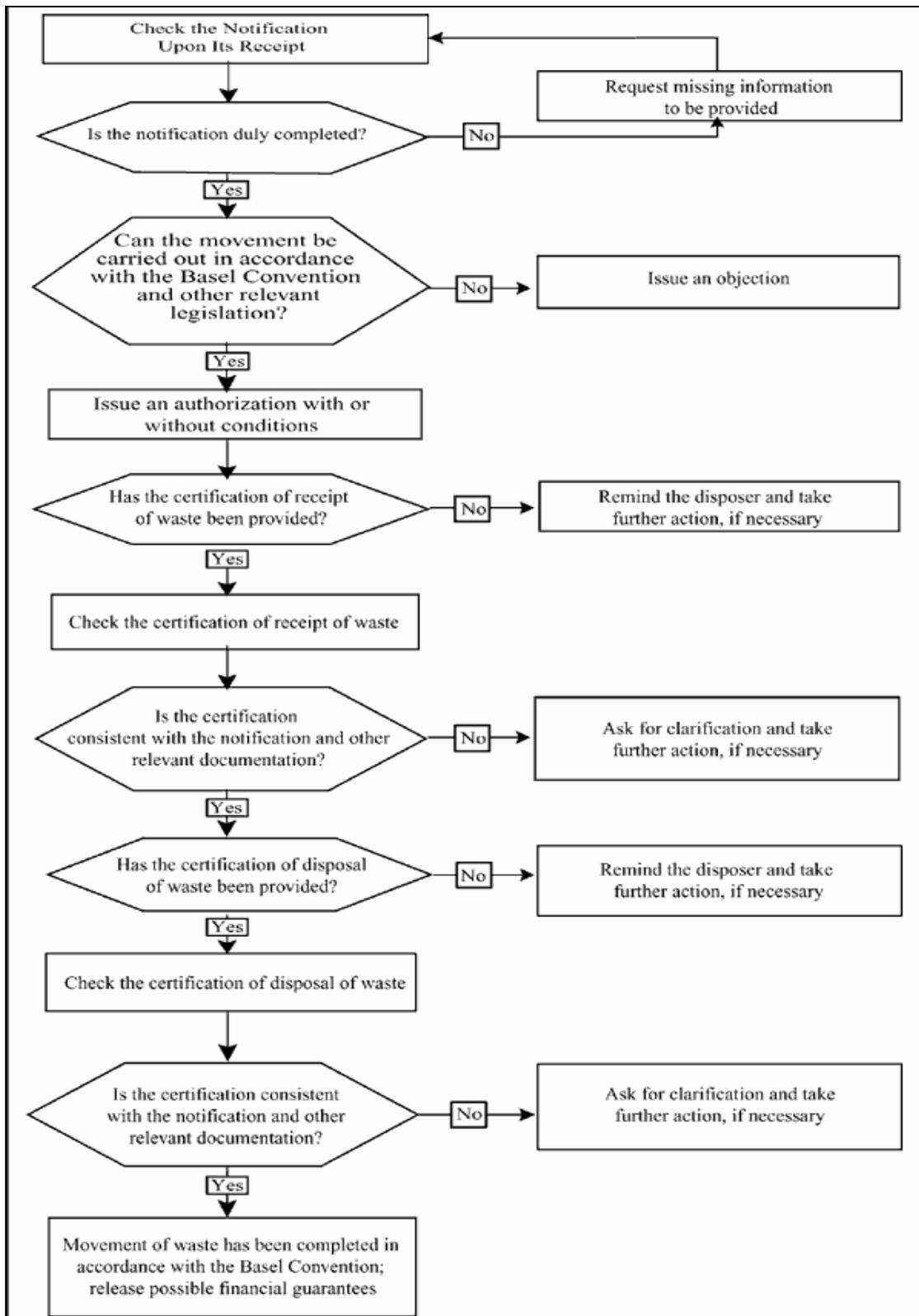
If the certifications have not been provided, contact the competent authority of the State of import.

**12****Release of financial guarantees**

When all the certifications of disposal have been given by the disposer indicating that all the consignments of waste have been disposed of in an environmentally sound way, the pre-arranged financial guarantees for the movement of waste may be released.

## IV

## RESPONSIBILITIES OF THE COMPETENT AUTHORITY OF THE STATE OF IMPORT



**Main responsibilities of the Competent Authority of the state of import.**

**1****Assess if the proposed movement is in accordance with the Waigani Convention and the national legislation**

Upon receipt of the notification from the exporter/generator via the competent authority of the State of Export, the competent authority of the State of import assess if the proposed movement of waste complies with the requirements of the Waigani Convention and the national legislation. Particular attention should be given to the following:

- Is the State of export is a Party to the Waigani Convention or is there an agreement under Article 11.
- Is the movement subject to prohibitions
- It the import of such waste prohibited by national legislation
- In case of recovery, does the State of import need the waste as raw material
- Is the disposer licensed in accordance with the national legislation of the State of import
- Will the movement will be carry out in an environmentally sound manner (transport, disposal, storage)
- Request additional information, if necessary.

**2****Issue a reply in writing**

Issue a reply in writing:

- Consenting to the movement with or without conditions
- Denying permission for the movement; or
- Requesting additional information

Confirm the existence of a contract between the exporter and the disposer

In practice, the confirmation may not be necessary as information concerning the contract is to be given by the exporter in the notification,

In case of general notification, authorization can be given for a maximum period of one year.

**3****Check the certifications of receipt of waste sent by the disposer**

In case of inconsistencies with the notification, ask for explanations from the disposer.

In case the certification has not been provided, the disposer of his responsibility to do it and, if necessary take further action in accordance with national legislation.

## 4

**Check the certifications of disposal**

In case of inconsistencies with the notification, ask for explanations from the disposer and if necessary, take further action in accordance with national legislation.

In case the certification of disposal has not been provided, remind the disposer of his responsibility to do so and where necessary to take further actions in accordance with national legislation.

## 5

**Release of financial guarantees**

When all the certifications of disposal have been given by the disposer, indicating that all consignments of waste have been disposed of in an environmentally sound way, the pre-arranged financial guarantees for the movement of the waste may be released.

## V

**RESPONSIBILITIES OF THE COMPETENT AUTHORITY OF THE STATE OF TRANSIT (IF ANY)**

## 1

**Issue the acknowledgement**

Acknowledge receipt of the notification to the notifier within 14 working days. Although not required by the Waigani Convention, it is recommended to send copies of the acknowledgement to the other

## 2

**Decide whether the proposed movement can be accepted or not**

The competent authority of the State of transit shall issue a decision to the notifier within 60 days after the acknowledgement of notification:

- Consenting to the movement with or without conditions;
- Denying permission for the movement, or
- Requesting additional information

In the event of additional information, a new period of 21 days recommences from the time of receipt of the additional information.

It is recommended to keep the Secretariat of the Waigani Convention informed of any movement, including copying notification and documents forms in light of its obligation to report to Parties on information regarding transboundary movement of hazardous wastes in which Parties have been involved, including:

- The quantity of hazardous wastes exported, their category, characteristics, destination, any transit country and disposal method as stated in the notification;
- Disposal which did not proceed as intended

## 6. Other Issues of Importance

### 6.1 Transit through a State not Party to the Waigani Convention

If a State of transit is not Party to the Waigani Convention, the competent authority of such State shall be notified on the transit of waste in the same way as if the State was a Party to the Convention (Art. 7). Although not explicitly required by the Waigani Convention, many countries require that the transit of waste shall not be allowed to proceed, until the competent authority of such State of transit has given written consent to the movement.

Some States not Party to the Waigani Convention have provided the Secretariat of the Waigani Convention with information on focal points and/or competent authorities who should be contacted in case of intended transit of waste through their territory. The available information on such contact points is included in Appendix 5. With regard to other States, a relevant government authority to be contacted is normally the Ministry of the Environment of these States or the Ministry of Foreign Affairs.

### 6.2 Movements destined for disposal operations D13 - D15 and R12 - R13

Annex IV of the Waigani Convention contains a list of disposal operations for waste. Some of the listed operations are to be considered as "intermediate or temporary operations", that is, after these operations wastes still need to undergo further treatment before being finally disposed of. These operations are: blending and mixing prior to submission to any of the disposal operations (D13), repackaging prior to submission to any of the disposal operations (D14), storage pending any of the disposal operations (D15), exchange of wastes for submission to any of the operations numbered R1-R11 (R12), and accumulation of material intended for any recovery operations (R13).

In case the transboundary movements of hazardous wastes or other wastes take place in order to undertake disposal operations D13-D15 or R12-R13, the competent authorities may require that the subsequent intended disposal operations should be specified on the notification as additional information. The competent authority may decide not to authorize the proposed movement of waste, if it is not convinced that the waste will be disposed of in an environmentally sound way at its final destination.

### 6.3 Cases when the notification is to be sent to the Secretariat of the Waigani Convention

According to Article 13, paragraph 4 of the Convention, all Parties, consistent with their national legislation, 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 of the Waigani Convention "when a Party (which) considers that its environment may be affected by that transboundary movement has requested that this should be done".

### 6.4 Dealing with interpretation differences and the "mutatis mutandis" principle

In some cases, certain wastes may not be legally defined or considered as hazardous waste by all the countries involved in transboundary movement of such wastes. This may be due to, for example, the following reasons:

- a Party may, on the basis of Article 1, paragraph 1b of the Convention, also classify other wastes than those listed in Annexes I and II of the Convention as hazardous wastes in accordance with its national legislation;
- because of differences in national legislation of the States, as regards the definition of waste, a certain substance or object may not be considered as waste by all the States concerned; or
- the competent authorities may disagree on whether a certain waste possesses any of the hazardous characteristics referred to in Annex III of the Convention.

According to Article 6, paragraph 5 of the Convention, the situations described above shall be dealt with according to the *mutatis mutandis* principle. The following examples show how this principle may be interpreted under the Waigani Convention.

If the waste is legally defined as or considered to be hazardous waste only by the State of import, or by the States of import and transit, the notification duties are to be undertaken by the State of import. This means that the disposer or the competent authority of the State of import shall provide the notification to the competent authorities concerned (see check list for the exporter, section 5.2). Similarly, the competent authority of the State of import shall assume the responsibilities of the competent authority of the State of export (see check list for the competent authority of the State of export, section 5.4).

In case the wastes are legally defined as or considered to be hazardous wastes only by the State of export, the State of export shall ensure that the disposer issues a certification of receipt of the waste and a certification of the completion of disposal as required by the Convention. This may be done, for example, by requiring these obligations to be included in the contract between the exporter and the disposer.

The Convention does not clearly define the procedures to be applied in cases when the waste is legally defined as or considered to be hazardous wastes only by the State of transit. For practical reasons, it is recommended that the exporter or the State of export, through negotiations or by some other means, makes arrangements for the notification to be provided to the competent authority of the State of transit in accordance with the Waigani Convention.

## 7. Movements That Cannot be Completed as Intended and Illegal Traffic

### 7.1 Movements that cannot be completed as intended

When a transboundary movement of hazardous wastes or other wastes cannot be completed as intended, that is, in accordance with the notification, authorizations of the competent authorities and the terms of the contract, the Party that has possession of the waste must immediately inform the exporter/generator and the competent authorities of the States of export and import of such incident. If the consignment is located in a State of transit, then the competent authority of that country must also be immediately informed.

In such cases, alternative management and control arrangements, or return of the wastes to the exporter/generator if necessary, must be arranged. According to Article 8 of the Waigani Convention, the State of export shall ensure that the exporter takes the wastes back into the State of export, if alternative arrangements cannot be made for their disposal in an environmentally sound manner.

On a case-by-case basis, the competent authorities of the concerned States shall cooperate to ensure that all necessary arrangements are made and documents obtained, and action taken within a limited time period (90 days or any other period of time as the States concerned agree), in order to ensure the best alternative management of waste. To this end, the State of export and any States of transit shall not oppose, hinder or prevent the return of the consignment to the State of export.

### 7.2 Illegal traffic

According to Article 9 of the Waigani Convention, any transboundary movement of wastes or other wastes is deemed to be illegal traffic if:

- it is carried out without notification pursuant to the provisions of the Waigani Convention;
- it is carried out without consent in accordance with the Waigani Convention;
- the consent for it is obtained from the States concerned through falsification, misinterpretation or fraud;
- it does not conform in a material way with the relevant documents; or
- it results in deliberate disposal (e.g. dumping) of hazardous wastes or other wastes in contravention with the Convention and of general principles of international law.

In case a transboundary movement is deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the Waigani Convention requires that the State of export shall ensure that the wastes in question are taken back by the exporter or generator or, if necessary, by itself into the State of export; or are otherwise disposed of in accordance with the provisions of the 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.

If the illegal traffic is the result of conduct on the part of the importer or disposer, the State of import, within 30 days from the time the illegal traffic has come to its attention or such other period of time as the States concerned may agree, 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.

**It is important to secure material that is prepared for import.**

This is because once the line of contracts has been finalised and the permit applications forms completed (notification, movement / tracking and any other import requirements for the importing country), if the materials are altered or tampered with (ie, more chemicals added, or the packaging is tampered with), it could render the material illegal, and the importing country may not accept the waste.

**The exporter will then have to cover the cost of bringing the waste back to the country of original export**

In cases where the responsibility for the illegal traffic cannot be assigned, the Waigani Convention requires that the Parties concerned or other Parties, as appropriate, ensure, through cooperation that the wastes in question are disposed of as soon as possible in an environmentally sound manner.

Confirmed cases of illegal traffic means cases dealt with in accordance with the relevant national legislation and criminal law, as provided for in Article 9, paragraph 5 of the Waigani Convention.

## PART II

## NOTIFICATION AND MOVEMENT DOCUMENT

**Multiple movements need one Notification Form, but many Movement Forms.**

If you intend to export several shipments in one year, you only need one Notification Form that describes the shipments, but you need a separate Movement Form for each shipment.

**The Notification and Movement forms remain current for up to 12 months**

TRANSBOUNDARY MOVEMENT OF WASTE - Notification WAIGANI CONVENTION									
1. Exporter (name, address):			3. Notification concerning (1):						
			A (i) Single Movement		B (i) Disposal (no recovery)				
			(ii) General notification		(ii) Recovery operation				
Contact person:		Tel:	(multiple movements)						
		Fax/Telex:	C Pre-authorized recovery facility (1)		Yes		No		
Reason for export:			Facility Registration Number (if Yes)						
2. Importer (name, address):			(To be completed for a recovery facility located in an OECD State)						
			4. Total intended number of shipments		5. Estimated quantity (3)				
							kg		
Contact person:		Tel:	6. Intended date(s) or period of time for shipment(s)						
		Fax/Telex:							
7. Intended carrier(s) (name, address) (2):			8. Disposer (name, address)						
Contact person:		Tel:							
		Fax/Telex:							
10. Waste generator(s) (name, address) (2):			Contact person:		Tel:				
			Actual site of disposal:		Fax/Telex:				
Contact person:		Tel:	9. Method(s) of disposal:						
		Fax/Telex:	D code / R code (4):						
Site of generation & process:			Technology employed (Attach details if necessary):						
			11. Mode(s) of transport (4):		12. Packaging Type(s) (4):				
13. (i) Designation and chemical composition of the waste			(ii) Special handling requirements			14. Physical characteristics			
15. Waste identification code			17. Y-number (4):						
in country of export:			IWIC:						
in country of import:			EWC:		18. H-number (4):				
Customs Code H.S.:			Other (specify):						
16. OECD classification (1):			19. (i) UN identification:		(ii) UN class (4):				
amber		red	UN Shipping name:						
other		(attach details)							
20. Concerned states, code number of Component authorities, and specific points of entry and exit: (5)									
State of export			States of transit			State of Import			
21. Customs offices of entry and/or departure (European-Community):			23. Exporter's/Generators declaration:						
Entry			I certify that the above information is complete and correct to my best knowledge. I also certify that legally-enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantees are or shall be in force covering the transboundary movement.						
Departure:			22. Number of annexes						
			Attached (5)		Name:		Signature:		
					Date:				
For use by competent authorities									
24. To be completed by			- Import (EEC, OECD)		25. Consent to the movement provided by the competent authority of (country):				
Notification received on:			- transit (Basel)						
					Consent given on:		Consent expires on:		
Acknowledgment sent on:					Specific conditions (1):		Yes. See block 26 overleaf/annex		
							No.		
Name of competent authority,			Name of competent authority,						
stamp and/or signature:			stamp and/or signature:						

(1) Enter X in appropriate box; (2) Attach a list if more than one; (3) Attach a list if multiple shipment ;  
 (4) See codes on the reverse; [5] Annexes to be provided for reasons on reverse

List of abbreviations used in the movement document	DISPOSAL (NO RECOVERY) (Block 9)	List of abbreviations used in the movement document	DISPOSAL (NO RECOVERY) (Block 9)
D1	Deposit into or onto Land, (e.g., Landfill, etc.)	R1	Use as a fuel (other than in direct incineration) or other means to generate energy
D2	Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc...)	R2	Solvent reclamation/regeneration
D3	Deep Injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)	R3	Recycling/reclamation of organic substances which are not used as solvents
D4	Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc...)	R4	Recycling/reclamation of metal compounds
D5	Specially engineered landfill, (e.g., placement onto lined discrete cells which are capped and isolated from one another and the environment, etc...)	R5	Recycling/reclamation of other inorganic materials
D6	Release into water body except seas/oceans	R6	Regeneration of acid or bases
D7	Release into seas/oceans including sea-bed insertion	R7	Recovery of components from used for pollution abatement
D8	Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any operations number D1 to D12	R8	Recovery of components from catalysts
D9	Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any operations numbered D1 to D12, (e.g., evaporation, drying, calcination etc.)	R9	Used oil re-refining or other reuses of previously used oil
D10	Incineration on land	R10	Land treatment resulting in benefit to agricultural or eco- logical improvement
D11	Incineration at sea	R11	Uses of residual material obtained from any of the operations numbered R 1 to R10
D12	Permanent Storage, (e.g., emplacement in containers in a mine, etc.)	R12	Exchange of wastes for submission to any of the operations numbered R1 to R11
D13	Blending or mixing prior to submission to any of the operations numbered D1 to D12	R13	Accumulation of material intended for any operations numbered R1 to R12
D14	Repackaging prior to submission to any of the operations number D1 to D12.		
D15	Storage pending any of the operations D1 to D12.		
			<b>H NUMBER (Block 18) AND UN CLASS (Block 19)</b>

	MODES OF TRANSPORT (Block 11)		PACKAGING TYPES (Block 12)		PHYSICAL CHARACTERISTICS (Block 14)	UN	Class	H number
R	Road	1	Drum	1	Powdery/powder	1	H1	Explosive
		2	Wooden Barrel	2	Solid	3	H3	Inflammable liquids
T	Train/Rail	3	Jerrican	3	Viscous/paste	4.1	H4.1	Inflammable solids
		4	Box	4	Sludgy	4.2	H4.2	Substances or wastes liable to spontaneous combustion
S	Sea	5	Bag	5	Liquid			
		6	Composite Packaging	6	Gaseous	4.3	H4.3	Substances or waste which, in contact with water, emit inflammable gases
A	Air	7	Pressure receptacle	7	Other (specify)			
		8	Bulk			5.1	H5.1	Oxidizing
W	Inland Waterways	9	Other (Specify			5.2	H5.2	Organic peroxides
						6.1	H6.1	Poisonous (acute)
						6.2	H6.2	Infectious substances
						8	H8	Corrosives
	<b>ANNEXES – Other information required including that as described in Annex VIA of the Waigani Convention (Block 22)</b>					9	H10	Liberation of toxic gases in contact with air or water
1	Reasons for waste export					9	H11	Toxic (delayed or chronic)
2	Full name, address, phone, telex or fax number of the competent authorities of the State of export of the wastes, the expected transit countries, and the country of import of the wastes					9	H12	Ecotoxic
3	Planned shipping itinerary giving dates and points of entry and exit					9	H13	Capable, after disposal, of yielding another material, e.g. leachate, which possesses any of the characteristics listed above
4	Information on insurance							
5	Process by which the waste is generated							
6	Information used by the exporter or generator to assess the capacity of the importer to deal with the material in an environmentally sound manner and in accordance with legislation of the country of import							<b>What codes are used for the radioactive materials????</b>
7	Information concerning the contract between the exporter and the disposer							
8	Others as needed							
	Y numbers (block 17) refer to categories of waste listed in Annex I and II of the Basel Convention. These codes, as well as more detailed information can be found in <i>an instruction manual available from the Secretariat of the Basel Convention.</i>							
26.	<b>SPECIFIC CONDITIONS ON CONSENTING TO THE MOVEMENT</b>							

## INSTRUCTIONS FOR COMPLETING THE NOTIFICATION

**Blocks 1 to 23** must be completed by the **exporter**

**Block 24** must be completed by the **competent authority of transit**

**Block 25 and 26** are for use by the competent **authorities of the State of export, import and transit** when issuing decisions on the proposed transboundary movement of wastes

Taking into consideration Article VI-1 of the Waigani Convention, the Exporting Party shall notify, or shall require the generator or exporter to notify, in writing, through its competent authority, the competent authority of the country concerned of any proposed transboundary movement of hazardous wastes.

Such notification shall contain the declarations and information specified in Annex VI A of the Waigani Convention, written in the language acceptable to the importing Party.

Although the Waigani Convention requires that one notification needs to be sent to each country concerned, the Basel convention recommends for practical reasons that the exporter prepares:

- Two signed copies for the competent authority of the State of export;
- Two signed copies for the competent authority of the State of import;
- Three signed copies for the competent authority of each State of transit, if any.

**The exporter** sends all copies of the signed copies to the competent authority of the State of export, who transmits the notifications to the other competent authorities concerned. It is also recommended that the exporter sends a copy of the notification to the disposer for information.

**The competent authority of the State of export and the competent authority of the State of import use:**

- One copy to provide the consent of the proposed movement of wastes (original with block 25 completed to be sent to the exporter/generator and a copy of it to be sent to other States concerned);
- One copy for filing.

**The competent authority of the State of transit uses:**

- One copy to provide acknowledgement (original with block 24 completed to be sent to the exporter/generator and a copy of it to the competent authority of the other States concerned)
- One copy to provide the consent for the proposed movement of hazardous wastes (original with block 25 completed, to be sent to the exporter/generator and a copy of it to the competent authorities of other states concerned);
- One copy for filing

Please note that some countries require to check the contents of the movement document in advance. Therefore a movement document, completed as far as possible at the time of notification, shall be provided to the competent authority together with the notification.

The notification number on the top right of the form may be provided by the competent authority when issuing a notification.

In all cases and as required by the Waigani Convention (Article VI-3), the exporting Party shall not allow the transboundary movement until it has received:

- Written consent of the importing Party;
- Written consent from every transit Party;
- Written consent of every non-Party of transit
- Written confirmation from the importing Party of the existence of a contract between the exporter and the disposer specifying the environmentally sound management of the wastes in question; and

Written confirmation from the exporter of the existence of adequate insurance, bond or other guarantee satisfactory to the exporting Party.

<b>BLOCK 1</b>	<p>The exporter is the person under the jurisdiction of the exporting Party who proposes/arranges for hazardous wastes to be exported. He has possession or legal control of the wastes at the time that the planned transboundary movement commences.</p> <p>Provide the full name and address, telephone, telex or telefax number of the exporter, and the name, address, telephone, telex or telefax number of the person who can be contacted at any time in relation to any incident during movement of the consignment.</p> <p>Give the reasons for export of the wastes</p>
<b>BLOCK 2</b>	<p>The importer is the person to whom possession or legal control of the waste is assigned at the time the waste is received in the state of import. The importer arranges for the hazardous waste to be imported and must be under the legal jurisdiction of the country of import. The importer may also be the operator of a recovery facility.</p> <p>Provide the full name and address, telephone and telex or telefax number of the importer concerned with the proposed movement, and the name, address, telephone, telex or telefax number of the person who can be contacted at any time in relation to any incident during movement of the consignment. Normally, the importer would be the disposer. In this case enter the words "same as block 8". If not both blocks 2 and 8 need to be completed.</p>
<b>BLOCK 3</b>	<p>Tick the appropriate boxes to indicate whether:</p> <ul style="list-style-type: none"> <li>- A/ The notification is intended to cover a single movement or several shipments (general notification);</li> <li>- B/ The waste is destined for final operation without recovery (Annex VA of the Waigani Convention), or a recovery operation (Annex VB of the Waigani Convention)</li> <li>- C/ Is to be completed as part of a OECD System</li> </ul>
<b>BLOCK 4</b>	<p>Indicate the total number of intended shipments</p>
<b>BLOCK 5</b>	<p>Provide the estimated total quantity (weight in kilos or volume in liters) of the amount to be shipped.</p> <p>Note there might be some practical difficulties in estimating quantities of the waste and the intended day of shipment at the time of notification.</p>
<b>BLOCK 6</b>	<p>Indicate intended date of shipment or period of time for shipments and proposed itinerary.</p> <p>In the case of a general notification covering several shipments, indicate either the expected dates of each shipment or, if it is not known, the expected frequency of the shipment will be required.</p>

<b>BLOCK 7</b>	<p>The Carrier is the person who carries out the transport of hazardous wastes.</p> <p>Provide the full name and address, telephone and telex or telefax number of the carrier and the name, address, telephone telex or telefax of the person to be contacted at any time in relation to any incident during movement of the consignment.</p> <p>If more than one carrier is involved, enter the words "see attached list" and append a list giving the information required for each carrier.</p>
<b>BLOCK 8</b>	<p>The disposer is the person for whom hazardous wastes are destined and who carries out the actual disposal of such wastes.</p> <p>Provide the full name, address, telephone and telefax or telex number of the disposer and the name, address, telex or telefax number of the person to be contacted.</p> <p>Provide the information on the actual disposal site (if it is different from the location of the disposer).</p>
<b>BLOCK 9</b>	<p>Provide the methods of disposal (see the reverse side for codes/ Annex V of the Waigani Convention).</p> <p>Describe the technology employed and the environmentally soundness of the methods followed. Attach additional information if necessary.</p>
<b>BLOCK 10</b>	<p>The generator is the persons whose activity produces the wastes. If that person is not known, the person who is in possession and/or control of those wastes.</p> <p>Provide the full name and address, telephone and telex or telefax number of the generator of the waste and the name address, telephone, telex or telefax of the person to be contacted at any time in relation to any incident during movement of the consignment.</p> <p>Provide information on the process by which the waste was generated and the site of generation.</p> <p>If the generator is the exporter, write in the block "Same as block 1".</p> <p>When the waste is produced by more than one generator, enter words " See attached list" and append a list providing the information required to each generator.</p>
<b>BLOCK 11</b>	<p>Indicate the proposed means of transport. There are on the reverse side of the notification</p>
<b>BLOCK 12</b>	<p>Indicate the proposed packaging type(s). There are on the reverse side of the notification</p>
<b>BLOCK 13</b>	<p>(i) Provide the names by which the material is commonly known, the chemical names and constituents and their concentration</p> <p>(ii) Indicate any special precautions concerning the consignment, for example, producers handling instructions for employees, health and safety information, including information on emergencies in case of accident.</p>
<b>BLOCK 14</b>	<p>Indicate the physical characteristics of the waste at normal temperature and pressure. Refer to the reverse side of the notification.</p>
<b>BLOCK 15</b>	<p>Indicate the waste identification code by which the material is designated in the country of export and, if known, in the country of import. Where necessary, provide the designation of the waste according to an adopted uniform classification code such as the International Waste Identification Code (IWIC), the European Waste Catalogue (EWC) code, the Harmonised System (HS) code or any other to be specified.</p>
<b>BLOCK 16</b>	<p>Refers to OECD classification, which is required to be checked only for wastes going to recovery facilities under the OECD System.</p>
<b>BLOCK 17</b>	<p>Provide the Y number (s), which accords with "Categories of Wastes which are Hazardous wastes" (Wastes streams-Wastes having as constituents) as contained in Annex I of the Waigani Convention.</p>
<b>BLOCK 18</b>	<p>For wastes listed in Annex I of the Convention, provide the H number(s). Refer to the reverse side of the notification/Annex II of the Waigani Convention (List of hazardous characteristics, UN Class Code Characteristics)</p>

<b>BLOCK 19</b>	<p>Provide the UN identification number, including proper shipping name, and, for wastes listed in Annex I of the Waigani Convention (Y1-Y45), UN Class (refer to the reverse side of the notification).</p> <p>The UN recommendations provide conditions on the Transport of Dangerous Goods. The UN recommendations provide conditions under which dangerous goods are suitable for transportation internationally.</p>
<b>BLOCK 20</b>	<p>In the left-hand block, provide the name of the State of export, (or the code for the country by using the OECD and ISO Standard 3166 abbreviations).</p> <p>Provide also the name, address, telephone and telefax/telex number of the Competent Authority of the State of export, the name of the port and the customs office as the point of entry to or exit from a particular country.</p> <p>In the three middle blocks, provide the corresponding information on the States of transit in order of the transport.</p> <p>In the right-hand block, provide the corresponding information on the State of import.</p>
<b>BLOCK 21</b>	<p>Completion required for consignments entering, passing through or leaving EU Member.</p>
<b>BLOCK 22</b>	<p>Specify the number of Annexes attached. (Annexes refer to any supplementary information supplied with the Notification Form). Ensure that each Annex is headed by the reference number of the box to which it relates. Annexes may refer to, for example, the list of several carriers, or generator of waste, as well as information on the method of disposal, the contract between the exporter and the disposer and on the financial guarantees or insurances provided for the transboundary movement of hazardous wastes.</p>
<b>BLOCK 23</b>	<p>Sign and date the notification before it is submitted to the Competent Authority of the State of Report. The name of the authorised representative of the Export/Generator should appear in capital letters to accompany the signature.</p> <p>By signing the declaration, the exporter/generator certifies that the information is complete and correct and that there is a valid written contract between the exporter and the disposer, and that the required financial guarantees are or shall be in force covering the transboundary movement.</p> <p>The proof of insurance and information concerning the contract between the exporter and the disposer and, if requested by the Competent Authorities, the proof of other financial guarantees shall accompany the notification.</p> <p>Example of declaration: <i>"I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally-enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantees are or shall be in force covering the transboundary movement"</i></p>
<b>BLOCK 24</b>	<p>This is not to be filled by the exporter but by the Competent Authority that is to acknowledge receipt of notification</p>
<b>BLOCK 25</b>	<p>This is to be filled by the Competent Authority of any country concerned when providing writing consent to a transboundary movement of hazardous wastes. Indicate the name of the country, the date of consent and the date on which it expires. If the movement is subject to specific condition, place (X) in the appropriate box and complete Block 26 "Specific conditions on consenting to the movement" on the reverse side of the form, or use a separate sheet of paper.</p> <p>When objecting to a movement, Competent Authority may write "OBJECTION" in block 25.</p> <p>Block 26 or the use of a separate sheet of paper may explain the objection.</p>
<b>BLOCK 26</b>	<p>This block is on the reverse side of the notification form to be used by the Competent Authorities when providing specific conditions for their written consent to the movement or to explain their objection to the movement.</p>

**INSTRUCTION FOR COMPLETING THE MOVEMENT DOCUMENT**

**TRANSBOUNDARY MOVEMENT OF WASTE - Notification WAIGANI CONVENTION**

1 i) Exporter (name, address)		3 Corresponding to Notification:		4. Serial number of shipment	
		Movement subject of (1)		single notification	
Contact person:		Tel:		general notification	
Fax/Telex:		8. Disposal (name, address)			
1 ii) Waste generator (name, address) (1)		Contact person:		Tel:	
Contact person:		Tel:		Fax/Telex:	
Fax/Telex:		Actual site of disposal:			
Site of generation:					
2. Importer (name, address)		9. Method(s) of disposal:			
		D code / R code (3):			
		Technology Employed *:			
Contact person:		Tel:		Fax/Telex:	
Fax/Telex:		*(Attach details if necessary)			
5. 1st Carrier (name, address):		6. 2nd Carrier (name, address) (4):		7. Last carrier (name, address):	
Registration No:		Registration No:		Registration No:	
Tel:		Tel:		Tel:	
Fax/Telex:		Fax/Telex:		Fax/Telex:	
10. Identity of means of transport (3)		11. Identity of means of transport (3)		12. Identity of means of transport (3)	
Date of transfer:		Date of transfer:		Date of transfer:	
Signature of Carrier's Representative		Signature of Carrier's Representative		Signature of Carrier's Representative	
13. Designation and chemical composition of the waste		14. Physical characteristics (3)			
		17. Actual quantity		18. Packages (2)	
15. Waste identification code		kg		Type:	
in country of export:		litres		Number:	
IWIC:					
in country of import:		EWC:		19. UN Classification	
Customs code (H.S.):		Other (specify):		UN Shipping Name:	
16. OECD Classification(1)				UN Identification:	
amber		red		UN class (3):	
other		and number		H Number (3):	
				Y Number:	
20. Special handling instructions (including in case of accidents)		22. Exporter's declaration:			
		I certify that the information in blocks 1 to 9 and 13 to 21 above is complete and correct to the best of my knowledge. I also certify that legally-enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantees are in force covering the transboundary movement, and that all necessary authorisations have been received from the competent authorities of the States concerned.			
21. Actual date of shipment		Name		Signature:	
		Date:			
TO BE COMPLETED BY IMPORTER/DISPOSER					
23. Shipment received by importer on (if not disposer):		25. I certify that the disposal/recovery of the waste			
Quantity received:		Kg/litres		accepted	
				described above has been completed	
Date:		Signature:		rejected(5)	
Name:		Date:			
24. Shipment received at disposer on:		Name:			
Quantity received:		kg/litres		accepted	
				Signature and Stamp:	
Date:		Signature:		rejected(5)	
Name:		Date:			
Approximate date of disposal:					
Method of disposal:					

(1) Attach list, if more than one (2) Enter X in appropriate boxes (3) See codes on the reversed in (4) If more than three carriers attach information as require blocks 6 and 1(5) Immediately contact Competent Authority

List of abbreviations used in the movement document	DISPOSAL (NO RECOVERY) (Block 9)				List of abbreviations used in the movement document	RECOVERY OPERATIONS (Block 9)				
D1	Deposit into or onto Land, (e.g., Landfill, etc.)				R1	Use as a fuel (other than in direct incineration) or other means to generate energy				
D2	Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc...)				R2	Solvent reclamation/regeneration				
D3	Deep Injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)				R3	Recycling/reclamation of organic substances which are not used as solvents				
D4	Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc...)				R4	Recycling/reclamation of metal compounds				
D5	Specially engineered landfill, (e.g., placement onto lined discrete cells which are capped and isolated from one another and the environment, etc...)				R5	Recycling/reclamation of other inorganic materials				
D6	Release into water body except seas/oceans				R6	Regeneration of acid or bases				
D7	Release into seas/oceans including sea-bed insertion				R7	Recovery of components from used for pollution abatement				
D8	Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any operations number D1 to D12				R8	Recovery of components from catalysts				
D9	Physico-chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any operations D1 to numbered D12, (e.g., evaporation, drying, calcination etc.)				R9	Used oil re-refining or other reuses of previously used oil				
D10	Incineration on land				R10	Land treatment resulting in benefit to agricultural or ecological improvement				
D11	Incineration at sea				R11	Uses of residual material obtained from any of the operations numbered R1 to R10				
D12	Permanent Storage, (e.g., emplacement in containers in a mine, etc.)				R12	Exchange of wastes for submission to any of the operations numbered R1 to R11				
D13	Blending or mixing prior to submission to any of the operations numbered D1 to D12				R13	Accumulation of material intended for any operations numbered R1 to R2				
D14	Repackaging prior to submission to any of the operations number D1 to D12.									
D15	Storage pending any of the operations D1 to D12.									
					<b>H NUMBER AND UN CLASS (Block 19)</b>					
					UN Class/	H Number				
					1	H1	Explosive			
					3	H3	Inflammable liquids			
					4.1	H4.1	Inflammable solids			
					4.2	H4.2	Substances or wastes liable to spontaneous combustion			
		<b>PACKAGING TYPES (Block 18)</b>		<b>MODES OF TRANSPORT (Blocks 10 – 12)</b>		4.2	H4.2	Substances or wastes liable to spontaneous combustion		
1	Drum	6	Composite Packaging	R =	Road	4.3	H4.3	Substances or waste which, in contact with water, emit inflammable gases		
2	Wooden Barrel	7	Pressure receptacle	T =	Train/Rail	5.1	H5.1	Oxidizing		
3	Jerrican	8	Bulk	S =	Sea	5.2	H5.2	Organic peroxides		
4	Box	9	Other (Specify)	A =	Air	6.1	H6.1	Poisonous (acute)		
5	Bag			W =	Inland Waterways	6.2	H6.2	Infectious substances		
					<b>PHYSICAL CHARACTERISTICS (Block 14)</b>		8	H8	Corrosives	
1	Powdery/powder		5	Liquid		9	H10	Liberation of toxic gases in contact with air or water		
2	Solid		6	Gaseous		9	H11	Toxic (delayed or chronic)		
3	Viscous/paste		7	Other (specify)		9	H12	Ecotoxic		
4	Sludgy					9	H13	Capable, after disposal, of yielding another material, e.g. leachate, which possesses any of the characteristics listed above.		

FOR USE BY CUSTOMS OFFICERS							
<b>26.</b>	COUNTRY OF EXPORT/DISPATCH OR CUSTOMS OFFICE OF EXIT			<b>28.</b>	STAMPS OF CUSTOM OFFICES OF TRANSIT COUNTRIES		
				Name of Country (2):		Name of Country (2):	
The waste described overleaf has left							
the country on:				Entry	Departure	Entry	Departure
Stamp:							
	Signature:						
<b>27.</b>	COUNTRY OF IMPORT/DESTINATION				Name of Country (2):		Name of Country (2):
The waste described overleaf has entered							
the country on:				Entry	Departure	Entry	Departure
Stamp:							
	Signature:						

**Parts filled in grey as shown in the table below indicate in who shall provide the information:**

**Blocks 1 to 9 and 13 to 22** must be completed by the **exporter/generator**;

**Blocks 10, 11, 12** must be completed by the **carriers** (the first carrier completes block 10, the second carrier completes block 11 and the third carrier completes block 12).

**Blocks 23** must be completed by the **importer** in the event he is not the disposer (please note that normally the disposer is the importer).

**Blocks 24 and 25** must be completed by the **disposer**.

**Blocks 26, 27, 28** are for use by **customs offices**.

According to article VI -9 of the Waigani Convention each transboundary movement shall be accompanied by a movement document which includes the information listed in Annex VI B. The movement document shall accompany the wastes at all time until it has reached the disposal/recovery facility. Each person who takes charge of the transboundary movement of hazardous wastes sign the document either upon delivery or receipt of the wastes in question.

At the time of the shipment, the exporter/generator completes the movement document. The carrier completes and sign block 10 and a copy is left with the exporter/generator for filing.

If there is more than one carrier for the shipment, transfer of the shipment to the new carrier must be recorded on the form.

Each successive carrier must sign the form on receipt and retain a photocopy of the form before releasing the shipment onto the next carrier.

When the waste has been received by the disposer, an authorized representative of the disposer completes block 24 and give a copy to the last carrier. The disposer shall also send a signed copy of the document to the exporter and the competent authority of the State of export.

When the disposal of waste has been completed, the disposer completes block 25 of the document and sends signed copies of it to the exporter and the competent authority of the state of export. The original document is retained by the disposer for filing.

<b>BLOCK 1</b>	<u>Exporter/Generator</u> : Provide the full name and address, telephone, telex or telefax number of the exporter company, and the name, address, telephone, telex or telefax number of the person who can be contacted at any time in relation to any incident during transport of the consignment ( <i>Same as blocks 1 and 10 in the notification</i> )
<b>BLOCK 2</b>	<u>Exporter/Generator</u> : Provide the full name and address, telephone, telex or telefax number of the importer, and the name, address, telephone, telex or telefax number of the person who can be contacted at any time in relation to any incident during transport of the consignment ( <i>Same as block 2 in the notification</i> ). Normally the importer would be the disposer. In this case enter the words "same as block 8. If not both block 2 and 8 need to be completed.
<b>BLOCK 3</b>	<u>Exporter/Generator</u> : Enter the notification number to which the particular consignment refers. This is to be copied from the top right of the notification.  Tick the appropriate box to indicate whether it is a single or general notification
<b>BLOCK 4</b>	<u>Exporter/Generator</u> : In case of multiple movements, enter the serial number of the intended shipments (as show in block 4 of the notification). For example "1 out 5" indicates that it is the first of five shipments under the general notification.
<b>BLOCKS 5, 6, 7</b>	<u>Exporter/Generator</u> : Indicate the full name and address, telephone and telex number of each actual carrier and the name, address, telephone, telefax of the person to be contacted in case of emergency.  Enter information on the first carrier (block 5), on the second carrier (block 6), on the third carrier (block 7). In case of more than three carriers, information should be appended to the form.
<b>BLOCK 8</b>	<u>Exporter/Generator</u> : Provide the full name, address, telephone and telefax or telex number of the disposer and the name, address, telex or telefax number of the person to be contacted. Provide the information on the actual disposal site ( <i>same as information contained in block 8 of the notification</i> ).
<b>BLOCK 9</b>	<u>Exporter/Generator</u> : Provide a description of the methods of disposal, recovery and the technology employed (see reverse side of the form/ Annex V of the Waigani Convention).( <i>same as information contained in block 9 of the notification</i> )
<b>BLOCKS 10, 11, 12</b>	<u>Carrier</u> : Provide the means of transport being used (see reversed side of the form for codes), the date and location of transfer at the time of receipt of the wastes. Each subsequent carrier or his representative is to sign the document when taking possession of the consignment.  The first carrier to complete block 10, the second carrier to complete block 11 and the third carrier to complete block 12. If any additional carriers are involved , appropriate information on each of them should be appended to the form.

<b>BLOCK 13</b>	<p><b>Exporter/Generator:</b> Enter the date when the shipment actually starts. This date should correspond to the first date of transfer indicated in block 10.</p> <p>(i) Provide the names by which the material is commonly known, the chemical names and constituents and their concentration;</p> <p>(ii) Indicate any special precautions concerning the consignment for example, producers handling instructions for employees, health and safety information, including information on emergencies in case of accident.</p> <p><i>(same as information contained in block 13 of the notification)</i></p>
<b>BLOCK 14</b>	<p><b>Exporter/Generator:</b> Indicate the physical characteristics number. Refer to reverse side of the form. <i>(same as information contained in block 14 of the notification)</i></p>
<b>BLOCK 15</b>	<p><b>Exporter/Generator:</b> Indicate the waste identification code by which the material is designated in the country of export and, if known, in the country of import. Where necessary, provide the designation of the waste according to an adopted uniform classification code such as the International Waste Identification Code (IWIC), the European Waste Catalogue (EWC) code, the Harmonised System (HS) code or any other to be specified. <i>(Same as information contained in block 15 of the notification).</i></p>
<b>BLOCK 16</b>	<p><b>Exporter/Generator:</b> Refers to OECD classification, which is required to be checked only for wastes going to recovery facilities under of OECD System.</p>
<b>BLOCK 17</b>	<p><b>Exporter/Generator:</b> Before shipment, provide the actual quantity by weight (Kilos) or by volume (Litres) of the amount to be shipped.</p>
<b>BLOCK 18</b>	<p><b>Exporter/Generator:</b> Insert the packaging code (refer to the reverse side of the form) and the number of packages comprising the consignment.</p>
<b>BLOCK 19</b>	<p><b>Exporter/Generator:</b> Insert the relevant UN, H, and Y codes.</p> <p>Provide the UN identification number, including proper shipping name, and, for wastes listed in Annex I of the Waigani Convention (Y1-Y45), UN Class (refer to the reverse side of the notification)</p> <p>Provide the H number for the wastes listed in Annex I of the Convention. Refer to the reverse side of the notification /Annex II of the Waigani Convention)</p> <p>Provide the Y number which accords with the categories of wastes which are hazardous wastes as contained in Annex I</p>
<b>BLOCK 20</b>	<p><b>Exporter/Generator:</b> Indicate any special precautions concerning the consignment, for example, producers handling instructions for employees, health and safety information, including, among other things, information on dealing with spillage, and accidents. Annexes should be used if necessary.</p>
<b>BLOCK 21</b>	<p><b>Exporter/Generator:</b> Enter the date when the shipment actually starts. This date should correspond to the first date of transfer indicated in block 10.</p>
<b>BLOCK 22</b>	<p><b>Exporter/Generator:</b> At the time of shipment, the authorized representative of the exporter/generator shall sign and date the movement document. The name of the authorized representative of the exporter/generator should also appear in capital letters to accompany the signature.</p> <p>It should be noted that by signing the declaration, the exporter and/or generator certifies:</p> <ul style="list-style-type: none"> <li>- the completeness and correctness of information ,</li> <li>- the existence of a contract</li> <li>- the necessary financial guarantees and insurances</li> <li>- all necessary authorizations have been received from the competent authorities concerned.</li> </ul> <p>Example of the exporter declaration: " I certify that the information in blocks 1 to 9 and 13 to 21 is complete and correct to the best of my knowledge. I also certify that legally-enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantees are in force covering a transboundary movement, and that all necessary authorizations have been received from the competent authorities of the State concerned"</p> <p><i>(This happen after the form has been returned by the Competent Authority which has granted authorization)</i></p>

<b>BLOCK 23</b>	<p><b>Importer if not the Disposer:</b> Indicate:</p> <ul style="list-style-type: none"> <li>- the amount of waste received weight in kilogrammes and/or volume in litres;</li> <li>- date of receipt;</li> <li>- the name of the importer; and</li> <li>- the signature of the authorised representative.</li> </ul> <p>The name of the authorized representative of the importer should also appear in capital letters to accompany the signature.</p> <p>Indicate also, whether the waste has been accepted or rejected by ticking the appropriate box. If the shipment has been rejected, for any reason, the importer must immediately contact his competent authority.</p> <p>Upon receipt of the waste, the importer shall give a signed copy of the movement document to the carrier. The importer shall also send signed copies to the exporter and the competent authority of the state of export.</p>
<b>BLOCK 24</b>	<p><b>Disposer:</b> To be completed by the authorized representative of the disposer on receipt of a transboundary consignment of the waste. Enter:</p> <ul style="list-style-type: none"> <li>- the amount of waste received in kilogrammes and/or in litres,</li> <li>- date of receipt,</li> <li>- the name of disposer, and</li> <li>- the signature of the authorised representative.</li> </ul> <p>The name of the authorized representative of the disposer should also appear in capital letters to accompany the signature.</p> <p>Indicate also, whether the waste has been accepted or rejected by ticking the appropriate box. If the shipment has been rejected, for any reason, the disposer must immediately contact his competent authority.</p> <p><i>Upon receipt of the waste, the disposer shall give a signed copy of the movement document to the carrier. The disposer shall also send signed copies to the exporter and the competent authority of the state of export.</i></p>
<b>BLOCK 25</b>	<p><b>Disposer:</b> Certify the completion of disposal of the waste. Enter:</p> <ul style="list-style-type: none"> <li>- the date of disposal</li> <li>- the name of the disposer</li> <li>- the signature of the authorized representative of the disposer.</li> </ul> <p>The name of the authorized representative of the disposer should also appear in capital letters to accompany the signature.</p> <p>Signed copies of the form shall be sent to the exporter and the competent authority of the State of export. The original movement document is normally to be retained by the disposer.</p>
<b>BLOCKS 26, 27, 28</b>	<p><b>Customs officers:</b></p> <p>These are for control by customs offices at the borders of country of export, transit and import</p>

## APPENDIX 1

### GLOSSARY

The following explanations are meant to clarify the terms used in this Manual and in the Waigani Convention. However, it should be noted that they do not replace the "Definitions" in Article 1 of the Waigani Convention, or any definitions adopted by national legislation.

**Approved site or facility:** a site or a facility for the disposal of hazardous wastes which is authorised or permitted to operate for this purpose by a relevant authority of the Party where the site or facility is located; Transboundary movement;

**Carrier:** Any person who carries out the transport of hazardous wastes;

**Competent authority:** The governmental authority designated by a Party to the Waigani Convention, within such geographical areas the Party may think fit, for receiving the notification of a transboundary movement of hazardous wastes, and any information related to it, and for responding to such a notification, as provided in Article 6 of the Convention. See Appendix 4 of this manual for the list of the competent authorities of Parties to the Waigani Convention.

**Countries concerned:** Countries of export, import or transit whether or not Parties to this Convention;

**Disposal:** Any operation specified in Annex IV to the Convention. In the context of the Waigani Convention, this term comprises both final disposal (Annex IV A) and recovery operations (Annex IVB). However, it should be noted that in some countries, disposal only refers to the operations specified in Annex IV A of the Convention, that is, to such operations which do not lead to any form of recovery;

**Disposer:** Any natural or legal person to whom hazardous wastes or other wastes are shipped and who carries out the disposal of such wastes. Under the control system of the Waigani Convention, the disposer is, for example, responsible for issuing the certifications of receipt and disposal of wastes, in accordance with Article 6, paragraph 9 of the Convention.

**Exporter:** Any person under the jurisdiction of the exporting Party who arranges for hazardous wastes to be exported. The exporter may be a generator, a holder of waste, or a broker or a dealer recognized in accordance with national legislation. Normally, it is the duty of the exporter to provide a notification to the competent authority of the State of export, in accordance with Article 6 of the Waigani Convention;

**Exporting Party:** Party from which the transboundary movement of hazardous wastes or other wastes is planned to be initiated or is initiated.

**General notification:** A notification which covers several shipments of hazardous wastes, having the same physical and chemical characteristics and shipped regularly to the same disposer via the same customs office for entry and exit, to be carried out during a maximum period of one year.

**Generator:** Any person whose activity produces hazardous waste or other waste or, if that person is not known, the person who is in possession and/or control of those wastes. If two or more batches of wastes are mixed before being moved and disposed of, and/or otherwise subjected to physical or chemical operations which render the original wastes indistinguishable or inseparable in the resulting mixture, the party or parties who perform(s) these operations is (are) considered to be the generator of the new wastes resulting from these operations

**Importer:** Any person under the jurisdiction of the importing Party who arranges for hazardous wastes to be imported. Normally, the importer is the same as the disposer.

**Importing Party:** Party to which a transboundary movement of hazardous 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.

**Movement document:** A document required to accompany the hazardous wastes from the point at which a transboundary movement commences to the point of disposal. Each person who takes charge of a transboundary movement of hazardous wastes must sign the movement document. The movement document shall include all the information referred to in Annex VB of the Convention. A sample form of the movement document and the instructions for its completion are presented in Part II of this Manual.

**Notification:** A document used to transmit, to the competent authorities of the States concerned, all the required information concerning any proposed transboundary movement of hazardous wastes and other wastes. The notification shall include all the information referred to in Annex VA of the Convention. A sample form of the notification and the instructions for its completion are presented in Part II of this Manual.

**Person:** Any natural or legal person

**Transboundary movement:** Any movement of hazardous wastes from an area under the jurisdiction of any Party, or to through an area under the jurisdiction of another Party, or to or through an area not under the jurisdiction of another Party, provided at least two Parties are involved in the movement.

**Transit Party:** Any Party, other than the Party of import or export, through which a transboundary movement of hazardous wastes is planned or takes place.

## APPENDIX 2

### ANNEX I: CATEGORIES OF WASTES WHICH ARE HAZARDOUS WASTES

#### **Wastes Streams:**

Y1	Clinical wastes from medical care in hospitals, medical centers and clinics
Y2	Wastes from the production and preparation of pharmaceutical products
Y3	Waste pharmaceuticals, drugs and medicines
Y4	Wastes from the production, formulation and use of biocides and phytopharmaceuticals
Y5	Wastes from the manufacture, formulation and use of wood preserving chemicals
Y6	Wastes from the production, formulation and use of organic solvents
Y7	Wastes from heat treatment and tempering operations containing cyanides

Y8	Waste mineral oils unfit for their originally intended use
Y9	Waste oils/water, hydrocarbons/water mixtures, emulsions
Y10	Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)
Y11	Waste tarry residues arising from refining, distillation and any pyrolytic treatment
Y12	Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
Y13	Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives
Y14	Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known
Y15	Wastes of an explosive nature not subject to other legislation
Y16	Wastes from production, formulation and use of photographic chemicals and processing materials
Y17	Wastes resulting from surface treatment of metals and plastics
Y18	Residues arising from industrial waste disposal operations
Y46	Wastes collected from households, including sewage sludges with the exception of clean sorted recyclable wastes which do not possess any of the hazardous characteristics found in Annex II.
Y47	Residues arising from the incineration of household wastes.

***Wastes having as constituents:***

Y19	Metal carbonyls
Y20	Beryllium; beryllium compounds
Y21	Hexavalent chromium compounds
Y22	Copper compounds
Y23	Zinc compounds
Y24	Arsenic; arsenic compounds
Y25	Selenium, selenium compounds
Y26	Cadmium; cadmium compounds
Y27	Antimony; antimony compounds
Y28	Tellurium; tellurium compounds
Y29	Mercury; mercury compounds
Y30	Thallium; thallium compounds
Y31	Lead, lead compounds
Y32	Inorganic fluorine compounds excluding calcium fluoride
Y33	Inorganic cyanides
Y34	Acidic solutions or acids in solid form
Y35	Basic solutions or bases in solid form
Y36	Asbestos (dust and fibres)
Y37	Organic phosphorous 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 (e.g. Y39, Y41, Y42, Y43, Y44)

## APPENDIX 3

## ANNEX II: LIST OF HAZARD CHARACTERISTICS

*UN Class	CODE	CHARACTERISTICS
<b>1</b>	<b>H1</b>	<b>Explosive</b>
		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 speed as to cause damage to the surroundings.
<b>3</b>	<b>H3</b>	<b>Flammable Liquids</b>
		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 deg. C, closed-cup test, or not more than 65.6 deg 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.)
<b>4.1</b>	<b>H4.1</b>	<b>Flammable Solids</b>
		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.
<b>4.2</b>	<b>H4.2</b>	<b>Substances or wastes liable to spontaneous combustion</b>
		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.
<b>4.3</b>	<b>H4.2</b>	<b>Substances or wastes which, in contact with water emit flammable gases</b>
		Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.
<b>5.1</b>	<b>H5.1</b>	<b>Oxidising</b>
		Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.
<b>5.2</b>	<b>H5.2</b>	<b>Organic Peroxides</b>
		Organic substances or wastes which contain the bivalent-o-o-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.
<b>6.1</b>	<b>H6.1</b>	<b>Poisonous (Acute)</b>
		Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.
<b>6.2</b>	<b>H6.2</b>	<b>Infectious substances</b>
		Substances or wastes containing viable micro organisms or their toxins which are known or suspected to cause disease in animals or humans.
<b>8</b>	<b>H8</b>	<b>Corrosives</b>
		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.
<b>9</b>	<b>H10</b>	<b>Liberation of toxic gases in contact with air or water</b>
		Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.
<b>9</b>	<b>H11</b>	<b>Toxic (Delayed or chronic)</b>
		Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.
<b>9</b>	<b>H12</b>	<b>Ecotoxic</b>
		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.
<b>9</b>	<b>H13</b>	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/*

## **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 characterize 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.

## **APPENDIX 4**

### **ANNEX V: DISPOSAL OPERATIONS**

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

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

<b>D1</b>	Deposit into or onto land, (eg landfill etc)
<b>D2</b>	Land treatment, (eg biodegradation of liquid or sludgy discards into soils etc)
<b>D3</b>	Deep Injection (eg injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc)
<b>D4</b>	Surface impoundment, (eg placement of liquid or sludge discards into pits, ponds or lagoons etc)
<b>D5</b>	Specially engineered landfill (eg placement into lined discrete cells which are capped and isolated from one another and the environment etc)
<b>D6</b>	Release into a water body except seas/oceans
<b>D7</b>	Release into seas/oceans including sea-bed insertion
<b>D8</b>	Biological treatment not specified elsewhere in this Annex which results final compounds or mixtures which are discarded by means of any of the operations in Section A
<b>D9</b>	Physico-chemical treatment not specified elsewhere in this Annex which are discarded by means of any of the operations in Section A (eg evaporation, drying, calcination, neutralisation, precipitation etc)
<b>D10</b>	Incineration on land
<b>D11</b>	Incineration at sea
<b>D12</b>	Permanent storage (eg emplacement of containers in a mine etc)
<b>D13</b>	Blending or mixing prior to submission to any of the operations in Section A
<b>D14</b>	Repackaging prior to submission to any of the operations in Section A
<b>D15</b>	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 (Recycling)***

*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 operation included in Section A.*

<b>R1</b>	Use as fuel (other than in direct incineration) or other means to generate energy
<b>R2</b>	Solvent reclamation/regeneration
<b>R3</b>	Recycling/reclamation of organic substances which are not used as solvents
<b>R4</b>	Recycling/reclamation of metals and metal compounds
<b>R5</b>	Recycling/reclamation of other inorganic materials
<b>R6</b>	Regeneration of acids or bases
<b>R7</b>	Recovery of components used for pollution abatement
<b>R8</b>	Recovery of components from catalysts
<b>R9</b>	Used oil re-refining or other reuses of previously used oil
<b>R10</b>	Land treatment resulting in benefit to agriculture or ecological improvement
<b>R11</b>	Uses of residual materials obtained from any of the operations numbered R1–R10
<b>R12</b>	Exchange of wastes for submission to any of the operations numbered R1–R11
<b>R13</b>	Accumulation of material intended for any operation in Section B

## APPENDIX 5

### REASONS WHY MATERIALS ARE INTENDED FOR DISPOSAL

*This list is taken from Table 1 of OECD Decision C (88)90(Final)*

<b>Q1</b>	Production residues not otherwise specified below
<b>Q2</b>	Off-specification products
<b>Q3</b>	Products whose date for appropriate use has expired
<b>Q4</b>	Materials spilled, lost or having undergone other mishap including any materials, equipment etc. contaminated as a result of the mishap
<b>Q5</b>	Materials contaminated or soiled as a result of planned actions (e.g. residues from cleaning operations, packing materials, containers, etc.)
<b>Q6</b>	Unusable parts (e.g. reject batteries, exhausted catalysts, etc.)
<b>Q7</b>	Substances which no longer perform satisfactorily (e.g. contaminated acid, contaminated solvents, exhausted tempering salts, etc.)
<b>Q8</b>	Residues of industrial processes (e.g. slags, still bottoms, etc.)
<b>Q9</b>	Residues from pollution abatement processes (e.g. scrubber sludges, baghouse dusts, spent filters, etc.)
<b>Q10</b>	Machining/finishing residues (e.g. lathe turnings, mill scales, etc.)
<b>Q11</b>	Residues from raw materials processing (e.g. mining residues, oil field slops, etc.)
<b>Q12</b>	Adulterated materials (e.g. oils contaminated with PCBs, etc.)
<b>Q13</b>	Any materials, substances or products whose use has been banned by law in the country of exportation
<b>Q14</b>	Products for which there is no further use (e.g. agriculture, household, office, commercial and shop discards, etc.)
<b>Q15</b>	Materials, substances or products resulting from remedial actions with respect to contaminated land
<b>Q16</b>	Any materials, substances or products which the generator or exporter declares to be wastes and which are not contained in the above categories

***A material intended for any operation specified in Annex V, Part A or Part B, for one or more of the reasons listed in the above table, is a waste under Australian legislation.***

## APPENDIX 6

### Structure of Permit:

- Delegation of Authority / where is power coming from?
- Legal framework
- Identifies parties involved
- Explains what permit is for
- Clearly specifies dates
- Prescribes where the wastes are to be disposed of
- Transit and final destination
- contact details
- Quantity of materials
- refers to conditions specified in an attachment

#### 5) Conditions on Permit

- Abide by other legislation (ie other national legislation as well as other country's legislation)
- ESM Concepts
- Transport requirements (packaging, handling, insurances)
- Who needs to be notified by when (important for Competent Authority for inspection or auditing purposes)
- contravention of permit conditions can lead to the cancelling of the permit

#### 6) Statement of Decision

- shows logic of decision
- also important for natural justice, accountability / transparency and appeals process
- Necessary elements:
- tie back to regulation or Convention (those things that MUST be met)
- also includes general conditions that SHOULD be met
- it may also specify other conditions that are particular to a country's domestic legislation

## Appendix 7

### Basic Elements to be Included in the Contract Between the Exporter and the Disposer

Contracts for the shipment of waste destined for disposal operations should clearly set out the rights and obligations of each party and demonstrate a positive and mutually responsible approach. The objective is to have a contract that is acceptable, clear, workable and fair to both parties.

It should be noted that a contract shall normally be concluded before the notification is provided and the competent authorities have issued their authorizations to the movement of waste. Therefore, the contract concluded at that stage should include a caveat "subject to authorisation", in order to avoid possible practical trade problems in case the proposed movement of waste will not be permitted by the competent authorities.

The following elements should be considered for inclusion in the contract.

NOTE: National regulations may lead to different requirements with regard to the contents of the contract.

**1. *Scope of disposer's services***

Specify that the disposer will accept the waste in question, providing that the transboundary movement meets certain agreed on quality requirements (within agreed levels of tolerance) described in section 4. Specify that waste disposal facility is authorized or permitted to handle waste.

**2. *Term of contract***

Specify the time period of the contract and, if appropriate, the frequency of shipments.

**3. *Waste material and method of disposal***

Provide a description of the hazardous waste or other waste and the disposal process for which it is destined, as well as the nature and quantity of wastes arising from the recovery operations and their destination. Provide a description of the intended use of the reclaimed material (or product). Specify the environmentally sound management of the wastes in question.

Specify the mutually agreed acceptance criteria.

**4. *Quantity***

Specify the quantity of hazardous waste or other waste that the disposer agrees to receive.

**5. *Delivery***

Specify the type of packaging that will be used in transport.

Specify that the exporter will inform the disposer of the date of any shipment pursuant to the contract and the expected date of arrival to the disposer's premises and completion of the disposal operations.

**6. *Title***

Specify the conditions for transfer of ownership and of liability, clearly defining the areas covered, for example, loss, theft, damage (clarify what is meant by "damage").

**7. *Inspection and acceptance***

Specify which party shall be responsible for ensuring the inspection, sampling, and analysis, as well as the procedures to follow in case of non-conformity of the sample and/or rejection of the shipment. Specify which party shall bear the cost of each of these items. Specify alternative management and the chain of responsible parties, in cases where the disposer cannot accept the wastes in question.

Remember that the Waigani Convention contains the Duty to Re-import from the State of export (Article 8).

**8. *Representations and warrants of exporter and/or disposer***

Specify the representations and warrants of each company, for example, concerning the competence of each party and his license/authorization to operate.

**9. *Liability***

Clearly delineate the responsibility for third-party property damage and any other specific damages (e.g. damage to environment, trading loss, loss of profit, etc.)

**10. *Insurance***

Specify that the companies carry the insurance required by law, or other insurance mutually agreed upon.

**11. *Law and arbitration***

Specify the procedures and time frame to be followed in the event of a dispute arising from the contract (e.g. agreement to pursue a non-legal resolution to the dispute or to refer the dispute to an arbitration tribunal such as the ICC Court of Arbitration).

NOTE: The following section should be separated from the standard terms and conditions of the contract before the contract can become a public document.

**12. *Financial arrangements***

Specify the compensation.

Specify the terms and conditions for adjustment of the compensation.

<b>OTHER SOURCES OF INFORMATION</b>
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*Eg UN DG Codes, transport, MSDS, etc, EA information papers*

## Appendix 8

<b>COMPETENT AUTHORITIES AND FOCAL POINTS TO THE WAIGANI CONVENTION</b>		
<b><u>PARTY</u></b>	<b><u>FOCAL POINT</u></b>	<b><u>COMPETENT AUTHORITY</u></b>
<p><b><u>Australia</u></b></p> <p>Signed: 16 Sept 1995</p> <p>Ratified: 17 August 1998</p> <p>In Force: 21 Oct 2001</p>	<p>Assistant Secretary Chemicals and the Environment Branch Environment Quality Division Environment Australia GPO Box 787 Canberra, ACT 2601 Australia</p> <p>Tel: (6126) 250 02 70 Fax: (6126) 250 03 87 Email: <a href="mailto:peter.burnett@ea.gov.au">peter.burnett@ea.gov.au</a></p>	<p>Assistant Secretary Chemicals and the Environment Branch Environment Quality Division Environment Australia GPO Box 787 Canberra, ACT 2601 Australia</p> <p>Tel: (6126) 250 02 70 Fax: (6126) 250 03 87 Email: <a href="mailto:peter.burnett@ea.gov.au">peter.burnett@ea.gov.au</a></p>
<p><b><u>Cook Islands</u></b></p> <p>Signed: 17 Sept 1995</p> <p>Ratified: 30 October 2000</p> <p>In Force: 21 Oct 2001</p>	<p>Mr Edwin Pittman Secretary Ministry of Foreign Affairs &amp; Immigration PO Box 105 Rarotonga Cook Islands</p> <p>Tel: (682) 29347 Fax: (682) 21247 Email: <a href="mailto:secfa@foraffairs.gov.ck">secfa@foraffairs.gov.ck</a></p>	<p>Mr Vaitoti Tupa Director National Environment Service PO Box 371 Rarotonga Cook Islands</p> <p>Tel: (682) 21256 Fax: (682) 22256 Email: <a href="mailto:vaitoti@oyster.net.ck">vaitoti@oyster.net.ck</a></p>
<p><b><u>Federated States of Micronesia</u></b></p> <p>Signed: 17 Sept 1995</p> <p>Ratified: 26 January 1996</p> <p>In Force: 21 Oct 2001</p>	<p><b>Hon Ieske K Iehsi</b> Secretary Department of Foreign Affairs PO Box PS 123 Palikir, Pohnpei Federated States of Micronesia 96941</p> <p>Telephone: (691)320 2613/2544/2641 Fax: (691) 320 2933 Email: <a href="mailto:foreignaffairs@mail.fm">foreignaffairs@mail.fm</a></p>	<p><b>Hon. Dr. Eliueli K. Pretrick</b> Secretary Department of Health, Education and Social Services PO Box PS 70 Pohnpei Federated States of Micronesia 96941</p> <p>Telephone: (691) 320 2872 Fax: (691) 320 5263 Email: <a href="mailto:fsmhealth@mail.fm">fsmhealth@mail.fm</a></p>
<p><b><u>Fiji</u></b></p> <p>Signed: 16 Sept 1995</p> <p>Ratified: 18 April 1996</p> <p>In Force: 21 Oct 2001</p>	<p><b>Mr Bhaskaran Nair</b> Acting Permanent Secretary for Local Government Housing and Environment PO Box 2131</p>	<p><b>Mr Epeli Nasome</b> Director of Environment Ministry of Local Government Housing and Environment</p>

<b>PARTY FOCAL POINT COMPETENT AUTHORITY</b>		
Government Buildings SUVA, Fiji  Telephone: (679) 304 307/ 309 918/ 309 917 ext 201 Fax: (679) 303 515 Email: <a href="mailto:bnair@is.com.fj">bnair@is.com.fj</a>		PO Box 2131 Government Buildings SUVA, Fiji  Telephone: (679) 311 699 Fax: (679) 312 879 Email: <a href="mailto:enasome@govnet.gov.fj">enasome@govnet.gov.fj</a>
<b><u>Kiribati</u></b>  Signed: 16 Sept 1995  Ratified: 28 June 2001  In Force: 21 Oct 2001	<b>Mrs Karibaiti Taoaba</b> Permanent Secretary Ministry of Environment and Social Development PO Box 234 Biikenibeu, Tarawa KIRIBATI  Telephone: (686) 28211 Fax: (686) 28334	<b>Mrs Karibaiti Taoaba</b> Permanent Secretary Ministry of Environment and Social Development PO Box 234 Biikenibeu, Tarawa KIRIBATI  Telephone: (686) 28211 Fax: (686) 28334
<b><u>Marshall Is, Rep</u></b>  Signed:  Ratified:		
<b><u>Nauru</u></b>  Signed: 16 Sept 1995  Ratified:		
<b><u>New Zealand</u></b>  Signed: 16 Sept 1995  Ratified: 30 November 2000  In Force: 21 Oct 2001	<b>Mr Glenn Wigley</b> Senior Operator Ministry for the Environment Grand Annexe, 84 Boulcott Street Wellington NEW ZEALAND  Telephone: (644) 917 7515 Fax: (644) 917 7528 Email: <a href="mailto:glenn.wigley@mfe.govt.nz">glenn.wigley@mfe.govt.nz</a>	<b>Mr Stuart Calman</b> Manager Energy and the Environment Ministry of Economic Development 33 Bowen Street PO Box 1473 Wellington NEW ZEALAND  Telephone: (644) 474 2647 Fax: (644) 473 9930 Email: <a href="mailto:stuart.calman@med.govt.nz">stuart.calman@med.govt.nz</a>
<b><u>Niue</u></b>  Signed: 16 Sept 1995  Ratified: 22 July 2003  In Force: 21 Aug 2003	Office for External Affairs Premier's Department PO Box 40 Alofi Niue  Telephone: (683) 4200 Fax: (683) 4206/4232 Email: <a href="mailto:christine.external@mail.gov.nu">christine.external@mail.gov.nu</a>	Public Health Division Niue Health Department PO Box 33 Alofi Niue  Telephone: (683) 4100 Fax: (683) 4265 Email:
<b><u>Palau</u></b>  Signed: 16 Sept 1995		

<p><b><u>Papua New Guinea</u></b></p> <p>Signed: 16 Sept 1995</p> <p>Ratified: 11 Dec. 1995</p> <p>In Force: 21 Oct 2001</p>	<p><b>Dr. Wari Iamo</b>  Secretary  Department of Environment and Conservation  Level 7 Somare Foundation  PO Box 6601  Boroko, NCD  PAPUA NEW GUINEA</p> <p>Telephone: (675) 325 0180  Fax: (675) 325 0182</p>	<p><b>Dr. Wari Iamo</b>  Secretary  Department of Environment and Conservation  Level 7 Somare Foundation  PO Box 6601  Boroko, NCD  PAPUA NEW GUINEA</p> <p>Telephone: (675) 325 0180  Fax: (675) 325 0182</p>
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### PARTY FOCAL POINT COMPETENT AUTHORITY

<p><b><u>Samoa</u></b></p> <p>Signed: 16 Sept 1995</p> <p>Ratified: 23 May 2001</p> <p>In Force: 21 Oct. 2001</p>	<p><b>The Secretary for Foreign Affairs</b>  Ministry of Foreign Affairs  PO Box L1859  APIA, Samoa</p> <p>Telephone: (685) 63333  Fax: (685) 21504  Email: <a href="mailto:mfa@mfa.gov.ws">mfa@mfa.gov.ws</a></p>	<p><b>Mr Tuu'u Ieti Taulealo</b>  Director  Department of Lands, Surveys and Environment  Private Mail Bag  APIA, Samoa</p> <p>Telephone: (685) 25019/22481  Telex: (779) 221 MALO SX  Fax: (685) 23176  Email: <a href="mailto:tuuu.ieti@samoa.ws">tuuu.ieti@samoa.ws</a></p>
<p><b><u>Solomon Islands</u></b></p> <p>Signed: 16 Sept 1995</p> <p>Ratified: 7 October 1998</p> <p>In Force: 21 Oct 2001</p>		
<p><b><u>Tonga</u></b></p> <p>Signed: 16 Sept 1995</p> <p>Ratified: 22 May 2003</p> <p>In Force: 21 June 2003</p>		
<p><b><u>Tuvalu</u></b></p> <p>Acceded : 21 Sept 2001</p> <p>In Force : 21 Oct 2001</p>	<p><b>Permanent Secretary</b>  Ministry of Environment, Energy and Tourism  Private Mail Bag  Vaiaku, Funafuti  Tuvalu</p> <p>Telephone: (688) 20171  Fax: (688) 20826  Email: <a href="mailto:enviro@tuvalu.tv">enviro@tuvalu.tv</a> or <a href="mailto:pklaupepe@yahoo.com">pklaupepe@yahoo.com</a></p>	<p><b>Ms. Susan Tupulaga</b>  Acting Waste Coordinator  Office of Prime Minister  Department of Environment  PO Box 148  Vaiaku, Funafuti  Tuvalu</p> <p>Telephone: (688) 20164  Fax: (688) 20826  Email: <a href="mailto:waste@tuvalu.tv">waste@tuvalu.tv</a></p>
<p><b><u>Vanuatu</u></b>  Signed : 16 Sept 1995</p>		
<p><b><u>France</u></b></p>		
<p><b><u>United Kingdom</u></b></p>		
<p><b><u>United States</u></b></p>		

## APPENDIX 9

### DISTINCTION WASTES NON WASTES UNDER THE AUSTRALIA'S HAZARDOUS WASTE ACT

Waste is defined, under the Hazardous Waste Act, by reference to three tables, A, B and C.

Table A is a list of final disposal operations, Table B is a list of recovery operations and Table C is a list of reasons why materials are intended for operations in Tables A or B.

A number of factors need to be considered before deciding whether a material is or is not a hazardous waste under the Act. These factors include:

- whether the material is destined for a final disposal operation;
- whether the material is destined for a recovery operation;
- how and why the material is produced;
- whether the material has economic value;
- whether a recovery operation is necessary;
- whether the material is suitable for its originally intended use; and
- whether the material is destined for direct re-use or alternative uses.

Various examples of materials which are classified as either wastes or non-wastes under the Act are given below to illustrate the circumstances in which these factors may apply .

#### Issues Related to Final Disposal

WASTE EXAMPLES	NON -WASTE EXAMPLE
<p><b>Spent Pot linings (Example 2)</b></p> <p>Spent pot linings for testing are wastes because they are in Q7 of Table C and the residues are disposed of in a secure landfill after testing.</p>	<p><b>Blood &amp; Urine Samples (Example 1)</b></p> <p>Clinical samples for testing are non-wastes because they are not in any entry in Table C.</p>

#### Issues Related to Recovery Operations

WASTE EXAMPLES	NON -WASTE EXAMPLE
EXAMPLES	NON WASTE EXAMPLES
<p><b>Smelting of Zinc Residues (Example 3)</b></p> <p>Waste recovery operations can be performed in a facility which is not primarily a waste management operation.</p> <p><b>Waste Solvents used in Cement Kilns (Example 4)</b></p> <p>A cement kiln is not necessarily a waste management operation, but is able to use waste solvents as fuel.</p>	

### Additional Considerations Waste Examples Non-waste Examples

WASTE EXAMPLES	NON WASTES EXAMPLES
<p><b>Brass Dross (Example 7)</b></p> <p>Brass dross is a waste because its production is unavoidable, it is not produced to quality controls and it is sold to a waste recovery industry.</p> <p><b>Lead Solder Residues (Example 9)</b></p> <p>Lead solder residues are a waste because the metallics have suffered a loss in value by being oxidised and mixed.</p> <p><b>Spent Catalysts for regeneration / manufacture (Example 10)</b></p> <p>Spent catalysts are a waste when destined for recovery of components but are a non-waste when destined for regeneration.</p> <p><b>Used Computers for Disassembly (Example 12)</b></p> <p>Used computers are wastes if destined for disassembly followed by re-use, recycling and recovery of their components.</p> <p><b>Draining of Used Lead-Acid Batteries (Example 13)</b></p> <p>Draining a used lead-acid battery does not return the material to a normal commercial cycle.</p> <p><b>Dewatered Oil (Example 14)</b></p> <p>Dewatered oil is a waste because it is fit and intended only for use in a cement kiln as fuel.</p>	<p><b>Processing of nickel-cobalt ores (Examples 5&amp;6)</b></p> <p>Nickel ore refining can produce more than one product when there is a clear intention to produce both to a specification.</p> <p><b>Anode Slimes (Example 8)</b></p> <p>Anode slimes are a non-waste when produced intentionally by blending and processing to meet specifications</p> <p><b>Used Computers for Continued Use (Example 11)</b></p> <p>Used computers are non-wastes if destined for continued use as computers and are in working order or require only minor repairs.</p> <p><b>Demineralised Oil (Example 14)</b></p> <p>Demineralised oil is a non-waste because it meets the specifications for, and can be safely used as a substitute for, diesel oil.</p>

### Trans frontier movements of materials for their Originally Intended

WASTE EXAMPLES	NON-WASTE EXAMPLES
	<p><b>Used Tyres (Example 15)</b></p> <p>Used tyres destined for continued use as tyres are a non-waste, even if they are no longer legal in the State of export, provided they are legal in the State of import.</p>

### Transfrontier movements of materials for Direct Re-use or Alternatives

WASTE EXAMPLES	NON WASTE EXAMPLES
	<p><b>Smelting of Lead Dross (Example 16)</b></p> <p>Lead dross is a waste because it is a residue of industrial processes destined for a recovery operation in a facility that is not primarily a waste disposal operation.</p>

### Criteria for determining when a Waste ceases to be a Waste Waste

WASTE EXAMPLES	NON WASTE EXAMPLES
<p><b>Upgraded Copper Flue Dust (Example 19)</b></p> <p>Upgraded copper flue dust is still a waste because it combines low copper with high arsenic and antimony and must be blended in at a low ratio.</p> <p><b>Use of zinc slag for abrasive blast cleaning (Example 20)</b></p> <p>This hazardous waste has not been subjected to a recovery operation and remains a waste intended for disposal whether or not it is used for abrasive blast cleaning before disposal.</p>	<p><b>Production of Lead Sulphate (Example 17)</b></p> <p>Lead sulphate recovered from lead fumes is a non-waste because it has been treated to meet market demand and contaminants have been removed.</p> <p><b>Fly Ash (Example 18)</b></p> <p>After blending with Portland cement fly ash is no longer a waste because the threat originally posed to the environment is sufficiently diminished and the material is of sufficient beneficial use.</p>

### *Instructions to Countries for Notification under POPs in PICs Project*

#### *What is contained in your package of forms?*

1. Four (4) copies of the Waigani Convention Transboundary Movement of Waste – Notification forms.
2. Four (4) copies of the attachments for the Notification forms.
3. Two (2) sample cover letters: one to cover the Notification form to the State of Import (Australia); one to cover each Notification form to the States of Transit (Tonga and Fiji).

#### *Instructions:*

1. Check documentation to make sure everything is included in the package.
2. Allocate a Notification Number in the top right hand corner of the Notification Document. This will need to be referred to in block 3 of the Movement Document also.
3. Mr Aiono Mose Pouvi Sua to sign all four (4) original copies of the Notification form.
4. Ensure all attachments are secured to the Notification forms.
5. Keep one original package of documents on file in Samoa, and send one package to each of the States of Transit and the Sate of Import.
6. Prepare cover letters on Samoan Government letterhead, using samples included in the package;

<b>Packages to State of Import should be addressed:</b>	<b>Packages to States of Transit should be addressed:</b>
<p>Dr Greg Rippon Assistant Manager Hazardous Waste Section Australian Government, The Department of the Environment and Heritage GPO Box 787 CANBERRA ACT 2601 AUSTRALIA</p>	<p>Mr Uilou Samani Director Department of Environment PO Box 917 NUKU' ALOFA TONGA</p> <p>Copy to Dr Netatua Prescott.</p> <p>Mr Epeli Nasome Director Department of Environment Fiji Football Assoc. Building Gladstone Road PO Box 2131 SUVA FIJI</p> <p>Copy to Ms Vananda Naidu.</p>

7. You must receive a copy of the signed Notification form from each of the States of Transit and the State of Import, indicating they approve the transit / entry before the shipment leaves Samoa.
8. Follow up with Transit and Import States by phone to ensure timelines are met.

***Instructions to Countries for Movement under POPs in PICs Project:***

***What is contained in your package of forms?***

4. Five (5) copies of the Waigani Convention Transboundary Movement of Waste – Movement forms.
5. Five (5) copies of the attachments for the Movement forms.

***Instructions:***

9. Check documentation to make sure everything is included in the package.
10. Ensure all attachments are secured to the Movement forms.
11. Keep one original package of documents on file in Samoa, and send one package to each of the States of Transit and the State of Import.
12. Include these documents with the Notification Documents and cover letters mentioned under the Instructions to Countries for Notification under POPs in PICs Project.
13. Customs office to stamp and sign fifth set of the form (block 26 of Movement Document) with attachments and hand paperwork to ship's records manager to accompany the shipment.

***What will happen with the forms?***

1. The Customs office of each State of Transit will stamp and sign the Movement form (block 28 Movement Document) accompanying the shipment, indicating that the waste has transited their port, and keep a copy on their files.
2. The Customs office of the State of Import will stamp the Movement form (block 27 of Movement Document) accompanying the shipment, indicating that the waste has entered Australia, and keep a copy on their files.
3. The disposal facility will sign the Movement form (block 24 of Movement Document) accompanying the shipment, indicating that the waste has arrived at the disposal facility, and keep a copy on their files.
4. The disposal facility will sign the movement form (block 25 of Movement Document) accompanying the shipment, indicating that the waste has been successfully destroyed, and return the original completed Movement Document to Samoa.
5. Samoa will then be able to reconcile the form received with the details in the application.

**[Transit Country]**

**RE:** Transit of Persistent Organic Pollutants under the AusAID project, Persistent Organic Pollutants (POPs) from Pacific Island Countries (PICs) – Phase II, POPs collection and disposal (POPs in PICs Project).

Dear \_\_\_\_\_,

As you are aware, the Australian Agency for International Development (AusAID) has been conducting a project to assist thirteen Pacific Island Countries identify and manage stockpiles of Persistent Organic Pollutants, namely disused organo-chlorine and organo-phosphate pesticides, and polychlorinated biphenyls (PCBs) from old electrical transformers.

The project is now entering the final stage of Phase II of the project, which is the clean-up and re-packaging of the POPs, and shipment to Australia for destruction.

As a State of Transit, and a fellow participating country under the POPs in PICs Project, we request your timely approval for the shipment from Samoa to transit through your port [Name of Port].

Please find enclosed two packages with the information and forms required to undertake this shipment as indicated below. Also included in this letter are instructions on the handling of the enclosed documentation. Please follow these instructions carefully, to ensure all approvals are properly documented and communicated.

**Package 1:** This package contains a signed copy of the form with the title ‘Transboundary Movement of Waste – Notification Document – Waigani Convention’. The form includes three (3) Annexes. This is the official method by which notification and transit approval must be sought under the Waigani Convention on the Transboundary Movement of Hazardous and Radioactive Waste.

**Instructions:**

Please sign the enclosed form where indicated (block 24 of the Notification Document), and return the signed document (without the attachments) to:

Mr Aiono Mose Pouvi Sua  
Chief Executive Officer  
Ministry of Foreign Affairs and Trade  
PO Box L1859  
APIA  
SAMOA

We also ask that a copy that clearly shows the approval signature be faxed to the number +685 25856 (Attn: Mr Bill Cable) as soon as it is signed.

We recommend you keep a photocopy of this form for your files.

*Please note:* we hope to receive your approval by X July 2004 in order to export the POPs with the ship indicated in block 20 of the Notification Document.

It is important that you liaise with your Customs office at this stage to notify them of the transit approval and the shipping dates (stated in block 20 of the Notification Document).

**Package 2:** This package contains a form with the title 'Transboundary Movement of Waste – Movement Document – Waigani Convention'. The Movement Document also has three Annexes, and is the official form by which the movement of hazardous waste under the Waigani Convention is tracked.

This package is FOR YOUR FILES ONLY.

**Instructions:**

A separate Movement Document with the same information will accompany the shipment and will need to be signed by your Customs office (block 28 of the Movement Document) at the time of transit.

Once the Customs office has signed the Movement Document accompanying the shipment, please make a copy and keep on your files. The original is returned to the ship's records manager to continue accompanying the shipment.

Again, please fax a copy of the signed Movement Document to Mr Bill Cable on the fax number above as soon as it is signed.

I thank you in advance for your cooperation and timely provision of approvals for the transit of this shipment through your waters and port. If you have any questions, please do not hesitate to contact Dr Frank Griffin (SPREP) or Dr Jacques Mougeot (SPREP) on +685 21929.

Yours faithfully,

Mr Aiono Mose Pouvi Sua  
Chief Executive Officer

**[Import Country]**

**RE:** Importation of Persistent Organic Pollutants under the AusAID project, Persistent Organic Pollutants (POPs) from Pacific Island Countries (PICs) – Phase II, POPs collection and disposal (POPs in PICs Project).

Dear Dr Rippon,

As you are aware, the Australian Agency for International Development (AusAID) has been conducting a project to assist thirteen Pacific Island Countries identify and manage stockpiles of Persistent Organic Pollutants, namely disused organo-chlorine and organo-phosphate pesticides, and polychlorinated biphenyls (PCBs) from old electrical transformers.

The project is now entering the final stage of Phase II of the project, which is the clean-up and re-packaging of the POPs, and shipment to Australia for destruction.

As the State of import we request your timely approval for import of the shipment from Samoa through the Port of Brisbane.

Please find enclosed two packages with the information and forms required to undertake this shipment as indicated below. Also included in this letter are instructions on the handling of the enclosed documentation. Please follow these instructions carefully, to ensure all approvals are properly documented and communicated.

**Package 1:** This package contains a signed copy of the form with the title 'Transboundary Movement of Waste – Notification Document – Waigani Convention'. The form includes three (3) Annexes. This is the official method by which notification and transit approval must be sought under the Waigani Convention on the Transboundary Movement of Hazardous and Radioactive Waste.

**Instructions:**

Please sign the enclosed form where indicated (block 24 of the Notification Document), and return the signed document (without the attachments) to:

Mr Aiono Mose Pouvi Sua  
Chief Executive Officer  
Ministry of Foreign Affairs and Trade  
PO Box L1859  
APIA  
SAMOA

We also ask that a copy that clearly shows the approval signature be faxed to the number +685 25856 (Attn: Mr Bill Cable) as soon as it is signed.

We recommend you keep a photocopy of this form for your files.

*Please note:* we hope to receive your approval by X July 2004 in order to export the POPs with the ship indicated in block 20 of the Notification Document.

It is important that you liaise with your Customs office at this stage to notify them of the transit approval and the shipping dates (stated in block 20 of the Notification Document).

**Package 2:** This package contains a form with the title 'Transboundary Movement of Waste – Movement Document – Waigani Convention'. The Movement Document also has three Annexes, and is the official form by which the movement of hazardous waste under the Waigani Convention is tracked.

This package is FOR YOUR FILES ONLY.

**Instructions:**

A separate Movement Document with the same information will accompany the shipment and will need to be signed by your Customs office (block 28 of the Movement Document) at the time of import.

Once the Customs office has signed the Movement Document accompanying the shipment, please make 2 copies of the form: one copy is for your records; and one copy to be sent to the Samoan Competent Authority as outlined for the Notification Document above.

Again, please fax a copy of the signed Movement Document to Mr Bill Cable on the fax number above as soon as it is signed.

I thank you in advance for your cooperation and timely provision of approvals for the transit of this shipment through your waters and port. If you have any questions, please do not hesitate to contact Dr Frank Griffin (SPREP) or Dr Jacques Mougeot (SPREP) on +685 21929.

Yours faithfully,

Mr Aiono Mose Pouvi Sua  
Chief Executive Officer

## TRANSBOUNDARY MOVEMENT OF WASTE – Notification WAIGANI CONVENTION

<b>1. Exporter (name, address):</b>		<b>3. Notification concerning (1):</b>			
Ministry of Foreign Affairs and Trade	Contact: Mr Bill Cable	A	(i) Single movement	<input checked="" type="checkbox"/>	<b>B.</b> (i) Disposal (no recovery)
PO Box L1859	Tel: +685 25869		(ii) General notification		(ii) Recovery operation
APIA, Samoa	Fax/Telex: +685 25856		(multiple movements)		
Reason for export: Destruction and disposal in Australia		C	Pre-authorized recovery facility (1)	<input type="checkbox"/>	<input type="checkbox"/>
			Facility Registration Number (if Yes)	N/A	
		(To be completed for a recovery facility located in an OECD State)			
<b>2. Importer (name, address):</b>		<b>4. Total intended number of shipments: 1</b>		<b>5. Estimated quantity (3):</b>	
GHD Pty Ltd	Contact person: Mr Phil Baker			1,488 (OCBs)	<b>kg</b>
180 Lonsdale St	Tel: +61 3 8687 8983			735 (PCBs)	liters
Melbourne Vic 3000	Fax: +61 3 86878111	<b>6. Intended date(s) or period of time for shipment(s):</b>		June – October 2004	
<b>7. Intended carrier(s)* (name, address) (2):</b>		<b>8. Disposer (name, address):</b>			
Swires Shipping	Contact: Mark Spillane	BCD Technologies Pty Ltd		Contact person: Mr Jeff Dibley	
8th Floor, 444 Queen Street	Tel: 1300 550 505	2 Krypton Street		Tel: 61 7 3203 3400	
Brisbane Qld 4000	Fax: 1300 133 078	Narangba Qld 4504		Fax/Telex: 61 7 3203 3450	
<b>10. Waste generator(s) (name, address) (2):</b>		Actual site of disposal: As Above. Storage may be necessary, please see Annex 2.			
See Block 1 above.		<b>9. Method(s) of disposal:</b>			
Site of generation & process: Stored agricultural chemicals and disused capacitors		D code/R code (4): D15, D9			
		Technology employed: Please see Annex 2 for destruction and contingency storage details.			
		<b>11. Modes of transport (4):</b> R/S/R		<b>12. Packaging type(s) (4):</b> Annex 1 (col.O-T)	
<b>13. (i) Designation and chemical composition of the waste</b>		<b>(ii) Special handling requirements:</b>		<b>14. Physical characteristics:</b>	
Please see Annex 1 (col. D&E)		Please see Annex 3 – Project Emergency Response Plan		Please see Annex 1 (col. V)	
<b>15. Waste identification code</b>				<b>17. Y-number (4):</b>	
in country of export: Please see Annex 1 (col. C)		IWIC: N/A		Please see Annex 1 (col. K)	
in country of import: Please see Annex 1 (col. C)		EWC: N/A		<b>18. H-number (4):</b>	
Customs Code H.S.: Please see Annex 1 (col. M)		Other (specify): N/A		Please see Annex 1 (col. L)	
<b>16. OECD classification (1):</b> N/A		<b>19. (i) UN identification:</b>		<b>(ii) UN class (4):</b> 9	
<b>amber</b>		<b>red</b>		<b>and number:</b>	
				UN Shipping name:	
				Please see Annex 1 (col. D)	
<b>other *</b>		<b>(attach details)</b>			
<b>20. Concerned states, code number of Competent authorities, and specific points of entry and exit (5):</b>					
<b>State of export</b>		<b>States of transit</b>		<b>State of import</b>	
Samoa (Apia)	30 Jul-12 August 2004	Tonga (Nuku'alofa)	Fiji (Suva / Lautoka)	Australia (Port of Brisbane)	
<b>21. Customs offices of entry and/or departure (European Community):</b>		<b>23. Exporter's/Generator's declaration:</b>			
Entry:		I certify that the above information is complete and correct to my best knowledge. I also certify that legally-enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantees are or shall be in force covering the transboundary movement.			
Departure:		Name: _____ Signature: _____			
		Date: _____			
		<b>22. Number of annexes Attached (5):</b> 3			
<b>FOR USE BY COMPETENT AUTHORITIES</b>					
<b>24. To be completed by</b>		<b>- import (EEC, OECD)</b>		<b>25. Consent to the movement provided by the competent authority of (country):</b>	
		<b>- transit (Basel)</b>			
Notification received on:				Consent given on: _____ Consent expires on: _____	
Acknowledgement sent on:		Specific conditions (1):		Yes. See block 26 overleaf / annex	
				No.	
Name of competent authority, stamp and/or signature:		Name of competent authority, stamp and/or signature:			

(1) Enter X in appropriate box; (2) Attach list if more than one; (3) Attach a list if multiple shipment;

(4) See codes on the reverse; (5) Annexes to be provided for reasons on reverse

List of abbreviations used in the notification form	DISPOSAL (NO RECOVERY) (Block 9)	List of abbreviations used in the notification form	RECOVERY OPERATIONS (Block 9)
D1	Deposit into or onto land, (e.g., landfill, etc.)	R1	Use as a fuel (other than in direct incineration) or other means to generate energy
D2	Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc...)	R2	Solvent reclamation/regeneration
D3	Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)	R3	Recycling/reclamation of organic substances which are not used as solvents
D4	Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc...)	R4	Recycling/reclamation of metals and metal compounds
D5	Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc...)	R5	Recycling/reclamation of other inorganic materials
D6	Release into a water body except seas/oceans	R6	Regeneration of acids or bases
D7	Release into seas/oceans including sea-bed insertion	R7	Recovery of components used for pollution abatement
D8	Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12	R8	Recovery of components from catalysts
D9	Physico- chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 (e.g., evaporation, drying, calcinations, etc.)	R9	Used oil re-refining or other reuses of previously used oil
D10	Incineration on land	R10	Land treatment resulting in benefit to agriculture or ecological improvement
D11	Incineration at sea	R11	Uses of residual materials obtained from any of the operations numbered R1 to R10
D12	Permanent storage, (e.g., emplacement of containers in a mine, etc.)	R12	Exchange of wastes for submission to any of the operations numbered R1 to R11
D13	Blending or mixing prior to submission to any of the operations numbered D1 to D12	R13	Accumulation of material intended for any operation numbered R1 to R12
D14	Repackaging prior to submission to any of the operations numbered D1 to D12		
D15	Storage pending any of the operations numbered D1 to D12		
<b>MODES OF TRANSPORT (Block 11)</b>		<b>PACKAGING TYPES (Block 12)</b>	<b>PHYSICAL CHARACTERISTICS (Block 14)</b>
		<b>H NUMBER (Block 18) &amp; UN CLASS (Block 19)</b>	
R	Road	1. Drum	1. Powdery/powder
		2. Wooden barrel	2. Solid
T	Train/Rail	3. Jerrican	3. Viscous/paste
		4. Box	4. Sludgy
S	Sea	5. Bag	5. Liquid
		6. Composite packaging	6. Gaseous
			UN Class
			H Number
			Designation
			1
			H1
			Explosive
			3
			H3
			Inflammable liquids
			4.1
			H4.1
			Inflammable solids
			4.2
			H4.2
			Substances or wastes liable to spontaneous combustion

MODES OF TRANSPORT (Block 11)		PACKAGING TYPES (Block 12)		PHYSICAL CHARACTERISTIC S (Block 14)		H NUMBER (Block 18) & UN CLASS (Block 19)		
A	Air	7.	Pressure receptacle	7.	Other (specify)			
		8.	Bulk			4.3	H4.3	Substances or wastes which, in contact with water, emit inflammable gases
W	Inland Waterways	9.	Other (specify)					
<b>ANNEXES – Other information required including that as described in Annex VIA of the Waigani Convention (Block 22)</b>						5.1	H5.1	Oxidising
1.	Reason for waste export.					5.2	H5.2	Organic peroxides
2.	Full name, address, phone telex or fax number of the competent authorities of the State of export of the wastes, the expected transit countries, and the country of import of the wastes					6.1	H6.1	Poisonous (acute)
3.	Planned shipping itinerary giving dates and points of entry and exit					6.2	H6.2	Infectious substances
4.	Information on insurance					8	H8	Corrosives
5.	Process by which the waste is generated					9	H10	Liberation of toxic gases in contact with air or water
6.	Information used by the exporter or generator to assess the capacity of the importer to deal with the material in an environmentally sound manner and in accordance with legislation of the country of import					9	H11	Toxic (delayed or chronic)
7.	Information concerning the contract between the exporter and the disposer					9	H12	Ecotoxic
8.	Others as needed					9	H13	Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above
						<i>Y numbers (block 17) refer to categories of waste listed in Annex I and II of the Basel Convention. These codes, as well as more detailed information can be found in an Instruction Manual available from the Secretariat of the Basel Convention.</i>		
26.	<b>SPECIFIC CONDITIONS ON CONSENTING TO THE MOVEMENT</b>							

## TRANSBOUNDARY MOVEMENT OF WASTE – Movement document WAIGANI CONVENTION

<b>1.</b>	<b>i) Exporter (name, address):</b>	<b>3.</b>	<b>Corresponding to Notification:</b>	<b>4.</b>	<b>Serial number of shipment:</b>
	Ministry of Foreign Affairs and Trade PO Box L1859 APIA, Samoa		Movement subject of (1)		single notification <input checked="" type="checkbox"/> general notification <input type="checkbox"/>
	Contact person: Mr Bill Cable Tel: +685 25869 Fax/Telex: +685 25856				
<b>1.</b>	<b>ii) Waste generator (name, address) (1):</b>	<b>8.</b>	<b>Disposal (name, address):</b>		
	See block 1 above		BCD Technologies Pty Ltd 2 Krypton Street Narangba, Qld, 4504		Contact person: Mr Jeff Dibley Tel: 61 7 3203 3400 Fax/Telex: 61 7 3203 3450
			Actual site of disposal: As Above. Storage may be necessary, please see Annex 2		
<b>2.</b>	<b>Importer (name, address):</b>	<b>9.</b>	<b>Method(s) of disposal:</b>		
	GHD Pty Ltd 180 Lonsdale Street Melbourne Vic 3000		D code/R code (3): D15, D9 Technology employed: Please see Annex 2 for destruction and contingency storage details.		
	Contact person: Mr Phil Baker Tel: +61 3 9278 2983 Fax/Telex: +61 3 9600 1300				
<b>5.</b>	<b>1st Carrier (name, address):</b>	<b>6.</b>	<b>2nd Carrier (name, address) (4):</b>	<b>7.</b>	<b>Last Carrier (name, address):</b>
	Contractors within Samoa to bring wastes to Port.		Swires Shipping 8th Floor, 444 Queen Street Brisbane 4000		Swires Shipping 8th Floor, 444 Queen Street Brisbane 4000
	Registration: Tel:                      Fax:		Registration: Tel: 1300 550 505      Fax/Telex: 1300 133 078		Registration: Tel: 1300 550 505      Fax/Telex: 1300 133 078
<b>10.</b>	<b>Identify means of transport (3):</b>	<b>11.</b>	<b>Identify means of transport (3):</b>	<b>12.</b>	<b>Identify means of transport (3):</b>
	Road		Ship		Road
	Date of transfer: Signature of Carrier's representative:		Date of transfer: Signature of Carrier's representative:		Date of transfer: Signature of Carrier's representative:
<b>13.</b>	<b>Designation and chemical composition of the waste:</b>			<b>14.</b>	<b>Physical characteristics (3):</b>
	Please see Annex 1 (col. D&E)				Please see Annex 1 (col. V)
<b>15.</b>	<b>Waste identification code</b>	<b>17.</b>	<b>Actual quantity:</b>	<b>18.</b>	<b>Packages (2)</b>
	in country of export: Please see Annex 1 (col. C)		1,488 (OCPs)kg		Type: Annex 1 (col. O-T) Number: Annex 1 (col. O-T)
	in country of import: Please see Annex 1 (col. C)		735 (PCBs) liters	<b>19.</b>	<b>UN classification:</b>
	Customs code (H.S.): Please see Annex 1 (col. M)		Other (specify): N/A		UN Shipping name: Please see Annex 1 (col. D)
<b>16.</b>	<b>OECD classification (1):</b> N/A	<b>16.</b>	<b>amber</b>	<b>16.</b>	<b>red</b>
	Other*		and number		UN identification number: Annex 1 (col. F)
					UN class (3): 9
					H number (3): Please see Annex 1 (col. L)
					Y number: Please see Annex 1 (col. K)
<b>20.</b>	<b>Special handling requirements (including case of accidents):</b>	<b>22.</b>	<b>Exporter's declaration:</b>		
	Please see Annex 3 – Project Emergency Response Plan		I certify that the information in blocks 1 to 9 and 13 to 21 above is complete and correct to the best of my knowledge. I also certify that legally-enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantees are in force covering the transboundary movement and that all necessary authorizations have been received from the competent authorities of the States concerned.		
<b>21.</b>	<b>Actual date of shipment:</b>		Name:	Signature:	
			Date:		
<b>TO BE COMPLETED BY IMPORTER/DISPOSER</b>					
<b>23.</b>	<b>Shipment received by importer on (if not disposer):</b>			<b>25.</b>	<b>I certify that the disposal/recovery of the waste described above has been completed.</b>
	Quantity received:	kg/liters	accepted		
	Date:	rejected (5)			Date:
	Name:	Signature:			Name:
<b>24.</b>	<b>Shipment received at disposer on:</b>			Signature and stamp:	
	Quantity received:	kg/liters	accepted		
	Date:	rejected (5)			
	Name:	Signature:			
	Approximate date of disposal:				
	Method of disposal:				

(1) Attach list, if more than one

(2) Enter X in appropriate box (3) See codes on the reverse

(4) If more than three carriers, attach information as required in blocks 6 and 11(5) Immediately contact Competent Authority

**List Of abbreviations used in the movement document**

<b>DISPOSAL (NO RECOVERY) (Block 9)</b>		<b>RECOVERY OPERATIONS (Block 9)</b>			
D1	Deposit into or onto land, (e.g., landfill, etc.)	R1	Use as a fuel (other than in direct incineration) or other means to generate energy		
D2	Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc...)	R2	Solvent reclamation/regeneration		
D3	Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)	R3	Recycling/reclamation of organic substances which are not used as solvents		
D4	Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc...)	R4	Recycling/reclamation of metals and metal compounds		
D5	Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc...)	R5	Recycling/reclamation of other inorganic materials		
D6	Release into a water body except seas/oceans	R6	Regeneration of acids or bases		
D7	Release into seas/oceans including sea-bed insertion	R7	Recovery of components used for pollution abatement		
D8	Biological treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12	R8	Recovery of components from catalysts		
D9	Physico- chemical treatment not specified elsewhere in this list which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 (e.g., evaporation, drying, calcination, etc.)	R9	Used oil re-refining or other reuses of previously used oil		
D10	Incineration on land	R10	Land treatment resulting in benefit to agriculture or ecological improvement		
D11	Incineration at sea	R11	Uses of residual materials obtained from any of the operations numbered R1 to R10		
D12	Permanent storage, (e.g., emplacement of containers in a mine, etc.)	R12	Exchange of wastes for submission to any of the operations numbered R1 to R11		
D13	Blending or mixing prior to submission to any of the operations numbered D1 to D12	R13	Accumulation of material intended for any operation numbered R1 to R12		
D14	Repackaging prior to submission to any of the operations numbered D1 to D12	<b>H NUMBER (Block 18) &amp; UN CLASS (Block 19)</b>			
D15	Storage pending any of the operations numbered D1 to D12	UN	H Designation		
		Class	Number		
		1	H1 Explosive		
		3	H3 Inflammable liquids		
		4.1	H4.1 Inflammable solids		
		4.2	H4.2 Substances or wastes liable to spontaneous combustion		
		4.3	H4.3 Substances or wastes which, in contact with water, emit inflammable gases		
		5.1	H5.1 Oxidising		
		5.2	H5.2 Organic peroxides		
		6.1	H6.1 Poisonous (acute)		
		6.2	H6.2 Infectious substances		
		8	H8 Corrosives		
		9	H10 Liberation of toxic gases in contact with air or water		
		9	H11 Toxic (delayed or chronic)		
		9	H12 Ecotoxic		
		9	H13 Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above		
<b>FOR USE BY CUSTOMS OFFICES</b>					
<b>26. COUNTRY OF EXPORT/DISPATCH OR CUSTOMS OFFICE OF EXIT</b>		<b>28. STAMPS OF CUSTOMS OFFICES OF TRANSIT COUNTRIES</b>			
The waste described overleaf has left the country on:  Stamp:  Signature:		Name of country (2):			
		Entry	Departure	Entry	Departure
<b>27. COUNTRY OF IMPORT/DESTINATION</b>		Name of country (2):			
The waste described overleaf has entered the country on:  Stamp:  Signature:		Entry	Departure	Entry	Departure

## Contingency Storage and Description of Technologies to be applied to PCBs and other Persistent Organic Pollutants imported from Pacific Island Countries

# Contents

1.	Temporary storage facilities for contingency storage	75
2.	BCD Technologies Pty Ltd Treatment Facility	76
3.	Base Catalysed Dechlorination	76
3.1	Introduction	76
3.2	The BCD Process	76
3.3	Thermal Desorption Prior to BCD Treatment	80
3.4	BCD Variants	82
3.5	Summary	84
4.	Plascon Technology	86
4.1	Background	86
4.2	Process Overview	87
4.3	Technology Overview	88
4.4	Control and Monitoring	90
4.5	Frequently Asked Questions	91

## **1. Temporary storage facilities for contingency storage**

While every effort will be made to regulate shipping with respect to treatment throughput of the wastes at BCD Technologies, as a precautionary measure, temporary storage facilities in an appropriate hazardous waste storage facility adjacent to the Port of Brisbane has been arranged.

It is anticipated to use these storage facilities only in the event of insufficient on-site storage capacity for the wastes at BCD Technologies premises.

The details of the storage facility are as follows:

Patrick  
19 Osprey Drive  
Lytton Qld 4178  
PO Box 8161 Wynnum North Qld 4178

Contact person: Mr Darren Allen (State Transport Manager)

ph: +61 7 3336 3002

fax: +61 7 3336 3090

mob: 0400 098 245

e-mail: [d.allen@patrick.com.au](mailto:d.allen@patrick.com.au)

### **1.1 Services Provided**

#### **Container Storage and Handling**

Patrick Port Services provide a complete container park service at each major port operation, for storage for both empty, full and reefer containers. The parks are serviced by the latest range of container handling equipment. Each container park is fully computerised, facilitating absolute control of containers at all times. The provision of AQIS inspection and fumigation services, if required, is provided as part of the full container park operations.

#### **Packing and Unpacking of Containers**

Patrick Port Services can pack LCL containers, unpack LCL/FCL and operate licensed bond stores and AQIS inspection and fumigation. Patrick Port Services has the required customs permits and quarantine licenses to allow it to pack and unpack containers and refrigerated containers with foodstuffs and general freight of any description.

#### **AQIS Services**

Patrick Port Services offer the most comprehensive range of services for meeting AQIS requirements. Quarantine services include tailgate facilities, fumigation facilities, Class 1.1 Inspection facilities, steam cleaning, fresh produce inspection and high-risk washing. On site inspectors ensure all AQIS standards are achieved with minimum delays.

## Warehousing and Bonding

All port operations have licensed bond stores, where full containers, palletised and loose goods can be handled.

## 2. BCD Technologies Pty Ltd Treatment Facility

BCD Technologies, where the waste from the Pacific Islands is to be treated, has facilities to undertake two types of waste treatment processes: Base Catalysed Dechlorination (BCD) and the treatment of intractable organic pesticides through treatment in a plasma arc (Plascon).

### Base Catalysed Dechlorination

The following information is taken directly from a review report on commissioned by Environment Australia: CMPS&F - Environment Australia - Appropriate Technologies for the Treatment of Scheduled Wastes. Review Report Number 4 - November 1997. While some of the information regarding current licensing of facilities around Australia may now be out of date, the information on the process and its by-products is current.

### Introduction

The Base Catalysed Dechlorination (BCD) <sup>1</sup> process, was developed to treat halogenated organic compounds. The process was developed from work by the USEPA on earlier forms of dechlorination (in particular the "KPEG" process). This work was undertaken at the Cincinnati Risk Reduction Research Laboratory. The proponents claim BCD is suitable for treatment of wastes which contain up to 100000 mg/kg of halogenated aliphatic or aromatic organic compounds such as PCBs. In practice, the formation of salt within the treated mixture can limit the concentration of halogenated material able to be treated. Reduction of chlorinated organics to less than 2 mg/kg is achievable (Rogers, 1991).

The BCD process can involve direct dehalogenation or decomposition of the waste material, or can be linked with a pretreatment step such as thermal desorption which yields a relatively small quantity of a condensed volatile phase for separate treatment by the BCD process.

### The BCD Process

#### Technology Description

The following description of the BCD process focuses on the BCD process applied either to the waste itself or to the separated volatiles from a preceding thermal desorption process. The description has been drawn from the BCD patent application (Rogers, 1991) and indicates some possible process variations. ADI Limited (ADI) in particular, has undertaken a considerable quantity of work aimed at refining elements of the process. In the following section, the application of thermal desorption for pretreatment of wastes is discussed.

The BCD process involves the addition of an alkali or alkaline earth metal carbonate, bicarbonate or hydroxide to the contaminated medium containing one or more halogenated or non-halogenated organic contaminant compounds. The BCD patent indicates that the alkaline chemical may be added to the contaminated medium in an aqueous solution, or in a high boiling point solvent. If the chemical is added in the form of a solid dispersion or suspension in water, the water assists in distributing the metal compound homogeneously throughout the contaminated medium. If the chemical is added with a high boiling point solvent, the solvent

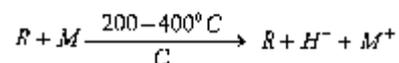
must have a boiling point of at least 200°C, and preferably be in the range from 200°C to about 500°C. Otherwise, it will distil from the mixture during treatment.

Alkali is added to the contaminated medium in proportions ranging from 1 to about 20 percent by weight. The amount of alkali required is dependent on the concentration of the halogenated or non-halogenated organic contaminant contained in the medium.

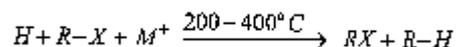
A hydrogen donor compound is added to the mixture to provide hydrogen ions for reaction with the halogenated and non-halogenated contaminants, if these ions are not already present in the contaminated material. The hydrogen donor compound may comprise the high boiling point solvent in which the alkali or alkaline earth metal compound is added, or it may include fatty acids, aliphatic alcohols or hydrocarbons, amines or other similar compounds. In order to activate these compounds to produce hydrogen ions a source of carbon must be added, either in solution or in suspension. An inexpensive carbon source which is water soluble and suitable for use, is a carbohydrate such as sucrose.

The mixture is heated at a temperature and for a time sufficient to totally dehydrate the medium. This may be performed at atmospheric or at reduced or elevated pressure. The water which is included in the aqueous solution allows homogeneous distribution of the alkali throughout the mixture and acts as a wetting agent and penetrant. When the water is removed from the medium during the dehydration step, the alkali is concentrated to a reactive state.

After dehydration, the medium is further heated at a temperature between 200°C and 400°C for a time sufficient to effect reductive decomposition of the halogenated and non-halogenated organic contaminant compounds, typically 0.5 to 2 hours. At this temperature the carbon source (eg the carbohydrate) acts as a catalyst for the formation of a reactive hydrogen ion from the hydrogen donor compound. This catalysed reaction is represented by the following reaction formula:



where R is the hydrogen donor compound, M is the metal compound, C refers to a source of carbon, for example a carbohydrate, and H is the hydride ion. The reactive hydride ion then reacts with the halogenated organic compounds contained in the contaminated medium according to the following reaction:



where R-X is the halogenated organic contaminant, X is the halogen atom and R-H is the reduced form of the contaminated compound.

Finally, the mixture is neutralised by the addition of an acid, preferably to a pH of 7 to 9. Depending on the nature of the feed material, the reagent additions and the site use, it may be possible for the treated material to be returned to the site if desired, although this may not be possible if the treated material is oily or has a high salt content.

Generally, oxygen will not adversely affect the BCD process and therefore air does not need to be excluded. When applied to the decontamination of hydrocarbon fluids, either aliphatic or aromatic, air needs to be excluded in order to prevent ignition of the hydrocarbon at the elevated temperature of the BCD reaction. This is achieved by passing nitrogen gas through

the reaction vessel.

Given the process employs relatively small amounts of alkali and solvent (if used), recovery of excess reagents for reuse is not generally proposed. The treatment is usually carried out as a batch process with all steps completed within a single reactor.

### **Performance**

Test results show that the BCD process is able to reduce PCB from 10000 mg/kg to below detectable limits in approximately 2 hours (Rogers, 1991). A sample of contaminated soil containing 2,200 mg/kg of Aroclor "1260", 1000 mg/kg of Aroclor "1242", 1000 mg/kg of PCP, 1000 mg/kg of dieldrin, 1000 mg/kg of lindane and 500 mg/kg of 2phenylnaphthalene, was treated by this process and the contaminants reduced to less than 1.0 mg/kg each. The 2phenylnaphthalene was also reduced to a cyclic hydrocarbon (Rogers, 1991).

The process mainly involves chlorine stripping. In treatment of chlorinated aromatic hydrocarbons the removal of chlorine atoms results in an increased concentration of lower chlorinated species (eg higher congeners are replaced by lower congeners). This is not a problem with contaminants such as PCBs. However, with constituents such as dioxins the lower congeners (eg TCDD) can have a higher toxicity than the more highly chlorinated congeners (eg OCDD). Therefore the process must be monitored to ensure that the reaction continues to completion.

In the case of treatment of PCBs and PCB contaminated oils, treatment will typically reduce the PCBs to less than detection (0.1 mg/kg total PCBs for the lower congeners, and 0.01 mg/kg for the higher congeners) if sufficient reaction time is allowed. Given that the process is a batch operation, it is possible to allow the reaction to proceed until the required level of destruction has been confirmed.

### **Considerations in the Application of the Technology**

The BCD process is largely contained and the emission of gases is very small compared with other combustion systems. For example, air emissions associated with treating a contaminated soil containing 5000 mg/kg of PCP have been reported as follows (Carlisle, 1994a):

<10  $\mu\text{g}/\text{m}^3$  PCP; and

<100  $\text{ng}/\text{m}^3$  dioxins (as TCDD).

Similar emissions have been reported associated with the treatment of other organochlorines such as PCBs. The potential to form dioxins and furans in the BCD process is low, particularly when the system is operating under an inert atmosphere. In addition, any dioxins formed in the process should be subsequently dechlorinated in the system. As such, the risk associated with emissions from the normal operation of the system is relatively low, although in general the destruction efficiencies are not as high as can be achieved by high temperature combustion systems. However, as the system is operated on a batch basis, the treatment efficiency can be controlled by extending the time for treatment as desired. As part of trials of the BCD process in the US, Battelle have completed detailed mass balances across the system, adequately accounting for all reagents and reaction products (Alleman, 1995).

If volatile solvents are present (such as occurs with pesticides), then preferably these should be removed by distillation and the resulting sludge slurried in oil for treatment. The effect and

therefore limitation of treating wastes containing volatile solvents is a reduction in boiling point of the BCD oil; high concentrations of solvents will reduce the boiling point and not allow the desired operating temperature to be achieved. As the system operates under reflux conditions, some solvent (including volatile chlorinated organic material) can be accepted for treatment.

Risk associated with process upset is considered to be low. The main concern would be with regard to air ingress which could result in auto ignition of the oil phase and an uncontrolled emission to air. The provision of a nitrogen atmosphere over the reactor is designed to ensure that this cannot occur. The occurrence of a fire in 1995 at the Victorian BCD facility operated by Technosafe was apparently the result of operation of a storage vessel without a nitrogen blanket (see below).

The BCD process is not favoured for treating large volumes of aqueous media (including wet sludges) because of the cost of evaporating the water. This restriction also applies when the waste material is pre-processed by a thermal desorption system as again energy is required to dry the waste. This is discussed further in Section 5.3.

### **Treatment of Capacitors**

Direct treatment of capacitors containing PCBs by the BCD process is not appropriate because they contain aluminium and under the alkaline conditions of the BCD process hydrogen is evolved. Solvent extraction of shredded capacitors has been proposed. However, a large number of repeated extractions (eg 30 sequences) is required to obtain residual PCB concentrations which are suitable for landfill disposal (eg < 50 mg/kg) (Krynen, 1994b). On this basis, various proponents of the BCD technology have sought to develop alternative processes.

BCD Technologies have developed a pre-treatment step to avoid this problem (Krynen, 1994b,c). They shred the capacitor and treat the shredded material with sodium hydroxide at ambient temperature. This allows hydrogen to be generated and vented to the atmosphere at ambient temperature and avoids the higher temperature and increased explosion potential of the BCD process. The material is then treated in the normal BCD process.

BCD Technologies received an amendment to their license in September 1994 which allows them to treat capacitors containing PCBs in commercial quantities. As a result, a treatment plant was constructed and commissioned and is now in operation (Krynen, 1995).

### **Experience and Availability in Australia**

Three proponents of the BCD technology are ADI Limited, BCD Technologies (Brisbane) and Technosafe (Melbourne). As originally established the licence status of each group was as follows:

- BCD Technologies was only licensed for the treatment of liquids in Australia; and
- ADI held a BCD licence for Europe but was required to enter into a sub-licence agreement if they wished to apply the technology in Australia.

The BCD licence for each group has recently been renegotiated such that each group is now able to directly apply the BCD technology to liquids and solids in Australia. While the licences now allow a number of groups to treat soils and other solids in Australia, in practice the facilities currently available are limited to the treatment of liquids and contaminated equipment.

The status of development and application of the BCD process by each of the proponents in Australia is outlined as follows:

### **BCD Technologies:**

The BCD process is in operation in Brisbane (BCD Technologies) (Krynen, 1994a) for the treatment of liquids. Regulatory approvals for the Brisbane BCD facility extend to the treatment of liquid PCBs and a range of halogenated pesticides, and the use of the BCD plant on a portable basis (eg relocated and used on site) (Krynen, 1994b). A second plant for the treatment of organic liquids has been constructed in Brisbane in order to meet market demand. The new plant has a treatment capacity of 2500 tonnes per annum (Krynen, 1995).

While the BCD Technologies plant is capable of and licensed to treat organochlorine pesticide wastes, to date this has only been a limited component of the plant throughput. The treatment of pesticide wastes and derivatives of these contaminants require the fitting of additional odour control processes, which interrupt the treatment of PCB wastes (Krynen, 1996).

The new facility being established by BCD Technologies will have improved odour control and hence the capability of the unit to treat pesticide wastes will be enhanced. The BCD process should be capable of treating mixed pesticide wastes, eg. DDT and arsenic mixtures, however arsenic would remain in the process residue and amendments to licence conditions may be required to handle the arsenic waste generated. To date mixed pesticide wastes have not been treated in significant quantities in the Australian BCD facilities (Krynen, 1997).

BCD Technologies reports that it is currently treating capacitors containing PCB liquids at the rate of about 3 tonne per day but it hopes to significantly increase this rate. All capacitors treated by thermal desorption and plasma arc. The existing market demand for treatment of PCB contaminated materials is sufficient to ensure full utilisation of the current facilities.

### **Thermal Desorption Prior to BCD Treatment**

#### **Technology Description**

When contaminated soil is treated directly by the BCD process, the resulting soil is likely to be oily and disposal options may be limited. For example, the soil may require disposal in a secure landfill.

To avoid this problem, some suppliers of the BCD process now propose the use of a thermal desorption unit (TDU) to remove these contaminants, to concentrate them into a liquid phase for separate treatment by the BCD process (Shieh, 1994 and Tozer, 1994). As such, the soil is not treated directly by the BCD process and the BCD reagents (including alkali and hydrocarbons) are not added directly to the soil. This avoids the problem of residual hydrocarbons in the soil. However, it does rely on the thermal desorption unit to provide adequate removal of contaminants without the chemical reaction inherent in the BCD process. One such thermal desorption system is the "Therm-O-Detox" System which has been developed by ETG Environmental Inc (ETG). This system, and thermal desorption in general, is discussed further in Chapter 20. Thermal desorption has been used in conjunction with the BCD process on a commercial basis in the United States.

Thermal desorption can be applied to soil directly without addition of reagents. However, a patented variation involves the addition of sodium bicarbonate to the soil to enhance the efficiency of desorption and reduce the operating temperature of the desorber. The sodium

bicarbonate will not necessarily increase the dechlorination of the chlorinated soil constituents. In the case of PCBs for example, BCD Technologies advises that with the addition of sodium bicarbonate some 95% of the PCBs are volatilised and 5% are dechlorinated (Krynen, 1994b). In the case of constituents such as pentachlorophenol, the proportion dechlorinated in the thermal desorber is likely to be higher (eg 50%). Thermal desorption variants are discussed further in Section 5.4.

As part of its further development of the BCD process, ADI has developed a variation on the BCD process, referred to as STTP (refer Section 5.4). This process can achieve dechlorination of contaminants in soil within the thermal desorption unit. Some recycling of the vapour stream may be required to achieve the necessary destruction efficiency, depending on the contaminant. The ability to effect treatment of contaminated soil in a single stage process is expected to result in significant cost savings (Coniglio, 1997). A brief overview of recent trials of this process is presented in Section 5.2.

A complete TDU-BCD process is shown in [Figure 5.1](#).

## Performance

As an example of the application of the thermal desorption system, in late 1992 ETG demonstrated the medium temperature thermal desorption (MTTD)/BCD technology using the Therm-O-Detox system at a Koppers site in Morrisville, North Carolina under the Superfund Innovation Technology Evaluation (SITE) program (USEPA, 1993).

The Koppers site in Morrisville was a former wood preserving operation utilising the Cellon process, which involved pressure treatment of wood with pentachlorophenol and subsequent steaming. A pentachlorophenol contaminated rinse water was generated in the process. The rinsate from this process was placed in unlined lagoons where leaching into the soil occurred. Concentrations of pentachlorophenol in excess of 8000 mg/kg and lesser concentration of dioxins and furans were present in the soil.

Following completion of bench-scale testing an MTTD/BCD system was mobilised, which was capable of handling 0.22 - 0.44 tonnes per hour of throughput. The equipment was placed within a portable containment pad having approximate dimensions 18 m x 24 m. Soil was excavated from the documented "hot spots" and hand screened to less than 12 mm. Contaminated soil was then placed in 210 litre drums for transport to the processing area.

Information from test runs at the Koppers site (Shieh, 1994) indicated that:

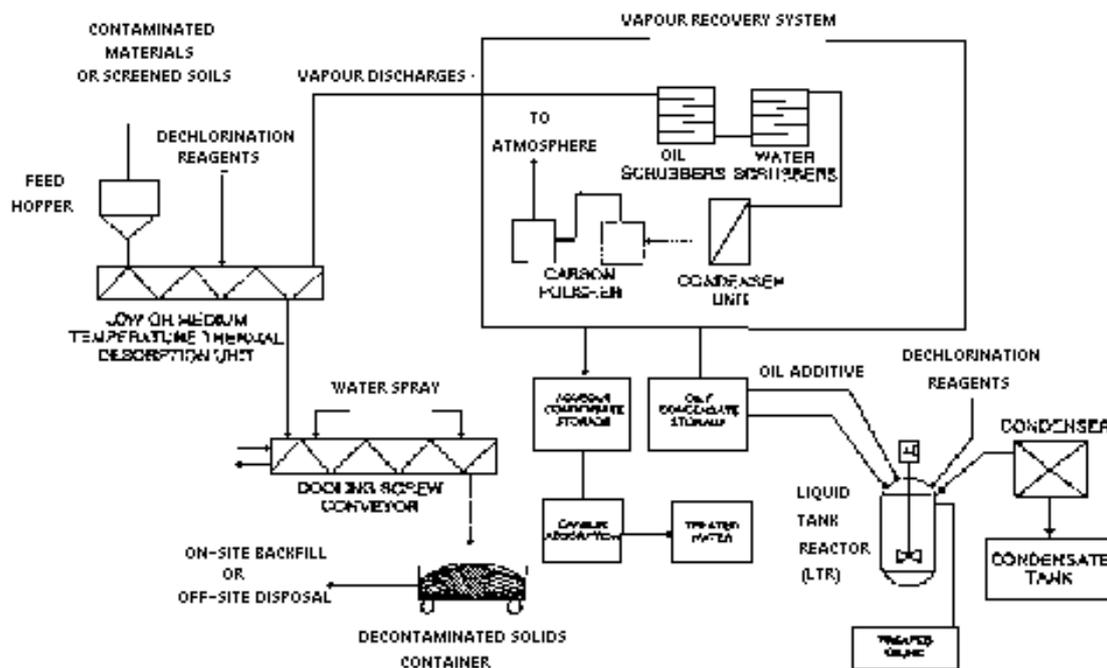
- ▶ Pentachlorophenol concentrations in the soil were reduced from 1600 - 8100 mg/kg, to estimated levels of 0.14 - 1.06 mg/kg (0.49 mg/kg average);
- ▶ OCDD and total HpCDD concentrations in soil were reduced from 15000 mg/kg and 2000 mg/kg respectively to below detection limits (approximately 20 mg/kg). Similar reductions in PCDF soil concentrations were also achieved;
- ▶ Condensed oil from the soil treatment system contained in the order of 64000 mg/L total PCDD, with approximately 600 mg/L of 2,3,7,8 TCDD. PCDF concentrations in the condensed oil were lower, in the order of 4,300 mg/L;

- Treatment of the condensed oil from the soil treatment system reduced TCDD concentrations to below the detection limits and PCDD concentrations to approximately 6 mg/L. Similar removal efficiencies were achieved for the PCDFs.

Detection limits varied from sample to sample due to dilution factors. Two other performance test runs achieved similar results.

A brief overview of recent trials by ADI of the single stage BCD soil treatment system was presented in Section 5.2. A report on the trials is expected to be released to the public in September, 1997, however we understand the trials have been successful in demonstrating the treatment of PCP and dioxin contaminated soils in a single stage process.

**Figure 5.1 TDU - BCD Process (USEPA, 1993)**



## BCD Variants

### BCD Plus

BCD Technologies advises that it has developed a variation of the BCD process, which it calls "BCD Plus" (Krynen, 1994b,c). In this process standard desorption equipment is used to remove the contaminants from the soil. In addition, proprietary reagents are used to convert the dechlorinated hydrocarbons into carbon dioxide and water, apparently by a catalysed combustion process which operates at a relatively low temperature. Thus, the decontaminated soil is free of oil and the inorganic salts produced by the dechlorination process remain in the treated soil. The soil can be disposed of to any landfill, assuming that the soil does not contain heavy metals. A BCD Plus plant designed to treat 50 tonnes/day of contaminated soil has been constructed by BCD Technologies. An application for regulatory approval for a BCD soil treatment system has been lodged with the Queensland Department of Environment; however, this is not being actively pursued (Krynen, 1997).

The BCD Plus process was developed, in part, to circumvent licence restrictions associated with the conventional BCD soil treatment process. Given BCD Technologies is now licensed to apply the BCD soil treatment process, the implementation of a soil treatment system is

likely to follow a conventional BCD process rather than the BCD Plus process. In any case, the demand for a BCD soil treatment system has not been great and therefore the development of facilities of this kind is still dependent on the market (Krynen, 1997).

## **STTP**

ADI Limited has developed a modified BCD process for the treatment of contaminated soil called STTP (Soil Thermal Treatment Process). Where the BCD Technologies process is based on a hydrodechlorination reaction, the STTP process is said to be based on a carbonisation reaction. (Patents have been lodged by ADI for this process as an alternative treatment process to the BCD process.)

The STTP reaction can be carried out in a solid phase within a thermal desorption unit or in a liquid phase in a separate reactor. The primary focus in development of the STTP process has been the treatment of contaminated soils and other solid wastes and therefore use of the STTP process in conjunction with thermal desorption.

As with the "BCD Plus" process, STTP aims to achieve a significant proportion of the carbonisation/dechlorination/decomposition within the thermal desorption unit. For some wastes the STTP system is able to achieve effective carbonisation/dechlorination/decomposition in a single stage, obviating the need for a separate reactor to treat condensate from the thermal desorber. The ability to complete the BCD reaction in a single stage rather than a two stage process, has an obvious cost advantage when treating soils. ADI advises that the single stage STTP process has been demonstrated on a pilot scale with PCP contaminated soil, with a high destruction efficiency of the PCP within the desorber. Dioxins if present, will be desorbed in this process and will require condensation and treatment in a separate reactor (Coniglio, 1996). Alternatively, recycling a portion of the vapour stream back through the thermal desorption process has been found to provide for adequate treatment of the dioxins (Coniglio, 1997). Treatment of dioxins in condensate from PCP contaminated soil has been demonstrated to a level in excess of 99.999% (DRE).

ADI is currently proposing to use an indirectly heated thermal desorption unit with the majority of contaminant destruction occurring within the thermal desorber, followed by a reactor for treatment of condensate (only if required). This system is known as the STTP Solids System.

While the main focus of ADI's STTP work is treatment of soils, the process is capable of treating liquids. Pilot plant trials using PCB contaminated oils have demonstrated reduction in PCB concentrations from 20% to PCB-Free as defined in the PCB Management Plan (1995) ie < 2 mg/kg.

### **Considerations in the Application of the Technology**

Thermal desorption places constraints on the physical form of the waste to be treated, depending on the type of thermal desorber being used.

In the case of indirectly heated rotary kilns, a range of waste types can be treated. However, a typical feed size limitation of 25 mm usually applies (Carlisle, 1994a; Tozer, 1994; Krynen, 1994a). If this size is exceeded, then the desorption can be incomplete or the desorber mechanism may be blocked (this is dependent on the desorber system). In practice, desorption can be enhanced by increasing the temperature or by adding reagents. Higher boiling point waste materials such as PCBs and chlordane may not desorb effectively unless a reagent such as sodium bicarbonate is added to the mixture.

Materials handling problems can be expected to be significant for some waste materials, such as concrete (particularly if it includes steel reinforcing), rubbers and tars. Such materials are present for example, in the hexachlorobenzene (HCB) wastes held at Botany.

Thermal desorbers currently under development by the Australian BCD licensees need to be portable in nature (able to fit in one or two shipping containers) and should be easily relocatable from site to site (Krynén, 1994b; Tozer, 1994).

The treated soil from this process is sterile, but is expected to be in a form which will permit its return to a site (Carlisle, 1994a). This is in contrast to incineration, where the soil structure is permanently changed such that landfill disposal is required.

#### Experience and Availability in Australia

The use of thermal desorption for treatment of wastes in conjunction with a liquid BCD plant has not yet received approval by the relevant regulatory authorities in Queensland. Use of thermal desorption in conjunction with a liquid BCD Plant is not currently being pursued in Victoria.

BCD Technologies (Qld) advises it has constructed a thermal desorption (rotary kiln) system and is presently pursuing licence renewal for its trial unit. To date, the demand for a BCD soil treatment facility has not been sufficiently high to make the commissioning and approval of this unit a priority compared to the treatment of PCB contaminated oil and equipment.

BCD Technologies proposes to operate the unit as a normal desorber with condensation of the off gases for treatment in the liquid BCD plant. This desorber is expected to be portable (2 shipping containers) and it should be possible to relocate this unit to other States, if appropriate licence approvals can be obtained. The proposed thermal desorption system will extend the capability of the process for treatment of a wider range of waste materials than is presently possible.

Technosafe (Vic) has a licence to treat soils using the BCD process and has built a prototype thermal desorber for trial purposes. The process has not been re-established since the fire in 1995 and Technosafe advises that at this stage they are unlikely to pursue further development or approvals for this treatment process.

ADI advises that it has a thermal desorption unit under construction for use in Europe and has conducted extensive trials in Australia and New Zealand at laboratory and pilot scale. ADI has refined the BCD-thermal desorption process with the aim of applying the system to the treatment of contaminated soil both in Europe and Australasia. ADI also has experience in the field use of thermal desorption for contaminated site clean up. It has a direct fired thermal desorption unit rated at some 20 tonnes per hour available for use in Australia and New Zealand. However, because this unit is direct fired, it is not suitable for use in conjunction with the BCD process.

#### Summary

Proponents (in Australia)

BCD Technologies (Brisbane).

Technosafe Waste Disposal (Melbourne).

ADI Limited

### Wastes Applicable

Low volatility organic liquids and high volatility organic liquids (following evaporation of volatile solvents) (BCD reactor only).

Soils, sludges, irregular larger inert solids (following size reduction) and semi-solid materials (BCD in conjunction with thermal desorption or solvent extraction).

PCB contaminated transformers (BCD in conjunction with solvent extraction).

PCB contaminated capacitors (BCD in conjunction with size reduction and alkaline pretreatment, or solvent extraction (although a large number extractions is required)).

### Contaminants Applicable

All scheduled compounds.

### Status

Commercially available in Queensland for low volatility liquids and PCB contaminated transformers and capacitors. Victorian treatment facility is back in service following the 1995 fire, allowing treatment of PCB contaminated oils, transformers and capacitors. The technology is commercially available overseas for treatment of solids. ADI does not yet have a unit commercially available, although have successfully trialed treatment of contaminated soil.

### Safety/Environmental Risk

Emissions associated with treating 5000 mg/kg PCP in soil by BCD have been reported as < 10  $\mu\text{g}/\text{m}^3$  (organochlorine compounds eg PCP, PCB) and <100  $\text{ng}/\text{m}^3$  (TCDD eq). Potential to form dioxins and furans is low as the system operates under an inert atmosphere and dioxins should be dechlorinated by the process. If dioxins are to be treated, there is potential for higher chlorinated congeners (OCDD) to be dechlorinated to form more toxic lesser chlorinated congeners (TCDD) and the reaction conditions should be selected to ensure the reaction goes to completion. System operates at only moderately elevated temperatures, therefore any accidental release should be able to be contained with appropriate precautions. Exclusion of air from the BCD process is important to avoid auto-ignition of hot oil used in the process.

Some associated processes such as the alkaline pretreatment of capacitors and solvent extraction carry with them a significant fire and explosion risk, and hence appropriate precautions must be taken.

### Non-technical Impediments

The BCD process is generally not regarded adversely by the community.

### Limitations

Uneconomical to treat large volumes of aqueous wastes. While sufficient for most purposes, the destruction efficiencies achievable are low compared with incineration systems. Salt build-up when treating concentrated chlorinated wastes can halt the reaction prematurely, requiring the waste to be pre-diluted to attain the required destruction efficiencies. Treatment efficiency of soils is limited by the efficiency of the thermal desorption process.

The BCD process is not adversely affected by the presence of arsenic or other contaminants in mixed pesticide wastes, although treatment of such material has been limited by

restrictions on the disposal of the arsenic containing residue. Energy costs for the treatment of pesticide wastes may be higher, given the solvents will need to be distilled from the mixture in order to reach the operational temperature.

## Plascon Technology

The following information was taken directly from the BCD Technologies web site.

### Background

BCD Technologies Pty Ltd, a waste destruction company (specialising in PCB collection and destruction), was the first company to commercialise the Base Catalysed Dechlorination (BCD) process (licensed from the US EPA). The process was operated for a number of years to destroy Polychlorinated Biphenyl (PCB) contaminated oil.

A limitation of the BCD process is its inability to directly treat concentrated hazardous waste when the chlorine content approaches 10% w/w.

As a consequence of this limitation, BCD Technologies purchased a licence and **PLASCON™** plant from **SRL Plasma Limited** in 1997 to treat a range of concentrated chlorinated wastes including PCBs and organochlorine pesticides.



### Waste Treated

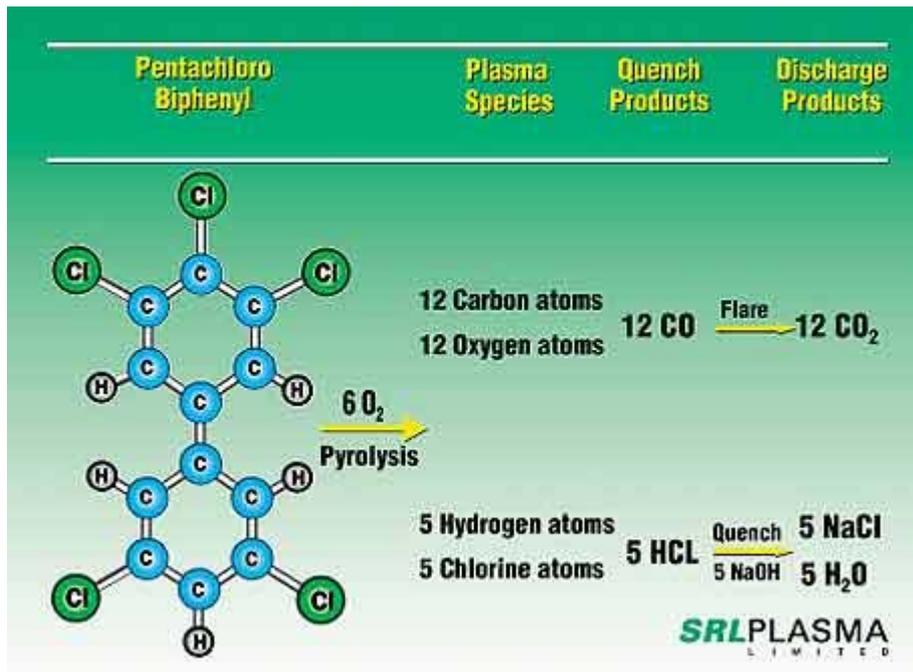
BCD Technologies use their **PLASCON™** plant to destroy a variety of PCB wastes, containing chlorine concentrations up to ~60%.

The bulk of the waste is drained from electrical transformers and capacitors and transferred to a bulk feed storage vessel. Any contaminated solids are then broken up and the remaining liquid is extracted by a thermal desorption process. The condensed vapours are added to the liquid storage.

The liquid waste is then pumped directly to the **PLASCON™** process for destruction.

### Chemistry

An example of the decomposition chemistry for one specific PCB molecule follows:



**Note:** Sufficient oxygen is added to convert carbon to carbon monoxide which is subsequently converted to carbon dioxide in a flare.

### Operational Performance

Over the past two years BCD Technologies have operated their **PLASCON™** plant 24 hours a day, destroying waste at the rate of 40-45 kg/h, returning a Destruction Efficiency of >99.9999%.

The level of PCB in the effluent discharged to the sewer complies with the 2 ppb limit specified in the Australian Government's PCB Management Plan.

### Process Overview

**PLASCON™** is a continuous, automated, electric-arc plasma process that can be used to destroy any gaseous or liquid organic compound.

**PLASCON™** is an "in-flight" plasma process, where waste is injected directly into the plasma torch.



There are several configurations of plasma based waste destruction processes however, the in-flight **PLASCON™** process offers a number of critical advantages as follows:

- All of the waste is subjected to the highest possible temperatures, i.e. thorough mixing of the waste with the plasma is readily achieved

- ▶ More efficient use of the plasma energy is achieved because there is no large thermal mass (chamber) to heat
- ▶ The entire plasma torch, reaction chamber and scrubber system can be kept very small (due to the very short residence times needed to destroy the waste at temperatures in excess of 10,000°C)
- ▶ With very low volumes of waste in the system at any one time, and the fast acting control system, the process is intrinsically very safe
- ▶ The process doesn't produce a "melt" into which solid, and often toxic, waste could otherwise be mixed
- ▶ No toxic off-gas is produced, eliminating the need for down stream processing (often by inappropriate incineration/combustion systems)
- ▶ Because the process doesn't rely on combustion, the "fuel value" of the feed is of no relevance
- ▶ The process becomes increasingly cost effective as the concentration of the hazardous/toxic component in the feed increases

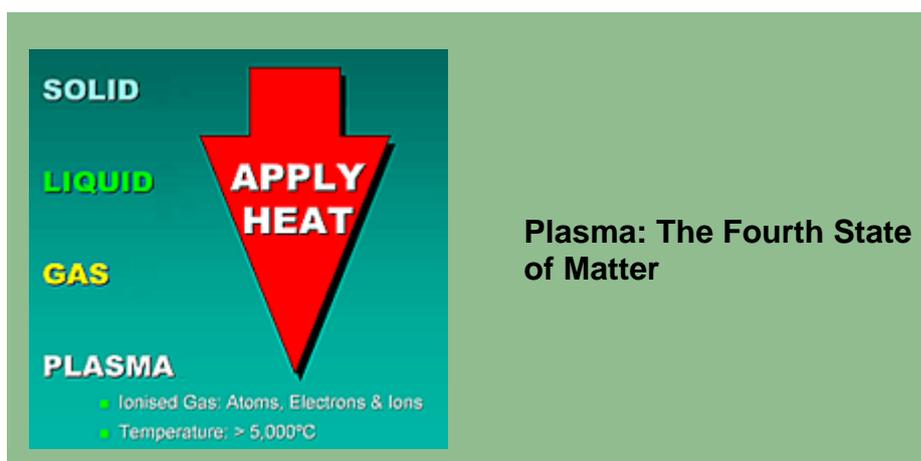
The throughput rate is dependent on a number of factors:

- ▶ Chemical composition of the waste
- ▶ Contamination, i.e. particulate and inorganic levels
- ▶ Physical properties of the waste, i.e. liquid, gas, viscosity, etc...
- ▶ Residual discharge limits

## Technology Overview

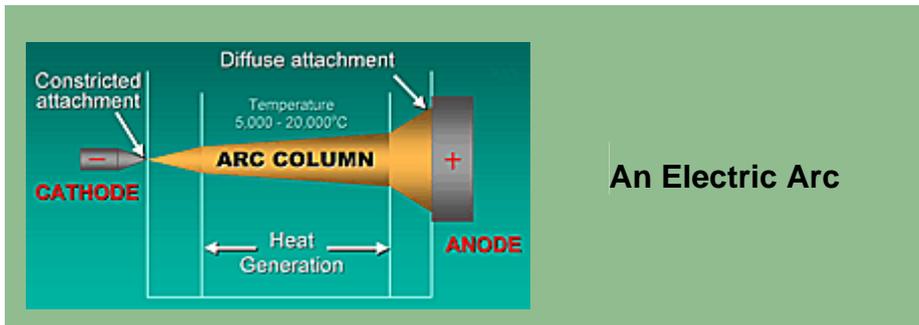
Plasma is an ionised gas. The plasma state is created when sufficient electrical energy is added to a gaseous medium to the point where an electric current can be sustained.

In the case of **PLASCON™** energy is transferred to the process in the form of a super hot argon plasma. The plasma state is commonly observed in electric-arc welding where air is the plasma medium.



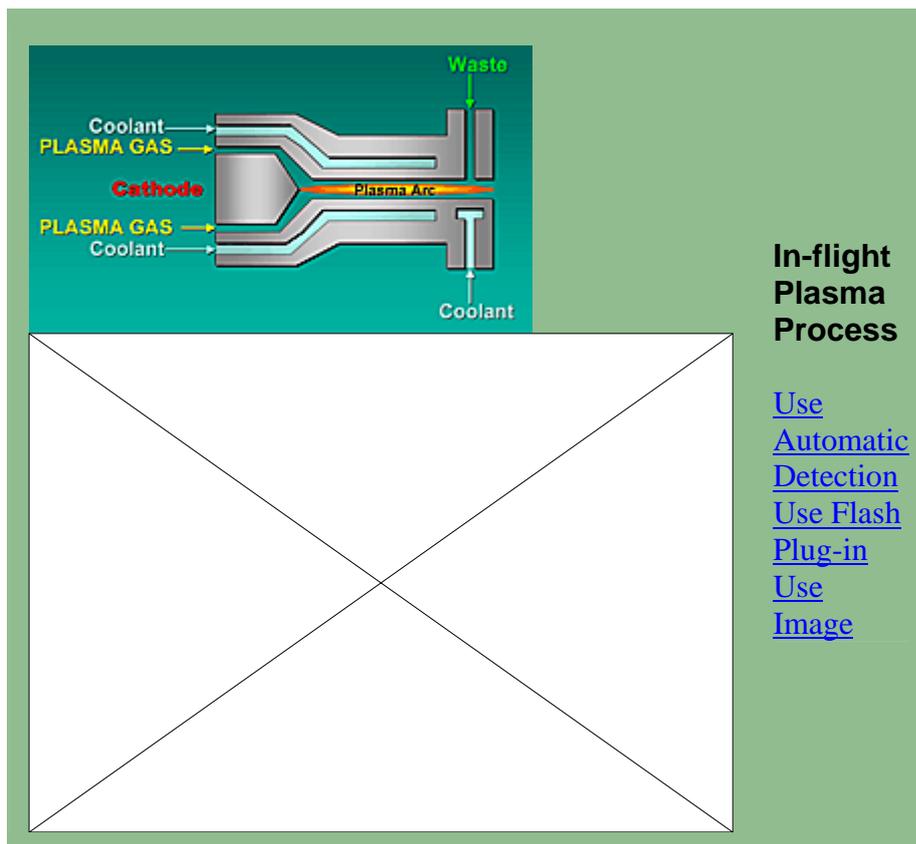
The heart of the **PLASCON™** process is a compact plasma torch developed by CSIRO and Siddons Ramset Limited and further refined by **SRL Plasma Limited**. The torch provides an extremely high energy density heat source into which liquid or gaseous organic waste is injected. The core of the plasma can reach temperatures in excess of 20,000°C. At these extreme temperatures the molecules of any organic waste material injected into the device

break apart (dissociate) almost instantaneously. This process is known as pyrolysis. Unlike conventional combustion processes, a fuel is not required, nor is the addition of excess oxygen.



An Electric Arc

The products of pyrolysis pass down a reaction tube that provides sufficient residence time to ensure the complete decomposition of the feed material. The hot gases (approx. 1,200°C) exiting the reaction tube are rapidly cooled in a caustic quench thus converting the hot acid gases to harmless neutral salts. The short residence time at the high temperature in the reaction tube (peak temperature >3,000°C) followed by rapid quenching prevents the formation/re-formation of dioxins/furans and other undesirable organic compounds. Examples of the decomposition chemistry can be found in the [case studies](#).



In-flight Plasma Process

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Atmospheric emissions from the process are typically argon, carbon dioxide and traces of carbon monoxide. Residual acid gases are neutralised in the gas scrubbing system.

In comparison with incineration processes, the off-gas volumes from **PLASCON™** are extremely low, as are residual ground level concentrations.

**PLASCON™** can achieve Destruction Efficiencies (DE) in excess of 99.9999%.

Destruction Efficiency (DE) definition: The overall destruction performance calculated on the basis of the total weight of waste input to the process, minus the sum of the waste in all products, by-products and environmental releases, divided by the waste input. (DE is reported as a percentage).

## Control and Monitoring

The **PLASCON™** process control system has been developed to enhance the unique attributes of the in-flight plasma process. The process control system integrates the various elements of a complete **PLASCON™** system:

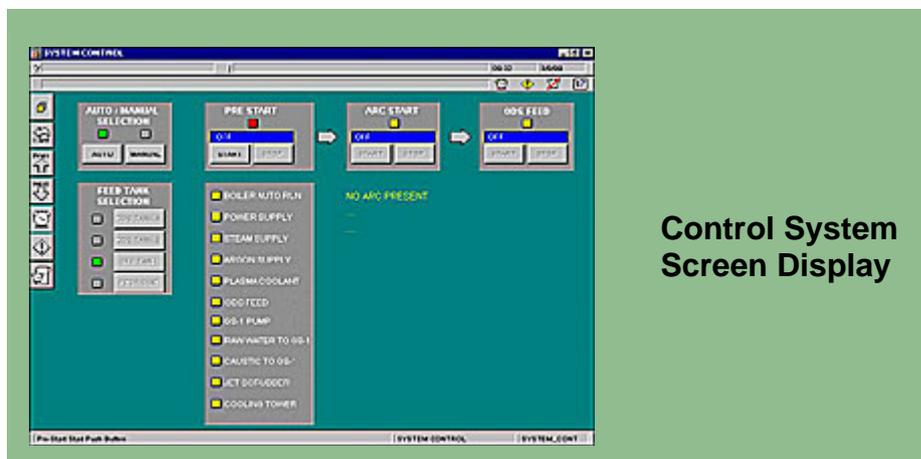
- ▶ PLASCON™ Skid
- ▶ Waste feed system
- ▶ Plant Services:
  - PLASCON™ transformer/rectifier
  - Argon Supply
  - Oxygen Supply (if necessary)
  - Caustic Supply
- ▶ Effluent Handling

The process is controlled via a Programmable Logic Controller (PLC). The process logic is engineered to satisfy the control functionality for each specific application. There are over 50 process parameters that are monitored on a continuous basis.

An operator friendly interface is provided by the use of a Supervisory Control and Data Acquisition (SCADA) software package. New operators can be trained to operate **PLASCON™** in seven to ten days.

The process control system has been developed to enable safe, unmanned operation 24 hours a day and will execute an automatic shutdown sequence in the event that system control parameters are breached. An emergency shut down can be effected within milliseconds, whereas a soft (routine) shut down sequence will be completed within 5-10 minutes. Start up (from cold) takes no more than ten minutes. Trend data and fault diagnostics are logged on a continuous basis.

The control system is configured to permit remote monitoring from an appropriately configured PC with a modem.



**Control System  
Screen Display**

## Frequently Asked Questions

If your question is not answered below contact Rex Williams at [srlplasma@gil.com.au](mailto:srlplasma@gil.com.au).

**Question 1.** How does **PLASCON™** convert hazardous waste into environmentally acceptable discharges?

The waste is injected in to an extremely hot plasma stream that very rapidly breaks apart the molecular structure of the waste material. Individual atoms and ions are then transformed into simple molecules that are subsequently converted to inorganic compounds. These compounds are then discharged via conventional effluent treatment systems.

**Question 2.** Why is the **PLASCON™** process different to incineration?

**PLASCON™** doesn't use a fuel such as natural gas, hydrogen etc. and there is no flame. The energy to complete the conversion of waste is provided by a direct current plasma-arc that heats a plasma gas to temperatures in excess of 10,000°C (incinerators typically operate at peak temperatures of 1,200 - 1,300°C). When the waste is mixed with the hot plasma gas it is heated extremely rapidly until the molecules break apart. No oxygen is required to complete this "destruction" process. The conversion (destruction) of waste in this way is referred to as pyrolysis.

**Question 3.** What type of waste can **PLASCON™** destroy?

Virtually any organic liquid or gaseous waste can be destroyed in **PLASCON™**. In practice very fine slurries can also be fed to the process. In addition, the PCB contained in "solid" wastes such as PCB contaminated electrical transformers can be destroyed by firstly separating the PCB liquid from the solid material. Techniques such as solvent extraction, autoclaving and thermal desorption are all applicable pre-treatment processes.

If in doubt please ask and we will make an assessment of your specific waste stream.

**Question 4.** What process inputs does the **PLASCON™** process require?

High purity (ideally 99.999%) argon is required as the plasma gas, approximately 250 kVA 3 phase electrical supply, bulk liquid caustic (NaOH), raw water and steam or oxygen depending on the waste material.

**Question 5.** How large is a **PLASCON™** plant?

The main **PLASCON™** unit is skid mounted and is designed to be transported in a standard 20ft shipping container. The **PLASCON™** transformer/rectifier is installed separately.

**Question 6.** Are there any special site requirements that need to be considered?

**PLASCON™** can operate in a very simple factory style building with a suitable bund around the **PLASCON™** skid. The building should have good ventilation. There are no special requirements other than adequate space adjacent to the building for the services such as: bulk liquid argon cylinder, oxygen cylinder (if required), caustic tank, cooling tower and any tanks required for effluent handling.

**Question 7.** Are any special skills required to operate a **PLASCON™** plant?

The **PLASCON™** process can be likened to a small chemical processing plant. Plant operators should have plant experience preferably in a chemical process plant environment. However, the process is quite simple to operate and even untrained operators can quickly adapt to the process. It is advantageous to have access to qualified engineering input for non-routine situations.

**Question 8.** What level of plant on-line time can I expect from the **PLASCON™** plant?

**PLASCON™** is a continuous process. Operational experience with the plant operating 3 shifts per day 7 days per week will typically yield an on-line fraction between 75-90%.

**Question 9.** How safe is **PLASCON™**?

The process control system monitors all critical process parameters and will, in the event of an adverse system trend that breaches pre-defined parameters, instantaneously shut down the plant. Because the volume of undestroyed waste contained within the process at any instant is in the order of milligrams, very little waste can escape to the environment. Despite the fact that the plasma temperatures are in the order of 10,000°C and higher, operators are not exposed to extreme temperatures or hazardous operating conditions.

**Question 10.** Is **PLASCON™** a commercially proven technology?

Yes! The first installation was completed in 1992. This plant is still in continuous 3 shift/day, 7 day/week service. Three other **PLASCON™** plants are currently in commercial use in Australia. All are EPA approved.

**Question 11.** Is **PLASCON™** cost effective?

As the configuration of the **PLASCON™** process varies depending upon the waste, site, regulatory requirements etc. it is not possible to provide a meaningful price for the **PLASCON™**. However, **PLASCON™** is a small compact device and the capital cost is very competitive when compared to most other high performance destruction technologies.

SRL Plasma would be pleased to quote on your specific application following receipt of the preliminary information as detailed in the commercial overview.

In Australia **PLASCON™** has proven to be more cost effective than other technologies including chemical and thermo-chemical processes.

The plant will destroy between one and three tonnes of waste per day depending on the chemical composition of the feed. It is important to note that the destruction cost is to a significant extent independent of the concentration of the toxic component within the feed. Therefore, the process is most cost effective when the waste is concentrated. In such cases the overall cost of destruction (including capital and running costs) will be competitive with incineration, particularly for heavily halogenated waste.

**Question 12.** How long does the plasma torch last?

The plasma torch developed by CSIRO and SRL Plasma is particularly robust. It is a high

efficiency torch that has been in commercial use, albeit with minor modifications and improvements, for eight years. The body of the torch will survive the most arduous conditions for several thousand hours of continuous use. One or two critical components require replacement on a more frequent basis, however, these components have been designed for quick change over and can be readily refurbished for later re-use.