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**AMENDMENT TO THE DECISION OF THE COUNCIL [C(2001)107/FINAL] ON THE CONTROL OF
TRANSBOUNDARY MOVEMENTS OF WASTES DESTINED FOR RECOVERY OPERATIONS**

This note is submitted to Council for information.

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1. This note describes the amendments, which came into force on 20 November 2003, in accordance with the provisions of Article 3, Section B, Chapter II of C(2001)107/FINAL.
2. The OECD Decision C(2001)107/FINAL on the Control of Transboundary Movements of Wastes Destined for Recovery Operations states that amendments made to Annexes II , VIII and IX of the Basel Convention have to be incorporated into Appendices 3 and 4 of the OECD Decision if they have been agreed by OECD Member countries.
3. Appendices 3 and 4 of Decision C(2001)107/FINAL, which include the Green and Amber lists of wastes have been revised according to the amendments made to Annexes VIII and IX of the Basel Convention, i.e. to the Basel lists of wastes. These Basel amendments were adopted at the 6th Meeting of the Conference of the Parties to the Basel Convention in December 2002 and entered into force on 20 November 2003.
4. Since no objection has been raised from OECD Member countries about the incorporation of the Basel amendments into the OECD Decision, the OECD amendments entered into force on the same date as the Basel amendments, i.e. on 20 November 2003. Consequently, a revision of Decision C(2001)107/FINAL is necessary.
5. The present document explains in detail the amendments made to the OECD lists of wastes and includes, as an Annex, the revised Appendices 3 and 4 of Decision C(2001)107/FINAL. It is submitted to Council for information. Necessary updates of the Decision have to be made to the OECD Legal Database, the OLIS system and the relevant OECD webpages.

AMENDMENTS TO APPENDICES 3 AND 4 OF OECD DECISION C(2001)107/FINAL

I – Amendments to Appendix 3, List of Wastes subject to the Green Control Procedure:

Part I has not been revised. However the following amendments have been made to Part II:

1. The heading “Metal and Metal-Alloy Wastes in Metallic, Non-Dispersible Form⁶”, its related footnote 6 defining “non-dispersible” and its item “GA300 - ex 811220 – Chromium waste and scrap” have been deleted from the OECD list because this waste has been added as a new bullet under entry B1010 of Annex IX of the Basel Convention: “Chromium scrap”.
2. The waste item “GC040 - ex 8701 05, ex 8709 11 – Motor vehicle wrecks drained of liquids” has been deleted from the OECD list because this waste has been added as a new entry to Annex IX of the Basel Convention: “B1250 – Waste end-of-life motor vehicles, containing neither liquids nor other hazardous components”.
3. The heading “The following metal and metal alloy wastes in metallic dispersible form” and its items GC090 to GC140 (Molybdenum, Tungsten, Tantalum, Titanium, Niobium, Rhenium) have been deleted from the OECD list because these wastes have been added under a new entry of Annex IX of the Basel Convention: “B1031 – Molybdenum, tungsten, titanium, tantalum, niobium and rhenium metal and metal alloy wastes in metallic dispersible form (metal powder) excluding such wastes as specified in list A under entry A1050 – Galvanic sludges.”
4. The waste item “GG160 – Bituminous materials (asphalt waste) from road construction and maintenance, not containing tar” has been deleted from the OECD list because this waste has been added as a new entry to Annex IX of the Basel Convention: “B2130 – Bituminous material (asphalt waste) from road construction and maintenance, not containing tar^a (note the related entry on List A, A3200).

Footnote a: The concentration level of Benzol[a]pyrene should not be 50 mg/kg or more”

5. The heading “Textile wastes” and its item “GJ140 – ex 6310 – Waste textile floor coverings, carpets” have been deleted from the OECD list because this waste has been added as a new entry of Annex IX of the Basel Convention: “B3035 - Waste textile floor coverings, carpets”.
6. The heading “Wastes arising from agro-food industries” and its item “GM140 – ex 1500 – Waste edible fats and oils of animal or vegetable origin (e.g. frying oils)” have been deleted from the OECD list because this waste has been added as a new entry to Annex IX of the Basel Convention: “B3065 - Waste edible fats and oils of animal or vegetable origin (e.g. frying oils), provided they do not exhibit an Annex III characteristic”.

II- Amendments to Appendix 4, List of Wastes subject to the Amber Control Procedure:

Part I has not been revised. However the following amendment has been made to Part II:

1. The waste item “AC020 – Bituminous materials (asphalt waste) not elsewhere specified or included” has been deleted from the OECD list because this waste has been added as a new entry to Annex VIII of the Basel Convention: “A3200 - Bituminous materials (asphalt waste) from road construction and maintenance, containing tar (note the related entry on List B, B2130)”.

ANNEX

APPENDICES 3 AND 4 OF OECD DECISION C(2001)107/FINAL

APPENDIX 3:

LIST OF WASTES SUBJECT TO THE GREEN CONTROL PROCEDURE

Regardless of whether or not wastes are included on this list, they may not be subject to the Green control procedure if they are contaminated by other materials to an extent which (a) increases the risks associated with the wastes sufficiently to render them appropriate for submission to the Amber control procedure, when taking into account the criteria in Appendix 6, or (b) prevents the recovery of the wastes in an environmentally sound manner.

Part I:

Wastes listed in Annex IX of the Basel Convention.

For the purposes of this Decision:

- (a) Any reference to list A in Annex IX of the Basel Convention shall be understood as a reference to Appendix 4 of this Decision.
- (b) In Basel entry B1020 the term “bulk finished form” includes all metallic non-dispersible⁶ forms of the scrap listed therein.
- (c) The part of Basel entry B1100 that refers to “Slags from copper processing” etc does not apply and OECD entry GB040 in Part II applies instead.
- (d) Basel entry B1110 does not apply and OECD entries GC010 and GC020 in Part II apply instead.
- (e) Basel entry B2050 does not apply and OECD entry GG040 in Part II applies instead.
- (f) The reference in Basel entry B3010 to fluorinated polymer wastes shall be deemed to include polymers and co-polymers of fluorinated ethylene (PTFE).

Part II:

The following wastes will also be subject to the Green control procedure:

Metal Bearing Wastes Arising from Melting, Smelting and Refining of Metals

GB040 7112 Slags from precious metals and copper processing for further refining
262030
262090

⁶ “Non-dispersible” does not include any wastes in the form of powder, sludge, dust or solid items containing encased hazardous waste liquids.

Other Wastes Containing Metals

- GC010** Electrical assemblies consisting only of metals or alloys.
- GC020** Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery.
- GC030** ex 890800 Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste
- GC050** Spent Fluid Catalytic Cracking (FCC) Catalysts (e.g.: aluminium oxide, zeolites)

Glass Wastes in Non-dispersible Form

- GE020** ex 7001 Glass fibre wastes
ex 701939

Ceramic Wastes in Non-Dispersible Form

- GF010** Ceramic wastes which have been fired after shaping, including ceramic vessels (before and/or after use)

Other Wastes Containing Principally Inorganic Constituents, Which May Contain Metals and Organic Materials

- GG030** ex 2621 Bottom ash and slag tap from coal fired power plants
- GG040** ex 2621 Coal fired power plants fly ash

Solid Plastic Wastes

- GH013** 391530 Polymers of vinyl chloride
ex 390410-40

Wastes Arising from Tanning and Fellingmongery Operations and Leather Use

- GN010** ex 050200 Waste of pigs', hogs' or boars' bristles and hair or of badger hair and other brush making hair
- GN020** ex 050300 Horsehair waste, whether or not put up as a layer with or without supporting material
- GN030** ex 050590 Waste of skins and other parts of birds, with their feathers or down, of feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation

APPENDIX 4:

LIST OF WASTES SUBJECT TO THE AMBER CONTROL PROCEDURE

Part I:

Wastes listed in Annexes II and VIII of the Basel Convention.

For the purposes of this Decision:

- (a) Any reference to list B in Annex VIII of the Basel Convention shall be understood as a reference to Appendix 3 of this Decision.
- (b) In Basel entry A1010, the term “excluding such wastes specifically listed on List B (Annex IX)” is a reference both to Basel entry B1020 and the note on B1020 in Appendix 3 to this Decision, Part I (b).
- (c) Basel entries A1180 and A2060 do not apply and OECD entries GC010, GC020 and GG040 in Appendix 3 Part II apply instead when appropriate. Member countries may control these wastes differently in accordance with Chapter II B (6) of this Decision concerning wastes not listed in Appendices 3 or 4, and the chapeau of Appendix 3.
- (d) Basel entry A4050 includes spent potlinings from aluminium smelting because they contain Y33 inorganic cyanides. If the cyanides have been destroyed, spent potlinings are assigned to Part II entry AB120 because they contain Y32, inorganic fluorine compounds excluding calcium fluoride.

Part II:

The following wastes will also be subject to the Amber control procedure:

Metal Bearing Wastes

AA010	261900	Dross, scalings and other wastes from the manufacture of iron and steel ⁷
AA060	262050	Vanadium ashes and residues ⁷
AA190	810420 ex 810430	Magnesium waste and scrap that is flammable, pyrophoric or emits, upon contact with water, flammable gases in dangerous quantities

⁷ This listing includes wastes in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.

Wastes Containing Principally Inorganic Constituents, Which May Contain Metals and Organic Materials

AB030		Wastes from non-cyanide based systems which arise from surface treatment of metals
AB070		Sands used in foundry operations
AB120	ex 281290 ex 3824	Inorganic halide compounds, not elsewhere specified or included
AB130		Used blasting grit
AB150	ex 382490	Unrefined calcium sulphite and calcium sulphate from flue gas desulphurisation (FGD)

Wastes Containing Principally Organic Constituents, Which May Contain Metals and Inorganic Materials

AC060	ex 381900	Hydraulic fluids
AC070	ex 381900	Brake fluids
AC080	ex 382000	Antifreeze fluids
AC150		Chlorofluorocarbons
AC160		Halons
AC170	ex 440310	Treated cork and wood wastes
AC250		Surface active agents (surfactants)
AC260	ex 3101	Liquid pig manure; faeces
AC270		Sewage sludge

Wastes Which May Contain either Inorganic or Organic Constituents

AD090	ex 382490	Wastes from production, formulation and use of reprographic and photographic chemicals and materials not elsewhere specified or included
AD100		Wastes from non-cyanide based systems which arise from surface treatment of plastics
AD120	ex 391400 ex 3915	Ion exchange resins
AD150		Naturally occurring organic material used as a filter medium (such as bio-filters)

Wastes Containing Principally Inorganic Constituents, Which May Contain Metals and Organic Materials

RB020	ex 6815	Ceramic based fibres of physico-chemical characteristics similar to those of asbestos.
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