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C(92)39/FINAL

Or. Eng./Fre.

COUNCIL

DECISION OF THE COUNCIL

concerning the control of transfrontier movements of
wastes destined for recovery operations*

(adopted by the Council at its 778th Session on 30th March 1992)

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* Japan abstained.

THE COUNCIL,

Having regard to Article 5a) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

Having regard to the Decision and Recommendation of the Council of 1 February 1984 on Transfrontier Movements of Hazardous Waste [C(83)180(Final)] which requires Member countries to control transfrontier movements of hazardous wastes;•

Having regard to the Decision of the Council of 27 May 1988 on Transfrontier Movements of Hazardous Wastes [C(88)90(Final)] which defines "wastes", identifies those wastes referred to as hazardous wastes in relevant Council Acts, and sets out a classification system for wastes subject to transfrontier movements;

Having regard to the Decision-Recommendation of the Council of 31 January 1991 on the Reduction of Transfrontier Movements of Wastes [C(90)178/FINAL] which, inter alia, calls for delineation of such controls as may be appropriate for the transfrontier movement of wastes destined for recovery operations, clarification of the definition of such wastes and characterization of those wastes which may require differing levels of control;

Having regard to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, adopted on 22 March 1989, and noting that most Member countries and the European Economic Community have become signatories to this Convention;

Desiring to conclude an arrangement or agreement under Article 11 of that Convention;

Noting that recovery of valuable raw materials from wastes has been an integral part of the international economic system and that well established international markets exist for the collection and processing of such wastes;

Noting further that many industrial sectors are already implementing waste recovery techniques in an economically and environmentally satisfactory manner, thus protecting limited virgin sources of raw materials, and convinced that further efforts in this direction are necessary and should be encouraged;

Recognising that efficient and environmentally sound management of wastes may justify some transfrontier movements of such wastes in order to make use of adequate recovery facilities in other countries;

Convinced however that, pursuant to the obligations set forth in the relevant Council Acts and compatible with the provisions of the Basel Convention, an appropriate system should be implemented to control transfrontier movements of those wastes destined for recovery operations;

Convinced that all persons involved in any contracts or arrangements for transfrontier movements of wastes destined for recovery operations must have the appropriate legal status to ensure environmentally sound management of these wastes; and

Recognizing that work is now in progress within the United Nations Environment Programme concerning the environmentally sound management of hazardous wastes.

On the proposal of the Environment Committee:

I. DECIDES that Member countries shall control transfrontier movements of wastes destined for recovery operations within the OECD area as specified in Annex 1 which is an integral part of this Decision.

II. INSTRUCES the Environment Committee in co-operation with other relevant OECD bodies, in particular the Trade Committee, to review periodically the control system and the lists of wastes set out in Annex 1, taking into account the criteria listed in Annex 2, and to make any proposals it deems necessary for revisions of Annex 1.

III. INSTRUCES the Environment Committee in co-operation with other relevant OECD bodies to review annually action taken by Member countries in pursuance of this Decision.

IV. REQUESTS the Secretary General to transmit this Decision to the Executive Director of the United Nations Environment Programme and the Interim Secretariat of the Basel Convention.

Annex 1

I. DEFINITIONS

For the purposes of this Decision:

WASTES are as defined in OECD Council Decision C(88)90(Final) of 27 May 1988.

RECOVERY OPERATIONS mean activities leading to resource recovery, recycling, reclamation, direct re-use or alternative uses as listed in Table 2B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988.

TRANSFRONTIER MOVEMENT means any shipment of wastes destined for recovery operations from an area under the national jurisdiction of one OECD Member country to an area under the national jurisdiction of another OECD Member country.

RECOVERY FACILITY means an entity which, under applicable domestic law, is operating or is authorized to operate in the importing country to receive wastes and to perform recovery operations on them.

INTERNATIONAL WASTE IDENTIFICATION CODE ("IWIC") is the classification system specified and described in OECD Council Decision C(88)90(Final) of 27 May 1988.

EXPORTING COUNTRY means any OECD Member country from which a transfrontier movement of wastes is planned or has commenced.

IMPORTING COUNTRY means any OECD Member country to which a transfrontier movement of wastes is planned or takes place for the purpose of submitting the wastes to recovery operations therein.

COUNTRY OF TRANSIT means any OECD Member country other than the exporting or importing country across which a transfrontier movement of wastes is planned or takes place.

CONCERNED COUNTRIES means the exporting and importing OECD Member countries and any OECD Member countries of transit.

OECD AREA means all land or marine areas under the national jurisdiction of any OECD Member country.

COMPETENT AUTHORITIES means the regulatory authorities of concerned countries having jurisdiction over transfrontier movements of wastes destined for recovery operations.

PERSON means any natural or legal person whether public or private.

NOTIFIER means the person under the jurisdiction of the exporting country who has, or will have at the time the planned transfrontier movement commences, possession or other forms of legal control of the wastes and who proposes their transfrontier movement for the ultimate purpose of submitting them to recovery operations.

CONSIGNEE means the person to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the importing country.

RECOGNISED TRADER means a person who, with appropriate authorisation of concerned countries, acts in the role of principal to purchase and subsequently sell wastes; this person has legal control of such wastes from time of purchase to time of sale; such a person may act to arrange and facilitate transfrontier movements of wastes destined for recovery operations.

GENERATOR means a person whose activities create wastes.

II. GENERAL PROVISIONS

(1) All of the following conditions shall apply to transfrontier movements of wastes subject to this Decision:

- (a) The wastes shall be destined for recovery operations within a facility which, under applicable domestic law, is operating or is authorized to operate in the importing country;
- (b) The transfrontier movements shall be carried out under terms of applicable international transport agreements. (Appendix 1 contains an illustrative list of such agreements);
- (c) Any transit of wastes through a non-member country shall be subject to all applicable international and national laws and regulations.

(2) A three-tiered system serves to delineate controls to be applied to such transfrontier movements:

- (a) "Green" tier
 - Wastes destined for recovery operations included on the green list shall move among OECD Member countries toward recovery operations subject to all existing controls normally applied in commercial transactions. These provisions shall not apply to wastes on this list which are contaminated by other materials to an extent which increases the risks associated with the wastes sufficiently to render them appropriate for inclusion in the amber or red lists, when taking into account the criteria in Annex 2.
- (b) "Amber" tier
 - Wastes destined for recovery operations included in the amber list shall be subject to the control system set out in Section IV of this Annex.
- (c) "Red" tier
 - Wastes destined for recovery operations included in the red list shall be subject to the controls indicated in Section V of this Annex.

(3) The criteria listed in Annex 2 must be taken into account for evaluating wastes for inclusion on the green, amber or red lists. In accord with provisions of this Decision, items may be added, altered or deleted periodically. Subject to Section III (2) no single criterion shall be used in isolation in assigning wastes to the lists.

(4) • While the lists are intended to be exclusive, a specific waste included in either the amber or red lists might not be legally defined or considered to be a hazardous waste in the exporting country because the competent authorities of that country are satisfied that it does not exhibit any of the hazardous characteristics listed in Table 5 of OECD Council Decision C(88)90(Final) as determined using national procedures*. If, however, this waste is legally defined or considered to be a hazardous waste by the importing country, then all of the requirements set forth in Section IV or Section V - whichever is applicable - shall apply as follows: the importing country shall assume the obligations of the exporting country under these Sections, in particular as regards the notification requirements. A copy of the notification form must be transmitted to the competent authorities of the exporting country. Member countries operating under provisions of this paragraph shall promptly inform the OECD Secretariat of the waste(s) involved and applicable legislative requirements.

(5) • Member countries who prescribe the use of certain tests and testing procedures in order to determine whether a waste exhibits one or more of the hazardous characteristics listed in Table 5 of OECD Council Decision C(88)90(Final) shall inform the OECD Secretariat concerning which tests and testing procedures are being so utilized; and, if possible, which wastes would or would not be legally defined or considered to be hazardous wastes based upon application of these national procedures.

(6) • This Decision does not prejudice the right of Member countries to control certain wastes which have been assigned to the green list as if those wastes had been assigned to one of the other lists, in conformity with domestic legislation and the rules of international law, in order to protect human health and the environment. In such cases, Member countries exercising this right shall immediately inform the OECD secretariat citing the specific waste(s) and applicable legislative requirements.

* 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 characterise 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 Member countries have developed tests which can be applied to materials destined for disposal by means of operations listed in Table 2 of OECD Council Decision C(88)90(Final) in order to decide if these materials exhibit any of the hazardous characteristics listed in Table 5 of that Decision.

(7) Wastes which are destined for recovery operations but have not yet been assigned to the green, amber or red lists shall be eligible for transfrontier movements pursuant to this Decision subject to the following conditions:

- i) Member countries shall identify such wastes and bring them to the attention of the review mechanism established by operative paragraphs II and III of this Decision;
- ii) such wastes shall be promptly examined by the Review Mechanism in order to assign them to the appropriate list;
- iii) pending assignment to a list, such wastes shall be subject to the controls required for the transfrontier movements of wastes by the domestic legislation of the concerned countries in order that no country is obliged to enforce laws other than its own;
- iv) however, if such wastes exhibit a hazardous characteristic listed in Table 5 of OECD Council Decision C(88)90(Final) as determined using national procedures and any applicable international agreements, such wastes shall be subject to controls applicable to the red tier.

(8) If two or more lots of wastes are mixed and/or otherwise subjected to physical or chemical transformation operations, the person who performs these operations shall be deemed to be the generator of the new wastes resulting from these operations.

III. GREEN TIER

(1) Specific items included in the green list are shown under their corresponding main categories. Only the items specified under a main category and not the main categories themselves are part of the green list.

(2) Wastes may not be included in the green list if they exhibit any of the hazardous characteristics listed in Table 5 of OECD Council Decision C(88)90(Final). The procedures in force in each Member country for determining whether a specific waste does or does not exhibit one or more of these characteristics are taken into account in placing or not placing a waste onto the green list.

(3) If green list wastes are re-exported, responsibilities of the exporting country under other relevant agreements or conventions shall transfer to the country initiating the re-export, and shall not apply to the original exporting country.

(4) Green list of wastes

The green list of wastes is set out at Appendix 3.

IV. AMBER TIER

(1) Conditions

Transfrontier movements of wastes under the amber control system may only occur under the terms of a valid written contract, or chain of contracts, or equivalent arrangements between facilities controlled by the same legal entity, starting with the notifier and terminating at the recovery facility. All persons involved in the contracts, or arrangements shall have appropriate legal status.

Such contracts shall include provisions for financial guarantees in accordance with applicable national or international law requirements. Financial guarantees so required are intended to provide for alternate recycling, disposal or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. These contracts shall also specify which party to the contract shall assume responsibility for alternate management of the wastes. These contracts shall also specify and, as the case may be, require from the consignee the notification required in 3(a) below (Re-export to a Third Country).

In such cases :

- i) the person having actual possession or physical control over the wastes shall immediately inform the notifier and the competent authorities of the exporting and importing countries and, if the wastes are located in a country of transit, the competent authorities of that country;
- ii) the person specified in the contract shall assume responsibility for the adequate management of the wastes in compliance with applicable laws and regulations including, if necessary, their return. The competent authorities of the concerned countries shall require that the necessary actions are carried out within a limited period of time, and shall not oppose, hinder or prevent the return of those wastes to the exporting country.

(2) Control System

Procedures are provided under the amber control system for the following two cases:

- i) transactions which require consent for specific shipments to a recovery facility; and
- ii) transactions involving specific recovery facilities to which the competent authorities having jurisdiction over such recovery facilities have granted general pre-consent concerning the reception of certain wastes.

- Case (1): Provisions concerning transactions requiring specific consent.
 - (a) Prior to commencement of the transfrontier movement, the notifier shall provide written notification to the competent authorities of the concerned countries; this notification shall include all of the information listed in Appendix 2.A. The competent authorities of the exporting country may, in accord with domestic laws, decide to transmit this notification instead of the notifier.
 - (b) The competent authorities of the importing country, upon receipt of the completed notification referred to in paragraph (a) above, shall transmit an acknowledgement to the notifier with a copy to the competent authorities of other concerned countries within three (3) working days of their receiving the notification.
 - (c) The competent authorities of the exporting and importing countries shall have thirty (30) days to object in accord with their respective domestic laws to the proposed transfrontier movement. The 30-day period shall commence upon issuance of the acknowledgement referred at paragraph (b) above.
 - (d) Countries of transit may, in accord with domestic laws, object to the transfrontier movement entering their territory.
 - (e) Any objection by any of the concerned countries must be provided in writing to the notifier and to the competent authorities of other concerned countries within the 30-day period.
 - (f) If no objection has been lodged, the transfrontier movement may commence after the 30-day period has passed. Tacit consent, however, expires within one (1) calendar year from that date.
 - (g) The competent authorities of the concerned countries may decide to provide written consent in a period less than the 30 days. The transfrontier movement may commence immediately after all necessary consents are received.
 - (h) Written consent or objection may be provided by post, or by telefax followed by post. Such consent shall expire within one (1) calendar year unless otherwise specified.
 - (i) Each transfrontier movement shall be accompanied by a tracking document which includes the information listed in Appendix 2.
 - (j) Within three (3) days of the receipt of the wastes by the recovery facility, the recovery facility shall provide a signed copy of the tracking document to the notifier and to the competent authorities of the concerned countries. The recovery facility shall retain the original of the tracking document for three (3) years.

- (k) In cases where essentially similar wastes (e.g. those having essentially similar physical and chemical characteristics) are to be sent periodically to the same recovery facility by the same notifier, the competent authorities of the concerned countries may elect to accept one notification for these wastes for a period of up to one year:
- i) Such acceptance may be renewed for further periods of up to one year each;
 - ii) Revocation of this acceptance may be accomplished by means of official notice to the notifier from any of the competent authorities of the concerned countries. Notice of revocation of acceptance for shipments previously granted under this provision shall be given to the competent authorities of all concerned countries by the competent authorities of the country that revokes such acceptance.

Case (2): Provisions relating to pre-consent by competent authorities for shipments to specific recovery facilities.

- (a) Competent authorities having jurisdiction over specific recovery facilities may decide not to raise objections concerning shipments of certain types of wastes to a specific recovery facility. Such decisions can be limited to a specified period of time; however, they may be revoked at any time.
- (b) Competent authorities who elect this option shall inform the OECD Secretariat of the recovery facility name, address, technologies employed, waste types to which the pre-consent applies, and the period covered. Any revocations must also be notified to the OECD Secretariat.
- (c) All proposed transfrontier movements to such facilities shall require notification; the notifier shall provide to the competent authorities of the concerned countries the information listed in Appendix 2.A. Such notification shall arrive prior to the time the shipment is dispatched.
- (d) The competent authorities of the exporting and transit country may, in accord with their domestic laws, prohibit or otherwise restrict any such transfrontier movement.
- (e) In instances where competent authorities acting under terms of their domestic laws are required to review the contracts referred to in (1) above (Conditions), these authorities shall so inform the OECD Secretariat. In such cases, the notification information plus the contract(s) or portions thereof to be reviewed must arrive seven (7) days prior to the time the shipment is dispatched in order that such review may be appropriately performed.
- (f) Paragraphs (i), (j) and (k) of Case (1) shall apply.

- (3) Additional provisions relating to re-export to a third country
- (a) Re-export from an importing country of wastes subject to the amber control system may only occur following notification by a notifier in the importing country to the competent authorities of the initial exporting country, which shall be acknowledged within three (3) working days of receipt. The competent authorities of the initial exporting country shall have thirty (30) days to object to the proposed movement. The 30-day period shall commence upon issue of the acknowledgement referred to above. If no objection has been lodged, the transfrontier movement may commence after the 30-day period has passed. The competent authorities may decide to provide written consent in a period of less than 30 days. The transfrontier movement may commence immediately after such consent is received. Written consent may be provided by telefax in the first instance, followed by post if required.
 - (b) Re-export to a country outside the OECD area shall be fully subject to, and in accord with, all international agreements and arrangements to which the importing OECD Member country is a party.
- (4) Provisions relating to recognised traders
- (a) A recognised trader who takes physical custody of the wastes and intends to perform any of the operations in Table 2 B of OECD Council Decision C(88)90(Final) shall require appropriate authorisation from its competent authorities to act as a recovery facility.
 - (b) A recognised trader may act as a notifier or consignee for wastes with all the responsibilities associated with being a notifier or consignee.
 - (c) The contracts referred to in (1) above (Conditions) shall:
 - i) clearly identify: the generator of each type of waste; each person who shall have physical custody of the wastes; each person who shall have legal control of the wastes; and the recovery facility;
 - ii) provide that all requirements of this Decision are taken into account and are legally binding on all parties to the contracts.
 - (d) The notification information called for at Appendix 2A shall include a signed declaration by the notifier that the appropriate contracts are in place and are legally enforceable in all concerned countries.
 - (e) Competent authorities of the exporting and importing countries may under terms of their domestic laws require the notifier to provide copies of such contracts or portions thereof.

- (f) Any information contained in the contracts provided under terms of paragraph (e) above shall be held as strictly confidential in accordance with, and to the extent allowable by, domestic laws.
- (5) Provisions relating to wastes designated for exchange or accumulation prior to submission to recovery operations designated R1-R11 in Table 2B of OECD Council Decision C(88)90(Final)
- (a) The notification information included in Appendix 2A shall also indicate that exchange or storage is foreseen for the wastes covered by the notification.
- (b) The competent authorities of concerned countries may request that the recovery facility where operations designated R1-R11 in Table 2B of Council Decision C(88)90(Final) will occur be identified.
- (c) The tracking document referred to in Appendix 2B shall accompany the wastes to the recovery facility noted in paragraph (b) above which shall then comply with paragraph (j) of (2) above (Control System).
- (6) Amber list of wastes
- The amber list of wastes is set out at Appendix 4.♦♦

V. RED TIER

- (1) The red list represents certain specific substances which, even moved in an adequately managed way, nevertheless must be controlled in a more stringent way than provided for by the amber control system. Wastes included in the red list shall be subject to the same controls as applied to wastes included in the amber list (see Section IV), and shall move in accord with Case (1), except that the importing and any transit countries must provide written consent prior to commencement of the transfrontier movement.
- (2) Red list of wastes
- The red list of wastes is set out at Appendix 5.

VI. ACTIONS TO PROMOTE HARMONISED IMPLEMENTATION

(1) Member countries individually, and as a group acting through the Review Mechanism established in this Decision, shall take appropriate steps toward improving the green, amber and red lists of wastes and toward uniform application of this Decision.

(2) Member countries shall cooperate in efforts aimed at:

- i) developing procedures for evaluating the criteria in Annex 2 to determine to which list a waste should be assigned; and
- ii) harmonising procedures for determining whether a waste exhibits any of the hazardous characteristics listed in Table 5 of OECD Council Decision C(88)90(Final).

(3) Member countries shall cooperate to identify and assess steps taken toward optimization of environmentally sound and economically efficient practices for recovery operations of each waste.

(4) When Sections II(4), II(6) and II(7) must be resorted to, Member countries shall cooperate to ensure that the provisions of this Decision are fully complied with.

(5) The OECD Secretariat shall circulate to all Member countries the information provided in accordance with this Decision, in particular under Sections II(4), II(5), II(6) and II(7).

Appendix 1

INTERNATIONAL TRANSPORT AGREEMENTS

1. Chicago Convention:
Convention on International Civil Aviation (1944) Annex 18 which deals with the carriage of dangerous goods by air (T.I.: Technical Instructions for the Safe Transport of Dangerous Goods by Air);
2. ADR:
European Agreement concerning the International Carriage of Dangerous Goods by Road (1957);
3. ADN:R:
Regulations of the Carriage of Dangerous Substances on the Rhine (1970).
4. MARPOL Convention:
International Convention for the Prevention of Pollution from Ships (1973/1978);
5. SOLAS Convention:
International Convention for the Safety of Life at Sea (1974);
6. IMDG Code:
International Maritime Dangerous Goods Code;
(incorporated into SOLAS since 1985)
7. COTIF:
Convention concerning the International Carriage of Goods by Rail (1985);
8. RID: Regulation on the International Carriage by Rail of Dangerous Goods (1985) [Annex I to COTIF];

Appendix 2

NOTIFICATION AND TRACKING INFORMATION

A. INFORMATION TO BE SUBMITTED UPON NOTIFICATION

- 1)• Serial number or other accepted identifier of notification form.
- 2)• Notifier name, address, telephone, telefax.
- 3)• Recovery facility name, address, telephone, telefax, and technologies employed
- 4)• Consignee if not the recovery facility, address, telephone, telefax
- 5)• Intended carrier(s) and/or their agents.
- 6)• Country of export and relevant competent authority
- 7)• Countries of transit and relevant competent authorities.
- 8)• Country of import and relevant competent authority.
- 9)• Is this a single notification or a general notification? If general, period of validity requested.
- 10)• Date foreseen for commencement of transfrontier movement.
- 11)• Certification that any applicable insurance or other financial guarantee is or shall be in force covering the transfrontier movement.
- 12)• Designation of waste type(s) on the appropriate list (amber or red) and their description(s), probable total quantity of each, and an accepted uniform classification code (such as the IWIC) for each.
- 13)• Certification of the existence of written contract or chain of contracts or equivalent arrangement as required by this Decision.
- 14)• Certification by notifier that the information is complete and correct to the best of his knowledge.

B. TRACKING DOCUMENT

- Include all information at A. above plus
 - (a)• Date shipment was dispatched
 - (b)• Shipper (if not notifier), address, telephone, telefax
 - (c)• Actual carrier(s)

- (d)• Means and mode of transport including types of packaging
- (e)• Any special precautions to be taken by carrier(s)
- (f)• Declaration by notifier that no objection has been lodged by the competent authorities of all concerned countries. This declaration requires signature of the notifier.
- (g)• Appropriate signatures for each custody transfer.

C. ALL OF THIS INFORMATION SHALL BE PROVIDED ON A FORM TO BE DEVELOPED FOR USE WITHIN THE OECD AREA

D. NOTE. Under terms of domestic legislation, some Member countries require information in addition to that included in A and B above in order to assess aspects of the environmentally sound management of wastes. Affected countries shall inform the OECD Secretariat and provide a list of the additional information needed.

Appendix 3

GREEN LIST OF WASTES+

Regardless of whether or not wastes are included on this list, they may not be moved as Green Tier wastes if they are contaminated by other materials to an extent which (a) increases the risks associated with the waste sufficiently to render it appropriate for inclusion in the amber or red lists, when taking into account the criteria in Annex 2, or (b) prevents the recovery of the waste in an environmentally sound manner.

A. METAL AND METAL-ALLOY WASTES IN METALLIC, NON DISPERSIBLE FORM++

- The following waste and scrap of precious metals and their alloys :

- 711210 - of gold
- 711220 - of platinum (the expression "platinum" includes platinum, iridium, osmium, palladium, rhodium and ruthenium)
- 711290 - of other precious metal, e.g., silver
- N.B.(1) Mercury is specifically excluded as a component of these metals
- (2) Electrical assemblies wastes shall consist only of metals or alloys
- (3) Electronic scrap (subject to specifications, these to be reviewed by the Review Mechanism)

- The following ferrous waste and scrap; remelting scrap ingots of iron or steel:

- 720410 - Waste and scrap of cast iron
- 720421 - Waste and scrap of stainless steel
- 720429 - Waste and scrap of other alloy steels
- 720430 - Waste and scrap of tinned iron or steel
- 720441 - Turnings, shavings, chips, milling waste, filings, trimmings and stampings, whether or not in bundles
- 720449 - Other ferrous waste and scrap

+ Whenever possible, the Harmonized Commodity Description and Coding System, established by the Brussels Convention of 14th June 1983 under the auspices of the Customs Co-operation Council (hereinafter Harmonized Customs Code) is listed opposite an entry. This code may apply to both wastes and products. This Decision does not include items which are not wastes. Therefore, the code - used by customs officials in order to facilitate their procedures as well as by others - is only provided here to help in identifying wastes that are listed and subject to this Decision. However, corresponding official explanatory notes as issued by the Customs Co-operation Council should be used as interpretative guidance to identify wastes covered by generic headings. The indicative "ex" identifies a specific item contained within the Harmonized Customs Code heading.

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

720450 - Remelting scrap ingots
 ex 730210 - Used iron and steel rails

• The following waste and scrap of non-ferrous metals
 and •their alloys:

740400 Copper waste and scrap •• •••
 750300 Nickel waste and scrap
 760200 Aluminium waste and scrap
 ex 780200 Lead waste and scrap
 790200 Zinc waste and scrap
 800200 Tin waste and scrap
 ex 810191 Tungsten waste and scrap
 ex 810291 Molybdenum waste and scrap
 ex 810310 Tantalum waste and scrap
 810420 Magnesium waste and scrap
 ex 810510 Cobalt waste and scrap
 ex 810600 Bismuth waste and scrap
 ex 810710 Cadmium waste and scrap
 ex 810810 Titanium waste and scrap
 ex 810910 Zirconium waste and scrap
 ex 811000 Antimony waste and scrap
 ex 811100 Manganese waste and scrap
 ex 811211 Beryllium waste and scrap
 ex 811220 Chromium waste and scrap
 ex 811230 Germanium waste and scrap
 ex 811240 Vanadium waste and scrap
 ex 811291 Wastes and scrap of

- - Hafnium
- - Indium
- - Niobium
- - Rhenium
- - Gallium
- - Thallium

ex 280530 Thorium and rare earths waste and scrap

- ex 280490 Selenium waste and scrap
ex 280450 Tellurium waste and scrap

B. OTHER METAL BEARING WASTES ARISING FROM MELTING, SMELTING AND REFINING OF METALS

262011 Hard zinc spelter

- Zinc containing drosses:
 - - Galvanizing slab zinc top dross (> 90% Zn)
 - - Galvanizing slab zinc bottom dross (> 92% Zn)
 - - Zinc die cast dross (> 85% Zn)
 - - Hot dip galvanizers slab zinc dross (batch) (> 92% Zn)
 - - Zinc skimmings
- Aluminium skimmings

ex 262090 Slags from precious metals and copper processing for further refining

C. WASTES FROM MINING OPERATIONS: THESE WASTES TO BE IN NON-DISPERSIBLE FORM

ex 250490 Natural graphite waste

ex 251400 Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise

252530 Mica waste

ex 252921 Feldspar; leucite; nepheline and nepheline syenite; fluorspar - containing by weight 97% or less of calcium fluoride

ex 280461 Silica wastes in solid form excluding those used in foundry operations
ex 280469

D. SOLID PLASTIC WASTES:

Including, but not limited to:

- 3915• Waste, parings and scrap of plastics
- 391510 - of polymers of ethylene
- 391520 - of polymers of styrene
- 391530 - of polymers of vinyl chloride
- 391590 polymerized or co-polymerized
- - polypropylene
 - - polyethylene terephthalate
 - - acrylonitrile copolymer
 - - butadiene copolymer
 - - styrene copolymer

- - polyamides
- - polybutylene terephthalates
- - polycarbonates
- - polyphenylene sulphides
- - acrylic polymers
- - paraffins (C10-C13)
- - polyurethane (not containing chlorofluorocarbons)
- - polysiloxanes (silicones)
- - polymethyl methacrylate
- - polyvinyl alcohol
- - polyvinyl butyral
- - polyvinyl acetate
- - fluorinated polytetrafluoroethylene (Teflon, PTFE)

391590 resins or condensation products of

- - urea formaldehyde resins
- - phenol formaldehyde resins
- - melamine formaldehyde resins
- - epoxy resins
- - alkyd resins
- - polyamides

E. PAPER, PAPERBOARD AND PAPER PRODUCT WASTES:

- 470700 Waste and scrap of paper or paperboard:
- 470710 - of unbleached kraft paper or paperboard or of corrugated paper or paperboard
- 470720 - of other paper or paperboard, made mainly of bleached chemical pulp, not colored in the mass
- 470730 - of paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter)
- 470790 - other, including but not limited to:
- 1) laminated paperboard
 - 2) unsorted waste and scrap

F. GLASS WASTE IN NON-DISPERSIBLE FORM

- ex 700100 Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses
- Fibre glass wastes

G. CERAMIC WASTES IN NON-DISPERSIBLE FORM

- ex 690000 Wastes of ceramic which have been fired after shaping, including ceramic vessels
- ex 811300 Cermets waste and scrap
- Ceramic based fibres not otherwise specified

H. TEXTILE WASTES:

- 5003• Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
 - 500310 - not carded or combed
 - 500390 - other
- 5103• Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock
 - 510310 - noils of wool or of fine animal hair
 - 510320 - other waste of wool or of fine animal hair
 - 510330 - waste of coarse animal hair
- 5202• Cotton waste (including yarn waste and garnetted stock)
 - 520210 - yarn waste (including thread waste)
 - 520291 - garnetted stock
 - 520299 - other
- 530130 Flax tow and waste
- ex 530290 Tow and waste (including yarn waste and garnetted stock) of true hemp (*Cannabis sativa* L.)
- ex 530390 Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
- ex 530490 Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus *Agave*
- ex 530519 Tow, noils and waste (including yarn waste and garnetted stock) of coconut
- ex 530529 Tow, noils and waste (including yarn waste and garnetted stock) of abaca (*Manila hemp* or *Musa textilis* Nee)
- ex 530599 Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included
- 5505• Waste (including noils, yarn waste and garnetted stock) of man-made fibres
 - 550510 - of synthetic fibres
 - 550520 - of artificial fibres
- 630900 Worn clothing and other worn textile articles
- 6310• Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials
 - 631010 - sorted
 - 631090 - other••••

I. RUBBER WASTES:

- 400400 Waste, parings and scrap of rubber (other than hard rubber) and granules obtained therefrom
- 401220 Used pneumatic tyres
- ex 401700 Waste and scrap of hard rubber (for example, ebonite)

J. UNTREATED CORK AND WOOD WASTES:

- 440130 Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
- 450190 Cork waste; crushed, granulated or ground cork

K. WASTES ARISING FROM AGRO-FOOD INDUSTRIES

- 230100 Dried, sterilized and stabilized flours, meals and pellets, of meat or meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption but fit for animal feed or other purposes; greaves
- 230200 Bran, sharps and other residues, whether or not in the form of pellets derived from the shifting, milling or other working of cereals or of leguminous plants
- 230300 Residues of starch manufacture and similar residues, beet-pulp, bagasse and other waste of sugar manufacture, brewing or distilling dregs and waste, whether or not in the form of pellets
- 230400 Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil, used for animal feed
- 230500 Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of ground-nut (peanut) oil, used for animal feed
- 230600 Oil-cake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable oil, used for animal feed
- ex 230700 Wine lees
- ex 230800 Dried and sterilized vegetable waste, residues and byproducts, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included
- 152200 Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes
- 180200 Cocoa shells, husks, skins and other cocoa waste

L. WASTES ARISING FROM TANNING AND FELLMONGERY OPERATIONS AND LEATHER USE

- 050200 Waste of pigs', hogs' or boars' bristles and hair or of badger hair and other brush making hair
- 050300 Horsehair waste, whether or not put up as a layer with or without supporting material
- 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
- 050690 Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised
- 411000 Parings and other waste of leather or of composition leather, not suitable for the manufacture of leather articles, excluding leather sludges

M. OTHER WASTES

- 890800 Vessels and other floating structures for breaking up, properly emptied of any cargo which may have been classified as a dangerous substance or waste
 - Motor vehicle wrecks, drained of liquids
- 050100 Waste of human hair
- ex 051191 Fish waste
 - Anode butts of petroleum coke and/or bitumen
 - Flue gas desulphurisation (FGD) gypsum
 - Waste gypsum wallboard or plasterboard arising from the demolition of buildings
- ex 2621 Coal fired power station fly ash, bottom ash and slag tap*.
 - Waste straw
 - Broken concrete
 - Spent catalysts:
 - - fluid catalytic cracking (FCC) catalysts
 - - precious metal bearing catalysts
 - - transition metal catalysts

* This entry is subject to certain specifications, these to be reviewed by the Review Mechanism

- Deactivated fungus mycelium from penicillin production to be used as animal feed
- 261800 Granulated slag arising from the manufacture of iron and steel
- ex 261900 Slag arising from the manufacture of iron or steel*
- 310320 Basic slag arising from the manufacture of iron or steel for phosphate fertilizer and other use
- ex 262100 Slag from copper production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications
- ex 262100 Neutralized red mud from alumina production
- ex 262100 Spent activated carbon
- Sulphur in solid form
- ex 283650 Limestone from the production of calcium cyanamide (having a pH less than 9)
- Sodium, calcium, potassium chlorides
 - Waste photographic film base and waste photographic film not containing silver
 - Single use cameras without batteries
- ex 281810 Carborundum

* This entry covers the use of such slags as a source of titanium dioxide and vanadium.

Appendix 4

AMBER LIST OF WASTES+

Regardless of whether or not wastes are included on this list, they may not be moved as Amber Tier wastes if they are contaminated by other materials to an extent which (a) increases the risks associated with the waste sufficiently to render it appropriate for inclusion in the red list, when taking into account the criteria in Annex 2, or (b) prevents the recovery of the waste in an environmentally sound manner.

- ex 261900 Dross, scalings and other wastes from the manufacture of iron and steel++
- 262019 Zinc ash and residues++
- 262020 Lead ash and residues++
- 262030 Copper ash and residues++
- 262040 Aluminium ash and residues++
- 262050 Vanadium ash and residues++
- 262090 Ash and residues++ containing metals or metal compounds not specified otherwise
 - Residues from alumina production not otherwise specified
- 262100 Other ash and residues, not otherwise specified
 - Residues arising from the combustion of municipal wastes
- 271390 Waste from the production/processing of petroleum coke and bitumen, excluding anode butts•
 - Lead-acid batteries, whole or crushed

+ Whenever possible, the Harmonized Commodity Description and Coding System, established by the Brussels Convention of 14th June 1983 under the auspices of the Customs Co-operation Council (hereinafter Harmonized Customs Code) is listed opposite an entry. This code may apply to both wastes and products. This Decision does not include items which are not wastes. Therefore, the code - used by customs officials in order to facilitate their procedures as well as by others - is only provided here to help in identifying wastes that are listed and subject to this Decision. However, corresponding official explanatory notes as issued by the Customs Co-operation Council should be used as interpretative guidance to identify wastes covered by generic headings. The indicative "ex" identifies a specific item contained within the Harmonized Customs Code heading.

++ This listing includes ash, residue, slag, dross, skimming, scaling, dust, sludge and cake, unless a material is expressly listed elsewhere.

- Waste oils unfit for their originally intended use
- Waste oils/water, hydrocarbons/water mixtures, emulsions
- Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
- Wastes from production, formulation and use of resins, latex, plasticizers, glues and adhesives
- Wastes from production, formulation and use of reprographic and photographic chemicals and processing materials not otherwise specified
- Single use cameras with batteries
- Wastes from non-cyanide based systems which arise from surface treatment of metals and plastics
- Asphalt cement wastes
- Phenols, phenol compounds including chlorophenol in the form of liquids or sludges
- Treated cork and wood wastes
- Used batteries or accumulators, whole or crushed, other than lead-acid batteries, and waste and scrap arising from the production of batteries and accumulators, not otherwise specified

ex 391590 Nitrocellulose

ex 700100 Glass from cathode-ray tubes and other activated glasses

ex 411000 Leather dust, ash, sludges and flours

ex 252921 Calcium fluoride sludge

- Other inorganic fluorine compounds in the form of liquids or sludges
- Zinc slags containing up to 18 weight percent zinc
- Galvanic sludges
- Liquors from the pickling of metals
- Sands used in foundry operations
- Thallium compounds
- Polychlorinated naphthalenes
- Ethers

- Precious metal bearing residues in solid form which contain traces of inorganic cyanides
- Hydrogen peroxide solutions
- Triethylamine catalyst for setting foundry sands

ex 280480 Arsenic waste and residue

ex 280540 Mercury waste and residue

- Precious metal ash, sludge, dust and other residues such as:
 - - ash from incineration of printed circuit boards
 - - film ash
- Waste catalysts not on the green list
- Leaching residues from zinc processing, dusts and sludges such as jarosite, hematite, goethite, etc.
- Waste hydrates of aluminium
- Waste alumina
- Wastes that contain, consist of or are contaminated with any of the following:
 - - inorganic cyanides, excepting precious metal-bearing residues in solid form containing traces of inorganic cyanides
 - - organic cyanides
- Wastes of an explosible nature, when not subject to specific other legislation
- Wastes from the manufacture, formulation and use of wood preserving chemicals
- Leaded petrol (gasoline) sludges
- Used blasting grit
- Chlorofluorocarbons
- Halons
- Fluff - light fraction from automobile shredding
- Thermal (heat transfer) fluids
- Hydraulic fluids

- Brake fluids
- Antifreeze fluids
- Ion exchange resins

Wastes on the Amber List which will be re-examined as a priority matter
by the Review Mechanism

- Organic phosphorous compounds
- Non-halogenated solvents
- Halogenated solvents
- Halogenated or unhalogenated non-aqueous distillation residues
arising from organic solvent recovery operations
- Liquid pig manure; feces
- Sewage sludge
- Household wastes+
- Wastes from the production, formulation and use of biocides and
phytopharmaceuticals
- Wastes from the production and preparation of pharmaceutical
products
- Acidic solutions
- Basic solutions
- Surface active agents (surfactants)
- Inorganic halide compounds, not otherwise specified
- Wastes from industrial pollution control devices for cleaning of
industrial off-gases, not otherwise specified
.....
- Gypsum arising from chemical industry processes

+ In the Basel Convention household wastes -- defined as an "other waste" -- are controlled when they are subject to transfrontier movements. Therefore under this Decision all household wastes (and not just those which exhibit a hazardous characteristic) will be subject to the procedures in Section IV (Amber Tier). Until exporting countries have the legal authority to control transfrontier movements of household wastes, the provisions in Section II(4) will be applied.

Appendix 5

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RED LIST OF WASTES

"Containing" or "contaminated with", when used in this list, mean that the substance referred to is present to an extent which (a) renders the waste hazardous when taking into account the criteria in Annex 2, or (b) renders it not suitable for submission to a recovery operation.

- Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB) and/or polychlorinated terphenyl (PCT) and/or polybrominated biphenyl (PBB), including any other polybrominated analogues of these compounds, at a concentration level of 50mg/kg or more
- Wastes that contain, consist of or are contaminated with any of the following:
 - - any congener of polychlorinated dibenzo-furan
 - - any congener of polychlorinated dibenzo-dioxin
- Asbestos (dusts and fibres)
- Ceramic based fibres similar to those of asbestos
- Leaded anti-knock compound sludges

Wastes on the Red List which will be re-examined as a priority matter by the Review Mechanism

-
- Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment
- Peroxides other than hydrogen peroxide

Annex 2

CRITERIA

A) Properties

- 1) Does the waste normally exhibit any of the hazardous characteristics listed in Table 5 of OECD Council Decision C(88)90(Final)? Furthermore, it is useful to know if the waste is legally defined as or considered to be a hazardous waste in one or more Member countries.
- 2) Is the waste typically contaminated?
- 3) What is the physical state of the waste?
- 4) What is the degree of difficulty of cleanup in the case of accidental spillage or mismanagement?
- 5) What is the economic value of the waste bearing in mind historical price fluctuations?

B) Management

- 6) Is there technological capability to recover the waste?
- 7) Is there a history of adverse environmental incidents arising from transfrontier movements of the waste or associated recovery operations?
- 8) Is the waste routinely traded through established channels and is that evidenced by commercial classification?
- 9) Is the waste usually moved internationally under the terms of a valid contract or chain of contracts?
- 10) What is the extent of reuse and recovery of the waste and how is any portion separated from the waste but not subject to recovery managed?
- 11) What are the overall environmental benefits arising from the recovery operations?

END-OF-TEXT