



BASEL / ROTTERDAM / STOCKHOLM
C O N V E N T I O N S

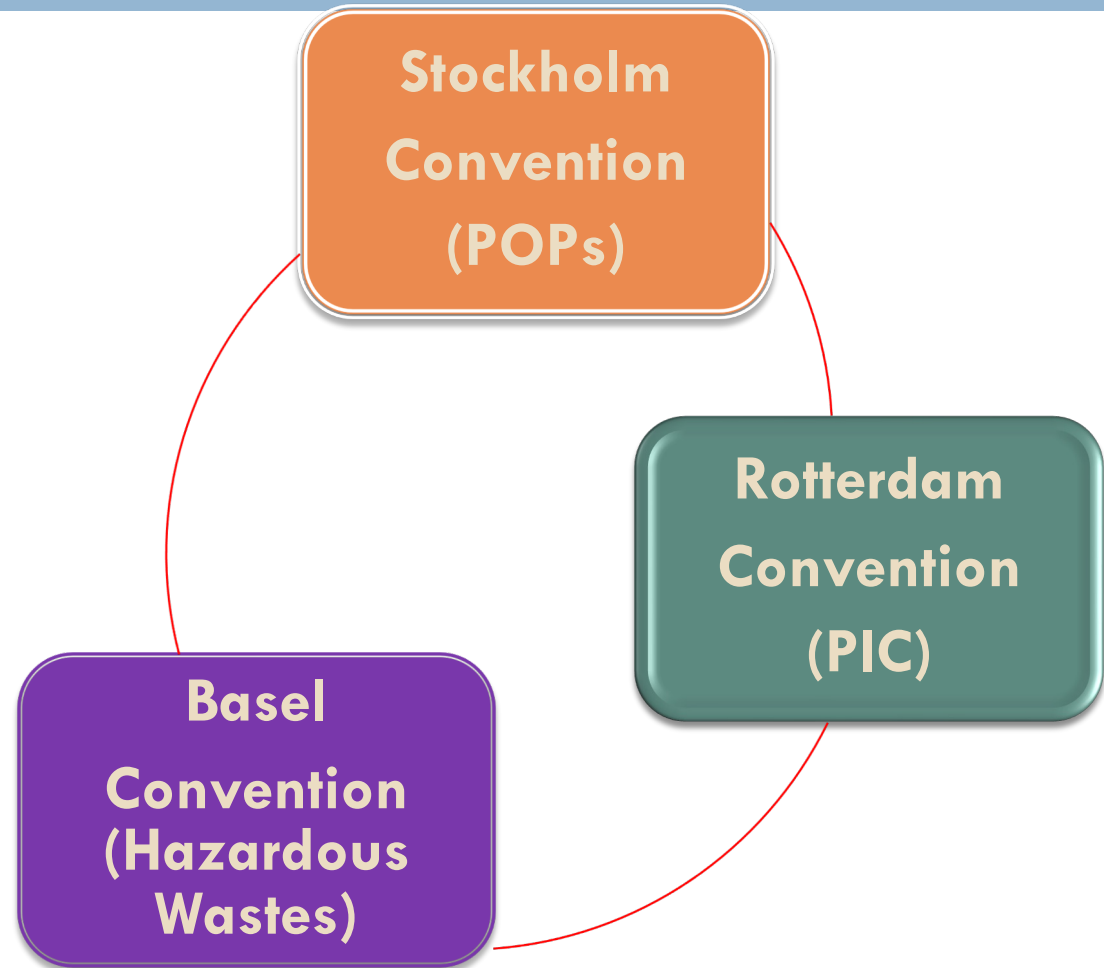
Basel, Rotterdam and Stockholm conventions: Overview

Training programme for the prevention and prosecution of illicit trafficking of chemicals and dangerous wastes in the Latin American and Caribbean region (GRULAC)

4 July 2023

THE CONVENTIONS

- ❑ **Basel Convention** on the Control of Transboundary Movements of hazardous wastes and their Disposal
 - ❑ 1989 / 191 Parties
- ❑ **Rotterdam Convention** on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade
 - ❑ 1998 / 165 Parties
- ❑ **Stockholm Convention** on Persistent Organic Pollutants
 - ❑ 2001 / 186 Parties





Coverage

- **Basel** covers **hazardous wastes**; explosive, flammable, reactive, poisonous, infectious, corrosive, toxic or ecotoxic. Basel also covers “**other wastes**”.
- **Rotterdam** covers **pesticides and industrial chemicals** that have been:
 - banned or severely restricted for health or environmental reasons by Parties;
 - included in the scope of the Convention.
- **Stockholm** covers **persistent organic pollutants**.



Scope

- **Basel – HAZARDOUS WASTES AND OTHER WASTES**
 - Annex I - **wastes listed** in Annex I, as further elaborated in Annexes VIII and IX, and;
 - Annex III - possessing **hazardous characteristics**
 - Annex II – categories of waste requiring special consideration.
 - Other wastes: wastes defined as hazardous under **national legislation** can also be covered.
- **Rotterdam – PESTICIDES AND INDUSTRIAL CHEMICALS**
 - Annex III - **54 chemicals**
 - Other chemicals that have been **banned or severely restricted** for health or environmental reasons by Parties.
- **Stockholm – PERSISTENT ORGANIC POLLUTANTS**
 - **34 POPs**: pesticides, industrial chemicals and by-products.
- **Common objective: Protect human health and the environment from hazardous chemicals and wastes**

THE BASEL CONVENTION



Objective (Article 1):

- Protect **human health and environment** against **adverse effects** of **generation and management** of hazardous and other wastes

Three pillars:

- **Minimize the generation** of hazardous wastes in terms of quantity and degree of hazard
- **Control transboundary movements** of hazardous wastes and other wastes (conditions and the PIC procedure)
- Promote the **environmentally sound management** of hazardous wastes and other wastes

Hazardous Wastes – Article 1, paragraph 1(a)



- a) *Wastes that belong to any category contained in **Annex I** (as further elaborated in Annexes VIII and IX) unless they do not possess any of the characteristics contained in **Annex III***
- b) *Wastes that are not covered under paragraph (a) but are defined as, or are considered to be, hazardous wastes by the **domestic legislation** of the Party of export, import or transit'*

For a list of such national definitions:

<http://www.basel.int/Countries/NationalDefinitions/tabid/1480/Default.aspx>

Other Wastes – Article 1, paragraph 2



Article 1, paragraph 2:

‘Wastes that belong to any category contained in Annex II that are subject to transboundary movement shall be “other wastes” for the purposes of this Convention’

The **ROTTERDAM** Convention



Objective (Article 1):

- **Promote shared responsibility and cooperative efforts** among Parties in the international trade of **certain hazardous chemicals** in order to:
 - **Protect human health and the environment** from potential harm; and
 - **Contribute to their environmentally sound use.**

Scope:

- **Chemicals** falling into 3 categories: **pesticides; severely hazardous pesticide formulations & industrial chemicals.**
 - Listed in **Annex III**, or
 - **Banned or severely restricted by a Party**



The **STOCKHOLM** Convention



Objective (Article 1):

“Mindful of the precautionary approach”, to **protect human health and the environment** from the harmful impacts of **POPs**

Scope: What are POPs?

Chemicals with the following properties:

- high toxicity
- persistence
- mobility
- high concentration (bio-accumulate)



OBLIGATIONS



Chemicals listed in 3 Annexes:

1) **Article 3: intentional releases** from production / use

- Annex A: Elimination
 - Annex B: Restriction
- } Trade control

2) **Article 5: unintentional releases**

- Annex C: Parties to adopt specific measures to reduce unintentional releases; promotion of BAT and BEP.

3) **Article 6: Stockpiles and wastes**

- Parties to manage stockpiles and wastes

EXAMPLE: chemicals / wastes addressed by the three conventions – Technical Endosulfan



ANNEX A¹

ELIMINATION

Part I

Technical endosulfan* (CAS No: 115-29-7) and its related isomers* (CAS No: 959-98-8 and CAS No: 33213-65-9)	Production	As allowed for the Parties listed in the Register
	Use	Crop-pest complexes as listed in accordance with the provisions of part VI of this Annex



ANNEX I

CATEGORIES OF WASTES TO BE CONTROLLED

Waste Streams

Y2	Wastes from the production and preparation of pharmaceutical products
Y4	Wastes from the production, formulation and use of biocides and phytopharmaceuticals
Y5	Wastes from the manufacture, formulation and use of wood preserving chemicals
Y18	Residues arising from industrial waste disposal operations

Wastes having as constituents:

Y45	Organohalogen compounds other than substances referred to in this Annex (e.g. Y39, Y41, Y42, Y43, Y44)
-----	--

List A

A4 Wastes which may contain either inorganic or organic constituents

A4010	Wastes from the production, preparation and use of pharmaceutical products but excluding such wastes specified on list B
A4030	Wastes from the production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides and herbicides which are off-specification, outdated, ²³ or unfit for their originally intended use
A4040	Wastes from the manufacture, formulation and use of wood-preserving chemicals ²⁴
A4130	Waste packages and containers containing Annex I substances in concentrations sufficient to exhibit Annex III hazard characteristics
A4140	Waste consisting of or containing off specification or outdated ²⁵ chemicals corresponding to Annex I categories and exhibiting Annex III hazard characteristics



ANNEX III¹

CHEMICALS SUBJECT TO THE PRIOR INFORMED CONSENT PROCEDURE

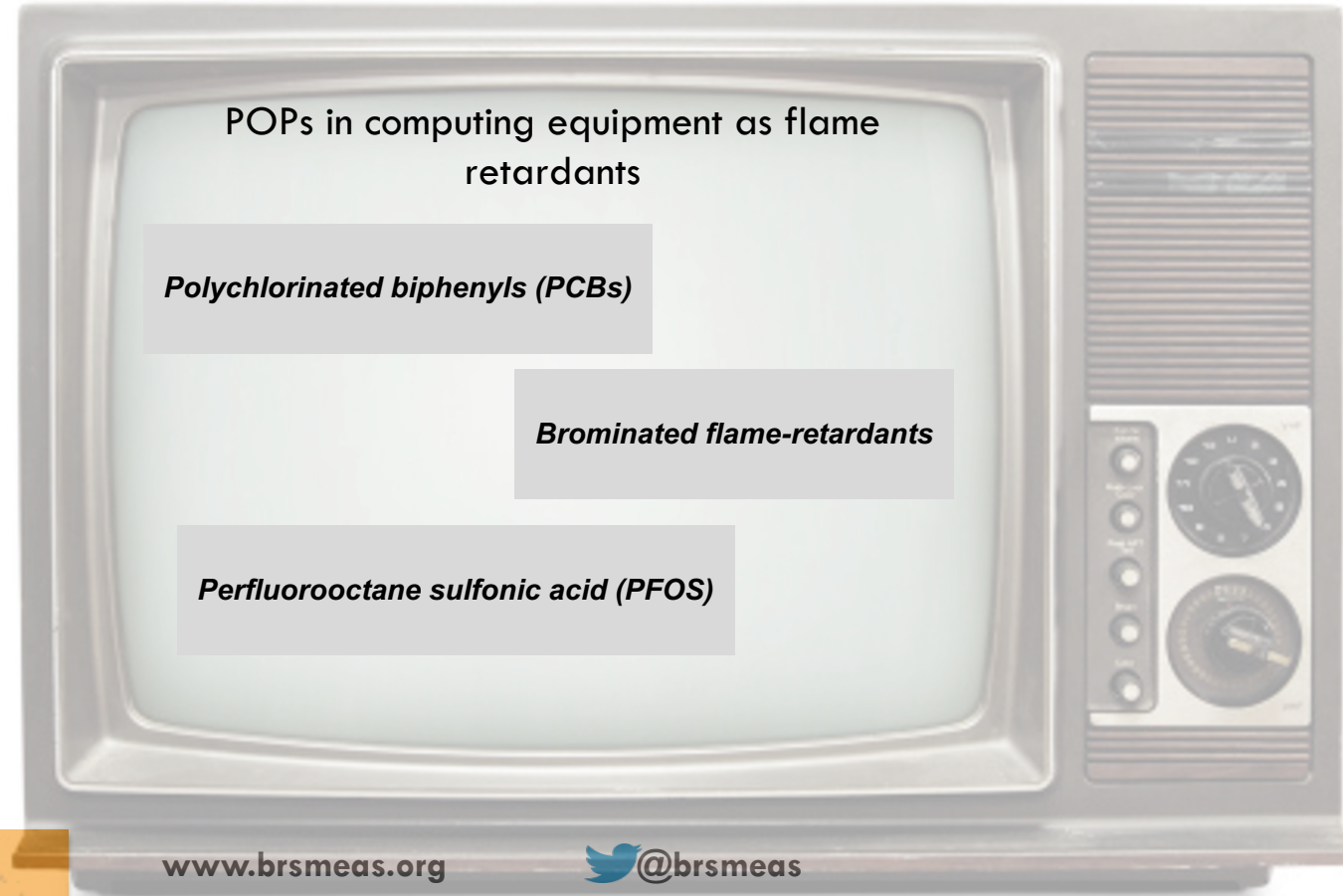
Chemical	Relevant CAS number(s)	Category
Endosulfan	115-29-7	Pesticide

ANNEX VIII¹⁶

Example of link between Basel and Stockholm conventions - POPs in e-waste



- ❑ Electronic and electrical waste (e-waste) is a specific waste stream controlled by the Basel Convention that may contain POPs addressed by the Stockholm Convention. E-waste may be subject to controls under both conventions.
- ❑ Three groups of POPs are of concern in relation to electronic electrical equipment



Summary



Title: Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

Entry into force: 5 May 1992

Number of parties: 191

Objective: To protect human health and the environment against the adverse effects of hazardous wastes

Scope: Hazardous wastes and other wastes

Key provisions:

- (i) Minimization** of the generation of hazardous and other wastes
- (ii) Control system for transboundary movements** of hazardous and other wastes based on notification and Prior Informed Consent
- (iii) Environmentally sound management** of hazardous and other wastes in relation to transboundary movements

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

Entry into force: 24 February 2004

Number of parties: 165

Objective: To promote shared responsibility and cooperative efforts in international trade of certain chemicals

Scope: 54 pesticides, SHPFs and industrial chemicals that have been banned or severely restricted for inclusion in the Prior Informed Consent procedure and met the criteria set out in the Convention

Key provisions:

- (i) Prior Informed Consent procedure** based on **import responses and export notifications** for other banned / severely restricted chemicals
- (ii) Exchange of information** on a broad range of potentially hazardous chemicals

Title: Convention on Persistent Organic Pollutants (POPs)

Entry into force: 17 May 2004

Number of parties: 186

Objective: To protect human health and the environment from persistent organic pollutants

Scope: 34 POPs

Key provisions:

- (i) Elimination** (POPs in annex A)
- (ii) Restriction** (POPs in annex B)
- (iii) Specific exemptions and acceptable purposes** for certain POPs
- (iv) Reduction or elimination** (unintentionally produced POPs in annex C)

Synergies

Enhancing cooperation and coordination among the three Conventions

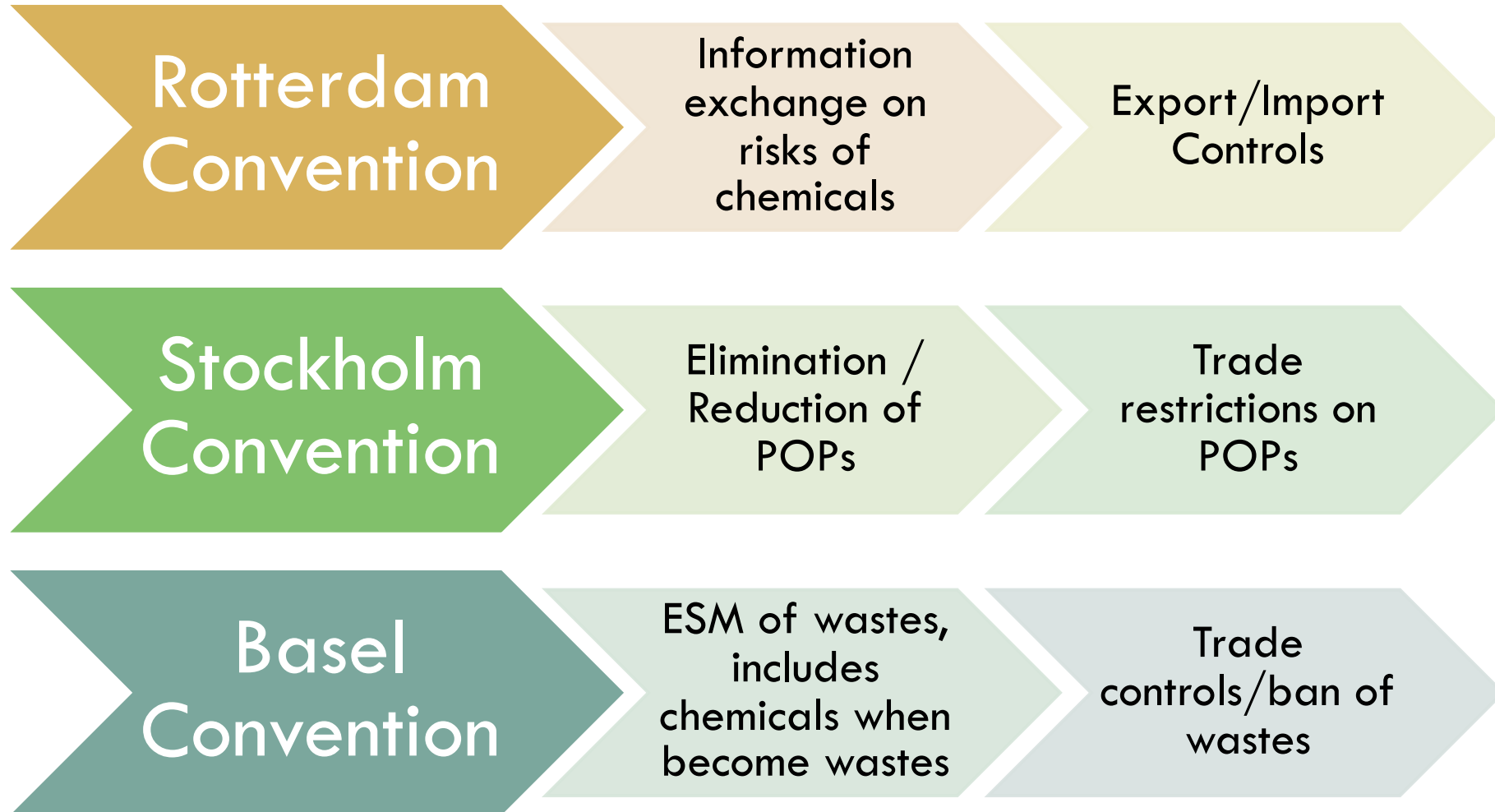
Strengthening the implementation of the three conventions at the national, regional and global levels

Providing coherent policy guidance

Enhancing efficiency in the provision of support to Parties, reducing their administrative burden and maximizing the effective and efficient use of resources at all levels

Combating illegal traffic and trade

Why are these three Conventions working together ?



Points of Contact

- **Basel** Convention: Competent Authority (CA) <http://www.basel.int/contact-info/frsetmain.html>
- **Rotterdam** Convention: Designated National Authority (DNA): <http://www.pic.int/home.php?type=t&id=8&sid=17&tid=8>
- **Stockholm** Convention –National Focal Point for Information Exchange (FP): <http://chm.pops.int/Countries/ContactPoints/tabid/304/language/fr-CH/Default.aspx>



Export/Import/Transit Controls under the **Basel Convention**

Controlling of transboundary Movements

- **Conditions:** transboundary movement only among Parties;
- Transboundary movements between Parties and non-Parties, including transit, generally not permitted (exception Article 11 Arrangements/Agreements).
- **PIC** = Prior Informed Consent Procedure
- **Four stages:**
 1. notification of proposed shipment;
 2. written consent to proposed shipment;
 3. issuance of movement document;
 4. confirmation of ESM disposal.
- **Right to restrict or ban** imports, transits or exports of all or specific wastes and to cover additional wastes (see national legislation).

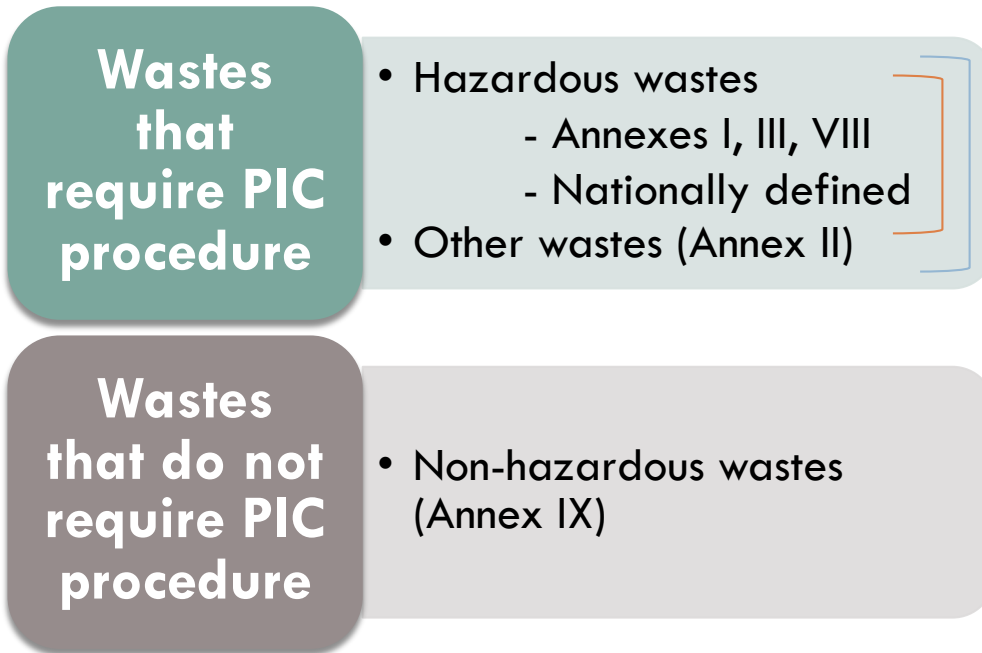


Ban Amendment

Adopted at COP3 (1995)
Entry into force on **5 December 2019**



Prior informed consent (PIC) procedure





Export/Import Controls under the **Rotterdam Convention**

Scope of the Rotterdam Convention

- (1) Annex III chemicals subject to the PIC procedure
- (2) Other chemicals restricted or banned in the Parties countries of export (export notifications)

Import/Export Controls under the **ROTTERDAM** Convention (1)

- **Prior Informed Consent (PIC) procedure** based on **import responses** pertaining to chemicals listed in Annex III
 - Import responses: decisions taken by Parties indicating whether or not they will consent (with/without conditions) to future import of chemicals listed in Annex III and subject to the PIC Procedure.
- If a country responded with “no consent to import” for one or more chemicals, customs should control the export of these chemicals to ensure exporters comply with the decision.
- All import responses available at:
<http://www.pic.int/Procedures/PICProcedure/tabid/1364/language/en-US/Default.aspx>

Import/Export Controls under the **ROTTERDAM** Convention (2)

- Information exchange based on **Export notifications for chemicals banned or restricted** by the exporting country.
 - ▣ Acknowledgement of receipt by importing Party needs to be given, lack thereof does not preclude export from taking place.
 - ▣ Different to the PIC procedure.
- Other **information exchange requirements** for Customs control: labeling requirements, safety data sheet



Export/Import Controls under the **Stockholm Convention**

Import/Export Controls under the **Stockholm** Convention

Import: POPs chemical / waste

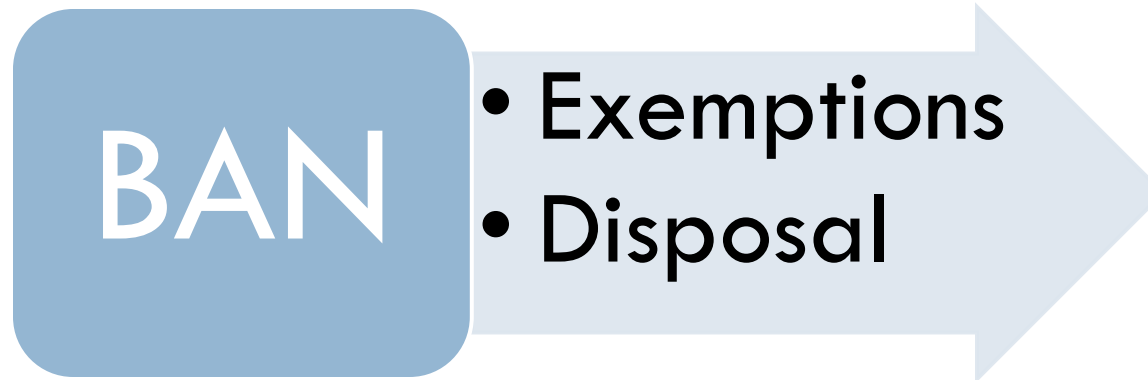
- ❑ Import of Annexes A and B chemicals/wastes is only allowed for:
 - The purpose of environmentally sound disposal;
 - A Party that benefits from a specific exemption/acceptable purpose.

Export: POPs chemical / waste

- ❑ Export of Annexes A and B chemicals/wastes is only allowed:
 - For the purpose of environmentally sound disposal;
 - To a Party that benefits from a specific exemption/acceptable purpose;
 - To a non-Party that certifies that it will comply with the stockpiles and wastes provisions of the Convention.

- ❑ If conditions are fulfilled, trade may take place, subject to the relevant PIC procedures:
 - ❑ If POPs wastes, **Basel** PIC procedure apply;
 - ❑ If POPs chemicals covered by **Rotterdam** Annex III, PIC procedure apply.

Import/Export Controls under the Stockholm Convention



In case of exceptions, trade may take place:

If wastes, [Basel](#) PIC

If chemicals covered by [Rotterdam](#)

Illegal traffic and trade



Article 9
Scope: Linked to PIC procedure
Consequences
Confirmed cases to be reported (form)



No specific reference in the Convention
Scope: trade occurring in contravention of RC
Confirmed cases to be reported (voluntary)



No specific reference in the Convention
Scope: trade occurring in contravention of SC
Confirmed cases to be reported (voluntary)

COPs decisions on synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes (2017)

Collection of information on cases of illegal trade (2022 / 2023)

Form and explanatory document to enable Parties to the Rotterdam and Stockholm conventions to voluntarily provide information about cases of trade occurring in contravention of those conventions (2022)

To propose a workplan, outlining timelines and associated action, to strengthen Parties' capacity to provide information about confirmed cases and experience related to preventing and combating illegal traffic and trade (2023)

To explore the needs related to amending the Harmonized Commodity Description and Coding System to identify substances and products that contain the chemicals listed in Annexes A and B to the Stockholm Convention (2023)

Illegal traffic of hazardous and other waste under the Basel Convention (article 9)

Illegal traffic is defined as a transboundary movement of hazardous wastes:

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

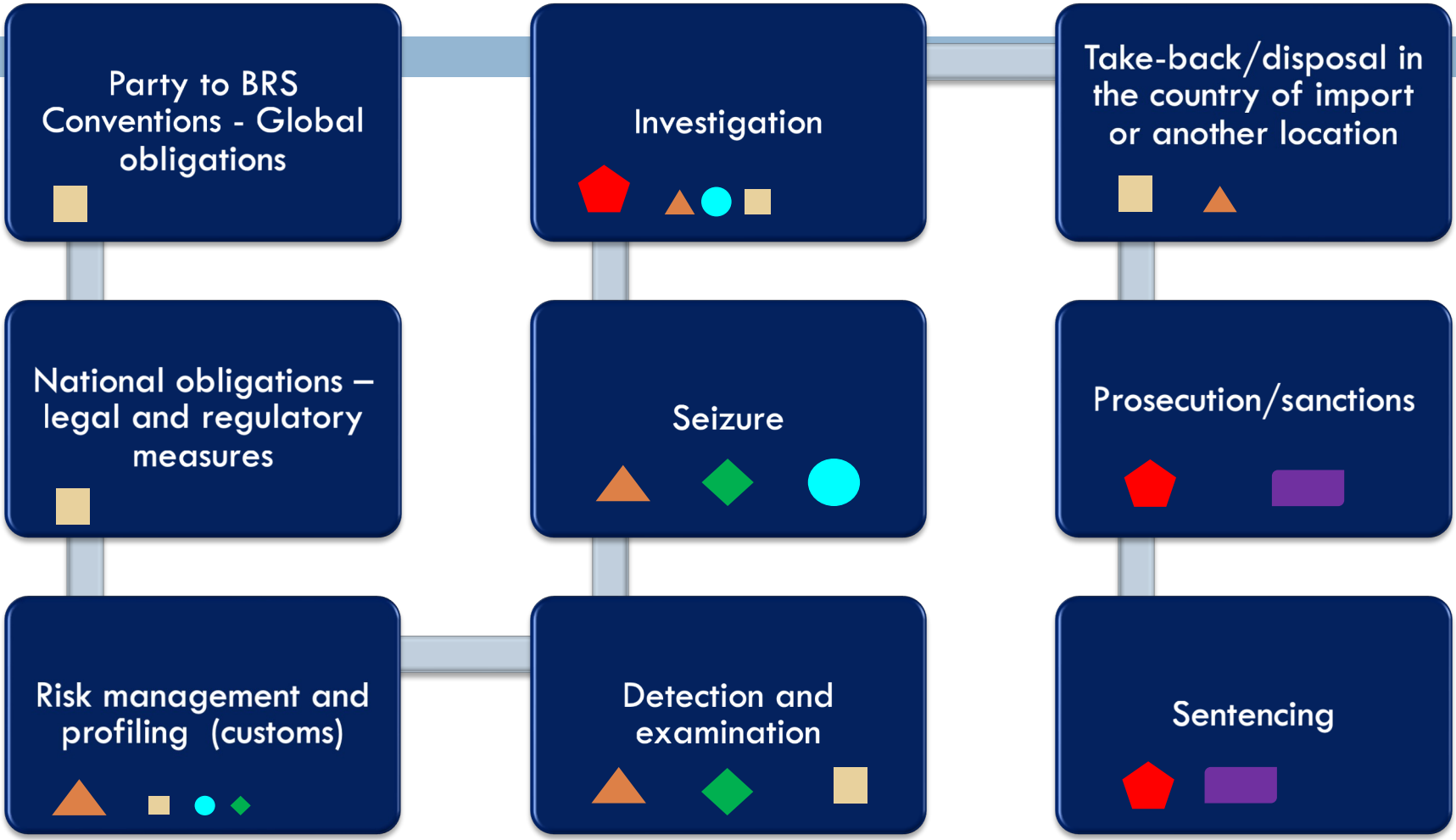


Illegal traffic is to be considered criminal under national legislation

Each Party is required to introduce appropriate national legislation to prevent and punish illegal traffic



Enforcement and illegal traffic / trade



Line ministry (environment/health/agriculture);
 Customs;
 Police;
 Port/Border authorities;
 Prosecutors
 Ministry of Justice

Thank you



**Food and Agriculture
Organization of the
United Nations**



**environment
programme**

Secretariat of the Basel, Rotterdam, and Stockholm Conventions
International Environment House I
11-15 Chemin des Anémones
CH-1219 Châtelaine, Geneva, Switzerland

www.brsmeas.org

brs@un.org