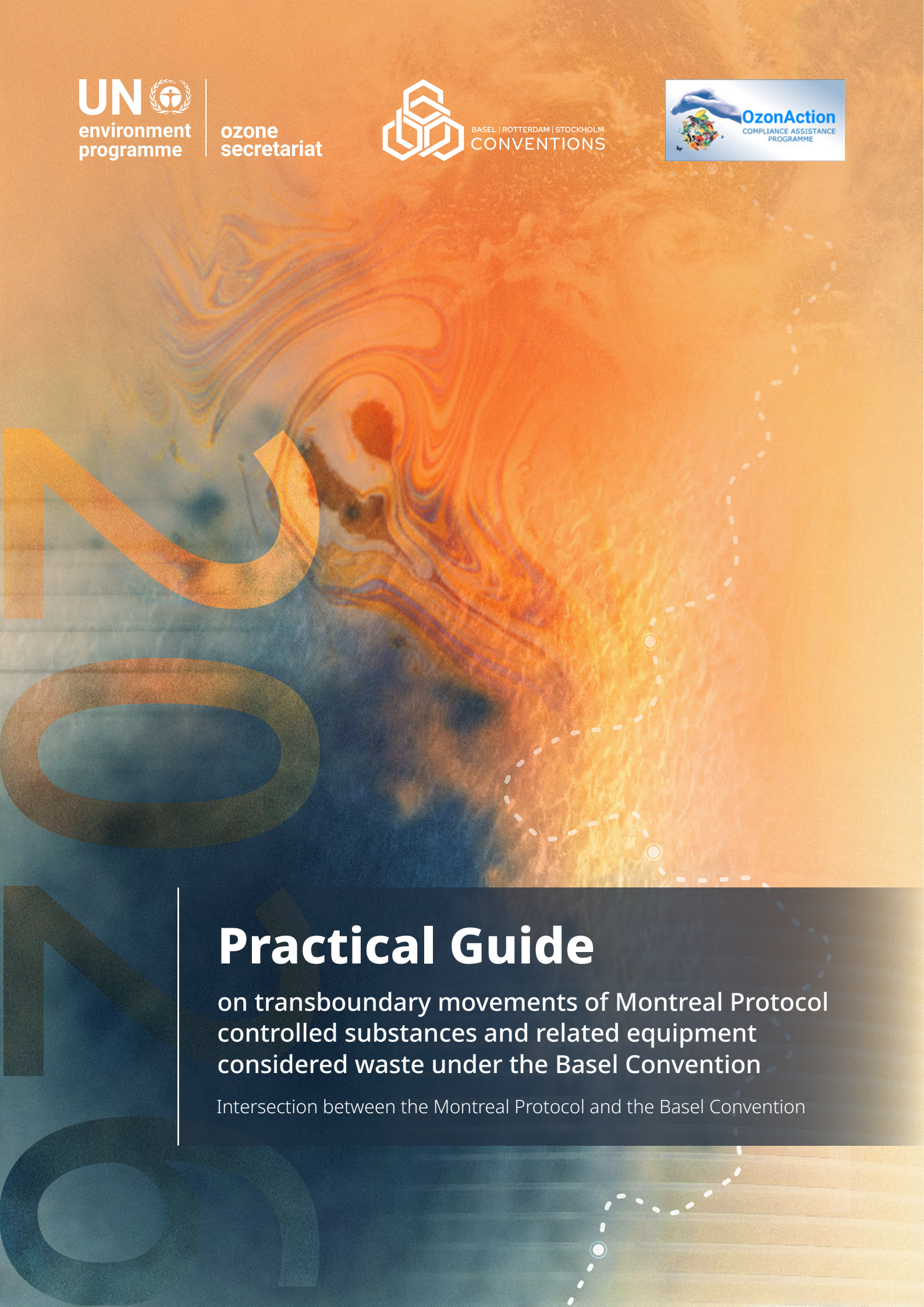
UN environment programme | ozone secretariat

BASEL | ROTTERDAM | STOCKHOLM CONVENTIONS

OzonAction COMPLIANCE ASSISTANCE PROGRAMME



Practical Guide

on transboundary movements of Montreal Protocol controlled substances and related equipment considered waste under the Basel Convention

Intersection between the Montreal Protocol and the Basel Convention

Contents

I. Introduction **04**

II. Steps included in the flowchart **06**

A. For controlled substances **07**

Step 1. Is it waste under the Basel Convention 07

Step 2. Does it qualify as “hazardous” or “other wastes”? 09

B. For equipment **10**

Step 1. Is it waste under the Basel Convention 11

Step 2. Does it qualify as “hazardous” or “other wastes”? 13

C. For trade of controlled substances and equipment that are waste falling within the scope of the Basel Convention **14**

Step 3. Does the trade constitute TBM under the Basel Convention? 14

Step 4. Are the countries involved in TBM parties to the Montreal Protocol and the Basel Convention? 15

Step 5A. For parties to the Montreal Protocol and the Basel Convention: Are there international or national import or export restrictions or prohibitions in place, such as the Ban Amendment? 16

Step 5B. When one or more of the countries involved is not a party to the Basel Convention 17

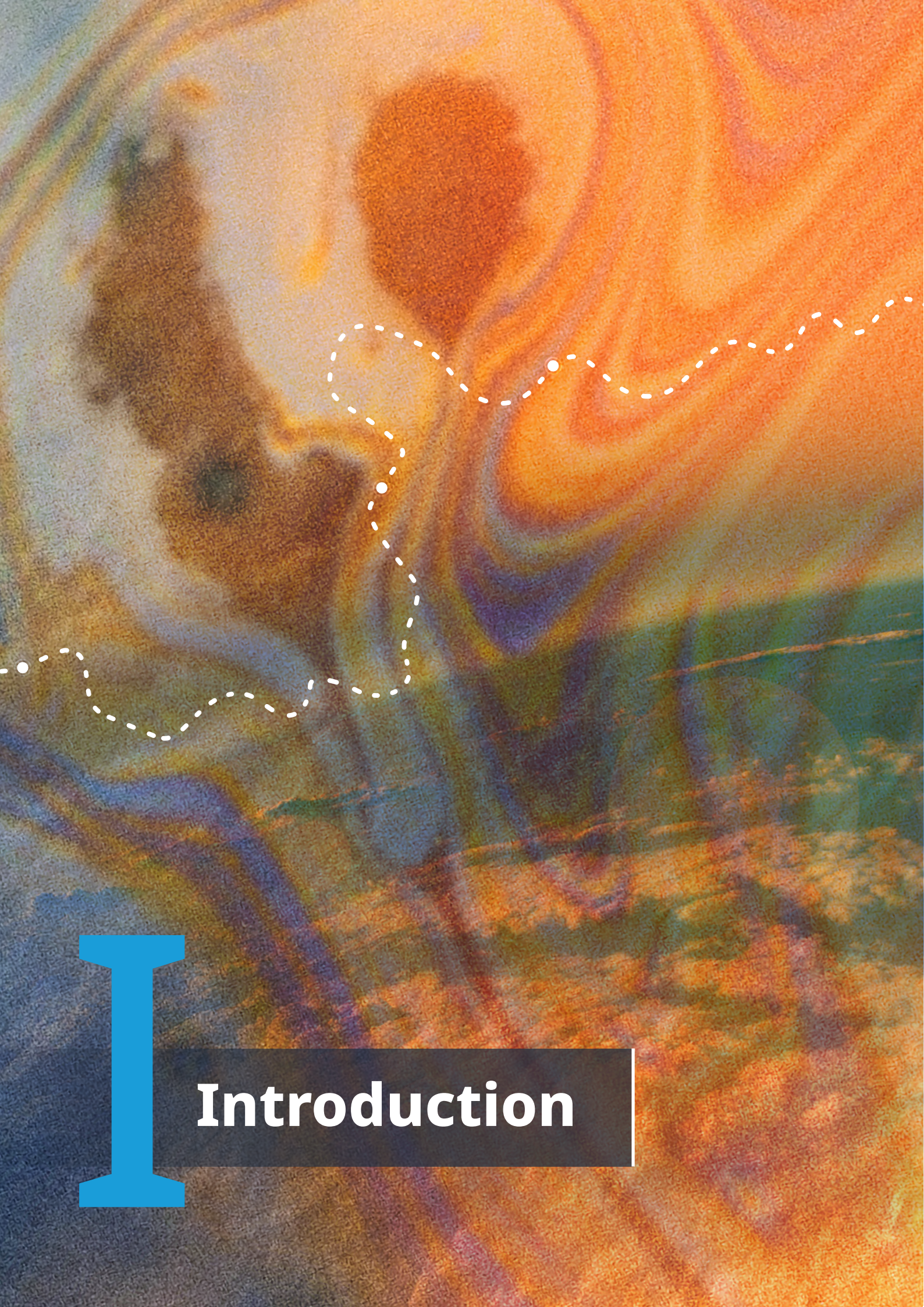
Step 6. TBM under the Basel Convention 17

III. Prior Informed Consent (PIC) procedure and environmentally sound management **18**

Stage 1: Notification **20**

Stage 2: Consent & issuance of movement document **21**

Environmentally sound management **22**
Stage 3: TBM **23**
Stage 4: Confirmation of disposal: final disposal, recovery, recycling, reclamation, according to the contract **23**



1 Introduction

I. Introduction

The Montreal Protocol on Substances that Deplete the Ozone Layer regulates the phase-out and phase-down of ozone-depleting substances (ODSs) and hydrofluorocarbons (HFCs), respectively. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal controls the transboundary movement (TBM) of hazardous wastes and other wastes, including electrical and electronic wastes (e-waste), and promotes their environmentally sound management.

Montreal Protocol focal points deal with issues of international trade of substances controlled under the Protocol (controlled substances). Parties have had to address the issue of international trade of used and unwanted controlled substances from the early days of implementation of the Montreal Protocol. Discussions on life-cycle refrigerant management (LRM) have renewed the interest of parties to the Montreal Protocol in addressing the management of controlled substances at the end of their life cycle, including the handling and disposal of used equipment containing those substances and, as necessary, their TBM under the Basel Convention, especially when a party does not have the capacity to handle such waste domestically in an environmentally sound manner.

This guide aims to provide parties to the Montreal Protocol through their focal points, national ozone officers and other relevant officials, with practical guidance on the application of the Basel Convention to the TBM of Montreal Protocol controlled substances and related equipment[1]. Without prejudice to the views of the Parties to the Basel Convention, and national legislation[2], its scope covers practical implications of the linkages between both multilateral environmental agreements in relation to TBM, and how to proceed once controlled substances as well as equipment containing or contaminated[3] with such substances are determined to constitute wastes under the Basel Convention (see step 1 for controlled substances and for equipment below)[4].



Practical implications of the linkages between both multilateral environmental agreements in relation to TBM



How to proceed once controlled substances as well as equipment containing or contaminated with such substances are determined to constitute wastes

---

1. For the purposes of this guide, it is assumed that licensing and quota requirements as well as other relevant requirements under the Montreal Protocol are complied with before any transboundary movement is initiated.

2. The Import and Export tool, where you can find information on national legislation of Parties and other information of how Parties implement the Basel Convention is available at: https://ers.basel.int/ERSodataReports2/BC-ControlTool.htm

3. In the context of the Montreal Protocol, the term "contaminated" is not used to refer to equipment that contains or contained controlled substances. However, the Basel Convention applies to wastes consisting, containing or contaminated with substances listed in its Annex I. For example, it refers to waste electrical and electronic equipment that contains or is contaminated with certain substances (see entry Y49 of Annex II and entry A1181 of Annex VIII). This guide uses the expression "equipment containing controlled substances."

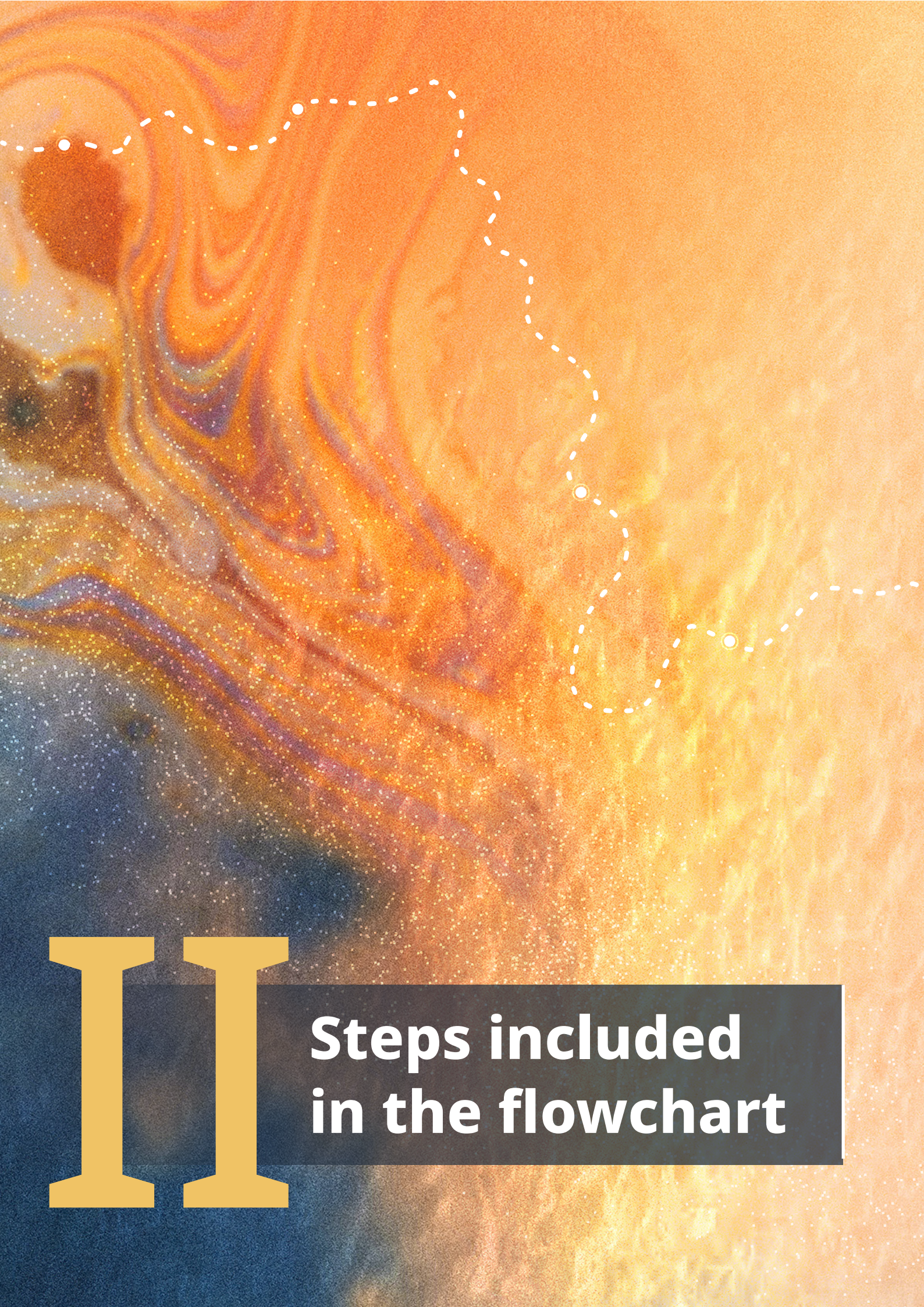
Attached to this guide is a flowchart showing the steps to be followed when TBM is being considered for controlled substances under the Montreal Protocol or for equipment containing those substances. The flowchart has been primarily designed to guide Montreal Protocol parties, through their relevant officials, when considering the export of controlled substances or equipment that may constitute wastes under the Basel Convention, but it can also be of assistance to focal points from import, or transit countries, Basel Convention competent authorities[5], as well as policymakers and practitioners.

There are separate steps 1 and 2 for controlled substances and equipment that help to identify whether the substances or the equipment intended for export are to be considered wastes under the Basel Convention. Steps 3 to 6 apply to both controlled substances and equipment that have been identified as wastes under the Basel Convention, and as such, those steps reflect the Convention provisions regarding TBM. Section II of this document contains a more detailed explanation of those steps. Section III refers to the Prior Informed Consent (PIC) procedure and the requirements for the environmentally sound management of those waste substances and equipment under the Basel Convention.



[4] In 2022, by decision BC-15/18, the Conference of Parties to the Basel Convention adopted amendments to Annexes II, VIII and IX to the Basel Convention, known as the e-waste amendments, which entered into force on 1 January 2025 (except for those Parties that transmitted to the Depositary of the Convention, by 1 January 2025, a notification of non-acceptance).

[5] Under the Basel Convention, a "competent authority" is a governmental authority designated by a Party to be responsible for receiving the notification of a transboundary movement of hazardous wastes or other wastes, and any information related to it, and for responding to such a notification, and "focal points" are responsible for receiving and transmitting information as provided for in Articles 13 and 16. For further information, see the Role of competent authorities and focal points under the Basel Convention (https://www.basel.int/Portals/4/Basel%20Convention/docs/pub/leaflets/Role-CA-FP-01Dec2010-en.pdf). More information on the list of competent authorities and focal points may be found on the Convention website (https://www.basel.int/tabid/1342/Default.aspx).


11
Steps included
in the flowchart

II. Steps included in the flowchart

A. For controlled substances

- Under Article 1, paragraph 4 of the Montreal Protocol, controlled substances are those listed in annexes A, B, C, E or F to the Protocol, whether existing alone or in a mixture, and including isomers of such substances, except as specified in the relevant Annex. This definition excludes substances or mixtures in manufactured products other than containers used for transportation or storage of that substance.
- This guide applies primarily to used and unwanted controlled substances, as opposed to new substances (often referred to as "virgin substances"). Used and unwanted controlled substances may include substances controlled under the Montreal Protocol that have been rendered unusable or unwanted, and/or classified as waste or stockpiles of remnants of already phased out substances[6]. However, virgin substances can also qualify as waste under the Basel Convention if they are substances or objects that are disposed of, are intended to be disposed of or are required to be disposed of by the provisions of national law (for example if the virgin substances are prohibited for use and are to be incinerated)[7].

Step 1: Is it waste under the Basel Convention?

- Under Article 2, paragraph 1 of the Basel Convention, waste is defined as "substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law".
- Disposal, under Article 2, paragraph 4 of the Convention, is any of the operations specified in Annex IV[8]. Annex IV includes two categories of disposal operations: (1) Operations which do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use or alternative uses in Annex IV A; and (2) Operations which may lead to resource recovery, recycling reclamation, direct re-use or alternative uses listed in Annex IV B.

---

6. See definitions of terminology on the matter of disposal, annex I to Criteria for a funding window for an inventory of banks of used or unwanted controlled substances and a plan for the collection, transport and disposal of such substances (decision 90/49(c)), document UNEP/OzL.Pro/ExCom/91/66.

7. In the context of the Montreal Protocol, recycling is understood as the reuse of a recovered controlled substance following a basic cleaning process such as filtering and drying. For refrigerants, recycling normally involves recharge back into equipment and often occurs on-site. However, it is also possible to export the substance for recycling (e.g., halons).

8. Annex IV was amended in its entirety by decision BC-17/15 of the Conference of the Parties to the Basel Convention. The amendment will enter into force on 1 January 2030 except for those Parties that submit a notification of non-acceptance thereof in accordance with Article 18 subparagraph 2 (b) of the Basel Convention. The text of the amended Annex IV can be found at: https://www.basel.int/tabid/10270/Default.aspx. This guide refers to the text currently in force of that Annex.

- The following Annex IV A operations may be relevant to unwanted substances under the Montreal Protocol that constitute wastes under the Basel Convention: **D10 (incineration on land), D9 (physico chemical treatment not specific elsewhere in this annex)**, as well as **D15 (storage pending any disposal in this section)**, which is a disposal operation that occurs prior to submission to any of the operations in the section.
- The following Annex IV B operations may be relevant to unwanted substances under the Montreal Protocol that constitute wastes under the Basel Convention: **R3 (recycling/ reclamation of organic substances which are not used as solvents)**, as well as operations that occur prior to submission to any of the operations in the section, such as **R12 on exchange of wastes for submission to any of the previous operations**[9].
- Therefore, if the substances in question are disposed of, intended to be disposed of or required to be disposed of under national law then the party is dealing with "waste" for purposes of the Basel Convention.
- As part of ascertaining whether the substances in question are considered "waste" under the Basel Convention, Montreal Protocol parties should coordinate with the national Basel Convention competent authorities, and also request through them the information from the competent authority of the other parties involved in the TBM (whether export, import or transit countries).
- If the controlled substance is considered "waste" under the Basel Convention, then proceed to step 2. If it is not, then the Convention may not apply.[10]

---

9. For equipment containing controlled substances, disposal operation R4: Recycling/reclamation of metals and metal compounds appears relevant.

10. Parties to the Basel Convention may have adopted definitions of "hazardous wastes" in their national legislation which cover additional types of wastes than those covered in the annexes to the Basel Convention. Therefore, it is important to consult the Basel Convention competent authority of the States involved in the transboundary movement of the controlled substances to ascertain the scope of application of the Basel Convention in national law.

Step 2: Does it qualify as "hazardous" or "other wastes"?

- Determination of whether waste is considered "hazardous" or "other wastes" under the Basel Convention is made pursuant to its Article 1. This determination relies on the application of Annexes I, II, III, VIII, and IX to the Basel Convention summarized as follows:
  - Wastes are "hazardous" wastes (Article 1.1(a)) when:
    - They belong to any categories contained in Annex I unless they do not possess any of the characteristics contained in Annex III:
      - Annex I contains two categories of waste that are relevant to ODSs and HFCs which are wastes having as constituents:
        - "Organohalogen compounds other than substances referred to in this Annex (e.g. Y39, Y41, Y42, Y43, Y44)" (Y45);
        - "Halogenated organic solvents" (Y41).
      - For example, refrigerants that are classified as organo-halogen compounds would fall under entry Y45 of Annex I or, in some cases, may be classified as halogenated organic solvents under entry Y41. They are presumed to be "hazardous" unless they do not possess any of the hazardous characteristics set out in Annex III.
      - Annex III sets out a list of hazardous characteristics (e.g., toxicity, flammability) which can be relevant to ODS and HFCs for some countries, for some controlled substances.
      - Annex VIII further elaborates Annex I and lists wastes presumed to be hazardous. Annex IX lists wastes presumed to be non-hazardous.
    - They are not covered by Annexes I and VIII but are defined or considered as hazardous wastes according to national legislation. The Secretariat of the Basel Convention makes national definitions of hazardous wastes available on its website.[11]
  - "Other wastes": paragraph 2 of Article 1 of the Basel Convention specifies that any category of waste contained in Annex II (entitled "categories of wastes requiring special consideration") are "other wastes" for the purposes of the Convention. Annex II includes entries for wastes collected from households, residues from the incineration of household wastes, certain plastic wastes, and certain e-waste, categories under which substances controlled under the Montreal Protocol would usually not fall.
- If the waste is considered "hazardous" or "other" waste under the Basel Convention, then go to step 3. If it is not, then the Basel Convention may not apply.[12]

---

11. https://www.basel.int/Countries/NationalDefinitions/tabid/1480/Default.aspx.

12. It is important to contact the Basel Convention competent authorities of all the States involved in the transboundary movement of controlled substances to check if the waste in question is considered hazardous or other wastes or is subject to other provisions of national legislation.

B. For equipment

- In recent years, parties to the Montreal Protocol have shown renewed interest in the environmentally sound management, including disposal of equipment at the end of their life in the context of discussions on LRM.
- Annex D to the Montreal Protocol refers to the following products containing controlled substances: automobile and truck air conditioning units, whether incorporated in vehicles or not; domestic and commercial refrigeration and air condition heat/pump equipment, e.g., refrigerators, freezers, dehumidifiers, water coolers, ice machines, air conditioning and heat pump units; aerosol products, except medical aerosols; portable fire extinguishers; insulation boards, panels and pipe covers; and pre-polymers.[13]
- This guide is applicable to such or other equipment that contains controlled substances under the Montreal Protocol (substances in annexes A, B, C, E or F of the Protocol, whether existing alone or in a mixture, and including isomers of such substances, except as specified in the relevant Annex), as it can qualify as hazardous or other waste under the Basel Convention.
- The equipment may or may not be electrical or electronic equipment.



13. Annex D was adopted in accordance with Article 4, paragraph 3, of the Montreal Protocol with a list of products containing controlled substances specified in Annex A (i.e., certain chlorofluorocarbons and halons) for the purpose of banning trade of those products with non-parties. Trade in this equipment is not controlled. The Annex is mentioned in this guide for illustrative purposes only and does not contain an exhaustive list of equipment containing controlled substances.

Step 1: Is it waste under the Basel Convention?

- The definition of waste under the Basel Convention has been provided above (see step 1 for substances: Is it waste under the Basel Convention?). The same considerations apply for objects, products or equipment containing substances controlled under the Montreal Protocol. Waste may include, under the e-waste amendments, waste electrical and electronic equipment, the waste components of electrical and electronic equipment and the wastes arising from the processing of waste electrical and electronic equipment or of its components:[14] paragraphs 1 and 4 of Article 2 have to be considered, as well as the operations specified in Annex IV. If the equipment is disposed of or intended to be disposed of, or is required to be disposed of under national law, pursuant to Article 2, paragraph 1 and Annex IV to the Basel Convention, then the party is dealing with "waste". In case of doubt, Montreal Protocol parties should coordinate with the national Basel Convention competent authorities[15] to ascertain if equipment potentially subject to a TBM is considered waste under the Basel Convention.
- Montreal Protocol parties may also wish to consider the technical guidelines on TBMs of electrical and electronic waste and used electrical and electronic equipment, in particular regarding the distinction between waste and non-waste under the Basel Convention,[16] which provide guidance on when used equipment should or should not normally be considered waste:
  - Paragraph 32 of the technical guidelines identifies situations in which used equipment should normally be considered waste. This includes used equipment that contains hazardous components or substances to an extent that the equipment is required to be disposed of, is prohibited to be exported or is prohibited for use under national legislation, specific multilateral environmental agreements (such as the Montreal Protocol), or relevant international standards and guidelines.
  - Paragraph 33 describes situations when used equipment should normally not be considered waste: used equipment may not be considered waste if it is not destined for any Annex IV recovery or disposal operations and is destined for direct reuse, or extended use by the original owner for the purpose for which it was originally intended, or is destined for failure analysis, repair or refurbishment with the intention of reuse, or extended use by the original owner, for its originally intended purpose.

---

14. Under the Basel Convention e-waste amendments, e-waste encompasses waste electrical or electronic equipment (whole equipment), waste components of electrical and electronic equipment, and the waste arising from the processing of waste electrical and electronic equipment or its components (e.g., the result of shredding of equipment).

15. See the list of focal points and competent authorities under the Basel Convention: Basel Convention > Countries > Country Contacts.

16. See, UNEP/CHW.16/INF/10/Rev.1 Appendix I, Section III, available at: https://www.basel.int/Implementation/Ewaste/TechnicalGuidelines/DevelopmentofTGs/tabid/2377/Default.aspx.

- In cases where there are differences of opinion between competent authorities as to whether or not a piece of equipment constitutes waste, the procedures applicable to transboundary movements of waste would apply. For example, some parties may consider used equipment destined for failure analysis, repair or refurbishment to be waste, while others may not. If one of the countries concerned considers used equipment to be waste, then the procedures on transboundary movement of electrical and electronic waste should be followed. Note that in some cases, the decision to classify used equipment destined for failure analysis, repair or refurbishment as electrical and electronic waste could result in the imposition of a ban on the export or import of such equipment under national legislation or pursuant to the Convention's prohibition on trade with non-parties.

- The e-waste amendments bind all parties to the Basel Convention, except for Parties that had submitted a notification of non-acceptance to the depositary.[17] For Parties not bound by these amendments, which amounted to two Parties as at 30 September 2026, e-waste is subject to the Basel Convention applying the previous codes in Annexes VIII and IX. The validity of codes in Annex IX (deleted with the e-waste amendments) imply some exclusions from the application of the Basel Convention control procedure for electrical and electronic assemblies (e.g., if they are not included in the hazardous list A or are intended for direct re-use). For the other Parties bound by the e-waste amendments, all e-waste falls under the Basel Convention TBM requirements, regardless of whether it is hazardous waste or non-hazardous waste.

- If the equipment is determined to be considered waste, whether it is electrical and electronic waste or not, then proceed to step 2.[18] If the transboundary movement involves Parties to the Basel Convention that have not accepted the e-waste amendments, the previous codes for e-waste apply for them (see the Basel Convention text for codes A1180 and B1110). If the equipment, for instance used equipment, is not determined to be e-waste, then the following steps are not applicable, but trade may take place in compliance with national legislation.

---

17. For the updated list of Parties bound by the e-waste amendments see: https://www.basel.int/Countries/StatusofRatifications/EwasteAmendments/tabid/10103/Default.aspx

18. At its seventeenth meeting, by decision BC-17/12, the Conference of the Parties to the Basel Convention decided that a guidance document should be developed on the identification of electrical and electronic waste under the new entries adopted by the e-waste amendments, as well as on the distinction between waste that is to be classified as electrical and electronic waste (Y49 or A1181) and waste that is related to such electrical and electronic waste, but can be classified under another entry in Annex II, VIII or IX. The guidance will be submitted to the consideration of the eighteenth meeting of the Conference of the Parties, which will take place from 19 to 30 April 2027.

Step 2: Does it qualify as "hazardous" or "other wastes"?

- The definition of "hazardous wastes" and "other wastes" were provided above (see step 2 of Section A) and rely on Article 1 of the Basel Convention as well as Annexes I, II, III, VIII, and IX to the Basel Convention summarized above.
- Pursuant to the e-waste amendments, electrical and electronic waste (e-waste) are "hazardous" waste, when:
- They belong to entry A1181 in Annex VIII, e.g. if they contain or are contaminated with Annex I constituents (e.g., cadmium, lead, mercury, organohalogen compounds or other Annex I constituents) to an extent that the waste exhibits an Annex III characteristic.
- The wastes are not covered by entry A1181 but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit. The Secretariat makes national definitions of hazardous wastes available on its website.[19]
- Also pursuant to the e-waste amendments, e-wastes are considered "other wastes" (i.e., non-hazardous wastes requiring special consideration) under the Convention, when:
- They belong to entry Y49 in Annex II, which required that they do not contain and are not contaminated with Annex I constituents to an extent that the waste exhibits an Annex III characteristic.
- Waste equipment that is not considered e-waste may still meet the definition of "hazardous" or "other wastes", for example if it falls under another entry in Annex VIII or Annex II.
- If the equipment constitutes waste qualified as "hazardous wastes" or "other wastes", proceed to step 3. In other cases, the Convention may not apply.[20]

---

19. https://www.basel.int/Countries/NationalDefinitions/tabid/1480/Default.aspx.

20. It is important to contact the Basel competent authorities of all States involved in the transboundary movement to verify that the waste is not classified as "other waste" or non-hazardous, since national definitions of hazardous wastes render the waste hazardous. It is also important to consult with Basel Convention competent authorities in case some States involved in the transboundary movement define the waste in question as hazardous and others as non-hazardous since specific provisions of Article 6, paragraph 5 of the Basel Convention apply in these cases.

C. For trade of controlled substances and equipment that are waste falling within the scope of the Basel Convention

Step 3: Does the trade constitute TBM under the Basel Convention?

- According to paragraph 3 of Article 2 of the Basel Convention, TBM means any movement of “hazardous wastes” or “other wastes” from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement.
- If the movement does not involve at least two States, e.g., if the substance will leave the territory of one State, pass through areas not under the national jurisdiction of any State and go to an area under the jurisdiction of the same State (such as an island or overseas territory), then it will not be considered TBM under the Basel Convention and the following steps will not apply. The domestic law of the State involved in the movement will apply to such a movement.
- If the trade constitutes TBM, proceed to step 4.



Step 4: Are the countries involved in TBM parties to the Montreal Protocol and the Basel Convention?

- As at 30 September 2026, the Montreal Protocol has 198 parties (all 193 United Nations member States plus Cook Islands, Niue, the Holy See, the State of Palestine and the European Union),[21] while the Basel Convention has 191 parties (188 United Nations member States plus Cook Islands, the State of Palestine and the European Union).[22]
- If all the countries that are involved in the TBM are parties to both treaties, then proceed to step 5A.
- If the countries involved in the TBM are parties to the Montreal Protocol but one or more of them are not parties to the Basel Convention, then proceed to step 5B.
- If none of the parties involved in the TBM are parties to the Basel Convention, the transboundary movement of waste could still take place but would not be subject to the conditions under the Basel Convention. In such a situation, Montreal Protocol parties are encouraged to determine if trade is possible under the national laws of the countries involved, under what conditions, and proceed accordingly.

---

21. The list of parties to the Montreal Protocol can be found here: https://ozone.unep.org/all-ratifications.

22. The list of Parties to the Basel Convention can be found here: https://www.basel.int/Countries/StatusofRatifications/PartiesSignatories/tabid/4499/Default.aspx#enote1. As at 30 September 2026, the parties to the Montreal Protocol that are not parties to the Basel Convention are Fiji, Haiti, the Holy See, Niue, South Sudan, Timor Leste and the United States of America.

Step 5A: For parties to the Montreal Protocol and the Basel Convention: Are there international or national import or export restrictions or prohibitions in place, such as the Ban Amendment?

- According to Article 4, paragraph 1 (a) of the Basel Convention, parties to the Convention have the right to prohibit the import of hazardous wastes or other wastes for disposal. Parties are required to inform each other of exercises of this right through the secretariat of the Convention, which publicizes this information on its website. Parties are required to prohibit or not permit the export of hazardous and other wastes to the parties that have prohibited their import when notified of such prohibitions pursuant to the Convention. Parties may also decide to limit or ban the export of hazardous wastes or other wastes and must inform all parties thereof through the Secretariat, as soon as possible, pursuant to Article 13, paragraph 2 (d) of the Convention;
- Parties to the Basel Convention provide information on their import, export and transit prohibitions and/or restrictions in their national reports; [23]
- If restrictions or prohibitions are in place at the international or national level, exports and imports can only take place in accordance with these.
- An example of an international prohibition is the "Ban Amendment." Pursuant to Article 4A of the Basel Convention, Parties listed in Annex VII to the Convention that have ratified the "Ban Amendment" are required to prohibit all transboundary movement of hazardous wastes covered by the Convention that are intended for disposal operations, according to Annex IV, to States not included in Annex VII of the Convention.
- Annex VII includes States and other Parties that are members of the Organization for Economic Cooperation and Development (OECD), the European Union (EU) (legal successor to the European Communities - EC) and Liechtenstein.[24] The Ban Amendment entered into force in 2019 and, as at 30 September 2026, 104 Parties to the Basel Convention have ratified it.[25]
- If the TBM involves hazardous e-waste from a Party mentioned in Annex VII that has ratified the Ban Amendment to a State not mentioned in that Annex, the Ban Amendment applies and the trade may not take place. The Ban Amendment is not applicable to non-hazardous e-waste in Annex II of the Convention, however the PIC procedure under the Basel Convention applies (see step 6).

---

23. For further information on the applicable legal requirements for the States concerned by the transboundary movements, please consult the Export and Import Control Tool at: https://ers.basel.int/ERSodataReports2/BC-ControlTool.htm.

24. The list of 38 members of OECD is available here: https://www.oecd.org/en/about/members-partners.html The list of 27 EU member States is available here: https://european-union.europa.eu/principles-countries-history/eu-countries_en Although most EU members are also OECD members, some are not (Bulgaria, Croatia, Cyprus, Malta and Romania).

25. The complete list of Parties that have ratified the Ban Amendment can be found here: https://www.basel.int/Countries/StatusofRatifications/BanAmendment/tabid/1344/Default.aspx.

- If a prohibition applies at the international or national level, then the relevant TBM may not take place. Proceed to step 6 only insofar as prohibitions or restrictions allow.

Step 5B: When one or more of the countries involved is not a party to the Basel Convention

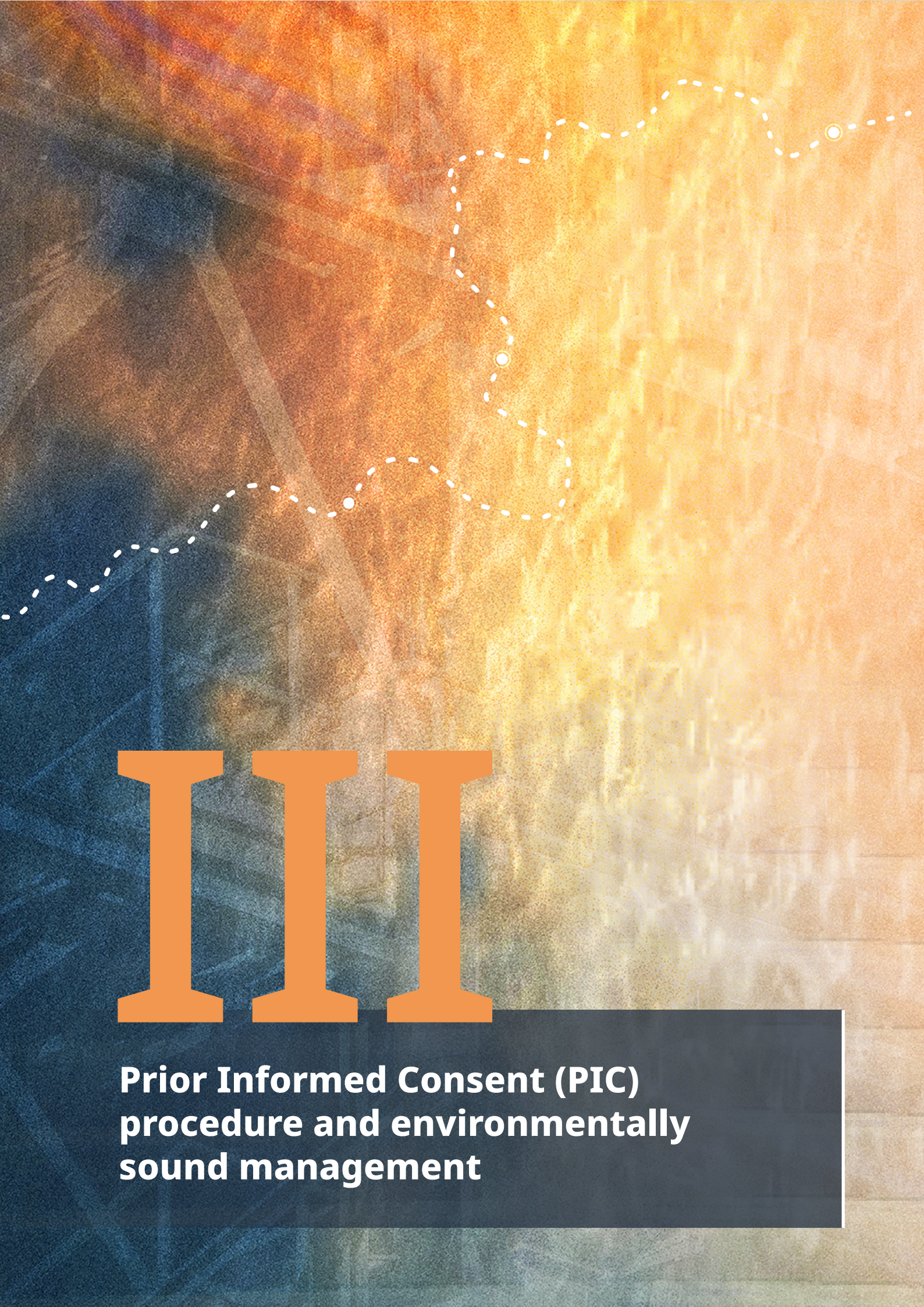
- If one or more of the countries involved in the TBM are not parties to the Basel Convention, but the other or others are, paragraph 5 of Article 4 of the Basel Convention provides that Parties to the Basel Convention are not allowed to export "hazardous wastes or other wastes" as defined under the Basel Convention to, or to import such wastes, from non-parties.
- However, under Article 11 of the Convention, Parties are allowed to enter into bilateral, multilateral or regional agreements or arrangements regarding TBM of hazardous or other wastes with Parties or non-parties to the Convention provided that they stipulate provisions which are not less environmentally sound than those provided for by the Basel Convention. Article 11, paragraph 2 provides that the provisions of the Basel Convention shall not affect TBMs which take place pursuant to such agreements or arrangements provided that such agreements are compatible with the environmentally sound management of hazardous wastes and other wastes as required by this Convention. If a Montreal Protocol party (whether a Party or a non-party to the Basel Convention) is reviewing a proposed TBM that involves Parties and non-parties to the Basel Convention, the Montreal Protocol party is encouraged to determine whether or not the TBM falls under any Article 11 agreements or arrangements and proceed accordingly. The Montreal Protocol party may wish to consult with its Basel Convention competent authorities regarding the existence or not of relevant Article 11 agreements or arrangements and how they should be applied.

Step 6: TBM under the Basel Convention

- Trade of substances controlled under the Montreal Protocol and equipment containing those substances, which are considered Basel Convention wastes, is permissible and can take place under the Convention following the PIC procedure and in accordance with requirements for environmentally sound management (see Section III).[26]

---

[26] The Basel Convention also contains specific provisions in case of TBM of wastes only legally defined as or considered to be hazardous wastes by the State of export, by the State of import, or by the States of import and transit which are Parties to the Convention (see Article 6, paragraph 5, of the Convention).



III

Prior Informed Consent (PIC) procedure and environmentally sound management

III. Prior Informed Consent (PIC) procedure and environmentally sound management

The Basel Convention PIC procedure summarized below is applicable for substances or equipment that have been determined to be "hazardous wastes or other wastes" for purposes of the Basel Convention using the steps mentioned above. Montreal Protocol parties dealing with TBM of controlled substances or equipment containing such substances that are considered hazardous or other waste under the Basel Convention should contact their national Basel Convention competent authorities to initiate the PIC procedure. No TBM can start before the State of export receives the consent of the State of import and any State of transit about the proposed movement.

For further details on the implementation of the PIC procedure, please consult the Manual for the Implementation of the Basel Convention and the Guide to the Control System.[27]

This mandatory procedure, prescribed in Article 6 of the Basel Convention, consists of four key stages:[28]

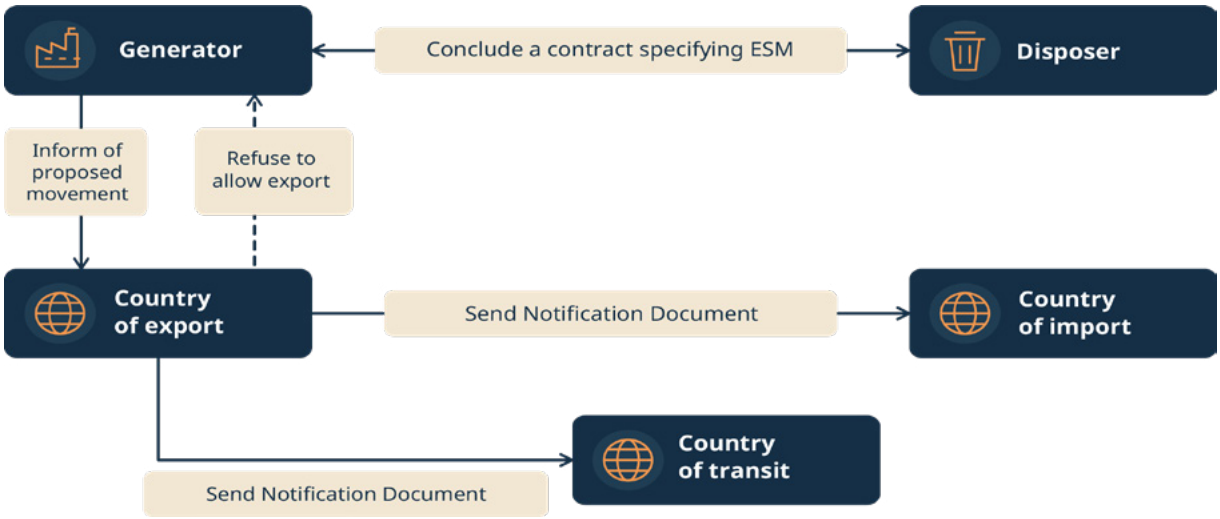
1. **Stage 1:** Notification
2. **Stage 2:** Consent & issuance of movement document
3. **Stage 3:** TBM
4. **Stage 4:** Confirmation of disposal: final disposal, recovery, recycling, reclamation, according to the contract

27. https://www.basel.int/portals/4/download.aspx?d=UNEP-CHW-PUB-GUID-ControlSystem.English.pdf

28. For more detailed information on the requirements, please refer to Article 6 and the leaflet Controlling TBMs of hazardous wastes: https://www.basel.int/Implementation/Publications/BrochuresLeaflets/tabid/2365/Default.aspx.

Stage 1: Notification

The exporter/generator informs the competent authority of the exporting country of a proposed TBM of hazardous or other wastes, who in turn notifies counterparts in importing and any transit countries of the proposed TBM. The notifications must include the specified declarations and information specified in Annex V A to the Convention.[29] The notification covers information relating to insurance applicable to the TBM as may be required by the State of import or any State of transit which is a Party.[30]

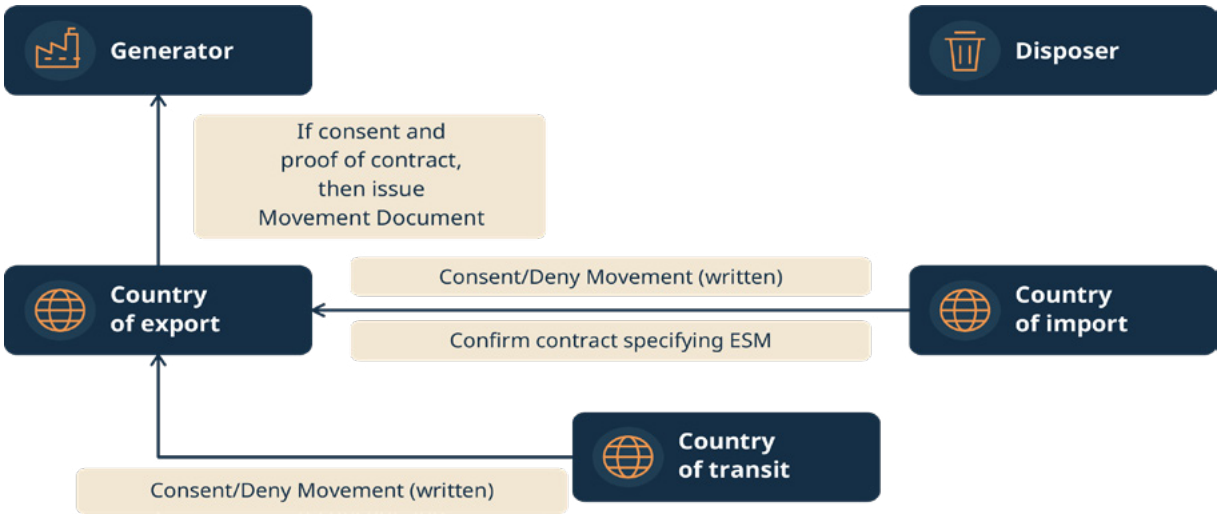


29. Copies of the Basel Convention notification and movement documents are available at https://www.basel.int/Procedures/NotificationMovementDocuments/tabid/1327/Default.aspx.

30. Further information, please consult the Guidance to improve the implementation of paragraph 11 of article 6 of the Basel Convention on insurance, bond and guarantee at: https://www.basel.int/Portals/4/download.aspx?d=UNEP-CHW-PUB-GUID-IMPL-Para11Art6-Insurance-2024.English.pdf.

Stage 2: Consent & issuance of movement document

- The importing country is to respond to the notifier in writing, consenting to the shipment (with or without conditions), denying permission or requesting additional information. It also needs to confirm the existence of a contract between the exporter and the disposer specifying the environmentally sound management[31] of the wastes. Consent in writing from transit countries is also required unless the transit country has decided not to require prior written consent for transit movements. In such instances, if no response is received within 60 days of giving notification the export may proceed. Besides this exception, TBMs cannot begin until consent has been obtained from all import and transit countries. Upon receipt of all required consents, the country of export can proceed with the issuance of the movement document and allow the TBM to start.



31. Competent authorities may rely on the technical guidelines developed under the Basel Convention for various wastes to determine whether the requirement of environmentally sound management would be met.

Environmentally sound management

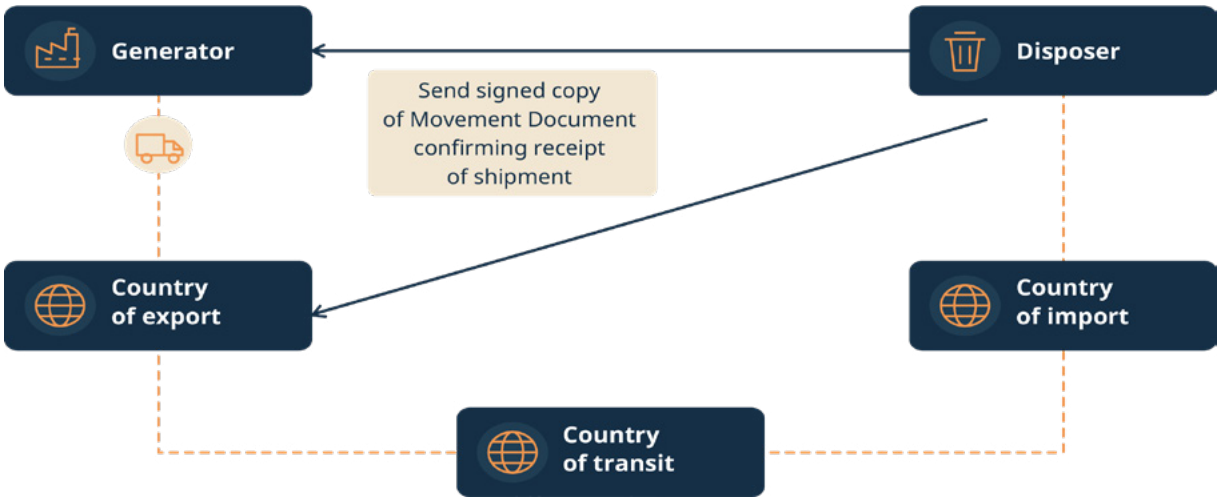
The environmentally sound management of wastes is at the core of the Basel Convention. Paragraph 8 of Article 2 provides that "[e]nvironmentally sound management of hazardous wastes or other wastes means taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes." As mentioned above, confirmation of the existence of a contract between the exporter and the disposer specifying environmentally sound management of the wastes in question must be received from the State of import before a TBM can be initiated. Montreal Protocol focal points and other relevant government officials should contact their national competent authorities under the Basel Convention to confirm that such a contract exists. More generally, each party is to require that hazardous wastes or other wastes, to be exported are managed in an environmentally sound manner in the State of import or elsewhere.

Parties to the Basel Convention have adopted numerous technical guidelines for the environmentally sound management of wastes subject to the Convention. These pertain for instance to uses of specific disposal operations listed in the Convention (e.g., on incineration, landfilling) and to specific streams covered by the Convention (e-waste, POPs, plastic wastes, etc.). In addition, the Partnership for Action on Challenges relating to E-waste (PACE II) under the Basel Convention is currently developing a guidance document on the environmentally sound refurbishment and repair of used and waste equipment of refrigerators, cooling and heating equipment and on the environmentally sound management of waste refrigerators, cooling and heating equipment with the aim of providing best practices to assist countries in implementing the Montreal Protocol and the Basel Convention.[32]

32. Partnership for Action on Challenges relating to E-waste (decision BC-15/22 Part I of the Parties to the Basel Convention).

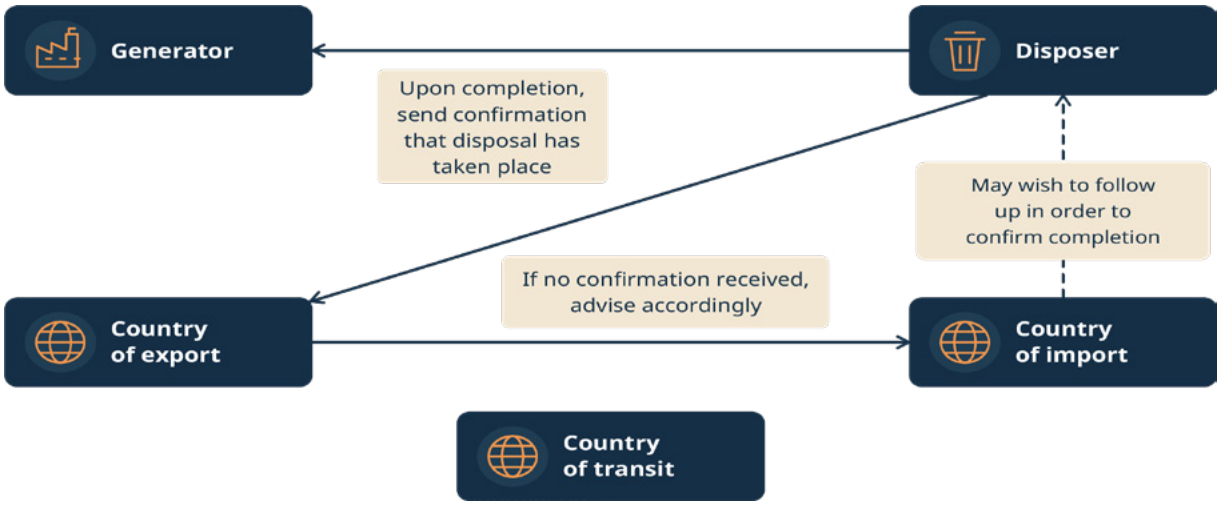
Stage 3: TBM

Each person who takes charge of a TBM of hazardous wastes or other wastes has to sign the movement document. It contains detailed information about the shipment and must accompany the consignment from the point at which a TBM commences to the point of disposal.

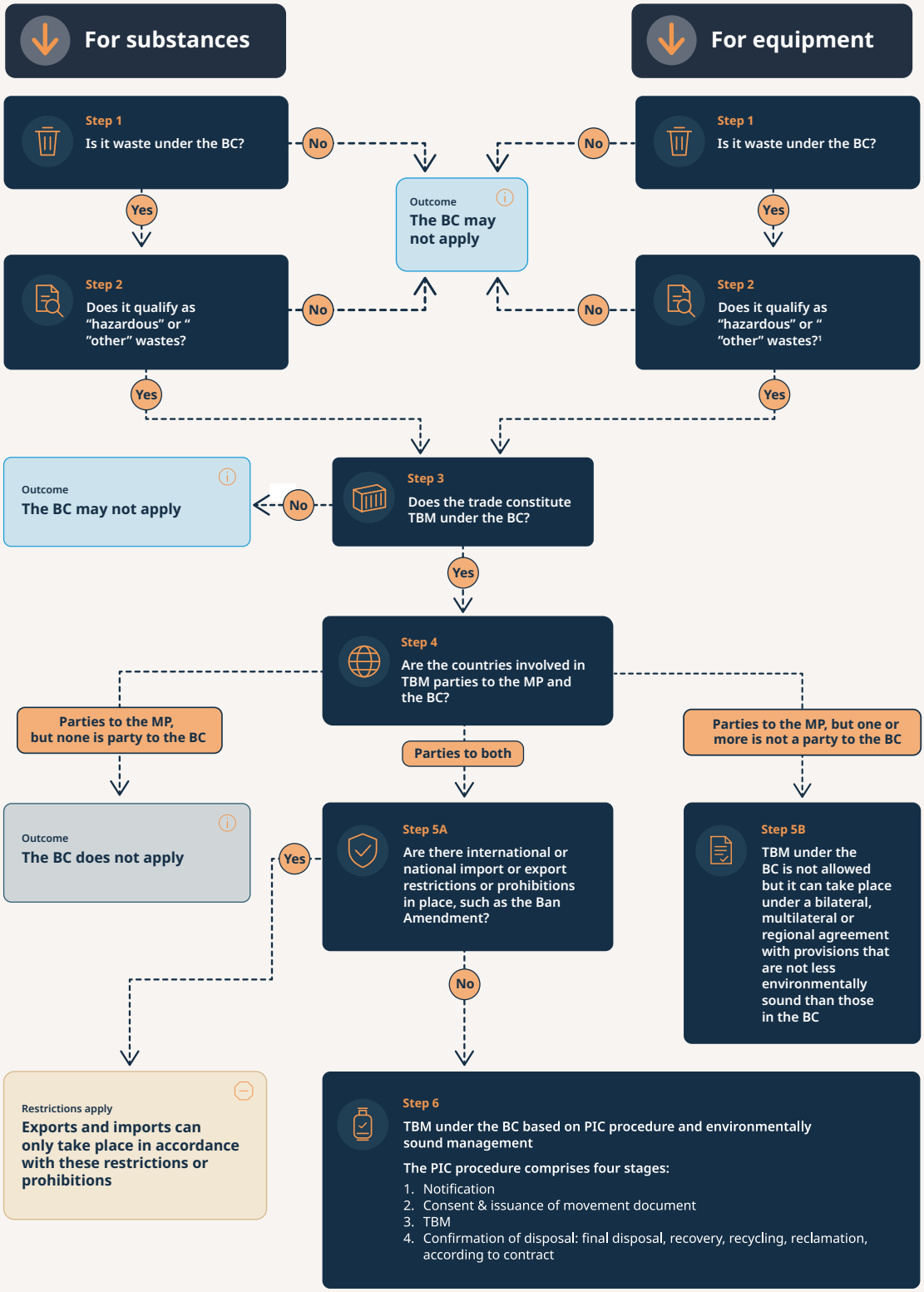


Stage 4: Confirmation of disposal: final disposal, recovery, recycling, reclamation, according to the contract

The importer or disposer must confirm to the exporter and country of export of the completion of disposal as specified in the notification. If this information is not received, the exporting competent authority must follow up with the importing competent authority.



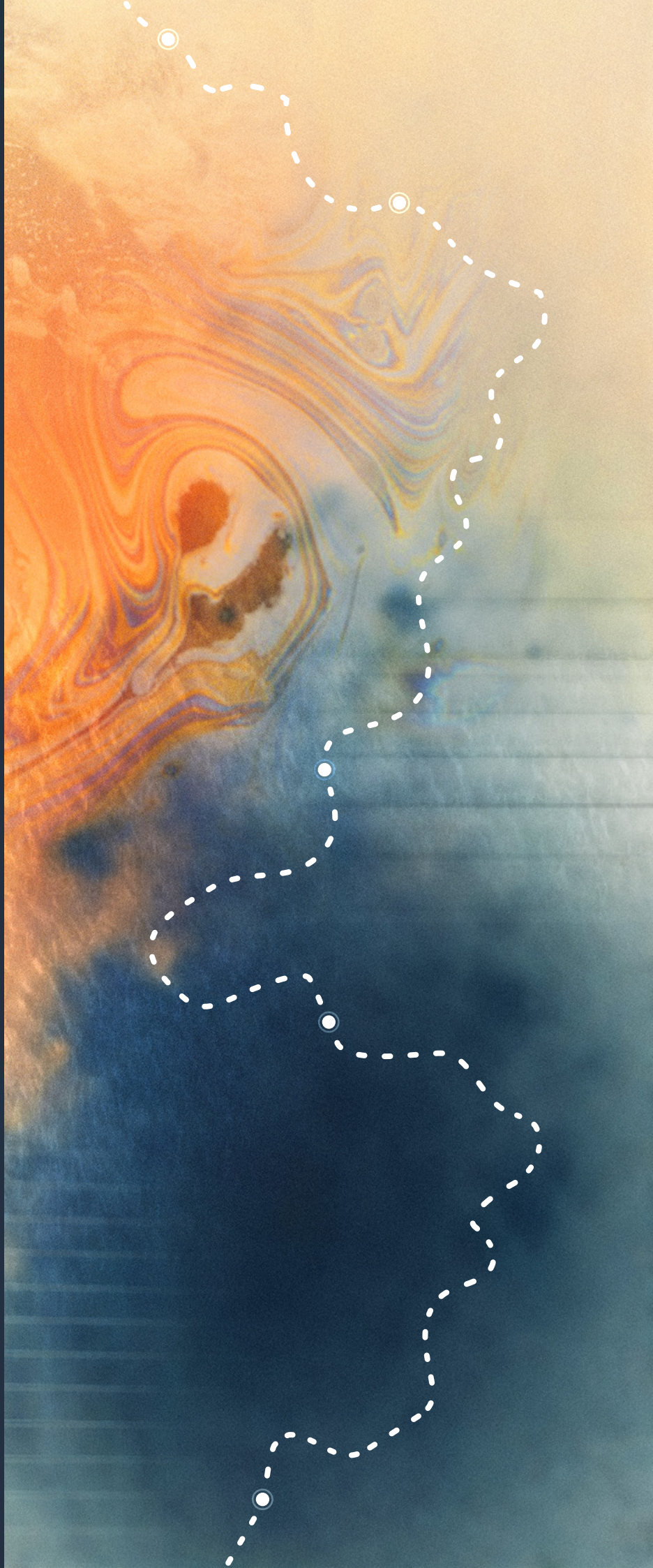
Flowchart – Practical Guide on transboundary movements of Montreal Protocol controlled substances and related equipment



Abbreviations: BC – Basel Convention; MP – Montreal Protocol; PIC – prior informed consent; TBM – transboundary movement.

1. Under the BC, all e-wastes are subject to the PIC procedure, except for two parties which are not bound by the e-waste amendments.

UN environment programme



UNEP
United Nations Avenue, Gigiri,
P.O. Box 30552, Nairobi,
00100, Kenya.

https://www.unep.org/en

UNEP Ozone Secretariat

Block 7N, 1st Floor
United Nations Avenue, Gigiri
Nairobi, 00100, Kenya.

https://ozone.unep.org

Secretariat of the BRS Conventions

11-13 Chemin des Anémones, 1219
Châtelaine, Geneva, Switzerland
(International Environment House 1).

https://www.brsmeas.org

UNEP OzonAction

Paris, France
(UNEP Branch of the Division of
Technology, Industry and Economics)

https://www.unep.org/ozonaction/