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Guideline for the transboundary movement of ODS waste

Management and destruction of existing ozone depleting substances banks

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Abbreviations

CA	Competent Authority
ESM	Environmentally Sound Management
FP	Focal Point
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH
NOU	National Ozone Units
ODS	Ozone Depleting Substances
PIC	Prior Informed Consent
TBM	Transboundary Movement
TEAP	Technology and Economic Assessment Panel
UNEP	United Nations Environment Programme

1 Introduction

Many countries have decided to implement a system for managing banks of ozone depleting substances (ODS), however some do not have the technology or means to destroy the collected substances domestically. In these cases, exporting ODS waste to another country for destruction is a common and viable option.

ODS, such as chlorofluorocarbon and hydrochlorofluorocarbon refrigerants and blowing agents, are considered hazardous because of the harm they cause to the environment: they deplete stratospheric ozone which protects the earth from dangerous UV radiation and contribute to global warming. As **hazardous substances**, ODS wastes fall under the **Basel Convention** on the control of transboundary movements of hazardous wastes and their disposal.

This guideline was developed for National Ozone Units (NOUs) considering the **export of ODS for destruction** as part of their ODS management. The guideline links the topics of the Montreal Protocol on Substances that Deplete the Ozone Layer with the Basel Convention and provides practical information on how to conduct **transboundary movements (TBMs)** of ODS waste. Whenever possible, this document contains links to the Basel Secretariat website, which includes a wide variety of information on TBMs of hazardous waste. It should be noted that in addition to the guidance presented below, the national legislation of the countries concerned needs to be taken into account as they may contain additional or slightly different provisions than the Basel Convention.

2 The Basel Convention

The Basel Convention on the control of transboundary movements of hazardous wastes and their disposal was adopted in 1989 and entered into force in 1992 (UNEP/SBC, 2014). Its primary aim is the protection of human health and the environment and it is the most comprehensive agreement on hazardous waste on a global level (UNEP/SBC, 2011). The Convention states that Parties shall take the appropriate measures to ensure that the transboundary movement of hazardous wastes and other wastes is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes (see Article 4 (2) (d) of the convention text). If TBMs of waste are necessary for its disposal, principles of environmentally sound management (ESM) must be applied. To date, more than 180 countries are Parties to the Basel Convention¹.

National legislation and regional or bilateral agreements

Each Party has the right to pass stricter legislation and can, for example, according to Article 4 (1) (a) prohibit the import of hazardous or other wastes. In this context, several regional agreements were devised that only allow the import of waste from other member countries of the agreement². Examples are the Bamako or the Waigani Convention.

The official Basel Convention webpage provides a list of countries with import bans after 2005³.

Generally, TBM are only allowed between Parties of the Basel Convention. It is, however, possible to enter into bilateral, multilateral or regional agreements with non-Parties, e.g. to cooperate on ODS waste management and destruction. Such agreements must comply with the principle of 'environmentally sound management'. Examples include agreements several Parties to the Basel Convention have with the USA.

BOX 1

The export and import control tool

The Basel Convention Secretariat has recently published a tool on their website to support countries in conducting transboundary movements. This export and import control tool gives information on national export restrictions and prohibitions, as well as on bilateral, multilateral or regional agreements. An overview of the information that can be found on the Basel Convention webpage is provided in Annex I, table 1. Important terminology that is used in the import/export tool is also included.

The tool gives the following information for export countries, transit countries and countries that import:

- competent authority
- final disposal facilities
- recovery facilities
- national definition of hazardous wastes
- export restrictions and prohibitions
- bilateral, multilateral or regional agreements
- additional requirements

By using this tool, potential exporters of waste can quickly find contact details of competent authorities in their own countries and in others, and gain an overview of potential disposal/recovery facilities. The tool can be found on the Basel Convention website.⁴

1 <http://www.basel.int/Countries/StatusofRatifications/PartiesSignatories/tabid/1290/Default.aspx>, last access November 2016.

2 <http://www.basel.int/Implementation/LegalMatters/Agreements/MultilateralAgreements/tabid/1518/language/en-US/Default.aspx>, last access March 2017.

3 <http://www.basel.int/Countries/ImportExportRestrictions/tabid/1481/Default.aspx>, last access November 2016.

4 <http://www.basel.int/Implementation/Controllingtransboundarymovements/ExportandImportControlTool/tabid/4284/Default.aspx>, last access March 2017.

Organisational structure under the Basel convention (Official points of contact)

Competent authorities are the designated government authorities that receive and respond to notifications on TBM. Focal points receive and submit information necessary for TBM. Therefore, the structure of focal points and competent authorities can assist with the export of ODS for destruction. Contact details for competent authorities and focal points can be found on the Basel Secretariat website (see table 1 in Annex I).

Prior Informed Consent procedure (PIC)

According to Article 6 of the Convention, any transboundary movements of hazardous and other wastes are subject to prior written notification by the exporter of the waste to the exporting country and prior written consent from the importing and, if necessary, transit countries. The exporter must provide extensive information in a notification (Notification and Movement Documents, see Annex II tables 3 and 4).

Movement and notification documents

The Convention requires that information regarding any proposed transboundary movement is provided using the accepted notification form. A notification document is necessary both for the country of import and the country/countries of transit. The notification document is intended to provide the competent authorities of countries concerned with the information they need to assess the acceptability of the proposed transboundary movements. The approved consignment must be accompanied by a movement document from the point where transboundary movement commences to the point of disposal.

How the Basel Convention affects plans to destroy ODS waste with the support of carbon market financing

Countries planning the destruction of ODS waste have made plans to use the voluntary carbon market in the USA as a financing mechanism. The destruction of ODS waste can only generate carbon credits on the voluntary carbon market in the USA, but since it is not Party to the Basel Convention, the process involves high administrative effort and therefore increased costs. The costs for transport, administration and destruction are estimated to be higher than the current price for carbon credits. For this reason, the voluntary carbon market cannot be seen as a funding mechanism.

5 See for example the Multilateral Fund demonstration project proposals for Ghana, Turkey, Georgia, Mexico and Lebanon.

3 Conducting Transboundary Movements

The following chapter describes the steps for conducting transboundary movement, from preparation to the confirmation of disposal. It shows, for example, which actors are involved and the order in which processes are carried out.

Figure 1: Steps of transboundary movement.



STEP 1

Check whether ODS wastes are nationally defined as hazardous waste

ODS wastes are covered under the Basel Convention and are listed in Annex I (Categories of Waste to be controlled) as 'Y45 – Wastes having as constituents organohalogen compounds not included under any other category'. If a country has no, or insufficient, ODS wastes destruction capacities, export is necessary, meaning adherence to the Basel Convention is required if the exporting country is a Party to the Convention. Not all countries define ODS wastes as hazardous waste or restrict their definition to chlorofluorocarbons and halons only. Some countries have no national legal definition at all (UNEP, 2009). Whether or not ODS wastes are defined as hazardous waste can be determined by:

- contacting the focal point;
- checking national legislation;
- consulting national waste definitions on the Basel Secretariat⁶ website.

6 [http://www.basel.int/Implementation/Controllingtransboundary movements/WasteClassificationandControlProcedures/tabid/2384/Default.aspx](http://www.basel.int/Implementation/Controllingtransboundary%20movements/WasteClassificationandControlProcedures/tabid/2384/Default.aspx), last access November 2016.

STEP 2**Contact the Basel Focal Point**

The national Basel Focal Point may, where necessary, be contacted as soon as TBM is intended. A list is available online⁷. The focal point may also assist with the Basel related paper work.

STEP 3**Organise disposal and transport**

A designated disposal facility abroad must be commissioned for the disposal of ODS wastes. A list is available in ICF (2008)⁸, for example. Further destruction facilities were established under the MLF demonstration project (UNEP, 2015). These companies can either be contacted directly or the disposal can be tendered. The transport of ODS wastes to the disposal facility can also be included in the tender, tendered separately or organised directly. The transport company should provide necessary equipment for the transport (cylinders) if necessary and must have the required permits. If transport takes place within the European Union, the European Agreement concerning the International Carriage of Dangerous Goods by Road⁹ applies. The Basel Convention^{10, 11} webpage describes the process and the procedure to follow.

⁷ <http://www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx>, last access November 2016.

⁸ http://ozone.unep.org/Meeting_Documents/oewg/28oewg/ICF_Study_on-Unwanted_ODS-E.pdf, last access November 2016.

⁹ http://www.unece.org/trans/danger/publi/adr/adr_e.html, last access November 2016.

¹⁰ <http://www.basel.int/Implementation/Controllingtransboundarymovements/Guidance/tabid/4313/Default.aspx>, last access March 2017.

¹¹ <http://www.basel.int/Portals/4/Basel%20Convention/docs/pub/leaflets/leaflet-control-procedures-en.pdf>, last access November 2016.

STEP 4

TBM – submit notification

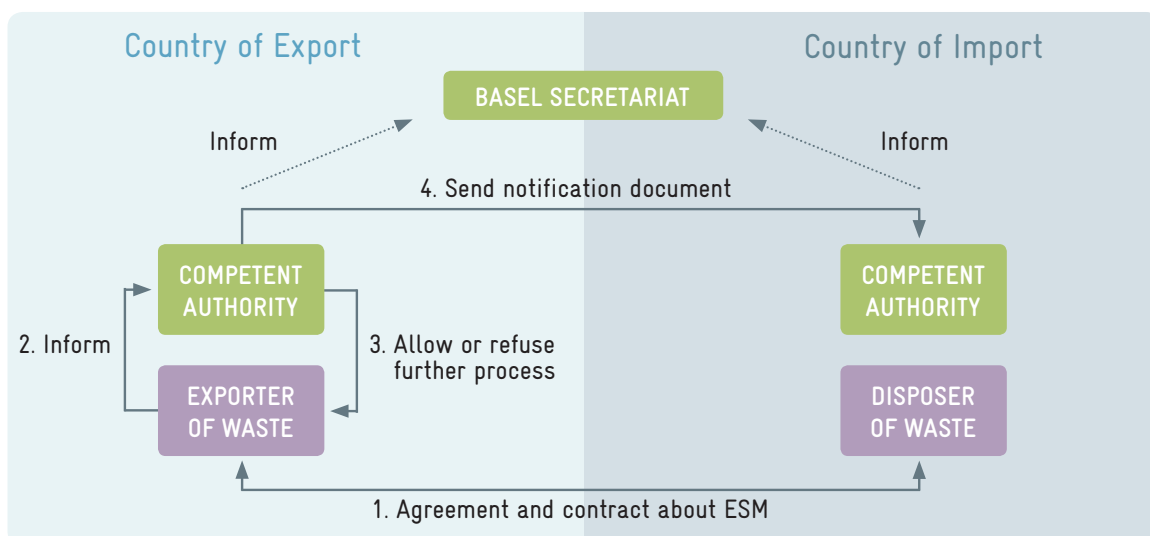
1. The exporter of waste needs to conclude a contract with a disposal facility in a different country for the environmentally sound management of ODS wastes. In the case of ODS, it is usually not possible to determine the generator of the collected waste, nor is it desirable. Therefore, the person or agency in possession or control of the waste may be considered the generator, e.g. the national ozone unit or its agency. The exporter of the waste can be the same person, company or agency as the generator, but this is not necessarily the case.
2. The generator or exporter of waste for disposal informs the competent authority (CA) of the exporting country of their intent to export to a specific disposal unit using a formal notification document (see also Table 3, Annex II).

3. The CA of the exporting country may check whether the notification is complete. It can refuse to further process the notification.
4. If the CA of the exporting country has no objections, the notification is sent to the CA of the importing country and the CA of every transit country in a language accepted in these countries.
5. Insurance of the transport needs to be considered.

NOTE: Transit countries – If the waste is transported by ship, consent must be obtained from all countries where the waste might enter into harbours or pass through territorial waters (details may be obtained from the Focal point).

For instructions on how to complete the Notification Document for ODS, please see Table 3, Annex II. Further information is available on the Basel Convention webpage¹².

Figure 2: Illustration of Step 4 TBM – submit notification. The numbers indicate the order of processes. The abbreviation ESM stands for Environmentally Sound Management.



¹² <http://www.basel.int/Portals/4/Basel%20Convention/docs/techmatters/forms-notif-mov/vCOP8.pdf>, last access November 2016.

STEP 5**TBM – consent and issue movement document**

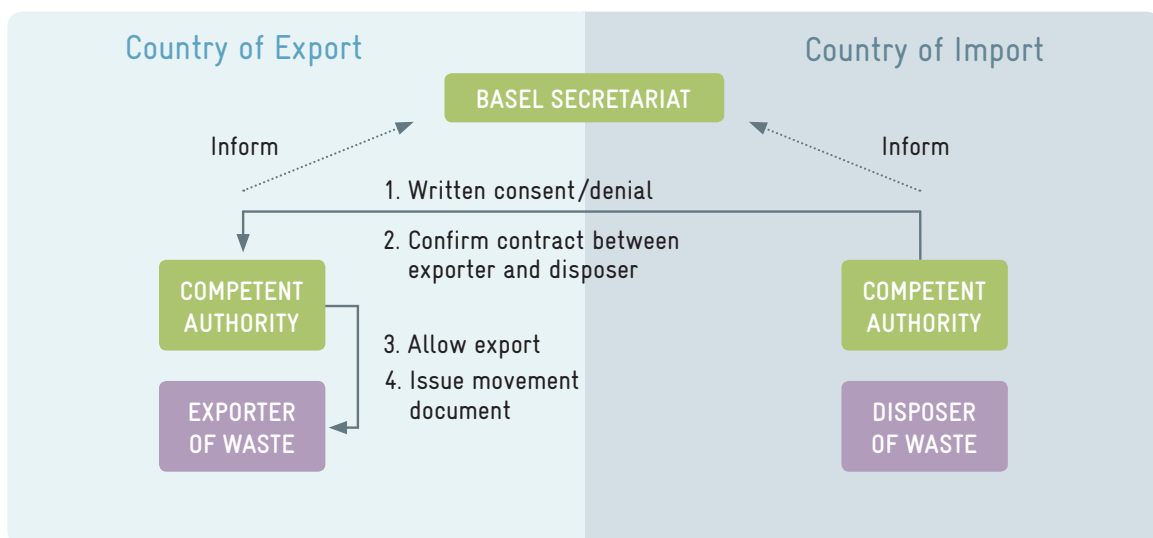
1. The CA of the country of import and the CAs of the country/countries of transit must consent to the TBM and inform the CA in the country of export.
2. The CA of the country of import will also have to confirm the contract between the generator and the disposer.
3. The CA of the exporting country will then allow the export to take place.
4. Movement documents are then issued (see also Table 4, Annex II).

NOTE I: It can take several months to gain consent for export under the Basel Convention from the country of import and all countries of transit. A consent is only valid for 1 year.

NOTE II: The movement document is intended to travel with a consignment of waste at all times, from the moment it leaves the waste generator to its arrival at a disposal or recovery facility in another country.

For instructions on how to complete the Movement Document for ODS, please see Table 3, Annex II. Further information is available on the Basel Convention webpage¹³.

Figure 3: Illustration of Step 5 TBM – consent and issue movement document. The numbers indicate the order of processes.

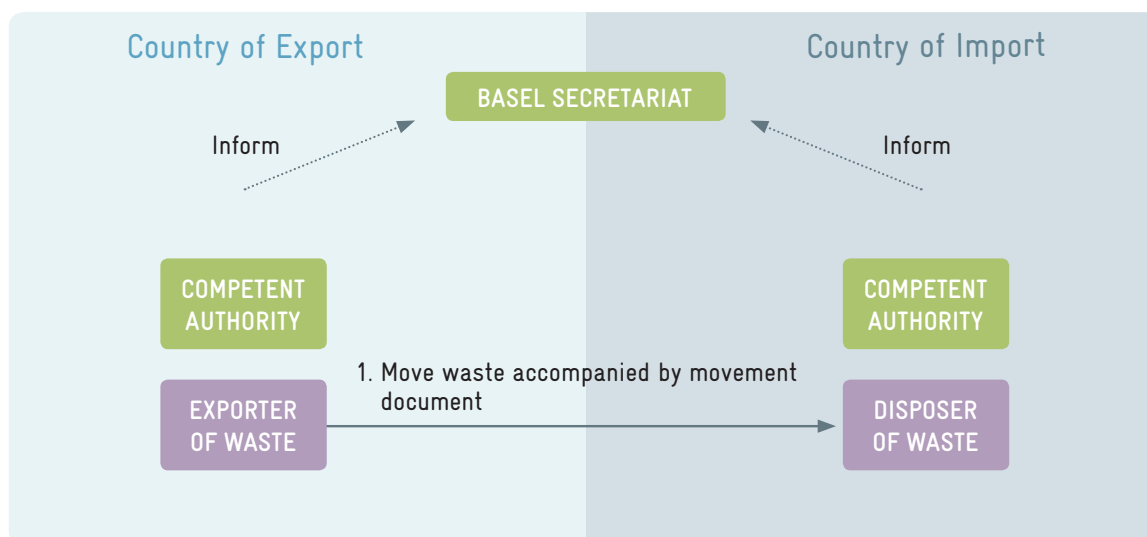


¹³ <http://www.basel.int/Portals/4/Basel%20Convention/docs/techmatters/forms-notif-mov/vCOP8.pdf>, last access March 2017.

STEP 6**TBM – conduct the transboundary movement**

1. The TBM can now take place; a movement document must always accompany the TBM. The movement document must be signed by each person taking charge of the waste.

Figure 4: Illustration of Step 6 TBM – conduct the transboundary movement. The numbers indicate the order of processes.

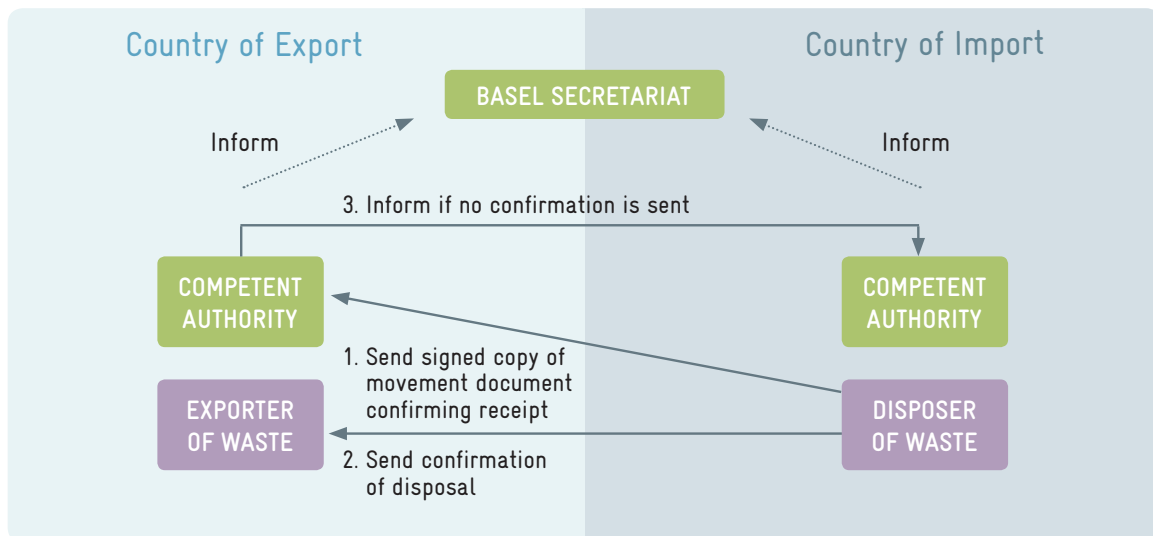


STEP 7**TBM – confirm receipt and disposal**

1. Finally, the movement document is to be used by the relevant disposal or recovery facility to confirm that the waste has been received.
2. If the recovery or disposal operation does not take place immediately, its completion must be confirmed at a later point.
3. If no confirmation is sent to the CA of the exporting country, the CA of the importing country must be informed.

When transboundary movement of hazardous and other wastes for which consent has been given by the countries concerned cannot be completed, the country of export must ensure that the wastes in question are returned to the country of export for disposal if alternative arrangements cannot be made. If illegal traffic of waste takes place (as defined in Art. 9, paragraph 1), the country of export must ensure that the wastes in question are returned to the country of export for their disposal or are disposed of in accordance with the Convention' provisions.

Figure 5: Illustration of Step 7 TBM – confirm receipt and disposal. The numbers indicate the order of processes.



4 References

UNEP 2009: Workshop on management and destruction of ozone-depleting substance banks and implications for climate change. Geneva, 13 July 2009. UNEP/OzL.Pro/Workshop.3/INF/2.

UNEP, 2015: Desk study on the evaluation of the pilot demonstration projects on ODS disposal and destruction. Montreal 2015. UNEP/OzL.Pro/ExCom/75/10.

UNEP/SBC, 2014: Basel Convention on the control of transboundary movement of hazardous wastes and their disposal. Texts and Annexes. Secretariat of the Basel Convention. Available at:
<http://www.basel.int/TheConvention/Overview/TextoftheConvention/tabid/1275/Default.aspx>.

UNEP/SBC, 2011: Controlling transboundary movements of hazardous wastes. Secretariat of the Basel Convention. Available at:
<http://www.basel.int/Portals/4/Basel%20Convention/docs/pub/leaflets/leaflet-control-procedures-en.pdf>.

Webpage of the Basel Convention:
<http://www.basel.int>.

5 Annex I

Table 1: Overview of information provided by the Basel Convention (website).

Text of the convention		http://www.basel.int/TheConvention/Overview/TextoftheConvention/tabid/1275/Default.aspx	
Manual for the implementation of the Basel Convention		http://www.basel.int/Implementation/Controllingtransboundarymovements/Guidance/tabid/4313/Default.aspx	
Guide to the control system		http://www.basel.int/Implementation/Controllingtransboundarymovements/Guidance/tabid/4313/Default.aspx	
Notification and Movement Documents plus instructions		http://www.basel.int/Portals/4/Basel%20Convention/docs/techmatters/forms-notif-mov/vCOP8.pdf	Not in tool
Export and Import Control Tool	Information about CA, final disposal/recovery facilities, national definition of hazardous wastes, export restriction and prohibition, agreements, additional requirements	http://ers.basel.int/BC_ControlSystem/BC-ControlTool.htm	
Controlling transboundary movements	Overview	http://www.basel.int/Implementation/Controllingtransboundarymovements/Overview/tabid/4325/Default.aspx	Not in tool
CA and FP	List of all competent authorities and focal points	http://www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx	Tool
Further Agreements		http://www.basel.int/Countries/Agreements/BilateralAgreements/tabid/1517/Default.aspx	Tool
Parties to the Basel Convention		http://www.basel.int/Countries/StatusofRatifications/PartiesSignatories/tabid/1290/Default.aspx	Tool
Import/Export restrictions		http://www.basel.int/Countries/ImportExportRestrictions/tabid/1481/Default.aspx	Tool
National legislation database		http://www.basel.int/Countries/NationalLegislation/tabid/1420/Default.aspx	Not in tool
Reports submitted to Basel Convention Secretariat	Parts are also in the export tool	http://archive.basel.int/natreporting/questables/dnn-frBody.html	
Technical guidelines on transboundary movements 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		http://www.basel.int/Implementation/TechnicalMatters/DevelopmentofTechnicalGuidelines/Ewaste/tabid/2377/Default.aspx	

Table 2: Explanations of important terminology used in the Import/Export tool, provided by the Basel Convention.

Competent Authority		Governmental authority designated by a Party to be responsible, for receiving notification of a transboundary movement of hazardous wastes or other wastes, and any information related to it, within such geographical areas as decided by the Party, and for responding to such a notification. Contact the competent authority for information about the national legal framework in a given State and if you wish to undertake a transboundary movement of hazardous or other wastes involving that State.
Final disposal facilities	Facility, description of facility, operation or process, disposal operation, capacity, imported waste treatment (yes/no)	Lists the final disposal facilities available within a Party, as listed in Annex IV A of the Convention. This information is useful to determine whether the State of export or the State of import has disposal facilities within it for the type of waste you wish to export or import.
Recovery facilities	Facility, description of facility, operation or process, disposal operation, capacity, imported waste treatment (yes/no)	Lists the recovery facilities available within a Party, as listed in Annex IV B of the Convention. This information is useful to determine whether the State of export or the State of import has recovery facilities within it for the type of waste you wish to export or import.
National definition of hazardous wastes		'National definition of hazardous wastes' provides information on a possible national definition of hazardous wastes that goes beyond the scope of the hazardous wastes listed in the Convention, and information on any requirements concerning the transboundary movement of such wastes. If there is a national definition of hazardous wastes, the Convention provides that special rules apply to the procedure for the transboundary movement of the wastes covered by the definition (see article 6 (5) of the Convention).
Export restrictions and prohibitions		'Export restrictions and prohibitions' provides information on restrictions or prohibitions that a Party may have adopted with respect to transboundary movements. There is also information of the ratification of the ban amendment as reported by Parties. The ratification status is also available on the website ¹⁴ . In accordance with the Basel Convention, Parties must prohibit exports to a Party that has prohibited the import of wastes.
Bilateral, multilateral or regional agreements		'Bilateral, multilateral or regional agreements' provides information reported by Parties on this matter. It also lists and provides access to the text of the agreements or arrangements a State or a Party may have entered with another Party or a non-Party.
Additional requirements		'Additional requirements' provides information reported by a Party about any additional requirements to be mindful of. These may pertain for instance to the language in which the notification and movement documents must be written, and to whether a transboundary movement must be covered by insurance, bond or guarantee.

14 <http://www.basel.int/Countries/StatusofRatifications/BanAmendment/tabid/1344/Default.aspx>, last access November 2016.

6 Annex II

Table 3 lists the information necessary for notification. Notification and movement documents can be downloaded from the Basel website¹⁵ together with extensive instructions on how to complete them.

Some explanations are given here, especially if they refer to ODS. Some countries may have their own templates; however, the necessary fields will always be the same.

Table 3: Information to be provided on notification.

		Notes	
1.	Exporter of the waste	Registration number not necessary. In case of ODS likely NOU/responsible agency.	Registration number, name and address; contact person, phone, fax and email address.
2.	Importer		Registration number, name and address; contact person, phone, fax and email address.
3.	Notification No: Notification concerning	Issued by competent authority.	A) Indicate if this is an individual or multiple shipment. B) Indicate whether the shipment is destined for disposal or recovery. C) For intra-OECD shipments only.
4.	Total intended numbers of shipment		From one to multiple.
5.	Total intended quantity	Attach list if multiple shipments are concerned. It is not possible to send more than indicated here.	Always use specified unit.
6.	Intended period of time for shipment(s)	Give first and last departure. List can be attached for specific dates of multiple shipments.	Intended period may not exceed one year. Information in Block 20 given by the competent authority overrides this information.
7.	Packaging type(s) Special handling requirements	See list of codes. Attach details if necessary.	For ODS likely numbers 7. (pressure receptacle) or 9. (other – to be specified) apply.
8.	Intended carrier(s)	Give registration number, name, address, contact person, telephone number, email, fax and means of transport (see list of codes).	Attach list if more than one.
9.	Waste generator(s) – producer(s)	Give registration number if available, name, address, contact person, telephone number, email, fax and site and process of generation.	'Same as 1' may be entered. If true generator is not known, then enter whoever is in possession or control of the waste.

15 <http://www.basel.int/procedures/notificationmovementdocuments/tabid/1327/default.aspx>, last access November 2016.

10.	Disposal/Recovery facility	Give registration number if available, name, address, contact person, telephone number, email, fax and site, and actual site of disposal/recovery.	Can be "Same as block 2".
11.	Disposal/recovery operation(s)	D-code/R-code Technology employed Reason for export, e.g. no available destruction technology available locally.	Usually D10 for ODS. Attach list if necessary.
12.	Designation and composition of the waste	Attach list/annex if necessary.	Name of material (common or commercial); if several constituents, give information for all and fractions.
13.	Physical characteristics	Use list of abbreviations and codes	5. Liquid for ODS
14.	Waste identification	Basel Annex VIII or IX not applicable for ODS waste. UN numbers of substances and UN proper shipping names ¹⁶ . The shipping name must be preceded by the word WASTE. Custom codes (HS codes) for ODS, for example, can be found here ¹⁷ .	UN class 2.2 Y-code: Y45 EC list of wastes: 140601* OECD code: AC150 chlorofluorocarbons; AC160 halons
15.	Countries/States concerned	Code number of competent authorities, specific points of exit or entry.	State of export, state of transit, state of import.
16.	Custom offices of entry and/or exit and/or export (European Community)	If countries of the European Union are part of the movement.	
17.	Exporter's – notifier's/ generator's – producer's declaration	Each copy needs to be signed and dated. Generator or person in possession of waste also needs to sign unless not practicable.	Some countries might require proof of insurance against liability.
18.	Number of annexes attached	Each annex needs a reference to the notification number to which it relates.	
19.	Acknowledgement from the relevant competent authority of countries of import – destination/ transit/export/dispatch		
20.	Written consent to the movement provided by the competent authority of (country)		Possible to use OBJECTION in this block.
21.	Specific conditions on consenting to the movement document or reasons for objecting		

16 <https://bhs.econ.census.gov/bhs/cfs/Hazmat%20Code%20List.pdf>, last access November 2016.

17 [https://www.nea.gov.sg/docs/default-source/anti-pollution-radiation-protection/chemical-pollution/mea-ods/numerical-\(hs-codes\).pdf](https://www.nea.gov.sg/docs/default-source/anti-pollution-radiation-protection/chemical-pollution/mea-ods/numerical-(hs-codes).pdf), last access November 2016.

Table 4 shows details that must be provided for the movement of ODS wastes according to the Basel Convention.

Table 4: Information to be provided on the movement document according to the Basel Convention.

		Notes	
1.	Corresponding to notification number	See block 3 from notification document.	
2.	Serial/total number of shipments	1/1 in case of single shipment.	
3.	Exporter	See block 1 from notification document.	
4.	Importer	See block 2 from notification document.	
5.	Actual quantity		Attach weighbridge tickets if possible.
6.	Actual date of shipment		
7.	Packaging: type(s) and number of packages	See block 7 of notification document.	For ODS likely 7. (pressure receptacle) or 9. (other – to be specified).
8.	Special handling requirements	Give registration number, name, address, contact person, telephone number, email, fax and means of transport (see list of codes), date of transfer and signature.	Attach list if more than three. If agent is involved, give details.
9.	Carrier(s)	See block 9 of notification document.	Can be entered as "Same as 1". If true generator is not known, this is whoever is in possession or control of the waste.
10.	Disposal/Recovery facility	See block 10 of notification document.	
11.	Disposal/recovery operation(s)	See block 11 of notification document.	
12.	Designation and composition of the waste	See block 12 of notification document.	
13.	Physical characteristics	See block 13 of notification document.	
14.	Waste identification	See block 14 of notification document.	
15.	Exporter's – notifier's/generator's – producer's declaration	Exporter or competent authority.	State of export, state of transit, state of import.
16.	For use by any person involved in the transboundary movement in case additional information is required		

17.	Shipment received by importer (if not facility)	Date, name and signature.	If this is not the disposer.
18.	Shipment received at disposal facility	Each annex needs a reference to the notification number to which it relates.	
19.	I certify that the disposal/recovery of the waste described above has been completed	Name, date, signature, stamp.	Signed copies must be sent to the exporter and competent authorities of the country of export and import.
20.	Not necessary for Basel Convention		



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