

UNCTAD Trade and Development Commission

Special session on illicit trade and waste:
environmental challenges and trade solutions

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C O N V E N T I O N S

Illegal traffic in hazardous and other waste under the Basel Convention: environmental challenges and trade solutions

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The views expressed are those of the author and do not necessarily reflect the views of UNCTAD



E-waste wastes

Batteries recycling, Bangladesh

An underwater photograph showing a manta ray swimming through a dense cloud of plastic waste in the ocean. The plastic waste includes various pieces of debris such as bottle caps, fragments of plastic, and other unrecognizable pieces of trash. The water is a deep blue color, and the scene is illuminated by natural light from above.

Plastic wastes

Manta ray plastic soup, Indonesia


A filter-feeding manta ray attempts to eat amidst the plastic in Bali's Nusa Penida. Recent research has shown that these manta rays ingest as much as 137 pieces of plastic an hour, which exposes their population to unknown long-term risks.

Photo by Vincent Kneefel (The Netherlands)



Hazardous and other wastes

- The Basel Convention is based on the general understanding that transboundary movements of hazardous wastes and other wastes should be permitted only when the transport and the ultimate disposal of such wastes is environmentally sound.

A stack of green folders or documents is shown, slightly out of focus. The top folder prominently displays the Basel Convention logo, which consists of a stylized 'B' inside a circle, followed by the text 'BASEL CONVENTION'. Below the logo, the full title of the convention is printed in smaller text: 'ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL' and 'PROTOCOL ON LIABILITY AND COMPENSATION FOR DAMAGE RESULTING FROM TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL'. The text 'TEXTS AND ANNEXES' is also visible. The United Nations logo (UN) is present in the bottom left corner of the folder cover. The folders are stacked, with several others visible underneath, creating a sense of depth.

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

- **Adopted:** 22 March 1989
- **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

Definitions

Wastes

- 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

Hazardous wastes

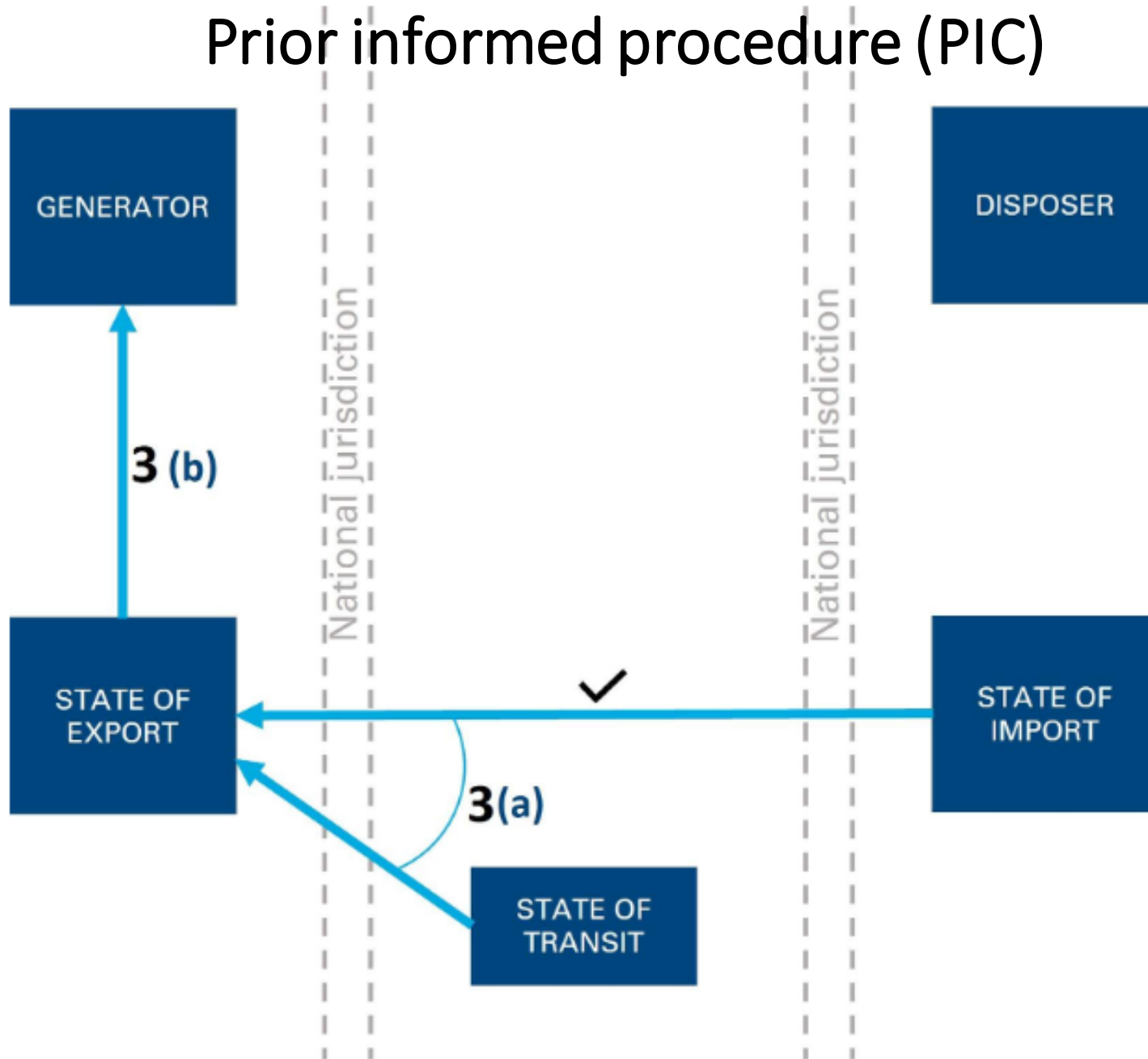
- Any category (Annex I) unless no hazardous characteristics (Annex III) or
- Defined by the **domestic legislation** of the Party of export, import or transit

Other wastes

- Any category in **Annex II** that are subject to transboundary movement (e.g. household, mixed plastic waste, non-hazardous e-waste)



Prior informed procedure (PIC)



Key stages:

- (1) notification
- (2) consent and issuance of movement document
- (3) transboundary movement; and
- (4) confirmation of disposal.

PIC procedure is implemented by the Competent Authorities

Prior informed consent (PIC) procedure is the key trade control mechanism under the Basel Convention

Wastes that require PIC procedure

- Hazardous wastes
 - Annexes I, III, VIII
 - Nationally defined
- Other wastes (Annex II)

Wastes that do not require PIC procedure

- Non-hazardous wastes (Annex IX)

Import/Export restrictions/bans for recovery or disposal





Ongoing processes under the Convention

- Improving the PIC procedure
- Electronic approaches to notification and movement documents
- Review of Annexes I, III, IV and related aspects of Annexes VIII and IX to the Convention



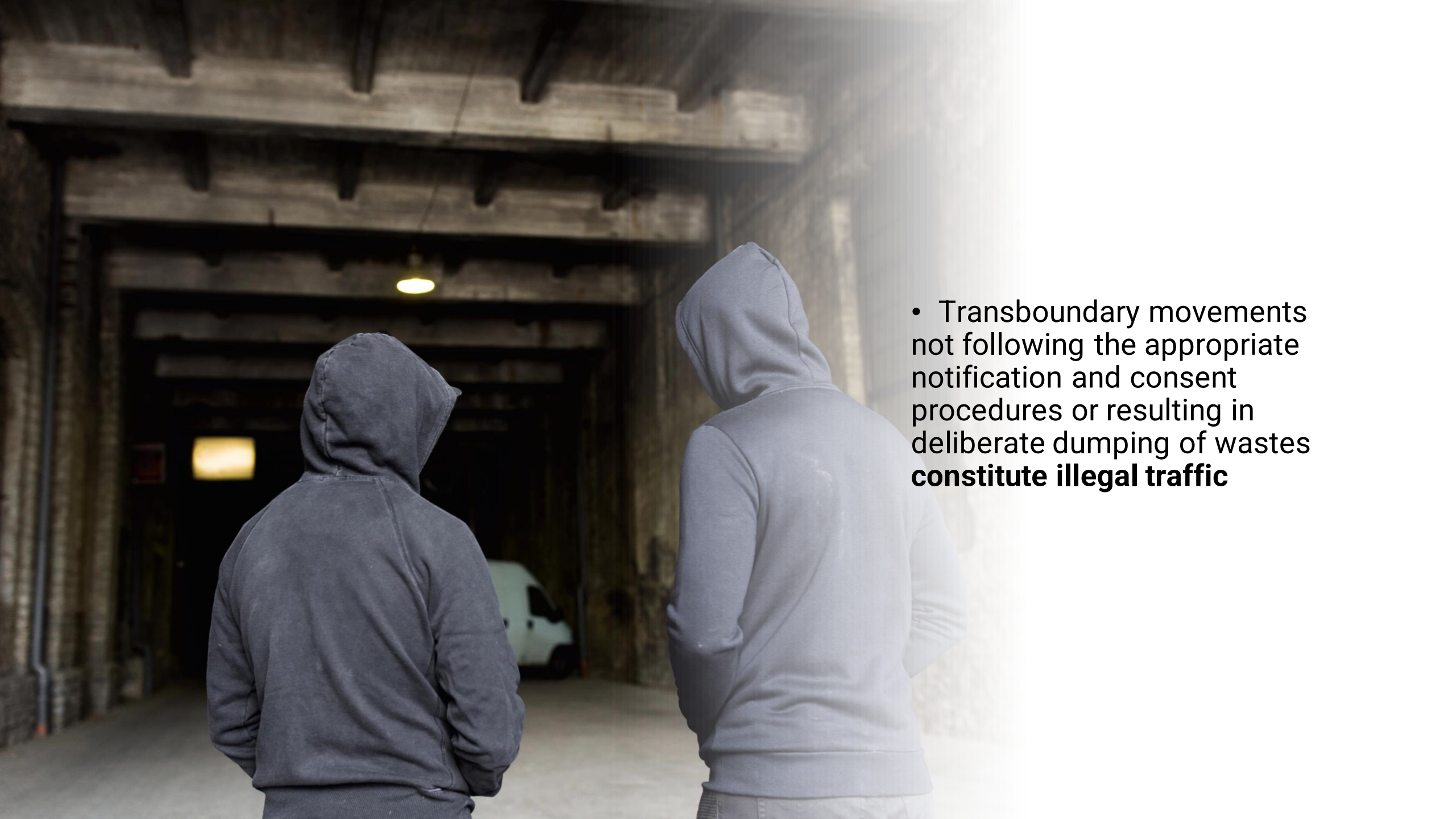
- **All amendments to the Basel Convention:**
 - Ban Amendment (2019)
 - Plastic Waste Amendments (2022)
 - E-waste Amendments (2025)
- **have implications for enforcement and illegal traffic**



E-waste amendments adopted by BC COP-15 in 2022

- Enlarged the control of transboundary movements of e-waste and making all electronic and electrical waste subject to the prior informed consent (PIC) procedure.
- Become effective on 1 January 2025
- **2025 is a critical year for Competent Authorities of the Basel Convention and Customs to prepare for the enforcement of the amendments**

HS code: 85.49 Electrical and electronic waste and scrap



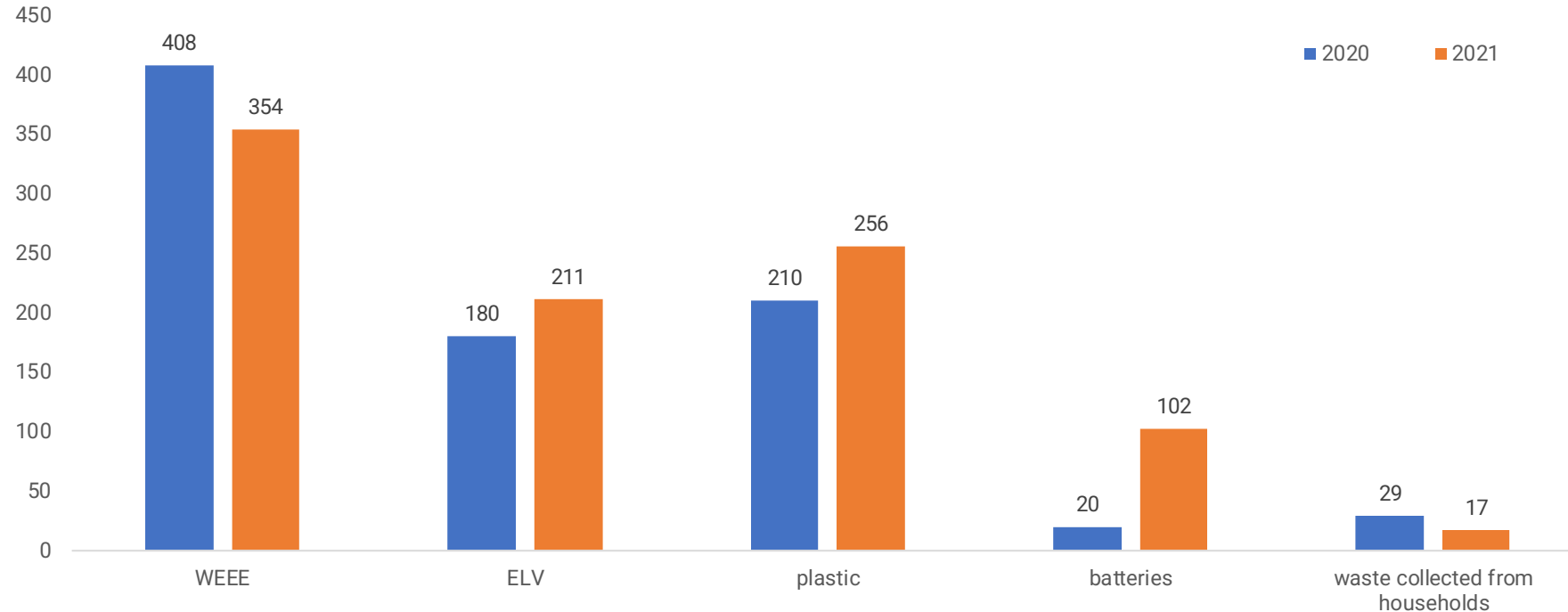
- Transboundary movements not following the appropriate notification and consent procedures or resulting in deliberate dumping of wastes **constitute illegal traffic**

Scoping the extent of illegal traffic*

Three main waste streams: WEEE, ELVs and plastic waste



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Several Parties also reported illegal shipments of wastes listed in the **annex IX** to the Basel Convention (e.g., tires, paper, metals).

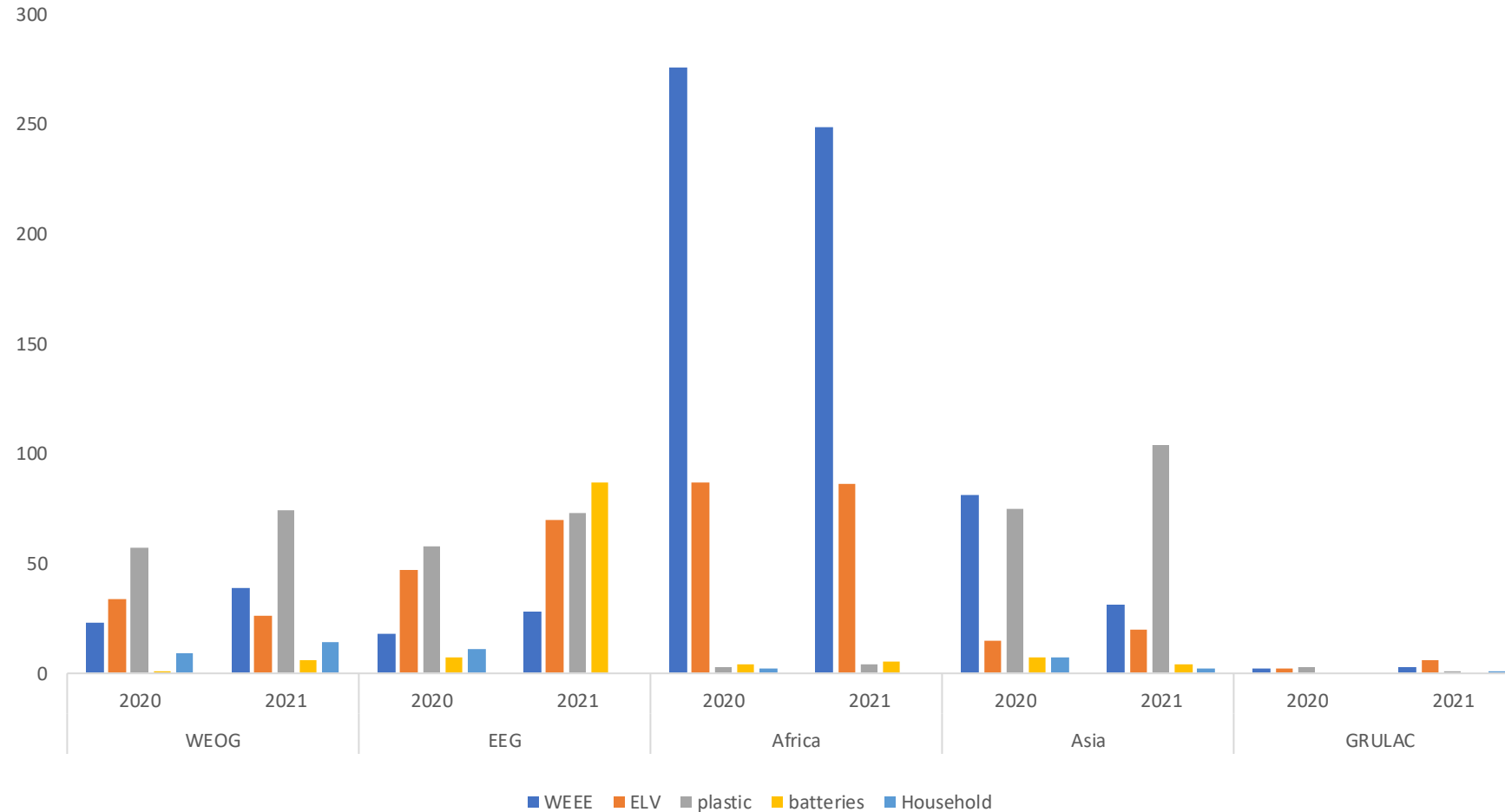
*Draft report prepared by the Implementation and Compliance Committee (ICC) of the Basel Convention

Scoping the extent of illegal traffic

The most frequent **waste streams** subject to illegal traffic by **regional destination**



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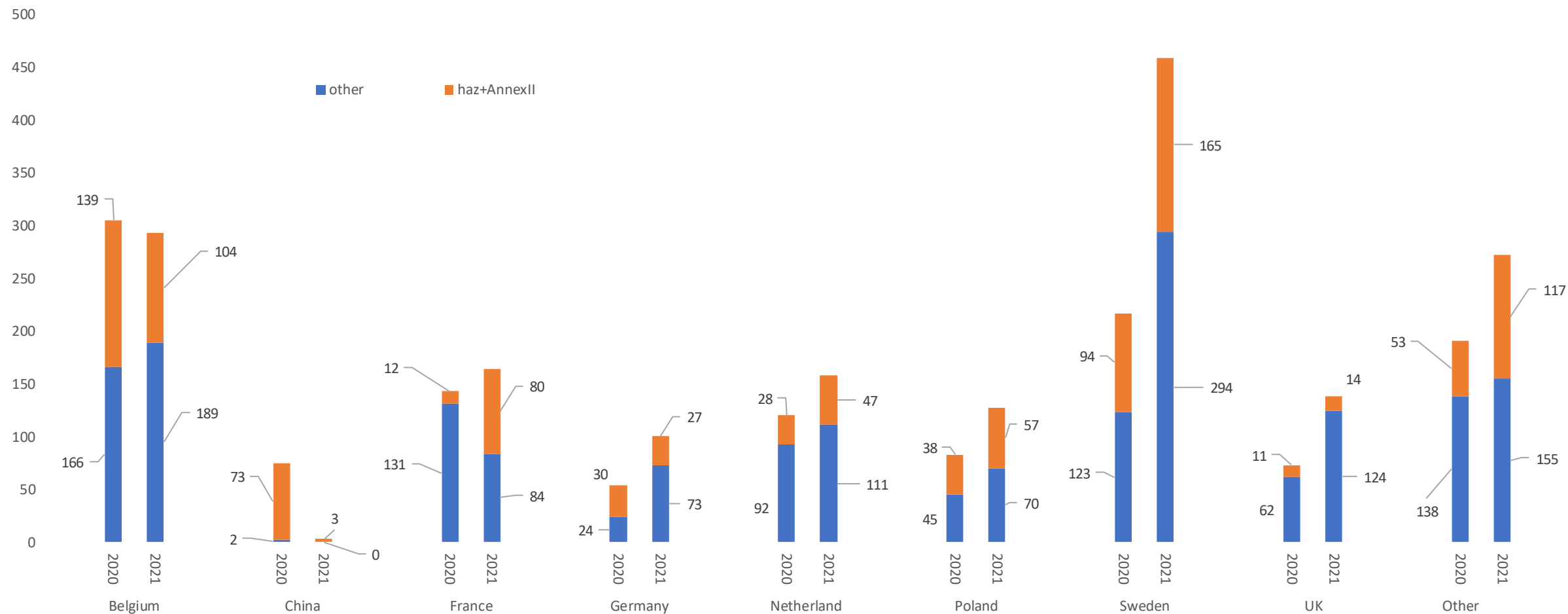
***Draft report prepared by the Implementation and Compliance Committee (ICC) of the Basel Convention**

Scoping the extent of illegal traffic*



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- **1259** reported closed cases of illegal traffic in **2020**
- **1714** reported closed cases of illegal traffic in **2021**
- Parties having reported the **greatest number of closed cases of illegal traffic for 2020 and 2021**: Belgium, China, France, Germany, Netherlands, Poland, Sweden and UK



*Draft report prepared by the Implementation and Compliance Committee (ICC) of the Basel Convention

Implementation challenges

- Classification:
 - Waste vs non-waste
 - Hazardous vs non-hazardous
- Comprehensive legislation and enforcement
- Delays in PIC procedure
- Regional approach
- Combatting illegal traffic, take-back procedure



In conclusion

- Trade / Transboundary movements and the environmentally sound management are closely related.
- Enlarging or clarifying the scope of the Basel Convention translates into increased regulation of trade in waste and increased volume of illegal shipments, at least in the short term.
- Parties to the Basel Convention have the prerogative to adopt the regulatory measures related to trade in wastes. Trade sector can promote economic and market instruments to impact trade /consumption
- Inter-agency cooperation between the environment and trade sectors in controlling trade in waste and combatting illegal traffic
- PIC procedure is implemented by the Competent Authorities; other actors play a role in the implementation of the convention;
- Seizures of illegal shipments may be only a drop in an ocean. Much more is needed to bring illegal traffic under control.



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