

**OECD Council
Decision-Recommendation of the
Council on the Reduction of
Transfrontier Movements of Wastes
(adopted by the Council at its 750th
Session on 31st January 1991)**

Organisation for Economic Co-operation and Development (OECD)

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[Preamble]

THE COUNCIL,

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

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

Having regard to the Decision-Recommendation of the Council of 5th June 1986 on Exports of Hazardous Wastes from the OECD Area [C(86)64(Final)] which, inter alia, prohibits movements of hazardous wastes to a final destination in a non-member country without the consent of that country and the prior notification to any transit countries of the proposed movements;

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

Having regard to the Resolution of the Council of 18th-20th July 1989 on the Control of Transfrontier Movements of Hazardous Wastes [C(89)112(Final)];

Having regard to the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, adopted in Basel on 22nd March 1989;

Having regard to the Resolution of the Council of Ministers of the European Economic Community of 7th May 1990 on Waste Policy;

Noting that each Party to the Basel Convention of 22nd March 1989 is obligated to “take appropriate measures to ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes, that shall be located, to the extent possible, within it, whatever the place of their disposal”;

Recognizing the desirability of appropriately controlled international trade in waste materials* destined for environmentally sound operations leading to resource recovery, recycling, reclamation, direct re-use or alternative uses (hereafter referred to as “Recovery Operations”);

Convinced of the need to reduce transfrontier movements of all wastes to the minimum consistent with environmentally sound and efficient management; * For purposes of this Decision-Recommendation, the terms “wastes” and “waste materials” include all wastes subject to controls under terms of the Basel Convention of 22nd March 1989

and all other wastes subject to transfrontier movements control of the exporting and importing Member countries.

Convinced that the basic principles for the management of wastes must be, first, to prevent and reduce, as far as possible, the generation of such wastes and, secondly, to increase the proportion of such wastes that is recycled or re-used; 13

Noting that many industrial sectors are already implementing waste recovery techniques in an economically and environmentally satisfactory fashion, and convinced that further efforts in this direction are necessary and should be encouraged; 14

Recognising that efficient and environmentally sound management of wastes may justify some transfrontier movements of such wastes in order to make use of adequate recovery or disposal facilities in other countries; 15

Noting that most Member countries and the European Economic Community have become signatories to the Basel Convention of 22nd March 1989; 16

Convinced that international cooperation concerning the management of wastes should be founded upon agreements at governmental level; 17

Noting that some Member countries and the European Economic Community have already taken action to prevent the export of wastes subject to control under terms of the Basel Convention of 22nd March 1989 toward developing countries; 18

On the proposal of the Environment Committee; 19

I. DECIDES that, for wastes not to be subjected to recovery operations, Member countries shall: 20

a) consistent with environmentally sound and efficient management practices insofar as possible dispose in their own territory the wastes produced therein; 21

b) take action to reduce their transfrontier movements to the minimum justified by environmentally sound and efficient management; 22

c) on a continuing basis identify those wastes that cannot be managed in an environmentally sound manner within their territory. They shall encourage the establishment of additional and appropriate waste management infrastructure so that these wastes can be managed within their own territory and if such infrastructure cannot be established they shall cooperate by means of bilateral or regional plans agreed at governmental level meant to ensure environmentally sound management of the wastes. 23

II. DECIDES that Member countries shall cooperate in the collection of harmonised data on waste imports and exports and make these data publicly available consistent with their national laws on the confidentiality of business information. 24

III. RECOMMENDS that Member countries cooperate in developing and implementing the guidelines concerning reduction of transfrontier movements of wastes set out in the Annex to this Decision-Recommendation and in collecting the necessary data. 25

IV. RECOMMENDS that the initial plans referred to in Paragraph I(c) of this Decision-Recommendation be substantially completed prior to 1st January 1995. 26

V. INSTRUCTS the Environment Committee to consider further harmonisation of Member country lists of wastes, the transfrontier movements of which are subject to control. 27

VI. INSTRUCTS the Environment Committee in cooperation with other relevant OECD bodies, in particular the Trade Committee and the High Level Group on Commodities, to develop and implement a programme of activities concerning wastes destined for recovery operations. This programme, which shall take into account the work of, and shall be conducted in cooperation with, other international organisations and bodies, in particular the United Nations Environment Programme, the UN Economic Commission for Europe and the Commission of the European Communities, should in particular: 28

a) Clarify the definition of wastes and characterize those wastes which may require differing levels of control; 29

b) Identify and assess environmentally sound and economically efficient practices for recovery operations; 30

c) Develop means to appropriately determine quantities of wastes subjected to recovery operations as compared to those finally disposed; 31

d) Establish the current and potential role of the uses of wastes in substituting for primary raw materials and in preserving natural resources; 32

e) Delineate such controls as may be appropriate for the transfrontier movements of waste materials destined for recovery operations; 33

f) After assessment of the results of elements a) through e), if appropriate, develop the basis of a multilateral agreement pursuant to Article 11 of the Basel Convention of 22nd March 1989 which would govern transfrontier movements of these wastes exclusively among Member countries. 34

VII. INSTRUCTS the Environment Committee and other relevant OECD Committees to review periodically action taken by Member countries in pursuance of this Decision-Recommendation. 35

Annex - Guidelines Concerning Reduction Of Transfrontier Movements Of Wastes 36

The following guidelines are designed to aid in the development of harmonized policies concerning reduction of transfrontier movements of wastes. 37

1. Countries should determine quantities of wastes generated by type, e.g. wastes listed in the Annexes to the Basel Convention of 22nd March 1989, and develop a compatible methodology for reporting the data; 38

2. Countries should periodically compile and make available data concerning generation of wastes within their jurisdiction; 39

3. Countries should take steps to reduce to the greatest extent practicable the generation of wastes in particular by the promotion of clean technologies and clean products 40

and to encourage recycling, reclamation, resource recovery, direct re-use or alternative uses for any waste generated;

4. Countries should take steps to determine the capacity needed for environmentally sound treatment and disposal of those wastes generated within their jurisdiction; 41

5. Countries should take all practicable steps to ensure that adequate capacity for environmentally sound treatment and disposal of wastes is available within their jurisdiction; 42

6. For wastes which are subjected to transfrontier movements, e.g. those to be reported under terms of Council Resolution C(89)112(Final), countries should cooperate in further harmonizing the notification systems and procedures for control of such movements; 43

7. Countries through their coordination in the programme referred to in Paragraph VI of this Decision-Recommendation, should delineate appropriate controls for managing transfrontier movements of wastes which are destined for recovery operations in order that these activities are promoted while ensuring that human health and the environment are protected; 44

8. Where there is a lack of appropriate waste management infrastructure or where objective evaluations involving all parties-of-interest suggest that management of certain wastes in the country where they are generated is not justified, countries should, in conformity with Paragraph I(c) of this Decision-Recommendation, cooperate by means of bilateral or regional plans meant to ensure environmentally sound management of the wastes; 45

9. In the interest of promoting environmentally sound management of wastes, appropriate steps should be taken to provide technical assistance and training in the field of waste management to those countries in need of such assistance and who request it. 46

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