

## **Executive regulation of import, export and transit of waste based on the provisions of the Basel Convention:**

The resolution approved by the meeting dated 23 Feb 2022 of the Council of Ministers regarding the "Executive Regulations for the Import, Export and Passage of Waste Based on the Basel Convention Regulations" was communicated by the First Vice President through letter No. 160219 dated 2 March 2022.

The Cabinet of Ministers in the meeting on 23 Feb 2022 with the proposal No. 11838/100/1400 dated 29 June 2021 of the Department of Environment (in cooperation with the Ministries of Foreign Affairs, Roads and Urban Development, Ministry of Petroleum, Ministry of the Industry, Mining and Trade, and the ministry of Economic Affairs and Finance ) and based on Article 138 of the Constitution of the Islamic Republic of Iran and Article (14) of the Waste Management Law - approved in 2003 - and Article 1 of the Law allowing the Islamic Republic of Iran to become a member of the Basel Convention on the Control of Transboundary Transfers of Harmful Waste Materials and their Disposal - Approved 1992-, approved the executive regulation of import, export and transit of waste based on the provisions of the Basel Convention as follows:

Article 1- In this regulation, the following terms are used in their respective meanings:

1- Convention: Basel Convention on the Control of Transboundary Transfers of Harmful Waste Materials and get rid of them

2- Member country: a member country of the convention.

3- Organization: Department of Environment.

4- Competent authority: the deputy of human environment of the organization.

5- General Department: General Department of Environment of the province

6- Warehouse: where the import applicant unit is located, warehouse for export or customs establishment for transit.

7- Passage: customs procedure that includes the following:

A- Foreign transit: a customs procedure based on which goods are imported from one authorized customs office and exited from another authorized customs office under customs supervision in order to cross the customs territory.

B- Internal transit: a customs procedure based on which goods are transferred from one authorized customs office to another authorized customs office or other places under the supervision of the customs office so that final customs formalities are carried out at the destination.

7- Consignment: Consignment containing waste.

8- Disposal: all methods of eliminating or reducing the risks caused by waste, such as recycling, sanitary landfill, waste incineration and any action specified in Appendix (4) of the Convention (disposal operations).

9- Correct environmental management: actions that are carried out in order to prevent the creation and spread of pollution in the environment, according to the rules and standards of the organization's action criteria.

10- ISIC identifier (code): identifier (code) contained in the operating license related to the classification of all economic activities issued by the relevant authority.

11- Special (hazardous) wastes: wastes that due to the high level of at least one of the dangerous properties such as toxicity, pathogenicity, explosive or flammability, corrosiveness or similar and also belong to any of the groups listed in Appendix (1) (classification Waste materials that must be subjected to inspection (control) are considered as special (hazardous) waste unless they have the dangerous characteristics listed in Appendix (3) (the characteristics of hazardous waste materials).

12- Residues of Appendix (8) of the Convention: The wastes that are subject to the Convention include those mentioned in Appendix No. (1) (classification of waste materials that must be subject to inspection (control)) and have the characteristics found in Appendix No. (3) of the Convention (specifications of the hazardousness of waste materials).

13- Wastes of Appendix (9) of the Convention: wastes that are not hazardous unless they have the components of Appendix (1) (classification of waste materials that must be monitored and controlled) to the extent that they have the hazardous characteristics listed in Appendix (3) (specifications dangerous for waste materials).

14- Other wastes: wastes that are included in the group listed in Appendix (2) of the Convention (wastes that require special attention) and are transported across borders.

15- Applicant: a natural or legal person who intends to import, export or pass the waste subject to the convention.

16- Transport operator: all transport companies and institutions, organizations, factories and such, both governmental and non-governmental, that engage in the transportation of dangerous cargoes (products or raw materials) and have a valid license from the Ministry of Roads and urban planning.

17- Declaration: Declaration sheet (form) of the convention regarding cross-border transfers based on section (a) of appendix number (5) of the convention (information that must be provided when submitting the notification).

18- Order registration: Obtaining a permit to enter the country from the Ministry of Industry, Mining and Trade in Iran's Comprehensive Trade System after obtaining initial permits from the organization.

19- Certified laboratory: a laboratory that exists in the government and non-government sectors of the country and its ability to measure environmental factors (parameters) based on current rules and regulations,

Approval of the organization.

20- System: the comprehensive environmental management system by which the internal actions of the organization regarding waste transfers are carried out.

21- IPIAL system: the window system of the customs foreign trade unit.

Article 2- Any import, export and transit of special (hazardous) waste and other waste without complying with the provisions of the Convention, the provisions of this regulation and other national laws and regulations of waste management in the country is prohibited.

Article 3- The import and export of special (hazardous) waste and other waste from or to non-member countries is prohibited.

Article 4- It is mandatory to register all requests for import, export, transit, and clearance of materials subject to this regulation from commercial-industrial and special economic free zones in the system.

All guides on how to register and track applications must be included in the system by the organization.

Article 5- Any assignment of import, export or transit of special (hazardous) waste to others is prohibited. Violators are obliged to implement Article (17) of the Waste Management Law - approved 2003 - as determined by the organization, to return the waste subject to the convention to the country of origin or, if possible, to manage it inside the country, under the supervision of the organization and at their own expense, in compliance with proper environmental management to get rid of the wastes.

Article 6- Export, import and transit of wastes in compliance with the national standard of the country for packaging and transportation of special materials with the Iranian standard number (2925) and the executive regulations for the road transportation of hazardous materials subject to approval letter No. 44870/T20029H dated 12/27/ 1380 and its subsequent amendments are carried out.

Article 7- The waste included in the appendices of the convention are included in this regulation, and the waste of defense sectors and special radioactive waste are not included in the scope of this regulation and are subject to their respective laws and regulations.

Article 8- The import of special (hazardous) waste and other wastes (Appendixes (8) and (2)) is prohibited to the country based on the provisions of the Convention and according to paragraph (g) of Article (122) of the Law on Customs Affairs - approved in 2010.

- In exceptional cases and in case of declaring the need to import a type of special waste or other related waste as a raw material by the Ministry of Industry, Mines and Trade (by providing the necessary justifications and documentation regarding the absence or shortage of the relevant raw material in the country) Importing this type of waste is allowed by the competent authority upon confirmation of proper environmental management in the recycler unit with operating license and ISIC ID (code).

Article 9- The license to import wastes subject to annexes (8) and (2) of the convention is subject to receiving the approval of the competent authority of the country of origin as follows:

Receiving the completed form of the declaration of the convention stamped with the seal of the competent authority of the country of origin regarding the agreement to the export of waste with the specifications of the intended cargo in Farsi or English through the e-mail of the competent authority.

Only e-mails received from the e-mail addresses of competent authorities introduced on the website of the convention will be considered.

Article 10- During the review of waste import procedures, it is necessary for the organization to verify the non-contamination of waste included in list (9) of the Convention with the special components of appendices (1) and (3) of the Convention.

Article 11- At the order registration stage, due to the lack of access to the contents of the shipment, it is mandatory to submit an official letter of commitment by the importer (recycler unit or business card holder). The letter of commitment is to carry out the analysis of the cargo before the relevant customs clearance and the return of the goods to the origin in case of contamination with special components (Appendix 1).

Note 1- Issuing the order registration permit regarding the waste listed in Appendix (9) of the convention for commercial card holders is subject to the introduction of the recycler unit with the approval of the correct environmental performance by the general administrations and the possession of the relevant ISIC ID (code).

Note 2- In case of temporary importation of the waste listed in Appendix (9) of the Convention by commercial card holders, the applicant must introduce the unit meeting the conditions listed in Note (1) of this article to the General Administration before proceeding with the importation. Otherwise, the related internal transit declaration will not be approved in the ELP webpage (<https://epl.irica.ir>) in order to pass the goods from the border customs to the customs of the relevant province.

Article 12- The export of wastes subject to the addendum numbers (2), (8) and (9) (if contaminated with special components) of the convention is subject to obtaining a permit from the competent authority of the destination country. In case the need for recycled materials of the above wastes is announced by the Ministry of Industry, Mines and Trade and also the announcement of the existence of recycling units with the relevant ISIC ID (code) in the country and the confirmation of their correct environmental management by the General Administration, based on paragraph (10) of Article 4) According to the convention, export is not possible and the receiving and managing units of such wastes inside the country are prioritized.

Article 13- Before any declaration of waste subject to addendum numbers (2), (8) and (9) (if it is contaminated with special components) at the country's customs, the export application must first be registered by the exporter in the system, and the required documents must be in accordance with The announced items should be loaded into the system. After the initial approval by the competent authority, the applicant must upload the action statement and the completed form in the system.

Article 14- In order to ensure the competent authority of the destination country's agreement with the export of waste included in addendum numbers (2), (8) and (9) (in case it is contaminated with special components), complete the convention declaration form in Persian or English language. It is necessary to the country of destination by the exporter.

Note- If testing is needed to determine the type of waste (determining whether it is special or non-special), sampling and analysis of the waste will be carried out by a trusted laboratory in the presence of a representative of the General Administration before loading, at the waste storage location, and the results will be announced to the General Administration. .

Article 15-The competent authority must send the letter and the completed declaration form to the competent authority of the destination country or the country/countries of transit (if any), in order to obtain an export or transit permit.

Note- If no response is received from the transit country, if the general opinion for transit is not included in the convention questionnaire for that country, which is completed annually by the members, transit through the relevant country is not allowed. It is not allowed to start exporting until receiving written consent from the country of transit.

Article 16- It is mandatory for the applicant to upload the summaries or contents of the insurance policies to the extent of the prescribed responsibilities, according to the regulations and contracts and transportation documents.

In order to remove the pollution caused by any accidents during transportation and cleaning the environment, the responsibility of the applicant or other involved factors will be determined based on the documents listed in this article.

Article 17- Regarding the wastes of the annex (8), the exporter must inform the general administration of the loading time to monitor and carry out the necessary coordination of customs affairs and transportation affairs.

Article 18- The applicant is required to enter the following information in the system:

1- The type, composition and amount of waste.

- 2- Time of entry or exit of waste to/from the country.
- 3- The name of the country of origin/destination of waste production separately in each invoice.
- 4- Notification of waste collection in the unit related to the General Administration of waste import.
- 5- Notification of the end of the recycling or disposal process to the General Administration of waste import.

Note- Performing the process of issuing the order registration license for the import of a subsequent shipment is subject to the submission of the documents referred to in clauses (4) and (5) of this article to the General Administration in the system.

Article 19- Regarding the import or export shipments of waste, analysis by trusted laboratories must be done in accordance with the organization's guidelines.

The accredited laboratory must have a certificate with a valid date in conducting analysis for the tested factors (parameters) of the waste included in the annexes of the convention.

Article 20- Due to the hazardous capacity of some wastes included in Annex (8) of the Convention for the Country's Environment, the permit for foreign transit of hazardous wastes with identifier (code) H1, H3, H1,4, H2,4, H3,4, H1,6, H2,6, H10, H11 and 12H in accordance with Appendix (3) of the Convention are not issued from the water, land (road and rail) and air territories of the country.

Article 21- Issuance of foreign transit permit for other special (hazardous) waste according to the identifier (codes) of Annex (3) of the Convention is reviewed by the competent authority and if approved, it is mandatory for the applicant to enter the following information in the system:

- 1- The completed form (form) of the declaration of the convention (in English) sealed with the seal and signature of the competent authority of the convention of the country of origin to obtain permission from the country of destination.
- 2- Official approval of the destination country for import from the country of origin.
- 3- Other information required by the organization, including the characteristics of the cargo, the necessity of its external transit through the territory of the Islamic Republic of Iran (if there is no alternative route), the route of the cargo, the response of other countries along the transit route, the approximate timing of the transit, and insurance policies and transportation contracts.
- 4- Notifying the traffic police, the general administrations of highways and road transportation and the Red Crescent of the provinces where the cargo passes by the general administration through correspondence in order to prepare for possible road accidents and risks caused by the transportation of special (hazardous) waste.

- 5- Official letter of commitment in the system, stating not to carry out any loading, unloading or unsealing of the cargo while passing through the country, and also the obligation to clean up any environmental pollution caused by the leakage or release of the contents of the cargo into the environment.
- 6- All international licenses and documents and technical standards of the transport operator for the safe transportation of special (hazardous) waste in accordance with the announcement of the Road and Road Transport Organization.
- 7- Pre-invoice (invoice) of the shipment.
- 8- Identity details of the foreign transit permit applicant, including name, surname, mobile phone number, national card or passport number.

Article 22- In case of any accident, the following measures will be taken:

- 1- The transport operator should notify the general environmental protection and crisis management departments of the province as soon as possible.
- 2- All necessary measures and basic principles in accordance with relevant regulations to prevent the spread and development of environmental pollution at the place of occurrence and to clean up the area by the transport operator.

Note- The instructions on how to clean up and prevent environmental pollution are compiled by the organization in cooperation with the ministries of the country and road and urban development and related institutions and communicated to the relevant institutions.

Article 23- The foreign transit of wastes of Annexure (9) of the Convention requires obtaining a permit from the General Administration of the location of the entry customs. It is mandatory for the applicant to enter the following documents in the system:

- 1- Customs confirmation of the declarant (entry) regarding foreign transit.
- 2- Declarant's customs name (entry).
- 3- The name of the customs office of departure (destination).
- 4- All specifications and documents of the activity of the transport operator company.
- 5- Pre-invoice (invoice).
- 6- Image of all insurances and shipping documents.
- 7- Official commitment in the system including no loading and unloading during the passage and cleaning in case of an accident.

Note- The organization and customs of the Islamic Republic of Iran are required to connect the system and the ELP system (custom office website) within three months.

Article 24- The internal transit of all wastes is considered as the entry of wastes into the country and is carried out according to the conditions announced in this regulation.

Article 25- For waste clearance from commercial-industrial and special economic free zones of the country, subject to ensuring that the source of waste production is related to the commercial-industrial and special economic free zone and not outside the territory of the country, the same procedure for

transporting the waste internally is the same and the issuance of the license depends on the declaration of the CEO of the commercial-industrial and special economic free zone to the custom office.

Article 26- If, based on the certificate of origin, the source of the waste is outside the territory of the country and enters the country through free commercial-industrial and special economic zones, it is subject to the rules and regulations of the convention and based on the import procedure in accordance with the provisions of this regulation.

Article 27- Regarding the export of waste through commercial-industrial and special economic free zones to other countries, based on the export procedure according to the provisions of this regulation.

**Mohammad Mokhbar**

**First Vice President**

**Translated:** 12 February 2023