

**AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE TRANSBOUNDARY MOVEMENT OF HAZARDOUS WASTES FROM THE PHILIPPINES TO THE UNITED STATES**

The Government of the Republic of the Philippines (the Philippines) and the Government of the United States of America (the United States), hereinafter referred to as "The Parties,"

**RECALLING**, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (the "Basel Convention");

**RECALLING**, Article 4 (5) of the Basel Convention, which provides that a Party shall not permit hazardous wastes or other wastes to be exported to a non-Party;

**RECALLING**, also Article 11 (1) of the Basel Convention, which provides that, notwithstanding Article 4(5), a Party may enter into an agreement with a non-Party provided that such agreement does not derogate from the environmentally sound management of hazardous wastes as required by the Convention and that such agreement stipulates provisions not less environmentally sound than those provided by the Convention;

**HAVE AGREED AS FOLLOWS:**

**ARTICLE 1  
DEFINITIONS**

For purposes of this Agreement:

- (a) "Competent authority" means, in the case of the Philippines, the Environmental Management Bureau of the Department of Environment and Natural Resources, and in the case of the United States, the United States Environmental Protection Agency.
- (b) "Hazardous Wastes" means those materials that are regulated as hazardous wastes under either Philippine or United States law.
- (c) "Management" means the collection, transport and disposal, recycling, treatment and disposal of hazardous wastes.
- (d) "Environmentally sound management of hazardous wastes" means taking all practicable steps to ensure that hazardous wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes.
- (e) "Contract" means the legally-binding agreement between the exporter and the importer for environmentally sound management of the hazardous wastes.

(f) "Exporter" means any person under the jurisdiction of the Philippines who arranges for hazardous wastes to be exported.

(g) "Importer" means any person under the jurisdiction of the United States who arranges for hazardous wastes to be imported.

## **ARTICLE 2 PURPOSE AND SCOPE**

The purpose of the Agreement is to provide a framework for the transboundary movement of hazardous wastes that are shipped from the Philippines to the United States for environmentally sound management.

## **ARTICLE 3 GENERAL OBLIGATIONS**

The Parties hereby undertake to comply with the terms and conditions applicable to them under this Agreement, in particular with regard to transboundary movements of hazardous wastes undertaken pursuant to this agreement, and acknowledge that with regard to such movements the Philippines agrees to apply relevant provisions of the Basel Convention not included herein.

## **ARTICLE 4 NOTICE AND CONSENT**

1. The competent authority of the Philippines shall notify in writing the competent authority of the United States of the proposed transboundary shipments of hazardous wastes to be carried out under this Agreement.

2. The notice referred to in paragraph 1 above may cover an individual shipment or a series of shipments extending over a twelve – month or lesser period where the hazardous wastes in question have the same physical and chemical characteristics and are shipped regularly to the same facility via the same customs office of exit in the Philippines and the same customs office of entry in the United States. If any information in the notice changes, then a new notice shall be provided.

3. The notice referred to in paragraph 1 above shall contain the declarations and information, written in the English language, specified in Annex V of the Basel Convention.

4. With respect to materials that are regulated as hazardous wastes under United States law:

(a) The competent authority of the United States shall, in accordance with applicable United States law, respond to the competent authority of the Philippines in writing, consenting to the shipment with or without conditions, denying permission for the shipment, or requesting additional information. The competent authority of the United States shall seek to respond within 30 days of receipt of this notice.

(b) The consent of the competent authority of the United States, including a conditional consent, may be withdrawn or modified for good cause; in such case, the United States shall notify the Philippines within (30) days of the United States Competent Authority's discovery of the good cause. "Good cause" means the introduction of new facts or