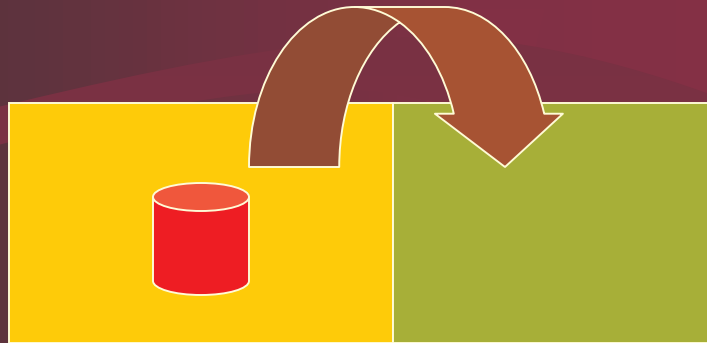
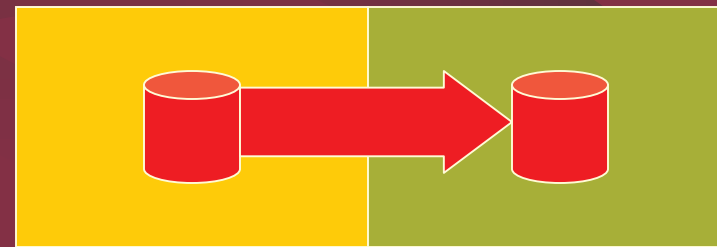


Pollution and transboundary transfer of potentially hazardous substances: concepts



Pollution



Transboundary management
of hazardous substances

Pollution

Definition of pollution (OECD 1974):

„Pollution means the introduction by man, directly or indirectly, of substances or energy into the environment, resulting in deleterious effects of such a nature as to endanger human health, harm living resources and ecosystems, and impair or interfere with amenities and other legitimate uses of the environment.“

Pollution

Definition of pollution: Elements (Springer 1983)

1. Source of pollution: The range of human activities that can give rise, directly or indirectly, to detrimental environmental effects
2. Polluting agent: A substance or energy that is created or displaced by the source and that produces the detrimental effect

Pollution

3. Medium by which the polluting agent is transmitted (e.g. atmosphere, hydrosphere, food chains, international trade)
4. Detrimental effects on the environment, which must reach a certain level of gravity to be legally relevant

Pollution

International agreements on pollution control exist in the following areas:

1. Marine pollution (global and regional)
2. Pollution of international watercourses (global and regional)
3. Air pollution (regional)
4. Persistent Organic Pollutants (POPs) (global and regional)

Pollution

Legal regulation: Transboundary and global approaches

- Pollution source is situated in State A, effects are felt in neighbouring State B => transboundary approach (traditional rules of international law)

Pollution

Legal regulation: Transboundary and global approaches

- Polluting agents are dispersed over long distances; diffuse pollution (e.g. pollution of the oceans and the air, Persistent Organic Pollutants) \Rightarrow global approach (modern MEAs)

Transboundary transfer of potentially hazardous substances

Definition: Active and deliberate transfer of a potentially hazardous substance from the territory of a state into the territory of another state or into an area outside national jurisdiction (often in the context of international trade)

Transboundary transfer of potentially hazardous substances

International agreements exist in the following areas:

1. Hazardous wastes
2. Potentially hazardous chemicals
3. Genetically modified organisms
4. Radioactive wastes and spent fuel

Transboundary transfer of potentially hazardous substances

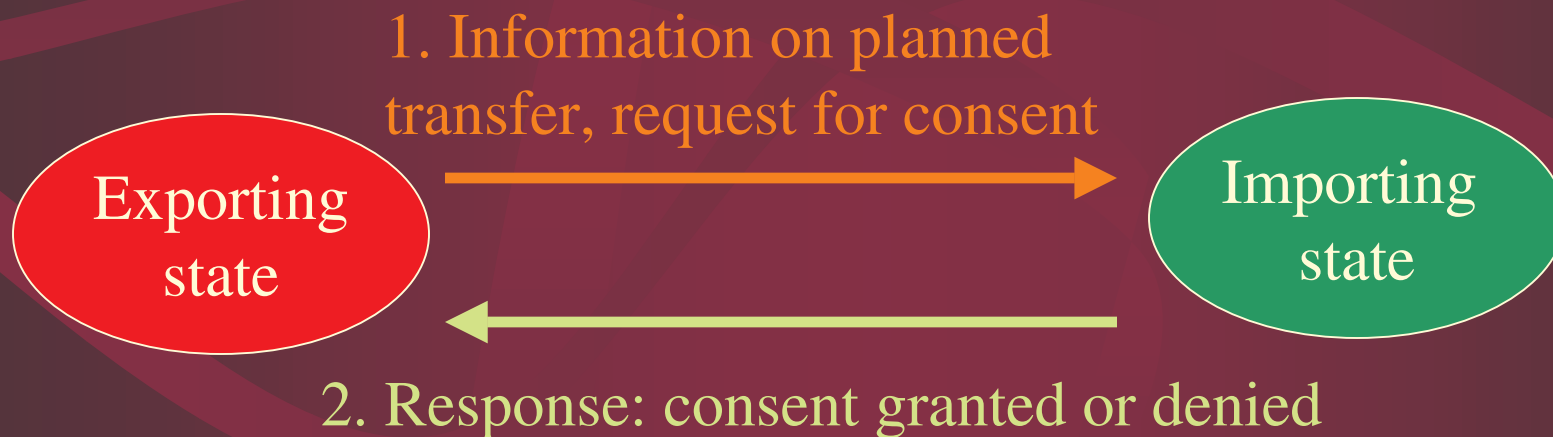
Legal regulation: Transboundary approach

- Existing MEAs lay down the rights and obligations of exporting and importing (and transit) states

Transboundary transfer of potentially hazardous substances

Basic concept of relevant MEAs

**Prior Informed Consent (PIC) =
Advanced Informed Agreement (AIA)**



Transboundary transfer of potentially hazardous substances

1. *Exporting state* ensures transmission of detailed information on planned transfer to importing state (and transit state)
2. *Importing (and transit) state* assesses the information and on that basis grants or denies consent to transfer
3. *Exporting state* allows transfer to proceed only if and when written consent has been granted by all states concerned