



European Metals comments on Annex I & III of the Basel Convention

[European Metals](#), representing non-ferrous metals producers, transformers and recyclers in Europe, would like to contribute with its comments the draft texts of Annexes I & III to the Basel Convention that were revised during the EWG RA-7 meeting (November 2025) and discussed the last OEWG meeting (June 2026).

Our feedback concerns:

- Annex I – comments on individual metal entries
- Annex III – support to the derogation for pure metal alloys in massive form.

Annex I – detailed comments

1) Exemption for metal alloys in their massive form

We would like to stress that the addition in the subheading “*Categories of wastes to be controlled – Waste having as constituents*” of new entries from the non-ferrous metals such as aluminium, cobalt, copper, nickel, silver, zinc, vanadium should be accompanied by an **exemption for metal alloys in their massive form** to avoid unintended consequences for the classification of alloys and transport of waste.

Therefore, **Annex I** and **III** of the Basel Convention should **clearly refer to an exemption for metals in massive form**, confirming the approach of the European Union legislation (i.e. [Decision 2014/955/EU](#)) stating that the concentration limits defined in Annex III to Directive 2008/98/EC **do not apply to pure metal alloys in their massive form**.

2) Comments on individual metal entries

Cobalt

We propose the consideration of the addition of ‘dispersible forms’ to the **Annex I A5 entry** on Cobalt and cobalt compounds. This would support the existing wording in Annex IX entries *B1010* ‘metal and metal-alloy wastes in metallic non-dispersible form: cobalt scrap, tungsten scrap’; *B1120* ‘spent catalysts excluding liquids used as catalysts, containing any of: cobalt’ and *B2030* ‘ceramic wastes contained in non-dispersible form: cermet wastes and scrap (metal ceramic composites), as well as the previous proposed exemption for pure metal alloys form in Annex III.



If the A5 entry is not limited to the dispersible forms, this could have unintended consequences on the classification, transport and recycling of cobalt massives, particularly hard metal.

Therefore, Annex I A5 entry should be amended to ‘cobalt and cobalt compounds (dispersible forms)’.

Lithium

The **A2 entry under Annex I**, lists **inorganic lithium compounds** while the hazard identification/classification of the lithium salts in the EU is not yet formally published in the Official Journal, and the scrutiny period of EU Parliament and Council has not even started. The classification also differs from the hazard identification in other jurisdictions:

The United Kingdom is still evaluating the classification of the same lithium salts. The UK Health and Safety Executive technical report highlighted in August 2023 that ‘this mandatory classification and labelling (MCL) has not been agreed and/or adopted in Great Britain.’

An independent expert round table was organized in March 2025 on the two endpoints driving the classification, attended by representatives from the UK HSE and the outcomes have been made to the UK HSE and the EU member States. The experts disagreed with the classification proposed by ECHA.

Canada, has identified [Lithium containing substances](#) (16 CAS RNs, including these three inorganic Lithium compounds) as being of low concern using the ecological risk classification of inorganic substances and biomonitoring or rapid screening science approaches ([here](#)).

Several other countries (Argentina, Australia, Chile, U.S.) have expressed concerns regarding the EU classification and seem to reach a different conclusion on the intrinsic hazard of the substances, creating inconsistencies at global level. Comments on the classification can still will be submitted through the WTO [consultation](#) ending on 26 January 2026.

Therefore, we don’t see appropriate that the justification for the inclusion of the lithium salts is the classification based on the RAC opinion while the classification is not included in the CLP Regulation Annex VI yet and several countries express disagreements, creating an issue of consistency and uneven level playing field.

Nickel



The proposed **Annex I entry A4 on ‘Nickel, nickel compounds’** is very broad and could have unintended implications for the classification and transport of waste.

If metallic nickel is added to Annex I (and in the absence of an exemption for alloys in Annex III), there could be unintended consequences for the classification of nickel-containing alloys in waste, with negative impacts for several products and value chains.

For example, safe alloys such as stainless steels where nickel is present as an alloying element, would have to be classified as hazardous waste under the Basel regime. This would not be justified because stainless steels are generally considered as non-hazardous to human health or the environment and are regularly used in applications where safety and hygiene are essential (e.g. materials in contact with drinking water, food, or in medical devices). This is because the alloying elements in stainless steel are firmly bonded in its chemical matrix.

Therefore, on the proposed Annex I entry A4 the alternative amendment proposal (A4 ALT) is preferred as that has a narrower scope, suggesting to include only “Nickel compounds” without metallic nickel which has a lower hazard classification.¹

Silver

The proposed description on the **Silver compounds (A6) entry** and the reference/justification based on Swedish Chemicals Agency (KEMI) proposal for silver metal are not correct and don't refer to the same entity (silver compound vs. silver metal).

For information, the [Delegated Regulation](#) on the 22nd Adaptation to Technical Progress (ATP) of the Classification, Labelling and Packaging ([CLP](#)) Regulation has been published in the EU's Official Journal **on 30 September 2024**. The measure will **enter into force on 20 October 2024**. The silver metal harmonized classification applies from **1 May 2026**.

The RAC (Risk Assessment Committee) **opinion** for silver nitrate classification has been published on 30 September 2025. The European Commission proposed a delegated act to include this classification in the 25th ATP to the CLP to be published in the coming months.

Kemi submitted **a proposal** to harmonize the classification of silver chloride on 21 May 2025 and submitted the dossier for accordance check on 28 November 2025. The public consultation closed on 9th July 2026. RAC discussions are expected in the coming months.

¹ Source: Nickel Institute input submitted on 8th March 2024 to this consultation, in their capacity as observer to EWG RA.



It is recommended to use the available harmonized classification or RAC opinion but not the Kemi proposals and to make a clear difference between silver metal (massive, powder and nano) and silver compounds.

Annex III – detailed comments

It is important to **include a derogation for metals in massive forms** to avoid unintended consequences on the classification of alloys and transport of waste. For example, without such an exemption, alloys such as stainless steel, where nickel is present as an alloy element, would have to be classified as hazardous waste. This would not be justified as stainless steels are safe and non-hazardous to human health or the environment, being the alloying elements firmly bonded in its chemical matrix and the release of any of its constituents very low and negligible.

If the exemption is not included, metal alloy scrap containing nickel or cobalt (as metals) would have to be listed as hazardous wastes under the Basel regime although being listed as non-hazardous wastes under European legislation.

Annex I and III need to be cross-linked by the statement confirming the approach of the European Union legislation (i.e. [Decision 2014/955/EU](#)), which provides that the concentration limits of Annex III to Directive 2008/98/EC do not apply to pure metal alloys in their massive form.

Even though concentration limits are no longer for discussion, we support including in the introduction of Annex III a reference that exempts metal waste in massive form.

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