



APPENDIX

The Directive's Instruments and Where the United States Stands on Them

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The *Stanford Law Review* is publishing this Appendix to support Luca Enriques, Matteo Gatti & Roy Shapira, *How the EU Sustainability Due Diligence Directive Could Reshape Corporate America*, 78 *STAN. L. REV.* 241 (2026). This Appendix has only been lightly edited for formatting and style, and the *Stanford Law Review* has not independently reviewed the data and analysis herein.

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The following three tables summarize the human rights and other relevant international treaties, declarations, and conventions in respect of which due diligence may be required under the CS3D. The column titled “Rights, Prohibitions, and Relevant Instruments” reproduces the text of the Annex to the CS3D. The “Point” column reproduces the numbers provided in the Annex. The rightmost column, prepared by the Authors, indicates the position of the United States with respect to the relevant instruments. Note that the Commission is empowered to add additional international law instruments under article 3(2)(a) of the CS3D. The headings for the three tables replicate those found in the Directive.

Table 1

CS3D Annex Part I, Section 1: Rights and Prohibitions Included in International Human Rights Instruments

Point	Rights, Prohibitions, and Relevant Instruments	Position of the United States
1.	The right to life, interpreted in line with Article 6(1) of the International Covenant on Civil and Political Rights. The abuse of that right includes, but is not restricted to, private or public security guards protecting the company’s resources, facilities or personnel causing the death of a person due to a lack of instruction or control by the company; ¹	Ratified but subject to reservations, understandings, and declarations (the United States reserves the right to impose capital punishment in certain circumstances) ²
2.	The prohibition of torture, cruel, inhuman or degrading treatment, interpreted in line with Article 7 of the International Covenant on Civil and Political Rights. This includes, but is not restricted to, private or public	Ratified but subject to reservations, understandings, and declarations (the United States’ reservation to the

1. International Covenant on Civil and Political Rights, art. 6(1), Dec. 19, 1966, T.I.A.S. No. 92-908, 999 U.N.T.S. 171 [hereinafter ICCPR].

2. International Covenant on Civil and Political Rights, Dec. 16, 1966, 1676 U.N.T.S. 543 [hereinafter ICCPR Ratification]. In addition to reservations, understandings, and declarations that affect specific provisions of the ICCPR, the United States has made a general declaration “that the provisions of Articles 1 through 27 of the Covenant are not self-executing.” *Id.* at 543-45. The United States has also issued an understanding that “this Covenant shall be implemented by the Federal Government to the extent that it exercises legislative and judicial jurisdiction over the matters covered therein, and otherwise by the state and local governments; to the extent that state and local governments exercise jurisdiction over such matters, the Federal Government shall take measures appropriate to the Federal system to the end that the competent authorities of the state or local governments may take appropriate measures for the fulfillment of the Covenant.” *Id.* at 545.

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	security guards protecting the company's resources, facilities or personnel subjecting a person to torture or cruel, inhuman or degrading treatment due to a lack of instruction or control by the company; ³	ICCPR provides that "cruel, inhuman or degrading treatment or punishment' means the cruel and unusual treatment or punishment prohibited by the Fifth, Eight [sic], and/or Fourteenth Amendments to the Constitution of the United States") ⁴
3.	The right to liberty and security, interpreted in line with Article 9(1) of the International Covenant on Civil and Political Rights; ⁵	Ratified but subject to reservations, understandings, and declarations (the United States issued a general declaration that means Article 9 of the ICCPR is not self-executing) ⁶
4.	The prohibition of arbitrary or unlawful interference with a person's privacy, family, home or correspondence and unlawful attacks on their honor or reputation, interpreted in line with Article 17 of the International Covenant on Civil and Political Rights; ⁷	Ratified but subject to reservations, understandings, and declarations (the United States issued a general declaration that means Article 17 of the ICCPR is not self-executing) ⁸
5.	The prohibition of interference with the freedom of thought, conscience and religion, interpreted in line with Article 18 of the International Covenant on Civil and Political Rights; ⁹	Ratified but subject to reservations, understandings, and declarations (the United States issued a general declaration that means

3. ICCPR, *supra* note 1, art. 7.

4. ICCPR Ratification, *supra* note 2, at 543.

5. ICCPR, *supra* note 1, art. 9(1).

6. ICCPR Ratification, *supra* note 2, at 545.

7. ICCPR, *supra* note 1, art. 17(1).

8. ICCPR Ratification, *supra* note 2, at 549.

9. ICCPR, *supra* note 1, art. 18(1).

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		Article 18 of the ICCPR is not self-executing) ¹⁰
6.	The right to enjoy just and favorable conditions of work, including a fair wage and an adequate living wage for employed workers and an adequate living income for self-employed workers and smallholders, which they earn in return from their work and production, a decent living, safe and healthy working conditions and reasonable limitation of working hours, interpreted in line with Articles 7 and 11 of the International Covenant on Economic, Social and Cultural Rights; ¹¹	Not ratified (but signed) ¹²
7.	The prohibition to restrict workers' access to adequate housing, if the workforce is housed in accommodation provided by the company, and to restrict workers' access to adequate food, clothing, and water and sanitation in the workplace, interpreted in line with Article 11 of the International Covenant on Economic, Social and Cultural Rights; ¹³	Not ratified (but signed) ¹⁴

10. ICCPR Ratification, *supra* note 2, at 545.

11. International Covenant on Economic, Social and Cultural Rights arts. 7, 11, Dec. 16, 1966, S. TREATY DOC. NO. 95-19 (1978), 933 U.N.T.S. 3 [hereinafter ICESCR].

12. S. TREATY DOC. NO. 95-19 (1978) [hereinafter ICESCR Status].

13. ICESCR, *supra* note 11, art. 11.

14. ICESCR Status, *supra* note 12.

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8.	<p style="text-align: center;">The right of the child to the highest attainable standard of health, interpreted in line with Article 24 of the Convention on the Rights of the Child;¹⁵</p> <p style="text-align: center;">The right to education, interpreted in line with Article 28 of the Convention on the Rights of the Child;¹⁶</p> <p style="text-align: center;">The right to an adequate standard of living, interpreted in line with Article 27 of the Convention on the Rights of the Child;¹⁷</p> <p style="text-align: center;">The right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, interpreted in line with Article 32 of the Convention on the Rights of the Child;¹⁸</p> <p style="text-align: center;">The right of the child to be protected from all forms of sexual exploitation and sexual abuse and to be protected from being abducted, sold or moved illegally to a different place in or outside their country for the purpose of exploitation, interpreted in line with Articles 34 and 35 of the Convention of the Rights of the Child;¹⁹</p>	Not ratified (but signed) ²⁰
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15. Convention on the Rights of the Child art. 24, Nov. 20, 1989, 1577 U.N.T.S. 3 [hereinafter CRC].

16. *Id.* art. 28.

17. *Id.* art. 27(1).

18. *Id.* art. 32.

19. *Id.* arts. 34-35.

20. LUISA BLANCHFIELD, CONG. RSCH. SERV., R40484, THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD 4 (2015) [hereinafter CRC Status].

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9.	<p>The prohibition of the employment of a child under the age at which compulsory schooling is completed and, in any case, is not less than 15 years, except where the law of the place of employment so provides in line with Article 2(4) of the International Labour Organization Minimum Age Convention, 1973 (No. 138);²¹ interpreted in line with Articles 4 to 8 of the International Labour Organization Minimum Age Convention, 1973 (No. 138);²²</p>	Not ratified ²³
10.	<p>The prohibition of the worst forms of child labor (persons below the age of 18 years), interpreted in line with Articles 2 and 3 of the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182).²⁴ This includes:</p> <p>(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, as well as forced or compulsory labor, including the forced or compulsory recruitment of children for use in armed conflicts;</p> <p>(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;</p> <p>(c) the use, procuring or offering of a child for illicit activities, in particular for the production or trafficking of drugs; and</p>	Ratified ²⁵

21. International Labour Organization Convention (No. 138) Concerning Minimum Age for Admission to Employment art. 2(4), June 26, 1973, 1015 U.N.T.S. 297.

22. *Id.* arts. 4-8.

23. *Id.* at 298.

24. International Labour Organization Convention (No. 182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour arts. 2-3, June 17, 1999, T.I.A.S. No. 13045, 2133 U.N.T.S. 161 (entered into force for the United States Dec. 2, 2000).

25. *Id.*

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	(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children;	
11.	<p>The prohibition of forced or compulsory labor, which means all work or service that is exacted from any person under the menace of any penalty and for which the said person has not offered himself or herself voluntarily, for example as a result of debt bondage or trafficking of human beings, interpreted in line with Article 2(1) of the International Labour Organization Forced Labour Convention, 1930 (No. 29);²⁶</p> <p>Forced or compulsory labor shall not mean any work or services that comply with Article 2(2) of the International Labour Organization Forced Labour Convention, 1930 (No. 29)²⁷ or with Article 8(3), points (b) and (c) of the International Covenant on Civil and Political Rights;²⁸</p>	<p>ILO Convention No. 29: Not ratified²⁹</p> <p>ICCPR: Ratified but subject to reservations, understandings, and declarations (the United States issued a general declaration that means Article 8 of the ICCPR is not self-executing)³⁰</p>
12.	The prohibition of all forms of slavery and slave-trade, including practices akin to slavery, serfdom or other forms of domination or oppression in the workplace, such as extreme economic or sexual exploitation and humiliation, or human trafficking, interpreted in line with Article 8 of the International Covenant on Civil and Political Rights; ³¹	Ratified but subject to reservations, understandings, and declarations (the United States issued a general declaration that means Article 8 of the ICCPR is not self-executing) ³²

26. International Labour Organization Convention (No. 29) Concerning Forced or Compulsory Labour art. 2(1), June 28, 1930, 39 U.N.T.S. 55 [hereinafter ILO Convention No. 29].

27. *Id.* at 58.

28. ICCPR, *supra* note 1, art. 8(3)(b)-(c).

29. *Ratifications for United States of America*, INT'L LAB. ORG., <https://perma.cc/VTL9-7VQQ>.

30. ICCPR Ratification, *supra* note 2, at 545.

31. ICCPR, *supra* note 1, art. 8.

32. ICCPR Ratification, *supra* note 2, at 545.

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13.	The right to freedom of association, of assembly, and the rights to organize and collective bargaining, interpreted in line with Articles 21 and 22 of the International Covenant on Civil and Political Rights; ³³	Ratified but subject to reservations, understandings, and declarations (the United States issued a general declaration that means Article 21 and 22 of the ICCPR are not self-executing) ³⁴
	Article 8 of the International Covenant on Economic, Social and Cultural Rights; ³⁵	Not ratified (but signed) ³⁶
	the International Labour Organization Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); ³⁷	Not ratified ³⁸
	the International Labour Organization Right to Organise and Collective Bargaining Convention, 1949 (No. 98). ³⁹ Those rights include the following: (a) workers are free to form or join trade unions; (b) the formation, joining and membership of a trade union must not be used as a reason for unjustified discrimination or retaliation; (c) trade unions are free to operate in line with their constitutions and rules, without interference from the authorities; and (d) the right to strike and the right to collective bargaining;	Not ratified ⁴⁰

33. ICCPR, *supra* note 1, arts. 21-22.

34. ICCPR Ratification, *supra* note 2, at 545.

35. ICESCR, *supra* note 11, art. 8.

36. ICESCR Status, *supra* note 12.

37. International Labour Organization Convention (No. 87) Concerning Freedom of Association and Protection of the Right to Organize, July 9, 1948, 68 U.N.T.S. 17 [hereinafter ILO Convention No. 87].

38. *Ratifications for United States of America*, *supra* note 29.

39. International Labour Organization Convention (No. 98) Concerning the Application of the Principles of the Right to Organise and to Bargain Collectively arts. 1-2, July 1, 1949, 96 U.N.T.S. 257.

40. *Ratifications for United States of America*, *supra* note 29.

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	<p>(c) makes it difficult for a person to access sanitary facilities or destroys them;</p> <p>(d) harms a person's health, safety, normal use of land or lawfully acquired possessions;</p> <p>(e) substantially adversely affects ecosystem services through which an ecosystem contributes directly or indirectly to human wellbeing;</p> <p>interpreted in line with Article 6(1) of the International Covenant on Civil and Political Rights and Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights;⁴⁹</p>	
16.	<p>The right of individuals, groupings and communities to lands and resources and the right not to be deprived of means of subsistence, which entails the prohibition to unlawfully evict or take land, forests and waters when acquiring, developing or otherwise using land, forests and waters, including by deforestation, the use of which secures the livelihood of a person, interpreted in line with Article 1 and 27 of the International Covenant on Civil and Political Rights;⁵⁰</p>	<p>Ratified but subject to reservations, understandings, and declarations (the United States issued a general declaration that means Articles 1 and 27 of the ICCPR are not self-executing)⁵¹</p>
	<p>Articles 1, 2 and 11 of the International Covenant on Economic, Social and Cultural Rights.⁵²</p>	<p>Not ratified (but signed)⁵³</p>

49. ICCPR, *supra* note 1, art. 6(1); ICESCR, *supra* note 11, arts. 11-12.

50. ICCPR, *supra* note 1, arts. 1, 27.

51. ICCPR Ratification, *supra* note 2, at 545.

52. ICESCR, *supra* note 11, arts. 1-2, 11.

53. ICESCR Status, *supra* note 12.

Table 2

CS3D Annex Part I, Section 2: Human Rights and Fundamental Freedoms Instruments

Rights, Prohibitions, and Relevant Instruments	Position of the United States
The International Covenant on Civil and Political Rights; ⁵⁴	Ratified but subject to reservations, understandings, and declarations (the United States has issued various specific and general reservations, understandings, and declarations) ⁵⁵
The International Covenant on Economic, Social and Cultural Rights; ⁵⁶	Not ratified (but signed) ⁵⁷
The Convention on the Rights of the Child; ⁵⁸	Not ratified (but signed) ⁵⁹
The International Labour Organization's core/fundamental conventions:	
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); ⁶⁰	Not ratified ⁶³
Right to Organise and Collective Bargaining Convention, 1949 (No. 98); ⁶¹	Not ratified ⁶⁴
Forced Labour Convention, 1930 (No. 29) and its 2014 Protocol; ⁶²	Not ratified ⁶⁵

54. ICCPR, *supra* note 1.

55. ICCPR Ratification, *supra* note 2, at 545.

56. ICESCR, *supra* note 11.

57. ICESCR Status, *supra* note 12.

58. CRC, *supra* note 15.

59. CRC Status, *supra* note 20.

60. ILO Convention No. 87, *supra* note 37.

61. ILO Convention No. 98, *supra* note 39.

62. ILO Convention No. 29, *supra* note 26; Protocol of 2014 to the Forced Labour Convention, 1930 (ILO), May 28, 2024, 53 I.L.M. 1227.

63. ILO Convention No. 87, *supra* note 37.

64. ILO Convention No. 98, *supra* note 39.

65. ILO Convention No. 29, *supra* note 26.

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Abolition of Forced Labour Convention, 1957 (No. 105); ⁶⁶	Ratified ⁷¹
Minimum Age Convention, 1973 (No. 138); ⁶⁷	Not ratified ⁷²
Worst Forms of Child Labour Convention, 1999 (No. 182); ⁶⁸	Ratified ⁷³
Equal Remuneration Convention, 1951 (No. 100); ⁶⁹	Not ratified ⁷⁴
Discrimination (Employment and Occupation) Convention, 1958 (No. 111). ⁷⁰	Not ratified ⁷⁵

66. International Labour Organization Convention (No. 105) Concerning the Abolition of Forced Labour, June 25, 1957, 320 U.N.T.S. 291.

67. ILO Convention No. 138, *supra* note 21.

68. ILO Convention No. 182, *supra* note 24.

69. ILO Convention No. 100, *supra* note 41.

70. ILC Convention No. 111, *supra* note 42.

71. Convention Concerning Abolition of Forced Labour, May 14, 1991, S. TREATY DOC. No. 88-11.

72. ILO Convention No. 138, *supra* note 21.

73. ILO Convention No. 182, *supra* note 24.

74. ILO Convention No. 100, *supra* note 41.

75. ILO Convention No. 111, *supra* note 42.

Table 3

CS3D Annex Part II: Prohibitions and Obligations Included in Environmental Instruments

Point	Rights, Prohibitions, and Relevant Instruments	Position of the United States
1.	The obligation to avoid or minimize adverse impacts on biological diversity, interpreted in line with Article 10, point (b) of the 1992 Convention on Biological Diversity and applicable law in the relevant jurisdiction, ⁷⁶ including the obligations of the Cartagena Protocol on the development, handling, transport, use, transfer and release of living modified organisms ⁷⁷ and of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, entered into force on 12 October 2014; ⁷⁸	Not ratified (but signed) ⁷⁹ Not ratified and not signed ⁸⁰ Not ratified and not signed ⁸¹
2.	The prohibition on the import, export, re-export or introduction from the sea of any specimen included in the Appendices I to III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) of 3 March 1973 without a permit, interpreted in line with Articles III, IV and V of the Convention; ⁸²	Ratified ⁸³

76. Convention on Biological Diversity art. 10, June 5, 1992, 1760 U.N.T.S. 79.

77. Cartagena Protocol on Biosafety to the Convention on Biological Diversity, Jan. 29, 2000, 2226 U.N.T.S. 208 [hereinafter Cartagena Protocol].

78. Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity, Oct. 29, 2010, 3008 U.N.T.S. 3 [hereinafter Nagoya Protocol].

79. S. TREATY DOC. No. 103-20 (1994).

80. See Cartagena Protocol, *supra* note 77, at 209-12.

81. See Nagoya Protocol, *supra* note 78, at 4-7.

82. Convention on International Trade in Endangered Species of Wild Fauna and Flora arts. III-V, Mar. 3, 1973, 27 U.S.T. 1087, 993 U.N.T.S. 243.

83. *Id.* at 1089.

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3.	The prohibition of the manufacture, import and export of mercury-added products listed in Annex A Part I to the Minamata Convention on Mercury of 10 October 2013 (Minamata Convention), interpreted in line with Article 4(1) of the Convention; ⁸⁴	Ratified ⁸⁵
4.	The prohibition of the use of mercury or mercury compounds in the manufacturing processes listed in Annex B Part I to the Minamata Convention after the phase-out date specified in the Convention for the individual processes, interpreted in line with Article 5(2) of the Convention; ⁸⁶	Ratified ⁸⁷
5.	The prohibition of the unlawful treatment of mercury waste, interpreted in line with Article 11(3) of the Minamata Convention ⁸⁸ and Article 13 of Regulation (EU) 2017/852 of the European Parliament and of the Council; ⁸⁹	Ratified ⁹⁰ N/A (EU law)
6.	The prohibition of the production and use of chemicals listed in Annex A to the Stockholm Convention of 22 May 2001 on Persistent Organic Pollutants (POPs Convention), ⁹¹ interpreted in line with Article 3(1), point (a), point (i) of the	Not ratified (but signed) ⁹² N/A (EU law)

84. Minamata Convention on Mercury art. 4(1), Oct. 10, 2013, T.I.A.S. No. 17-816, 3201 U.N.T.S. 3.

85. *Id.*

86. *Id.* art. 5(2).

87. *Id.*

88. *Id.* art. 11(3).

89. Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on Mercury, and Repealing Regulation (EC) No. 1102/2008, art. 13, 2017 O.J. (L 137) 1, 10-11; Regulation (EC) No. 1102/2008 of the European Parliament and of the Council of 22 October 2008 on the Banning of Exports of Metallic Mercury and Certain Mercury Compounds and Mixtures and the Safe Storage of Metallic Mercury, 2008 O.J. (L 304) 75.

90. Minamata Convention on Mercury, *supra* note 84.

91. Stockholm Convention on Persistent Organic Pollutants art. 3(1), May 22, 2001, 2256 U.N.T.S. 119.

92. S. TREATY DOC. No. 107-5 (2002) [hereinafter Stockholm Convention Status].

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	Convention and Regulation (EU) 2019/1021 of the European Parliament and of the Council; ⁹³	
7.	The prohibition of the unlawful handling, collection, storage and disposal of waste, interpreted in line with Article 6(1), point (d), points (i) and (ii) of the POPs Convention ⁹⁴ and Article 7 of Regulation (EU) 2019/1021; ⁹⁵	POPs Convention: Not ratified (but signed) ⁹⁶ N/A (EU law)
8.	The prohibition of the import or export of a chemical listed in Annex III to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (UNEP/FAO) of 10 September 1998, interpreted in line with Article 10(1), Article 11(1), point (b) and Article 11(2) of the Convention and indication by the importing or exporting Party to the Convention in line with the Prior Informed Consent (PIC) Procedure; ⁹⁷	Not ratified (but signed) ⁹⁸
9.	The prohibition of the unlawful production, consumption, import and export of controlled substances in Annexes A, B, C and E to the Montreal Protocol on substances that deplete the Ozone Layer to the Vienna Convention for the protection of the Ozone Layer, interpreted in line with Article 4B of the Montreal Protocol and licensing provisions under applicable law in relevant jurisdiction; ⁹⁹	Ratified ¹⁰⁰

93. Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on Persistent Organic Pollutants (recast), art. 3(1), 2019 O.J. (L 169) 45.

94. Stockholm Convention Status, *supra* note 92, art. 6(1)-6(1)(d).

95. Regulation (EU) 2019/1021, *supra* note 93, art. 7.

96. Stockholm Convention Status, *supra* note 92.

97. Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade arts. 10(1), 11(2), Sept. 10, 1998, 2244 U.N.T.S. 337.

98. S. TREATY DOC. No. 106-21 (2000).

99. S. TREATY DOC. No. 106-10 (2000) [hereinafter Basel Convention].

100. *Id.*

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10.	<p>The prohibition of the export of hazardous or other waste, interpreted in line with Article 1(1) and (2) of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989 (Basel Convention)¹⁰¹ and Regulation (EC) No. 1013/2006 of the European Parliament and of the Council:¹⁰²</p> <p>(a) to a party to the Convention that has prohibited the import of such hazardous and other wastes, interpreted in line with Article 4(1), point (b) of the Basel Convention;¹⁰³</p> <p>(b) to a state of import that does not consent in writing to the specific import, in the case where that state of import has not prohibited the import of such hazardous wastes, interpreted in line with Article 4(1), point (c) of the Basel Convention;¹⁰⁴</p> <p>(c) to a non-party to the Basel Convention, interpreted in line with Article 4(5) of the Basel Convention;¹⁰⁵</p> <p>(d) to a state of import if such hazardous wastes or other wastes are not managed in an environmentally sound manner in that state or elsewhere, interpreted in line with Article 4(8) the first sentence of the Basel Convention;¹⁰⁶</p>	<p>Basel Convention: Not ratified (but signed)¹⁰⁷</p> <p>Regulation (EC) No. 1013/2006: N/A (EU law)</p>
11.	<p>The prohibition of the export of hazardous wastes from countries listed in Annex VII to the Basel Convention to countries not listed</p>	<p>Basel Convention: Not ratified (but signed)¹⁰⁸</p>

101. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal art. 1(1), Mar. 22, 1989, 1673 U.N.T.S. 57.

102. Regulation (EC) No. 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, 2006 O.J. (L 190) 1.

103. Basel Convention, *supra* note 101, art. 4(1)(b).

104. *Id.* art. 4(1)(c).

105. *Id.* art. 4(5).

106. Basel Convention, *supra* note 101, at 133.

107. S. TREATY DOC. No. 102-5 (1992) [hereinafter Basel Convention Status].

108. Basel Convention Status, *supra* note 107.

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	in Annex VII for operations listed in Annex IV to the Basel Convention, interpreted in line with Article 4A of the Basel Convention ¹⁰⁹ and Article 34 and 36 of Regulation (EC) No. 1013/2006; ¹¹⁰	N/A (EU law)
12.	The prohibition of the import of hazardous wastes and other wastes from a non-party that has not ratified the Basel Convention, interpreted in line with Article 4(5) of the Basel Convention; ¹¹¹	Not ratified (but signed) ¹¹²
13.	The obligation to avoid or minimize adverse impacts on the properties delineated as natural heritage as defined in Article 2 of the Convention Concerning the Protection of the World Cultural and Natural Heritage of 23 November 1972 (the World Heritage Convention), interpreted in line with Article 5, point (d) of the World Heritage Convention and applicable law in the relevant jurisdiction; ¹¹³	Ratified ¹¹⁴
14.	The obligation to avoid or minimize adverse impacts on wetlands as defined in Article 1 of the Convention on Wetlands of International Importance especially as Waterfowl Habitat of 2 February 1971 (Ramsar Convention), interpreted in line with Article 4(1) of the Ramsar Convention and applicable law in the relevant jurisdiction; ¹¹⁵	Ratified ¹¹⁶

109. Basel Convention, *supra* note 101, as amended by Decision III/1 Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, *adopted* Sept. 22, 1995, <https://perma.cc/N3CC-EYDZ>.

110. Regulation (EC) No. 1013/2006, *supra* note 449.

111. Basel Convention, *supra* note 101, art. 4(5).

112. Basel Convention Status, *supra* note 107.

113. Convention Concerning the Protection of the World Cultural and Natural Heritage art. 2, Nov. 16, 1972, 27 U.S.T. 37, 1037 U.N.T.S. 151.

114. *Id.*

115. Convention on Wetlands of International Importance Especially as Waterfowl Habitat arts. 1, 4(1), Feb. 2, 1971, T.I.A.S. No. 11084, 996 U.N.T.S. 245.

116. *Id.*

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15.	The obligation to prevent the pollution from ships, interpreted in line with the International Convention for the Prevention of Pollution from Ships of 2 November 1973, as amended by the Protocol of 1978 (MARPOL 73/78). ¹¹⁷	Ratified ¹¹⁸
	This includes: (a) the prohibition on the discharge into the sea of: (i) oil or oily mixtures as defined in Regulation 1 of Annex I to MARPOL 73/78, interpreted in line with Regulations 9 to 11 of Annex I to MARPOL 73/78; ¹¹⁹	Ratified but subject to reservations, understandings, and declarations (the United States considers that the Annex only applies to “seagoing ships”) ¹²⁰
	(ii) noxious liquid substances as defined in Regulation 1(6) of Annex II to MARPOL 73/78, interpreted in line with Regulations 5 and 6 of Annex II to MARPOL 73/78; ¹²¹	Ratified but subject to reservations, understandings, and declarations (the United States considers that the Annex only applies to “seagoing ships”) ¹²²

117. Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, Feb. 17, 1978, 1340 U.N.T.S. 61 [hereinafter Protocol of 1978]. Article I of the Protocol of 1978 provides that Parties to the Protocol will give effect to the 1973 Convention for the Prevention of Pollution from Ships, as modified by the Protocol, hence the creation of a combined MARPOL 73/78. At the time of signing the Protocol of 1978, the United States issued a declaration jointly with the United Kingdom and France on the Soviet Union’s declaration to the Protocol. 1341 U.N.T.S. 327. The United States’ declaration concerned the rights of the Federal Republic of Germany and the application of the Protocol of 1978 to the Western Sectors of Berlin. The declaration no longer appears relevant to the United States’ ratification of the Protocol.

118. S. TREATY DOC. No. 96-3 (1980).

119. Comm. of Inter-Am. Ports, MARPOL 73/78, at 45, 56-63 (2024), <https://perma.cc/QXV4-U2MV>. This unofficial consolidated version brings together the 1973 Treaty and the amendments in the Protocol of 1978. The U.S. ratification of the Protocol of 1978 is the basis for its compliance with the 1973 Treaty. *See supra* note 117.

120. *See* Comm. of Inter-Am. Ports, *supra* note 119, at 62. For the text of the United States’ reservations, understandings, and declarations to Annex I to the Protocol of 1978, see Int’l Mar. Org. [IMO], Status of IMO Treaties: Comprehensive Information on the Status of Multilateral Conventions and Instruments in Respect of Which the International Maritime Organization or Its Secretary-General Performs Depositary or Other Functions 153-54 (2025).

121. Protocol of 1978, *supra* note 117, at 89.

122. *Id.* at 62.

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	(iii) sewage as defined in Regulation 1(3) of Annex IV to MARPOL 73/78, interpreted in line with Regulations 8 and 9 of Annex IV to MARPOL 73/78; ¹²³	Not ratified and not signed ¹²⁴
	(b) the prohibition of unlawful pollution by harmful substances carried by sea in packaged form as defined in Regulation 1 of Annex III to MARPOL 73/78, interpreted in line with Regulations 1 to 7 of Annex III to MARPOL 73/78; ¹²⁵	Ratified ¹²⁶
	(c) the prohibition of unlawful pollution by garbage from ships as defined in Regulation 1 of Annex V to MARPOL 73/78, interpreted in line with Regulations 3 to 6 of Annex V to MARPOL 73/78; ¹²⁷	Ratified but subject to reservations, understandings, and declarations (the United States issued an understanding that it “would make every reasonable effort to have the Gulf of Mexico designated a ‘special area’ under the Annex”) ¹²⁸
16.	The obligation to prevent, reduce and control pollution of the marine environment by dumping, interpreted in line with Article 210 of the United Nations Convention on the Law of the Sea of 10	Not ratified and not signed ¹²⁹

123. *Id.* at 89.

124. The United States did not initially ratify annexes III, IV, and V. *Id.* at 62. However, the United States later ratified annexes III and V. S. TREATY DOC. NO. 101-7 (1991); S. TREATY DOC. NO. 100-3 (1987).

125. Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Forms or in Freight Containers, Portable Tanks or Road and Rail Tank Wagons, Annex III, Feb. 17, 1978, 1340 U.N.T.S. 255.

126. Annex III to the 1973 Convention for the Prevention of Pollution from Ships (MARPOL 73/78 Annex III), S. TREATY DOC. NO. 101-7.

127. Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, Annex V, 1340 U.N.T.S. 263. For the text of the United States’ reservations, understandings, and declarations to Annex V to the Protocol of 1978, see IMO, note 120 above.

128. S. TREATY DOC. NO. 100-3 (1987).

129. *Id.* at 397.

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	December 1982 (UNCLOS) and applicable law in the relevant jurisdiction. ¹³⁰	
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130. United Nations Convention on the Law of the Sea art. 210, Dec. 10, 1982, 1833 U.N.T.S. 3.