

OEWG-V/16: Nominations of members of the Committee for Administering the Mechanism for Promoting Implementation and Compliance

The Open-ended Working Group

1. *Calls upon* Parties to conduct regional consultations with a view to nominating candidates meeting the requirements of paragraph 5 of the appendix to Conference of the Parties decision VI/12 for membership of the Committee for Administering the mechanism for Promoting Implementation and Compliance;
2. *Requests* the Parties to submit their nominations to the Secretariat for ten positions on the Committee not later than two months before the eighth meeting of the Conference of the Parties, i.e., by 27 September 2006;
3. *Requests* the Secretariat to distribute such nominations together with the provisional agenda and supporting documents for the eighth meeting of the Conference of the Parties;
4. *Invites* Parties, in the interest of continuity, to nominate candidates that are likely to be able to serve their complete terms of office pursuant to paragraph 6 of the appendix to decision VI/12.

Annex II

Draft decisions forwarded by the Open-ended Working Group to the Conference of the Parties for its consideration and possible adoption at its eighth meeting

VIII/[]: Working relationship with the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals

The Conference of the Parties

1. *Agrees* to extend the mandate of the Joint Correspondence Group between the Open-ended Working Group and the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals and requests the Secretariat to communicate its decision to the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals;

2. *Requests* the Secretariat to report regularly on the outcome of the work of the Joint Correspondence Group to the Open-ended Working Group and the Conference of the Parties.

VIII/[]: Separate identification in the World Customs Organization Harmonized Commodity Description and Coding System of certain wastes in Annexes VIII and IX to the Basel Convention

The Conference of the Parties

1. *Requests* the Secretariat to pursue its cooperation with the secretariat, the Harmonized System Committee, the Harmonized System Review Subcommittee and the Scientific Subcommittee of the World Customs Organization;

2. *Also requests* the Secretariat to continue to move forward, under the guidance of the Open-ended Working Group, with the issue of identification of the wastes covered by the Basel Convention in the World Customs Organization Harmonized Commodity Description and Coding System and to report regularly to the Open-ended Working Group and the Conference of the Parties on progress.

VIII/[]: Classification and hazard characterization of wastes

The Conference of the Parties

1. *Invites* Parties in the position to do so to contribute to the finalization of the guidance paper on hazard characteristic H10 (liberation of toxic gases in contact with air or water) and the revision of the guidance paper on hazard characteristic H11 (toxic (delayed or chronic)), to include work on an appropriate de minimis level, with a view to finalizing them in time for adoption by the Conference of the Parties at its ninth meeting;

2. *Agrees* to include the revision of the guidance paper on hazard characteristic H11 to include work on an appropriate de minimis level and the finalization of the guidance paper on hazard characteristic H10 in the work programme of the Open-ended Working Group for 2007–2008.

VIII/[]: National classification and control procedures for the import of wastes contained in Annex IX

The Conference of the Parties

1. *Invites* Parties experiencing difficulties with national classification or control procedures relating to the import of wastes contained in Annex IX to report information on such difficulties to the Secretariat;
2. *Requests* the Secretariat to collect the information submitted by Parties on a regular basis with a view to keeping the Open-ended Working Group up to date on the current situation.

VIII/[]: Technical guidelines on environmentally sound management

The Conference of the Parties,

Welcoming the initiative taken by Brazil to review the technical guidelines on used tyres,

1. *Invites* Brazil to prepare draft revised technical guidelines on used tyres for consideration by the Open-ended Working Group;
2. *Requests* the Open-ended Working Group to undertake a review of selected technical guidelines as appropriate and initiate updating as necessary, e.g., incineration on land (D10), specially engineered landfill (D5), and wastes collected from households (Y46);
3. *Invites* countries in a position to do so to undertake the lead in the review and updating of technical guidelines or contribute financially to the process;
4. *Requests* the Secretariat to keep the Open-ended Working Group informed of developments in the review and updating of technical guidelines;
5. *Invites* Parties and others to provide comments to the Secretariat by 30 June 2008 on their experiences with and assessment of the implementation of the existing technical guidelines on the environmentally sound management of hazardous wastes and any identified practical difficulties in and obstacles to their implementation;
6. *Requests* the Secretariat to prepare a compilation of the comments received for consideration by the Conference of the Parties at its ninth meeting.

VIII/[]: Implementation of decision VII/2 on hazardous waste minimization

The Conference of the Parties,

Recalling its decision VII/2 on hazardous waste minimization,

1. *Invites* Parties and others to provide comments to the Secretariat by 30 June 2008 on their experiences with hazardous waste minimization;
2. *Requests* the Secretariat to prepare a compilation of the comments received for consideration by the Conference of the Parties at its ninth meeting.

VIII/[]: Implementation of decision III/1

The Conference of the Parties,

Recalling its decision VII/23 on the implementation of decision III/1, entitled “Amendment to the Basel Convention”,

1. *Welcomes* the recent ratification, acceptance, formal confirmation, approval or accession by several Parties with respect to the amendment contained in decision III/1;

2. *Strongly appeals* to Parties to the Convention to expedite the process of ratification, acceptance, formal confirmation, approval or accession with respect to the amendment to facilitate its entry into force at the earliest opportunity;

3. *Also strongly appeals* to States that are not Party to the Basel Convention to expedite the process of ratification, acceptance, approval or accession with respect to the Basel Convention and its amendments.

VIII/[]: Implementation of decision V/32

The Conference of the Parties,

Recalling its decision V/32 concerning the enlargement, on an interim basis, of the scope of the Trust Fund to Assist Developing Countries and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention (Technical Cooperation Trust Fund),

Recalling also its decisions VI/14 and VII/29 concerning the interim guidelines for the implementation of decision V/32 on enlargement of the scope of the Technical Cooperation Trust Fund, and recalling in particular that Parties and the Secretariat are to keep under review the possibilities for improving the existing mechanism or, if necessary, the establishment of a new mechanism for providing assistance in cases of emergency and compensation for damage resulting from incidents arising from transboundary movements of hazardous wastes and other wastes and their disposal, as provided for and adopted in paragraph 4 of decision VI/14,

1. *Observes* that, pursuant to part 3 of the interim guidelines for the implementation of decision V/32, assistance may be provided for projects for the development of capacity-building, transfer of technology and putting in place of measures to prevent accidents and damage to the environment caused by transboundary movements of hazardous wastes and other wastes and their disposal, including for the development of emergency response and contingency plans, and reiterates its invitation to developing countries and countries with economies in transition that are Parties to the Basel Convention to submit project proposals to that effect;

2. *Urges* Parties to provide contributions to the Technical Cooperation Trust Fund to support the activities referred to in parts 1, 2 and 3 of the interim guidelines and agrees that any contributor may specify that its contributions be used for purposes specified in parts 1, 2 or 3 of the interim guidelines;

3. *Invites* Parties to submit to the Secretariat, before 31 January 2007, responses to the questionnaire set forth in the appendix to the present decision regarding incidents, as that term is defined under article 2, paragraph 2 (h), of the Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal;

4. *Requests* the Secretariat to report on the responses received under paragraph 3 above to the Open-ended Working Group and requests the Open-ended Working Group to review those responses.

Appendix to decision VIII/[]

Questionnaire regarding incidents, as defined under article 2, paragraph 2 (h), of the Protocol on Liability and Compensation

The term "incident", as used in this questionnaire, means any occurrence, or series of occurrences having the same origin that causes damage or creates a grave and imminent threat of causing damage.

The terms "hazardous wastes and other wastes", "transboundary movement" and "disposal" are used here according to their definitions in articles 1 and 2 of the Basel Convention. Transboundary movement includes illegal traffic.

Have you encountered any incidents arising from transboundary movements of hazardous and other wastes and their disposal...

<p>1. ... that have caused loss of life or personal injury?</p> <p><input type="checkbox"/> <u>Yes.</u></p> <p><input type="checkbox"/> <u>No. Go to question 2.</u></p>	<p>If yes, how many of such incidents?</p> <p>.....</p> <p>Please attach, with regard to each incident, a brief factual description of what occurred and of the loss of life or personal injury. Please indicate also, with regard to each incident, to what extent loss of life or personal injury was not compensated for by the existing mechanism providing assistance in cases of emergency and compensation for damage.</p>
<p>2. ... that have caused loss of or damage to property?</p> <p><input type="checkbox"/> <u>Yes</u></p> <p><input type="checkbox"/> <u>No. Go to question 3.</u></p>	<p>If yes, how many of such incidents?</p> <p>.....</p> <p>Please attach, with regard to each incident, a brief factual description of what occurred, of the loss of or damage to property and of who owned the property lost or damaged (e.g. the importer, the exporter, the disposer, third parties...). Please indicate also, with regard to each incident, to what extent loss of or damage to property was not compensated for by the existing mechanism providing assistance in cases of emergency and compensation for damage.</p>
<p>3. ... that have caused loss of income directly deriving from an economic interest in any use of the environment, incurred as a result of impairment of the environment?</p> <p><input type="checkbox"/> <u>Yes.</u></p> <p><input type="checkbox"/> <u>No. Go to question 4.</u></p>	<p>If yes, how many of such incidents?</p> <p>.....</p> <p>Please attach, with regard to each incident, a brief factual description of what occurred and of the resulting loss of income. Please indicate also, with regard to each incident, to what extent there was loss of income (taking into account costs and savings as a result of the incident) not compensated for by the existing mechanism providing assistance in cases of emergency and compensation for damage.</p>
<p>4. ... that have resulted in the taking or planned taking of measures for reinstatement¹ of the impaired environment?</p> <p><input type="checkbox"/> <u>Yes.</u></p> <p><input type="checkbox"/> <u>No. Go to question 5.</u></p>	<p>If yes, How many of such incidents?</p> <p>.....</p> <p>Please attach, with regard to each incident, a brief factual description of what occurred and of the preventive measures taken. Please indicate also, with regard to each incident, to what extent there were costs resulting from these measures that were not compensated for by the existing mechanism providing assistance in cases of emergency and compensation for damage.</p>

¹ "Measures of reinstatement" are any reasonable measures to assess, reinstate or restore damaged components of the environment (taken by whoever is entitled to do so under domestic law).

<p>5. ... that have resulted in the taking of preventive measures²?</p> <p><input type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. <u>You have finished this questionnaire.</u></p>	<p>If yes, how many of such incidents?</p> <p>.....</p> <p>Please attach, with regard to each incident, a brief factual description of what occurred and of the preventive measures taken. Please indicate also, with regard to each incident, to what extent there were costs of these preventive measures, or loss or damage caused by the latter (provided the damage arises out or results from the hazardous properties of the waste involved), not compensated for by the existing mechanism providing assistance in cases of emergency and compensation for damage.</p>
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VIII/[]: National legislation and other measures adopted by Parties to implement the Basel Convention

The Conference of the Parties

1. *Encourages* Parties to continue to provide the Secretariat with the texts of national legislation and other measures adopted by them to implement the Basel Convention and notes in that regard that, under article 4, paragraph 4, and article 9, paragraph 5, of the Convention, such measures include appropriate national/domestic legislation to prevent and punish illegal traffic;
2. *Urges* Parties to fulfil their obligations under article 9, paragraph 5, of the Basel Convention, in particular:
 - (a) To promulgate, update or develop stringent legislation on the control of transboundary movements of hazardous wastes;
 - (b) To incorporate in their national legislation appropriate sanctions or penalties for illegal traffic in hazardous wastes and other wastes covered by the Basel Convention;
3. *Requests* the Secretariat to continue to maintain a collection of national legislation and other measures adopted by Parties to implement the Basel Convention, including measures to prevent and punish illegal traffic, and to make such measures available on the Convention website;
4. *Requests* the Secretariat, subject to availability of funding, to organize regional or subregional training workshops, in collaboration with the Basel Convention regional centres, on the development and formulation of national legislation, taking into account the difficulties identified by Parties relating to the development of national legislation during the implementation of the 2005–2006 work programme of the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention;
5. *Urges* all Parties and organizations that are in a position to do so to make financial or in-kind contributions for the organization of workshops on the development and formulation of national legislation;
6. *Requests* the Secretariat to continue to provide advice and assistance on national legislation to Parties upon request.

² “Preventive measures” are any reasonable measures taken by any person in response to an incident to prevent, minimize or mitigate loss or damage, or to effect environmental clean-up.

VIII/[]: National definitions of hazardous wastes

The Conference of the Parties,

Recalling its decision VII/33,

1. *Requests* Parties which have not yet provided the Secretariat with any of the information required under article 3 of the Convention to provide such information as soon as possible and to report any subsequent significant change in that information using the standardized reporting format for reporting under article 3 of the Convention;
2. *Also requests* Parties, when providing such information to the Secretariat, to make reference to the relevant Convention provision to avoid ambiguity;
3. *Requests* the Secretariat to assist Parties in ensuring that information notified is up to date and as clear as possible to facilitate each Party's understanding of other Parties' national definitions of hazardous wastes;
4. *Also requests* the Secretariat to make available on its website the information received from Parties pursuant to article 3 of the Convention and, within available resources, to make such information available in the six official languages of the Convention;
5. *Further requests* the Secretariat to report to the Conference of the Parties at its ninth meeting on the implementation of the present decision.

VIII/[]: Article 11 agreements and arrangements

The Conference of the Parties

1. *Calls upon* Parties to notify the Secretariat of bilateral, multilateral or regional agreements or arrangements which they have concluded, as required under paragraph 2 of article 11 of the Convention, and invites Parties to transmit the full texts of such agreements or arrangements to the Secretariat;
2. *Requests* the Secretariat to communicate with the Parties with a view to obtaining notifications and full texts of such agreements or arrangements and to publish such texts on the Basel Convention website in order to provide a useful information resource for Parties, other States and other stakeholders.

VIII/[]: Transmission of information, including implementation of decision II/12

The Conference of the Parties,

Recalling its decision VII/35,

1. *Urges* Parties that have not yet done so to transmit to the Secretariat the completed questionnaire on transmission of information for the year 2004 and for previous years, as soon as possible and if possible in electronic form, using the revised questionnaire adopted by the Conference of the Parties at its sixth meeting, bearing in mind that, in accordance with the provisions of article 13, paragraph 3, Parties shall transmit, before the end of each calendar year, a report on the previous calendar year;
2. *Requests* that such information be provided by Parties to the Secretariat for the calendar year 2005 before the end of calendar year 2006, if possible in electronic form;
3. *Invites* Parties to fill in any data gaps which may exist in their previously reported datasets on generation and transboundary movement of hazardous wastes and other wastes for the years 1999 and later;
4. *Encourages* Parties to continue to report on their implementation of decision II/12 in their reports under article 13 of the Convention;

5. *Requests* the Secretariat to prepare country fact sheets and annual compilation documents for the years 2004 and 2005 and to make such information available on a regular basis to Parties and non-Parties;

6. *Also requests* the Secretariat to incorporate the contents of part I of the questionnaire, on transmission of information, in English, into the reporting database, within available resources, if the questionnaires are completed by Parties in any official language of the United Nations other than English;

7. *Further requests* the Secretariat to prepare a further consolidated report on the implementation of decision II/12 and to report thereon to the Conference of the Parties at its ninth meeting;

8. *Requests* the Secretariat to continue to provide training to developing countries and other countries that are in need of assistance to meet their reporting obligations by organizing workshops through its regional centres or by other appropriate means.