



# **BASEL CONVENTION**

COMPILATION OF DECISIONS

Decisions adopted by the Conference of the Parties to  
the Basel Convention on the Control of Transboundary  
Movements of Hazardous Wastes and their Disposal:

COP 6 - 10 and ExCOPs 1



BASEL CONVENTION

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# **BASEL CONVENTION**

## COMPILATION OF DECISIONS

Decisions adopted by the Conference of the Parties to  
the Basel Convention at its sixth meeting

Geneva, 9 – 13 December 2002





## VI/1. Strategic plan for the implementation of the Basel Convention (to 2010)

The Conference of the Parties,

Recalling the Basel Declaration on Environmentally Sound Management and reaffirming the objectives set therein,

Noting with appreciation the contribution of Parties and other stakeholders in support of the preparation of the strategic plan for the implementation of the Basel Convention,

Having considered the strategic text and the action table constituting the strategic plan for the implementation of the Basel Convention to 2010,

Aware of the need to concentrate efforts and resources to support activities in 2003-2004 to ensure an early implementation of the strategic plan,

Aware also of the need to take into account regional specificities and the importance of the Basel Convention Regional Centres in the implementation of the strategic plan,

1. Agrees that the strategic text and the action table contained in document UNEP/CHW.6/3 constitutes the strategic plan for the implementation of the Basel Convention to 2010;
2. Also agrees that the strategic plan for the implementation of the Basel Convention contained in document UNEP/CHW.6/3 constitutes the major instrument to give further effect to the Basel Declaration on Environmentally Sound Management;
3. Adopts the strategic text of the strategic plan, as amended by the sixth meeting of the Conference of the Parties;
4. Also adopts the action table, to be reviewed, and amended as necessary, for submission to the seventh meeting of the Conference of the Parties, for its decision;
5. Requests the Open-ended Working Group to review, and amend as necessary, the action table in the light of experience gained in the implementation of the activities in 2003-2004;
6. Agrees to take into account regional and national diversities and specificities, including developing countries and least developed countries, in the development and implementation of the strategic plan;
7. Also agrees to mobilize resources to implement the strategic plan for 2003-2004 and to develop a financial strategy for the period 2005-2010;
8. Requests the secretariat to cooperate with Parties in the development of financial plans to support the strategic plan, including plans for Parties to access Global Environmental Facility and other multilateral and bilateral funding;
9. Also requests the secretariat to cooperate closely with the Parties, the Basel Convention Regional Centres and other stakeholders in the development and implementation of those activities contained in the strategic plan for which financial support is agreed upon by the Parties;
10. Appeals to Parties and other stakeholders to provide financial and other resources, including in-kind support, for the implementation of the strategic plan;
11. Also appeals to recipient Parties and regions to consider including in their development assistance priorities projects that implement the strategic plan;
12. Encourages Parties and other stakeholders to promote the implementation of the strategic plan and to cooperate among themselves in that regard;
13. Requests the secretariat to report to the Conference of the Parties at its seventh meeting on progress in the implementation of the strategic plan and, as appropriate, to the relevant subsidiary bodies on a regular basis.

## **VI/2. Project proposals under the strategic plan for the implementation of the Basel Convention**

The Conference of the Parties,

Considering the strategic plan for the implementation of the Basel Convention,

Referring to its decision VI/3 adopting the strategic text and the action table constituting the strategic plan,

Emphasizing the need to initiate early implementation of the strategic plan for the period 2003-2004,

1. Requests the secretariat to organize and compile the project proposals submitted by Parties or the Basel Convention Regional Centres for submission to the Open-ended Working Group for consideration;
2. Requests the Open-ended Working Group to consider the proposals submitted and choose those that qualify for funding, in accordance with the criteria set out in the appendix to the present decision.

### **Appendix**

#### **CRITERIA FOR SELECTION OF PROJECT PROPOSALS FOR IMPLEMENTATION OF THE BASEL DECLARATION THROUGH THE STRATEGIC PLAN**

1. The following criteria have been established in order to assist in selecting suitable projects to be taken forward to deliver the aims of the Basel Declaration through the strategic plan.
2. The criteria are set out in two groups:

- |                 |  |
|-----------------|--|
| <b>Group 1:</b> | <b>Criteria which are relevant for all project proposals.</b>  |
| <b>Group 2:</b> | <b>Those criteria which are intended to assist selection of project proposals of particular priority interest.</b> |

#### **Group 1: Relevant criteria**

##### **Projects must:**

- Be consistent with the vision and aims of the strategic plan.
- Be exemplary or useful for others with similar problems.
- Have clearly defined aims and methods.
- Be likely to succeed.
- Deliver practical and concrete outcomes.
- Deliver either short or long term benefits.
- Have realistic costs and delivery time scale.
- Include provision for supervision, monitoring and reporting.

#### **Group 2: Value criteria**

##### **Projects should:**

- Have the potential to realize the aims of the Basel Convention and the Basel Convention Regional Centres with clear indicators on the effectiveness of their impacts.
- Have commonality within or between different regions.
- Be innovative.
- Be consistent with regional needs.
- Show benefits to or synergies with the objectives or activities of other multilateral environmental agreements.
- Provide partnership with stakeholders.
- Have demonstrably significant need.
- Implement and adapt existing guidelines as needed.
- Generate self-sustaining outcomes.
- Provide other relevant information.

3. To be acceptable, the projects must meet all the group 1 relevant criteria. For the purposes of prioritization, the projects should meet one or more of the group 2 value criteria.
4. Projects should be distributed equitably according to regional and national diversities and specificities as appropriate.

### **VI/3. Establishment and functioning of the Basel Convention Regional Centres for Training and Technology Transfer**

The Conference of the Parties,

Recalling paragraph 17 of decision V/5 of the fifth meeting of the Conference of the Parties to the Basel Convention,

Taking note with appreciation of the result of the process of consultation undertaken by the secretariat with the host countries and the Regional Centres,

Welcoming the financial and/or support in kind provided by host Governments, donor countries, industry, United Nations and other relevant international organizations and bodies such as the United Nations Conference on Trade and Development, the World Health Organization and the United Nations Environment Programme for the functioning of these Centres,

1. Takes note of the conclusions and recommendations of the Consultative Meeting of the Basel Convention Regional Centres, held in Cairo, contained in annex 3 of the report of the Consultative Meeting, towards the establishment of the Basel Convention Regional Centres (see UNEP/CHW/WGI/1/5);

2. Adopts the core functions of the Basel Convention Regional Centres, as contained in appendix I to the present decision and the roles and functions of the Coordinating Centres, as contained in appendix II to the present decision;

3. Adopts the following core set of elements for inclusion in the Framework Agreement to be signed between the secretariat of the Basel Convention (on behalf of the Conference of the Parties) and the representative of the host countries' Governments:

- (a) Identification of the Parties entering into the agreement;
- (b) Overall purpose for entering into the agreement;
- (c) Legislative authority on which the agreement is based;
- (d) Official name and address of the Regional Centre;
- (e) Legal status of the Centre (for example, separate national legal entity with a regional role or intergovernmental institution and authority under which the Centre was established and operates);
- (f) Countries consenting to be served by the Centre;
- (g) Management/governance arrangements (for example, national committee/body to mobilize and coordinate the national inputs into the Centre; steering committee attended by the representatives of the countries served by the Centre to determine the business plan of the Centre and oversee the plan's implementation; terms of reference of these bodies; rules and procedures governing the meetings organized by the Centre);
- (h) The possible involvement of donors with respect to financial and technical assistance to support the Centre;
- (i) Effective cooperation and coordination with the secretariat of the Basel Convention and among the Regional Centres;
- (j) Reporting channels;
- (k) Contributions of host countries in kind, cash and services towards the operation of the Centre and, if possible, contributions of the countries served by the Centre;

(l) Contributions from the Technical Cooperation Trust Fund to assist developing countries and other countries in need of technical assistance in the implementation of the Basel Convention and other voluntary contributions towards the financing of the core functions of the Centre and operational and other associated costs related to the core functions of the Centre;

(m) Matching funds (contributions in cash, kind or services) to be raised by the Centre;

(n) Working language(s) of the Centre;

(o) Exemption by the host country from taxation and other levies on the resources (including equipment) provided from the funds under the control of the Contracting Parties according to its national legislation, whenever possible;

(p) In the case of an intergovernmental institution, the terms and conditions of the 1946 Convention on the Privileges and Immunities of the United Nations shall apply as appropriate;

(q) Reporting on substantive activities undertaken by the Centre and financial reporting on the funds raised by the Centre and the expenditures of the Centre to the secretariat of the Basel Convention;

(r) Arrangements to settle any disputes between the signatories of the agreement;

(s) Duration of the agreement;

(t) Provisions for the periodic external review, extension, termination or amendment of the agreement; and

(u) A business plan for the period 2003-2004 for the Regional Centre, approved by the countries served by the Centre, shall be prepared before the signature of the Framework Agreement.

4. Endorses the mechanism of establishing the Basel Convention Regional Centres by signing the Framework Agreement;

5. Mandates the secretariat of the Basel Convention to negotiate and sign in the name of the Conference of the Parties, the Framework Agreement with the representative of the Government of the country hosting or willing to host the Centre and with whom consultations have been completed by the secretariat and selected by the Conference of the Parties and, where necessary, with the regional or international organizations which will perform the functions of the Basel Convention Regional Centres. The negotiation and signature of the Framework Agreement shall be completed without delay in order to formalize the establishment of the Centres approved by the Conference of the Parties.

6. Requests the secretariat to submit the concluded Framework Agreements to the Conference of the Parties at its seventh meeting;

7. Endorses the role of the Basel Convention Regional Centres in carrying out the implementation of the Basel Declaration and the priority actions of the strategic plan for the implementation of the Basel Convention, using contributions from the Trust Fund for the Basel Convention, as agreed periodically by the Conference of the Parties;

8. Requests the secretariat to prepare, based on the reports received from the Centres, a document on the implementation of the present decision and progress and difficulties encountered in the activities of the Centres, to be presented to the Conference of the Parties at its seventh meeting with a view to assessing the adequacy of the arrangements for the functioning of the Centres, including financial mechanisms;

9. Urges all Parties and non-parties in a position to do so, as well as international organizations, including development banks, non-governmental organizations and the private sector, to make financial contributions directly to the Technical Cooperation Trust Fund or in kind contributions, or contributions on a bilateral level, to allow all the Centres to become fully operational;

10. Requests the secretariat to explore, in collaboration with the Regional Centres, possibilities for the establishment of partnerships with industry and other stakeholders in the work of the Regional Centres in order to ensure the long-term sustainability of their operation;

11. Requests the secretariat to establish, pursue and reinforce its closer collaboration with relevant United Nations and other international and regional agencies and conventions in the work of the Regional Centres, in particular with the United Nations Environment Programme offices and programmes, including its Division of Technology, Industry and Economics, International Environmental Technology Centre, Global Programme of Action for the

Protection of the Marine Environment from Land-based Activities, National Cleaner Production Centres, and Chemicals Branch, the United Nations Industrial Development Organization, the United Nations Institute for Training and Research, the World Health Organization, the Food and Agriculture Organization of the United Nations, the United Nations regional economic commissions, the World Customs Organization, the International Criminal Police Organization – Interpol General Secretariat, the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Ozone Secretariat and the regional organizations for the protection of the marine environment, to explore new areas of cooperation.

## Appendix I

### **CORE FUNCTIONS OF THE BASEL CONVENTION REGIONAL CENTRES**

The role of the Centres is to assist developing countries and countries with economies in transition, within their own region, through capacity-building for environmentally sound management, to achieve the fulfilment of the objectives of the Convention.

The description of the core functions of the Centres is as follows:

1. Training;
2. Technology transfer;
3. Information;
4. Consulting;
5. Awareness-raising.

The explanations of the core functions of the Centres are as follows:

(a) Developing and conducting training programmes, workshops, seminars and associated projects in the field of the environmentally sound management of hazardous wastes, transfer of environmentally sound technology and minimization of the generation of hazardous wastes, with specific emphasis on training of trainers and the promotion of ratification and implementation of the Convention and its instruments;

(b) Identifying, developing and strengthening mechanisms for the transfer of technology in the field of environmentally sound management of hazardous wastes or their minimization in the region;

(c) Gathering, assessing and disseminating information in the field of hazardous wastes and other wastes to Parties of the region and to the secretariat;

(d) Collecting information on new or proven environmentally sound technologies and know-how relating to environmentally sound management and minimization of the generation of hazardous wastes and other wastes and disseminating these to Parties of the region at their request;

(e) Establishing and maintaining regular exchange of information relevant to the provisions of the Basel Convention, and networking at the national and regional levels;

(f) Organizing meetings, symposiums and missions in the field, useful for carrying out these objectives in the region;

(g) Providing assistance and advice to the Parties and non-parties of the region at their request, on matters relevant to the environmentally sound management or minimization of hazardous wastes, the implementation of the provisions of the Basel Convention and other related matters;

(h) Promoting public awareness;

(i) Encouraging the best approaches, practices and methodologies for environmentally sound management and minimization of the generation of hazardous wastes and other wastes, for example, through case studies and pilot projects;

(j) Cooperating with the United Nations and its bodies, in particular the United Nations Environment Programme and the specialized agencies, and with other relevant intergovernmental organizations, industry and non-governmental organizations, and, where appropriate, with any other institution, in order to coordinate activities and

develop and implement joint projects related to the provisions of the Basel Convention and develop synergies where appropriate with other multilateral environmental agreements;

(k) Developing, within the general financial strategy approved by the Parties, the Centres' own strategy for financial sustainability;

(l) Cooperating in mobilization of human, financial and material means in order to meet the urgent needs at the request of the Party(ies) of the region faced with incidents or accidents which cannot be solved with the means of the individual Party(ies) concerned;

(m) Performing any other functions assigned to it by the decisions of the Conference of the Parties of the Basel Convention or by Parties of the region consistent with such decisions.

## Appendix II

### **ROLES AND FUNCTIONS OF THE COORDINATING CENTRES OF THE BASEL CONVENTION IN ADDITION TO THE CORE FUNCTIONS OF THE BASEL CONVENTION REGIONAL CENTRES CONTAINED IN APPENDIX I**

1. Ensuring interaction, including exchange of information, between the secretariat of the Basel Convention and the Regional Centres, among the subregional centres, Parties and other related institutions;
2. Conveying regional consultation to identify priorities and formulate strategies;
3. Supporting and coordinating common tasks of the subregional centres in the field of policies, information, communication, technical and financial assessment;
4. Defining and executing programmes of regional scope in coordination with the subregional centres;
5. Identifying, promoting and strengthening the synergies and mechanisms of cooperation among the subregional centres and other stakeholders in environmentally sound management and the minimization of generation of hazardous waste and technology transfer in and outside the region;
6. Keeping a compilation system for information and making such information accessible to stakeholders.

#### **VI/4. Business plans of the Basel Convention Regional Centres**

The Conference of the Parties,

Welcoming the activities undertaken by the Basel Convention Regional Centres and the secretariat regarding the preparation and review of the Centres' business plans for the biennium 2003-2004,

1. Requests the secretariat to provide further assistance to the Regional Centres in finalizing their business plans, as contained in document UNEP/CHW.6/INF/5, based on consultations with countries to be served by the respective Centre and in their implementation;
2. Invites Governments, international organizations, financial institutions, the private sector and local authorities to support the implementation of the business plans through the Trust Fund to Assist Developing Countries and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention or through direct arrangements with the Regional Centres;
3. Authorizes the secretariat to facilitate access to the financial resources that could be allocated to projects presented and to be formulated by the Basel Convention Regional Centres in their role in carrying out the implementation of the Basel Declaration on Environmentally Sound Management and the priority actions of the strategic plan for the implementation of the Basel Convention, using contributions from the Trust Fund for the Basel Convention, as periodically agreed upon by the Conference of the Parties;

4. Urges the Regional Centres and their constituencies to intensify their fund-raising activities in order to make the operations of the Centres self-sustained;

5. Requests the secretariat to report to the Conference of the Parties at its seventh meeting on the progress in the implementation of the business plans.

## **VI/5. Basel Declaration on Environmentally Sound Management**

The Conference of the Parties,

Recalling its decision V/1, by which it adopted the Basel Declaration on Environmentally Sound Management, and its decision V/33 constituting the agenda for the next decade on environmentally sound management,

Noting with appreciation the progress made in the concrete implementation of the Basel Declaration on Environmentally Sound Management,

Welcoming the assistance provided by Parties and others to support the implementation of the Basel Declaration on Environmentally Sound Management,

Welcoming also the preparation of the 10-year strategic plan for the implementation of the Basel Convention,

Acknowledging the fact that the Basel Declaration on Environmentally Sound Management constitutes both the framework and the foundation for the preparation and further development of the strategic plan for the Basel Convention,

Recognizing the convergence of the activities to be carried out as part of the strategic plan with those undertaken in the context of the Basel Declaration,

Considering the report prepared by the secretariat on the implementation of decision V/33 on environmentally sound management (UNEP/CHW.6/2),

1. Agrees that the activities carried out as part of the strategic plan, as reviewed and adopted by the sixth meeting of the Conference of the Parties, shall support the further implementation of the Basel Declaration on Environmentally Sound Management and its enabling decision V/33;

2. Requests the secretariat to report to the Open-ended Working Group on the progress in the implementation of the Basel Declaration and to prepare a consolidated report for the consideration of the Conference of the Parties at its seventh meeting;

3. Decides that periodic review of the implementation of the Basel Declaration and its relationship with the development and implementation of the strategic plan shall be undertaken by the Open-ended Working Group with a view to providing guidance to the secretariat and reporting on issues, problems or obstacles to the Conference of the Parties at its seventh meeting;

4. Requests the Open-ended Working Group of the Conference of the Parties to provide guidance to the secretariat on the implementation of the Basel Declaration on Environmentally Sound Management.

## **VI/6. Establishment of a Basel Convention Regional in Senegal**

The Conference of the Parties,

Taking note of the progress in the establishment of the Basel Convention Regional Centre for French-speaking Countries in Africa,

Taking note also of the request by the Government of Senegal for the formal selection of the host institution of the Regional Centre in Dakar,

Selects Dakar, Senegal, to host the Basel Convention Regional Centre for French-speaking Countries in Africa.

## **VI/7. Proposal to establish a Basel Convention Regional Centre in the Islamic Republic of Iran**

The Conference of the Parties,

Recalling its decision III/19 on the establishment of regional or subregional centres for training and technology transfer regarding the management of hazardous wastes and other wastes and the minimization of their generation,

Taking note of the proposal for the establishment of the Basel Convention Regional Centre for West and Central Asia in Tehran, submitted by the Islamic Republic of Iran,

Taking note also of a preliminary feasibility study submitted by the Government of the Islamic Republic of Iran for the establishment of the Centre,

1. Welcomes the offer of the Government of the Islamic Republic of Iran to host the Basel Convention Regional Centre for West and Central Asia for training and technology transfer for the management of hazardous wastes and other wastes and the minimization of their generation;

2. Invites the Government of the Islamic Republic of Iran to develop further and complete the feasibility study in consultation with the countries in the region and the Basel Convention Regional Centres located in China, Egypt, Indonesia and the Russian Federation with a view to defining the relationship between the proposed Centre and those Centres;

3. Also invites the Government of the Islamic Republic of Iran to undertake activities to ascertain the needs of the region and the capacity of the proposed Centre to address such needs;

4. Requests the Government of the Islamic Republic of Iran, in consultation with the secretariat, to submit to the Conference of the Parties for consideration at its seventh meeting a final proposal for the establishment of the Centre, taking into account the agreed basic elements of the Framework Agreement and the core functions of the Basel Convention Regional Centres.

## **VI/8. Establishment of a Pacific Regional Centre for the Joint Implementation of the Basel Convention and the Waigani Conventions**

The Conference of the Parties,

Noting that the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the Waigani Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region are mutually supportive,

Noting also that the first meeting of the Conference of the Parties to the Waigani Convention recognized that the Waigani Convention complements and strengthens the implementation of the Basel Convention at the regional level,

Noting further that the Environment Ministers from the Pacific region endorsed the principle of a joint centre for both Conventions, integrated within the South Pacific Regional Environment Programme for training and technology transfer,

Taking note the request of Environment Ministers from the Pacific region to put forward a proposal for a joint regional training centre at the sixth meeting of the Conference of the Parties to the Basel Convention;

Taking note also of the conclusion of the study concerning the feasibility of establishing a Regional Centre as the joint training centre, presented by the South Pacific Regional Environment Programme to the sixth meeting of the Conference of the Parties to the Basel Convention,

1. Welcomes the establishment in principle of a Joint Pacific Regional Centre for the countries in the Pacific region, within the South Pacific Regional Environment Programme and operating under the joint authority of the Parties to the Basel and Waigani Conventions, for training and technology transfer for the management of hazardous wastes and other wastes and the minimization of their generation;



2. Requests the secretariat of the Basel Convention to negotiate a memorandum of understanding with the the South Pacific Regional Environment Programme, acting as the secretariat of the Waigani Convention and also in its own right, for the operation of the Joint Pacific Regional Centre. The memorandum of understanding shall define, inter alia, the work programme of the Joint Pacific Regional Centre, the sources of financing of agreed activities, as well as the role of the secretariats in guiding, coordinating, monitoring and evaluating the work of the Joint Pacific Regional Centre;

3. Requests the secretariat of the Basel Convention, in collaboration with the South Pacific Regional Environment Programme, acting as the secretariat of the Waigani Convention, to promote both the ratification of the Basel Convention and its related instruments and the Waigani Convention within the Pacific Region;

4. Requests the secretariat of the Basel Convention to report to the seventh meeting of the Conference of the Parties on the progress made on the establishment of the Joint Pacific Regional Centre and its work.

## **VI/9. Basel Convention Regional Centre for the Arab States**

The Conference of the Parties,

Recognizing that the following Arab States in Africa and Asia, which are Party to the Basel Convention, have confirmed their membership in the Basel Convention Regional Centre for the Arabic-speaking States for Training and Transfer of Technology, based in Cairo: Algeria, Bahrain, Comoros, Egypt, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen,

1. Decides to change the name of the Centre to the Basel Convention Regional Centre for the Arab States for Training and Technology Transfer;

2. Confirms its support for the Regional Centre for the Arab States, in Cairo, which assists Parties in their implementation of the Basel Convention and achievement of the proper environmental control of hazardous substances;

3. Calls on the secretariat of the Basel Convention and on the donor countries contributing towards the support of the Centre to strengthen its technical and financial capacities and help the Parties concerned to implement the Convention and achieve sound environmental control over hazardous wastes.

## **VI/10. Implementation of the environment initiative of the New Partnership for Africa's Development related to hazardous waste and other wastes**

The Conference of the Parties,

Taking note of the draft strategy for the environment initiative of the New Partnership for Africa's Development (UNEP/CHW.6/INF/7), submitted to the Conference of the Parties by the President of the African Ministerial Conference on the Environment,

Aware of the need to take into account regional priorities in the implementation of the strategic plan for the implementation of the Basel Convention,

Welcoming the proposal of the African Ministerial Conference on the Environment to utilize the Basel Convention Regional Centres in Africa towards the implementation of the environment initiative of the New Partnership for Africa's Development related to the management of hazardous waste and other wastes,

1. Endorses the role of the Basel Convention Regional Centres in Africa in carrying out the implementation of the New Partnership for Africa's Development environment initiative programmes related to the environmentally sound management of hazardous waste and other wastes.

2. Mandates the secretariat of the Basel Convention and the Basel Convention Regional Centres in Africa to cooperate closely with the secretariat of the African Ministerial Conference on the Environment, the secretariat of the New Partnership for Africa's Development and other stakeholders in the development and implementation of activities contained in the Partnership's environment initiative that support the further implementation of the Basel Declaration on Environmentally Sound Management and the Basel Convention strategic plan.

## VI/11. Capacity-building

The Conference of the Parties,

Noting the concerted efforts undertaken to provide assistance in capacity-building, training and information to implement the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, its amendments and protocol,

Welcoming the assistance provided by Parties and others to support concrete activities,

Recognizing the need and usefulness for developing and implementing concrete activities that are mutually supportive or complementary in support of the Basel Declaration on Environmentally Sound Management,

1. Requests the secretariat to continue, subject to availability of funds, promoting public awareness on the Basel Convention through conferences, workshops, preparation of audio, audio-visual and printed materials, enhancement of the Basel Convention web site and participation in trade fairs and exhibitions at global, regional or national levels;
2. Also requests the secretariat to continue developing training programmes and organizing national and regional training activities, as appropriate, on the implementation of the Basel Convention, in collaboration with the United Nations Environment Programme and other intergovernmental organizations as well as the private sector and non-governmental organizations;
3. Reiterates the importance for Parties to provide financial resources to the Technical Cooperation Trust Fund to Assist Developing Countries and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention to assist developing countries and countries with economies in transition that are Parties to the Convention in implementing the Basel Convention and in managing hazardous and other wastes in an environmentally sound manner;
4. Invites Parties, non-Parties, intergovernmental organizations, members of the industry and business sectors and non-governmental organizations to provide financial resources or assistance in kind, to assist countries in need of such assistance in the development of specific capacity-building projects, training, information and awareness-raising activities;
5. Requests the secretariat to report, through the Open-ended Working Group, to the Conference of the Parties at its seventh meeting on the implementation of the present decision.

## VI/12. Establishment of a mechanism for promoting implementation and compliance

The Conference of the Parties,

Bearing in mind the provisions of the Basel Convention,

Taking note of decision V/16, in which the Conference of the Parties requested the Legal Working Group to prepare a draft decision establishing a mechanism for promoting the implementation of and compliance with the obligations set out under the Basel Convention,

Also noting the requirement for environmentally sound management of hazardous and other wastes as defined by the Convention,

Seeking to promote the identification, as early as possible, of implementation and compliance difficulties encountered by Parties,

Desiring to improve its understanding of the root causes of such difficulties,

Seeking to promote the adoption of and recommendations on the most appropriate and effective solutions for resolving those difficulties,

Seeking also to assist Parties to develop and implement the most appropriate and effective solutions for resolving those difficulties,

1. Decides, pursuant to article 15, paragraph 5 (e) of the Basel Convention to adopt the terms of reference for the mechanism for promoting implementation and compliance set out in the appendix to the present decision.

## Appendix

### MECHANISM FOR PROMOTING IMPLEMENTATION AND COMPLIANCE

#### Terms of reference

##### Objectives

1. The objective of the mechanism is to assist Parties to comply with their obligations under the Convention and to facilitate, promote, monitor and aim to secure the implementation of and compliance with the obligations under the Convention.

##### Nature of the mechanism

2. The mechanism shall be non-confrontational, transparent, cost-effective and preventive in nature, simple, flexible, non-binding and oriented in the direction of helping parties to implement the provisions of the Basel Convention. It will pay particular attention to the special needs of developing countries and countries with economies in transition, and is intended to promote cooperation between all Parties. The mechanism should complement work performed by other Convention bodies and by the Basel Convention Regional Centres.

##### Composition and tenure

3. A Committee for administrating this mechanism (“the Committee”) is hereby established. It shall consist of 15 Members nominated by the Parties, serving in accordance with paragraph 5, and based on equitable geographical representation of the five regional groups of the United Nations, elected by the Conference of the Parties.

4. If a Member of the Committee resigns or is otherwise unable to complete his or her term of office or to perform his or her functions, the Party who nominated that member shall nominate an alternate to serve for the remainder of the mandate.

5. Members of the Committee will serve objectively and in the best interest of the Convention. They shall have expertise relating to the subject matter of the Convention in areas including scientific, technical, socio-economic and/or legal fields.

6. At the meeting at which the decision establishing the mechanism is adopted, the Conference of the Parties shall elect five members, one from each region, for one term, and ten members, two from each region, for two terms. The Conference of the Parties shall, at each ordinary meeting thereafter, elect for two full terms new members to replace those members whose period of office has expired, or is about to expire. Members shall not serve for more than two consecutive terms. For the purposes of the present terms of reference “term” means the period that begins at the end of one ordinary meeting of the Conference of the Parties and ends at the end of the next ordinary meeting of the Parties.

7. The Committee shall elect its officers – a Chair, three Vice-chairs and a Rapporteur – based on equitable geographical representation of the five regional groups of the United Nations.

8. The Committee shall meet at least once between each regular meeting of the Conference of the Parties, and in conjunction with meetings of other Convention bodies. The secretariat shall arrange for and service the meetings of the Committee.

##### Procedures for specific submissions

9. Submissions may be made to the Committee by:

(a) A Party that concludes that, despite its best efforts, it is or will be unable to fully implement or comply with its obligations under the Convention;

(b) A Party that has concerns or is affected by a failure to comply with and/or implement the Convention’s obligations by another Party with whom it is directly involved under the Convention. A Party intending to make a submission under this subparagraph shall inform the Party whose compliance is in question, and both Parties should then try to resolve the matter through consultations;

(c) The secretariat, if, while acting pursuant to its functions under articles 13 and 16, it becomes aware of possible difficulties of any Party in complying with its reporting obligations under article 13, paragraph 3 of the Convention, provided that the matter has not been resolved within three months by consultation with the Party concerned.

10. Any submission, except one made under paragraph 9 (c), shall be addressed in writing to the secretariat, and shall set out:

- (a) The matter of concern;
- (b) The relevant provisions of the Convention; and
- (c) Where paragraph 9 (b) applies, information substantiating the submission.

11. Where a submission is made under paragraph 9 (a), the secretariat shall forward the submission, within two weeks of its receiving the submission, to the Committee for consideration at its next meeting.

12. The Party whose compliance is in question may present responses and/or comments at every step of the proceedings described in this decision.

13. In cases of a submission other than by a Party with respect to its own compliance, the secretariat shall send, within two weeks of its receiving the submission, a copy to the Party whose compliance with the Convention is in question and to the Committee for consideration at its next meeting.

14. Without prejudice to paragraph 12, additional information provided in response by the Party whose compliance is in question should be forwarded to the secretariat within three months of the date of the receipt of the submission by the Party in question, unless the circumstances of a particular case require an extended period of time. Such information will be immediately transmitted to the members of the Committee for consideration at its next meeting. Where a submission has been made pursuant to paragraph 9 (b), the information shall also be forwarded by the secretariat to the Party that made the submission.

15. Where a Party is identified in a submission or itself makes a submission, it shall be invited to participate in the consideration of the submission by the Committee. Such a Party, however, shall not take part in the elaboration and adoption of the conclusions or recommendations by the Committee. Conclusions and recommendations shall be shared with the Party concerned for consideration and an opportunity to comment. Any such comments shall be forwarded with the report of the Committee to the Conference of the Parties.

16. Meetings dealing with specific submissions relating to the compliance of an individual Party shall not be open to other Parties or the public, unless the Committee and the Party whose compliance is in question agree otherwise.

17. Under the compliance mechanism, a Party may also consider and use relevant and appropriate information provided by civil society on compliance difficulties.

18. The Committee may decide not to proceed with a submission which it considers is:

- (a) *de minimis*; or
- (b) manifestly ill-founded.

#### Facilitation procedure

19. The Committee shall consider any submission made to it in accordance with paragraph 9 with a view to determining the facts and root causes of the matter of concern and, assist in its resolution. As part of this process, the Committee may provide a Party, after coordination with that Party, with advice, non-binding recommendations and information relating to, inter alia;

- (a) Establishing and/or strengthening its domestic/regional regulatory regimes;
- (b) Facilitation of assistance in particular to developing countries and countries with economies in transition, including on how to access financial and technical support, including technology transfer and capacity-building;

(c) Elaborating, as appropriate and with the cooperation of the Party or Parties faced with the compliance problems, voluntary compliance action plans, and review their implementation. A voluntary compliance action plan may include benchmarks, objectives and indicators of the plan, as well as an indicative timeline for its implementation;

(d) Any follow-up arrangements for progress reporting to the Committee, including through the national reporting procedure under article 13.

Advice, non-binding recommendations and information other than those listed in subparagraphs (a) to (d) above should be provided in agreement with that Party.

### **Recommendation to the Conference of the Parties on additional measures**

20. If, after undertaking the facilitation procedure in paragraph 19 above and taking into account the cause, type, degree and frequency of compliance difficulties, as well as the capacity of the Party whose compliance is in question, the Committee considers it necessary in the light of paragraphs 1 and 2 to pursue further measures to address a Party's compliance difficulties, it may recommend to the Conference of the Parties that it consider:

(a) Further support under the Convention for the Party concerned, including prioritization of technical assistance and capacity-building and access to financial resources; or

(b) Issuing a cautionary statement and providing advice regarding future compliance in order to help Parties to implement the provisions of the Basel Convention and to promote cooperation between all Parties.

Any such action shall be consistent with article 15 of the Convention.

#### General review

21. The Committee shall, as directed by the Conference of Parties, review general issues of compliance and implementation under the Convention relating to, inter alia:

(a) Ensuring the environmentally sound management and disposal of hazardous and other wastes;

(b) Training customs and other personnel;

(c) Accessing technical and financial support, particularly for developing countries, including technology transfer and capacity-building;

(d) Establishing and developing means of detecting and eradicating illegal traffic, including investigating, sampling and testing;

(e) Monitoring, assessing and facilitating reporting under article 13 of the Convention; and

(f) The implementation of, and compliance with, specified obligations under the Convention.

#### Consultation and information

22. In carrying out its functions, the Committee may, inter alia:

(a) Request further information from all Parties, through the secretariat, on general issues of compliance and implementation under its consideration;

(b) Consult with other bodies of the Convention;

(c) Request further information from any sources and draw upon outside expertise, as it considers necessary and appropriate, either with the consent of the Party concerned or as directed by the Conference of the Parties;

(d) Undertake, with the agreement of a Party(ies), information gathering in its or their territory for the purpose of fulfilling the functions of the Committee;

(e) Consult with the secretariat and draw upon its experience and knowledge base compiled under article 16 of the Convention and request through the secretariat information, where appropriate in the form of a report, on matters under the Committee's consideration; and

(f) Review the national reports of Parties provided under article 13 of the Convention.

## Reporting

23. The Committee shall report to each ordinary meeting of the Conference of the Parties on the work it has carried out to fulfil its functions under paragraphs 19 and 20 for the information and/or the consideration of the Conference of the Parties.

24. The Committee shall also report to each ordinary meeting of the Conference of the Parties on any conclusions and/or recommendations it has developed under paragraph 21 and on its suggestions for any future work that may be required on general issues of compliance and implementation, for the consideration and approval of the Conference of the Parties.

## Decision-making

25. The Committee shall make every effort to reach agreement on all matters of substance by consensus. Where this is not possible, the report and recommendations shall reflect the views of all the Committee members. If all efforts to reach consensus have been exhausted and no agreement has been reached, any decision shall, as a last resort, be taken by a two-third majority of the members present and voting or by eight members, whichever is the greater. Ten members of the Committee shall constitute a quorum.

## Confidentiality

26. The Committee, any Party or others involved in its deliberations shall protect the confidentiality of information received in confidence.

## Relationship with provisions of the Convention

27. The present mechanism shall be without prejudice to the provisions of article 20 on settlement of disputes.

28. In performing its functions under paragraphs 19, 20 and 21, the Committee shall take into account any specific procedures provided for under the Convention concerning failures to meet Convention obligations.

## **VI/13. Interim procedure for electing the members of the committee for administering the mechanism for promoting implementation and compliance**

The Conference of the Parties,

Bearing in mind decision VI/12 of the sixth meeting of the Conference of the Parties on the establishment of the mechanism for promoting implementation and compliance,

Noting in particular that the Committee for administering the mechanism shall consist of 15 members nominated by the Parties and based on equitable geographical representation of the five regional groups of the United Nations,

Noting also that paragraph 6 of the appendix to decision VI/12 requires the election of five members, one from each region, for one term, and ten members, two from each region, for two terms,

Recognizing the necessity to allow further time for such election,

1. Calls upon the Parties to nominate candidates meeting the requirements of paragraph 5 of the appendix to decision VI/12 for membership of the Committee;

2. Requests the Parties to submit their nominations to the secretariat two months before the first meeting of the Open-ended Working Group;

3. Further requests the secretariat to distribute the nominations together with the provisional agenda and supporting documents for that meeting;

4. Decides that the Open-ended Working Group shall elect the members of the Committee on behalf of the Conference of the Parties.

## **VI/14. Interim guidelines for the implementation of decision V/32 on enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention**

The Conference of the Parties,

Taking note of article 15, paragraph 1, of the Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal,

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

Recalling also its decision V/18 on the emergency fund,

Taking note of article 15, paragraph 2, of the Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal,

1. Approves the Interim Guidelines for the Implementation of Decision V/32, Enlargement of the scope of the Technical Cooperation Trust Fund, contained in the appendix to the present decision;
2. Invites developing countries and countries with economies in transition which are Parties to the Basel Convention to submit to the secretariat project proposals for development of capacity-building, transfer of technology and putting in place measures to prevent accidents and damage to the environment caused by transboundary movements of hazardous wastes and other wastes and their disposal, including for development of emergency response and contingency plans;
3. Requests the secretariat to continue working on gathering information related to:
  - (a) The number of incidents arising from transboundary movements of hazardous wastes and their disposal;  
and
  - (b) With regard to each incident, the extent to which damage was not compensated by the current mechanism;
4. Encourages Parties and the secretariat to keep working at of the Conference of the Parties on the improvement of the existing mechanism or, if necessary, on the establishment of a new mechanism.

## Appendix

# INTERIM GUIDELINES FOR THE IMPLEMENTATION OF DECISION V/32 ON "ENLARGEMENT OF THE SCOPE OF THE TECHNICAL COOPERATION TRUST FUND"

## PART 1

### EMERGENCY ASSISTANCE

#### I. WHO CAN APPLY FOR EMERGENCY ASSISTANCE

Only States which are developing countries or a country with economy in transition and Party to the Basel Convention may request emergency assistance.

The list used for determining which countries are developing countries and countries with economies in transition will be taken from the Organization for Economic Cooperation and Development (OECD).

#### II. LEGAL FRAMEWORK

##### *Introduction*

The Enlarged Technical Cooperation Trust Fund operates within the framework of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, as well as of the recently adopted Basel Protocol on Liability and Compensation for Damage resulting from Transboundary Movements of Hazardous Wastes and their Disposal.

Decision V/32 makes reference in its preamble to the adoption of the Protocol on Liability and Compensation. Therefore, the present Guidelines were prepared following the definitions (e.g. for damage, preventive measures), the scope of application and other relevant rules of the Protocol. These Interim Guidelines do not consider legal questions in detail. These questions vary according to the type of request submitted and the circumstances of the incident. The statements in the Guidelines are therefore without prejudice to the position of the secretariat of the Basel Convention or of contributors concerning individual requests. The Guidelines should not be seen as an interpretation of decision V/32, the Basel Protocol or the Basel Convention.

##### *Enlargement of the Scope of the Technical Cooperation Trust Fund*

According to decision V/32, entitled "Enlargement of the Scope of the Technical Cooperation Trust Fund", the secretariat of the Basel Convention may, upon request, assist a Party to the Convention which is a developing country or a country with economy in transition in case of an incident occurring during a transboundary movement of hazardous wastes and other wastes and their disposal, including illegal traffic as defined in the Convention.

Furthermore, paragraph 8 of decision V/32 urges Parties to provide contributions to the Technical Cooperation Trust Fund to support emergency assistance. A contributor may specify that its contribution be used for specific purposes.

##### *Transboundary movement*

"Transboundary movement" means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement.

The Guidelines are applicable for a transboundary movement from the point where the wastes are loaded on the means of transport in an area under the national jurisdiction of a State of export.

However, according to Article 3.1 of the Protocol, a State of export may, by way of a notification to the Depository, decide that the starting point is the point at which the shipment leaves the territory or territorial sea of that State of export.

The end of the scope is the point of disposal in the State of import, which will depend on the type of disposal operation, as outlined below.



***Disposal***

"Disposal" means any operation specified in Annex IV to the Basel Convention.

The Guidelines shall apply:

(a) In relation to movements destined for one of the operations specified in Annex IV to the Convention other than D13, D14, D15, R12 or R13, until the time at which the notification of completion or disposal pursuant to Article 6, paragraph 9, of the Convention has occurred or, where such notification has not been made, completion of disposal has occurred; and

(b) In relation to movements destined for the operations specified in D13, D14, D15, R12 or R13 of Annex IV to the Convention, until the completion of the subsequent disposal operation specified in D1 to D12 and R1 to R11 of Annex IV to the Convention.

***Geographical Scope***

The Guidelines apply to emergency measures, which are to be taken to prevent or mitigate damage in an area under the national jurisdiction of a Party to the Convention.

The Guidelines also apply to emergency measures to prevent or mitigate loss of life, personal injury and damage to property in areas beyond national jurisdiction.

***Hazardous wastes and other wastes***

These Interim Guidelines apply to emergency assistance which can be given in case of incidents involving hazardous wastes and other wastes within the meaning of Article 1 of the Basel Convention.

***Incidents and illegal traffic***

Emergency measures can be taken in the case of an incident occurring during a transboundary movement of hazardous wastes and other wastes and their disposal, including illegal traffic in those wastes.

"Incident" defined by Article 2, paragraph 2(h) of the Protocol is any occurrence, or series of occurrences having the same origin, that causes damage or creates a grave and imminent threat of causing damage.

"Illegal traffic" means any transboundary movement of hazardous wastes or other wastes as specified in Article 9, paragraph 1 of the Basel Convention.

***Damage***

The secretariat can only respond to a request for emergency assistance in order to prevent or mitigate the following damage defined by the Basel Protocol:

Loss of life or personal injury;

Loss of or damage to property other than property held by the person liable in accordance with the Basel Protocol;

Loss of income directly deriving from an economic interest in any use of the environment, incurred as a result of impairment of the environment and;

The cost of preventive measures, including any loss or damage caused by such damage to the extent that damage arises out of or results from hazardous properties of the wastes involved in the transboundary movement and disposal of hazardous wastes and other wastes.

**III. APPLYING FOR EMERGENCY ASSISTANCE*****Role of the secretariat of the Basel Convention***

The secretariat of the Basel Convention will advise on the preparation and submission of requests for emergency assistance. Applicants may also consult the secretariat on all related matters, such as the taking of preventive measures or engaging of experts for purposes of assessment.

### ***To whom should the request be addressed***

Using the form drawn up by the secretariat, requests should be submitted to the Executive Secretary of the secretariat of the Basel Convention:

UNEP - SBC  
15, chemin des Anémones  
1219 Châtelaine (Geneva)  
Tel: +41 22 917 82 18  
Fax: +41 22 797 34 54  
E-Mail: [sbc@unep.ch](mailto:sbc@unep.ch)

In extremely urgent cases, the Duty System of the Joint UNEP/OCHA Environment Unit can be utilized 24 hours, 365 days a year:

Telephone: +41 22 917 1142 / 1172 / 1172  
Fax: +41 22 917 0023 / 907 0257  
Telex: 414242 DHA CH  
E-Mail: [info@dha.unicc.org](mailto:info@dha.unicc.org)  
24 hours Emergency Hotline: +41 22 917 20 10

### ***How should the request be presented?***

The request for emergency assistance should be submitted in written form (letter, fax, electronic mail). It can be submitted by using the request form proposed by the secretariat (attached). The request format can also be found on the World Wide Web at

<http://www.basel.int/index.html>

### ***Which information should the request contain?***

Each request should contain the following basic information, if known by the requesting authority:

Name, address and bank details of requesting authority;  
Date, place and specific details of the incident;

Description of hazardous wastes or other wastes involved (name, origin, physical form, major constituents, typical contaminants, volume/quantity, waste code);

Name of States involved in the transboundary movement (e.g. country of origin, transit or destination);

Name and address of persons involved in the transboundary movement (e.g. exporter, importer, notifier, carrier, disposer) and of insurance, if any;

Measures which have been taken in response to the incident, including the request for assistance from other countries involved in the incident;

Type and extent of damage that occurred or is likely to occur; (e.g. dilution factors, dispersion problems, rate of spread, etc.);

Preventive measures that are necessary in order to prevent or mitigate damage;

What kind of emergency assistance is required.

## **IV. IMPLEMENTATION OF EMERGENCY ASSISTANCE**

### ***General provisions***

The Party which requests emergency assistance will first try to solve the problems with its own means;

If there is a national system for emergency assistance in response to incidents, measures under the national system will first be taken. If these measures are not sufficient the request for assistance may be made;

If the citizens or companies of the Party to the Convention in which the incident happened have been responsible for causing the incident, the Party should take actions to compel these persons or companies to participate in the prevention of the damage or its mitigation. If this is not possible, the Party should take the required actions itself, and later take legal action to recuperate the funds received from the Technical Cooperation Trust Fund. Parties can assign their rights to legal action to the secretariat to recover the money paid out by the Trust Fund;

The amount received in such legal action should serve to reimburse the Technical Cooperation Trust Fund for the amount taken from the Fund to provide assistance.

### ***Procedure***

Requests submitted to the secretariat are dealt with promptly. On the basis of the present Interim Guidelines, the Executive Secretary in consultation with the Expanded Bureau, using a quick procedure, may provide assistance to a Party to the Convention from the Technical Cooperation Trust Fund.

The Executive Secretary will also consult with contributors, especially in cases where contributions to the Trust Fund are earmarked with conditions.

Upon receiving a request for emergency assistance, the secretariat shall consult with experts, through the national focal point, in order to clarify the urgency, the imminence of the threat or the type of measures necessary to be taken for that specific incident.

All decisions taken should be reported to the Expanded Bureau, Working Groups and to the next meeting of the Conference of the Parties.

### ***Task Force***

All activities of emergency assistance shall be coordinated by the Executive Secretary. Whenever necessary, the Executive Secretary shall establish a task force for her support, which will handle all required tasks of emergency assistance.

### ***Policy of attribution of emergency assistance***

Each request shall be considered on the basis of its own merits, in light of the particular circumstances of the case.

In order to promote transparency, accountability and consistency, the secretariat will ensure that the general criteria in these Interim Guidelines are followed when assessing requests for emergency assistance.

### ***General criteria***

The following general criteria apply to all requests:

An incident falling within the scope of these Guidelines must have occurred;

There must be a grave and imminent threat that (further) damage will be caused by the incident;

Any request must relate to measures which are deemed urgent, necessary, reasonable and justifiable as jointly agreed by the affected Party and by the secretariat.

The request is admissible only if and to the extent the damage arises out of or results from hazardous properties of the hazardous wastes and other wastes involved in the incident;

The developing country or country with economy in transition requires assistance in order to be capable of effectively preventing or mitigating the damage.

What kind of emergency assistance can be provided?

According to decision V/32, the secretariat may assist a Party which has suffered an incident:

To estimate the magnitude of damage that has occurred or damage that may occur and the measures needed to mitigate and prevent (further) damage (hereinafter referred to as "rapid assessment");

To take appropriate emergency measures to prevent or mitigate the damage (hereinafter referred to as "emergency measures");

To help find those Parties and other entities in a position to give the assistance needed (hereinafter referred to as "broker activities").

In doing so, the secretariat will, among other things,

Liaise with the government of the affected Party and provide the Expanded Bureau with an assessment of the situation on the ground;

Serve as a focal point for coordination of activities and dissemination of information; and

Provide logistical support, upon approval by the Expanded Bureau, for the delivery of assistance.

The secretariat will also serve as the point of contact with local authorities, media, donor countries and agencies and other organizations present in the field (e.g. Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Pan American Health Organization (PAHO)) and provide regular updates on the evolving situation.

### ***Rapid assessment***

In the case of an incident, the secretariat shall, within the capacity and the means available to it, assist a Party to assess the damage and the necessity and urgency of emergency measures if so required. The assessment can be done by national experts, consultants or staff of an international organization, who are appointed by the Executive Secretary.

### ***Which information shall the rapid assessment provide?***

In order to provide a sound basis for decision on further action, the report of the rapid assessment of the incident will respond to the following questions:

Details of incident and estimation of the magnitude of the damage that has occurred;

The gravity of (further) damage that may occur, and degree of imminence and threat that such damage may occur;

Detailed recommendations as to measures needed to prevent or mitigate damage, and reasonable costs of such measures;

Those capacities lacking in the requesting country to allow it to respond to the incident.

### ***Emergency measures***

According to decision V/32, the secretariat may assist a Party that has suffered an incident to take appropriate "measures to prevent or mitigate damage". Article 2 paragraph 2 (e) of the Protocol contains a definition of "preventive measures", meaning 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.

To be distinguished from the preventive measures in the context of the Protocol are the "measures of reinstatement", which aim at reinstating or restoring damaged or destroyed parts of the environment. Measures of reinstatement do not fall within the scope of emergency measures.

When deciding upon the taking of emergency measures, the Executive Secretary shall take particularly into account:

The gravity of damage that may occur;

The degree of imminence and threat that such damage may occur;

The nature and cost of urgent and necessary reasonable measures;

Which assistance is required by the requesting country;

Availability of bilateral assistance;

Availability of funds; and

Conditions imposed by donors.

***Broker activities***

According to decision V/32, the secretariat shall help find those Parties and other entities in a position to give the assistance needed. The secretariat will act as a broker between the country that is the victim of an incident and potential donors (financial or in-kind). Furthermore, the secretariat shall maintain a list of and establish contact with entities, such as other international organizations involved in the field of emergency response, research institutions, private companies, non-governmental organizations or public institutions, with expertise in the relevant fields of emergency response.

The secretariat should encourage and facilitate, where appropriate, bilateral or multilateral assistance arrangements among and between Parties. A first attempt will be made to broker bilateral assistance, whenever that assistance will be possible or appropriate.

***Service provided by UNEP/OCHA***

The mandate of UNEP/OCHA is to improve the international response to environmental emergencies by serving as a clearing-house for information and a switchboard for disaster notification, and alerting and acting as a broker between affected and donor countries.

The secretariat should use the services provided by the Joint UNEP/OCHA Environment Unit in offering its emergency assistance. These services could include rapid assessment through international experts, the implementation of emergency measures, and the broker function between the affected country and donor countries that are ready and willing to assist.

The secretariat will seek the support of the Joint UNEP/OCHA Environment Unit in particular through its global network of National Focal Points, consisting of governmental organizations responsible for environmental emergencies at the national level, and its other partners worldwide, for the provision of emergency assistance.

The secretariat will invite the Joint UNEP/OCHA Environment Unit to cooperate in the preparation of framework contracts with interested national experts in order to create a "stand-by situation", ensuring the immediate operability of an expert in an emergency situation without bureaucratic delay.

These stand-by contracts will be consultancy contracts prepared in advance for the stand-by period (e.g. for one/two year(s)). The framework contracts will be at no cost to the organization during the stand-by period, if no actual operation is undertaken.

Experts shall be selected according to expertise, language and geographical criteria. The experts shall be selected by the Executive Secretary of the secretariat of the Basel Convention and nominated to the UNEP/OCHA Joint Environment Unit.

A Memorandum of Understanding has been signed between the secretariat of the Basel Convention and the UNEP/OCHA Environmental Unit, identifying the areas and the methodology for cooperation.

***Transparency and accountability***

The secretariat will submit periodic reports on its decisions related to emergency assistance to the Expanded Bureau for its review. The reports shall contain all factual and financial information (accounting) required to give a clear picture of the requests for assistance considered and approved. A consolidated report will be submitted to the meetings of the Conference of the Parties.

**V. FINANCIAL RULES*****Earmarking of contributions***

Contributions made for emergency assistance to the Technical Cooperation Trust Fund shall be used within the terms of paragraph 2 of decision V/32. These contributions to the Technical Cooperation Trust Fund can be earmarked for general emergency assistance or may be earmarked for concrete activities. Whenever contributions are earmarked for specific activities, they will be used accordingly. In the event of an emergency, contributions earmarked for emergency assistance would be used first, followed by contributions which have not been earmarked.

***Relevant rules***

The contribution to and the attribution of expenditures from the Technical Cooperation Trust Fund for emergency assistance are subject to the financial regulations of the United Nations Environment Programme.

The operation of emergency assistance under the Trust Fund is governed by the Terms of Reference for the Administration of the Trust Fund for the Basel Convention, as laid down in Annex II to decision I/7 of the first meeting of the Conference of the Parties to the Basel Convention.

### ***Payments***

Payments from the Technical Cooperation Trust Fund for emergency assistance are discretionary and subject to the availability of resources and will be made by the Executive Secretary in consultation with the Expanded Bureau, using a quick procedure. If the total amount of requests exceeds the total amount of emergency assistance available in the Fund, the Executive Secretary shall decide on which requests should be given priority, based on the present criteria and guidelines, and inform the Expanded Bureau if demands exceed available funding. The assistance provided to each requesting authority may be reduced proportionately or as deemed necessary.

Developing countries or countries with economies in transition which have ratified the Basel Protocol on Liability and Compensation or are in an advanced stage of the process of ratification will have priority in receiving assistance.

In-kind contributions may also be made (for example, for provision of experts or equipment).

With respect to each incident, the Executive Secretary should not use more than 30 per cent of the amount of funds available in the Fund at any given time. The Fund should also have a reserve of 30 per cent for the next possible case and 10 per cent should never be used, except with express approval of the Expanded Bureau. These limits can be waived by the Expanded Bureau in exceptional circumstances. These limits shall also not apply to earmarked contributions.

### ***Possible recourse action***

The policy of the secretariat shall be to take recourse action whenever appropriate and the Executive Secretary should in each case consider whether it would be possible to recover any amounts paid by it for emergency assistance. The decision whether or not to take such action should be made on a case by case basis, in the light of the prospect of success within the legal system in question. The Executive Secretary should in each case cooperate with the Party which requested assistance, in order to recover the amounts paid by it for emergency assistance.

The entry into force of the Basel Protocol on Liability and Compensation will be a significant step in facilitating recourse action. There will be no funding available if the recovery for emergency action is obtained under the Protocol. The secretariat shall seek cooperation with major international insurance companies in order to explore ways of recovery of amounts paid, as well as the possibility of advance or interim payments by the insurance.

Each Party which receives financial assistance will be required to take appropriate actions to sue the liable company or persons for the recovery of the funds spent from the Fund, where this is possible under the relevant national law. Other Parties will be requested to offer, in accordance with their respective legal regime, any assistance necessary to overcome procedural barriers to suing in another jurisdiction. The secretariat will also render assistance in this regard.

A recipient Party may assign its right to a legal action to the secretariat or to another Party to recover the money utilized from the Trust Fund.

The amount recovered in such legal action should serve to reimburse the Technical Cooperation Trust Fund for the amount taken from the Fund to provide assistance.

### ***Transparency and accountability***

The secretariat will submit periodical reports on its decisions related to payment for compensation to the Expanded Bureau for its review. The reports shall contain all factual and financial information (accounting) required to give a clear picture of the projects considered. A consolidated report will be submitted to the meetings of the Conference of the Parties.

## **VI. CONTINGENCY/EMERGENCY PLANS**

Each Party should have, or should develop and implement, a participatory contingency or emergency plan.

Parties that have prepared operating procedures for response to disasters (natural or man-made) or emergency plans should provide copies to the secretariat so that it is apprised of the procedure to follow in those countries.

The emergency assistance will not be denied for non-existence of such contingency or emergency plans, but the development of such plans should be encouraged and the secretariat could be requested to offer assistance in the development of these plans.

Prevention should be the policy of both the Parties and the secretariat.

## PART 2

### COMPENSATION FOR DAMAGE TO AND REINSTATEMENT OF THE ENVIRONMENT

#### I. WHO CAN APPLY FOR COMPENSATION FOR DAMAGE AND REINSTATEMENT

Compensation can be provided upon request of a Contracting Party to the Protocol, which is a developing country or a country with economy in transition. The secretariat will use the lists produced by the OECD Development Assistance Committee to determine whether a country is a developing country or a country with an economy in transition (Annex I - DAC List of Aid Recipients).

Private persons, institutions or companies may be compensated if so requested by a developing country or a country with economy in transition concerned. A private person, institution or company shall apply for compensation for damage to and reinstatement of the environment with the Competent Authority of the developing country or the country with economy in transition, where the damage was incurred. If considered adequate by the Competent Authority concerned, it shall submit the request to the secretariat. Competent Authorities shall establish procedures for application from private persons, institutions or companies, which shall be reported to the secretariat.

Where there is more than one claimant with respect to a single incident, the relevant Contracting Party is encouraged to collate the individual claims and transmit them to the secretariat. If one or more of the requests for compensation are granted, upon receipt of the funds from the secretariat the relevant Party shall be responsible for transmitting payment to the individual claimant or claimants.

#### II. LEGAL FRAMEWORK

##### *Introduction*

The Guidelines should not be seen as an interpretation of decision V/32, the Basel Convention or Protocol but rather, as an interim measure until a review of the Guidelines by the Conference of the Parties can be made.

The Enlarged Technical Cooperation Trust Fund operates within the framework of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal as well as of the Basel Protocol on Liability and Compensation for Damage resulting from Transboundary Movements of Hazardous Wastes and their Disposal. Therefore, the Guidelines Part 2 follow the provisions of the Basel Convention and of its Protocol.

##### *Operation with entry into force of Protocol*

Part 2 of the Guidelines, relating to compensation for damage to and reinstatement of the environment, will become operational on the date the Protocol enters into force. Article 29 of the Protocol provides for entry into force 90 days after the date of deposit of the twentieth instrument of ratification, acceptance, formal confirmation, approval or accession.

##### *Compensation under the Protocol on Liability and Compensation*

Under Article 4 of the Protocol on Liability and Compensation, the notifier (exporter or importer) or disposer has strict liability for damage due to an incident occurring during a transboundary movement of hazardous wastes and their disposal, including illegal traffic.

Financial limits to liability under Article 4 of the Protocol are in accordance with Article 12 and Annex B of the Protocol. There is no financial limit where damage was caused or contributed by the liable person's lack of compliance with the provisions implementing the Convention or by his wrongful intentional, reckless or negligent acts or omissions (Article 5 of the Protocol).

The person liable under Article 4 of the Protocol shall establish and maintain during the period of the time limit of liability, insurance, bonds or other financial guarantees covering their liability under Article 4 of the Protocol for amounts not less than the minimum limits specified in paragraph 2 of Annex B of the Protocol and not more than the maximum limits stipulated under the relevant national law.

### ***Compensation under the Enlarged Technical Cooperation Trust Fund***

Compensation under the Fund may be paid for damage to and reinstatement of the environment up to the limits provided for in the Protocol, where such compensation and reinstatement is not adequate under the Protocol.

Compensation under the Protocol may be considered inadequate, e.g., in the following situations:

The notifier (exporter or importer) or disposer is exempt from liability under Article 4.5 of the Protocol[1], because the damage was:

- (a) The result of an act of armed conflict, hostilities, civil war or insurrection;
- (b) The result of a natural phenomenon of exceptional, inevitable, unforeseeable and irresistible character;
- (c) Wholly the result of compliance with a compulsory measure of a public authority of the States where the damage occurred;
- (d) Wholly the result of the wrongful intentional conduct of a third party, including the person who suffered the damage.

The liable person is financially incapable of meeting his obligations under the Protocol on Liability and Compensation in full and any financial security that may be provided by Article 14 of the Protocol does not cover or is insufficient to satisfy adequate compensation.

Pursuant to decision V/32, the secretariat may respond to a request by a developing country or a country with an economy in transition that is a Contracting Party to the Protocol for compensation for damage to and reinstatement of the environment in those cases where, due to an incident, such damage is covered by the Liability and Compensation Protocol and the compensation provided under the Protocol is not adequate (i.e. they have already applied for / received compensation from the Protocol).

Recoverable damages can include:

- (a) The costs of measures of reinstatement of the impaired environment, limited to the costs of measures actually taken or to be undertaken;
- (b) The costs of preventive measures, including any loss or damage caused by such measures, as far as they aim at preventing damage to the environment or reinstating the environment according to the above paragraph (a).

“Measures of reinstatement” means any reasonable measures aiming to assess, reinstate or restore damaged or destroyed components of the environment.

“Incident” defined by Article 2, paragraph 2(h) of the Protocol, is any occurrence, or series of occurrences having the same origin, that causes damage or creates a grave and imminent threat of causing damage.

Compensation can only be provided to the extent that the damage arises out of or results from hazardous properties of the wastes involved in the transboundary movement and disposal of hazardous wastes and other wastes subject to the Convention.

### ***Maximum Cap for Compensation***

The aggregate amount payable for compensation for damage to and reinstatement of the environment shall in respect of any one incident be limited by applying *mutatis mutandis* paragraph 2 of Annex B to the Protocol.

The limit of the amount of compensation through the Trust Fund will be reviewed simultaneously with the review of Annex B of the Protocol.

### ***Reduction in the case of wrongful intentional conduct or negligence***

The secretariat may reduce the amount of or provide no compensation from the Technical Cooperation Trust Fund if the damage to the environment resulted wholly or partially either from the wrongful intentional conduct or negligence of the person who suffered the damage or a person for whom he is responsible under domestic law. Such behaviour has the same meaning as in “by his own fault” as specified in Article 9 of the Protocol.



### ***Bilateral, Multilateral or Regional Agreements or Arrangements***

These Guidelines shall not apply to damage due to an incident occurring during a transboundary movement of hazardous waste and other wastes and their disposal pursuant to a bilateral, multilateral or regional agreement or arrangement concluded and notified in accordance with Article 11 of the Convention, if:

- (a) The damage occurred in an area under the national jurisdiction of any of the Parties to the agreement or arrangement;
- (b) There exists a liability and compensation regime, which is in force and is applicable to the damage resulting from such a transboundary movement or disposal provided it fully meets, or exceeds the objective of the Protocol by providing a high level of protection to persons who have suffered damage;
- (c) The Party to the Article 11 agreement or arrangement in which the damage has occurred has previously notified the Depository of the non-application of the Protocol to any damage occurring in an area under its national jurisdiction due to an incident resulting from movements or disposals pursuant to the Article 11 agreement or arrangement in question; and
- (d) The Parties to the Article 11 agreement or arrangement have not declared that the Protocol shall be applicable.

### ***Non-Contracting Parties***

When the State of import, but not the State of export, is a contracting Party to the Basel Convention and Protocol, the Guidelines shall apply only with respect to damage arising from an incident which takes place after the moment at which the disposer has taken possession of the hazardous wastes. When the State of export, but not the State of import, is a Contracting Party to the Basel Convention and Protocol, the Guidelines shall apply only with respect to damage arising from an incident which takes place prior to the moment at which the disposer takes possession of the hazardous wastes and other wastes. When neither the State of export nor the State of import is a Contracting Party, the Guidelines shall not apply.

The Guidelines shall also apply to damage suffered in an area under the national jurisdiction of a State of transit which is not a Contracting Party, provided that such State appears in Annex A of the Protocol on Liability and Compensation and has acceded to a multilateral or regional agreement concerning transboundary movements of hazardous waste which is in force. Subparagraph (d) of paragraph 2 of Article 3 of the Protocol on Liability and Compensation will apply *mutatis mutandis*.

### ***Transboundary movement***

“Transboundary movement” means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the jurisdiction of any State, provided that at least two States are involved in the movement.

The Guidelines are applicable for a transboundary movement, as defined in the Basel Convention, from the point where the wastes are loaded onto the means of transport in an area under the national jurisdiction of a State of export.

There shall be no compensation when a Contracting Party to the Protocol has by way of notification to the Depository excluded the application of the Protocol, in respect of all transboundary movements for which it is the State of export, for such incidents which occur in an area under its national jurisdiction, as regards damage in its area of national jurisdiction.

The Guidelines shall apply:

- (a) In relation to movements destined for one of the operations specified in Annex IV to the Convention other than D13, D14, D15, R12 or R13, until the time at which the notification of completion or disposal pursuant to Article 6, paragraph 9, of the Convention has occurred, or, where such notification has not been made, completion of disposal has occurred; and
- (b) In relation to movements destined for the operations specified in D13, D14, D15, R12 or R13 of Annex IV to the Convention, until the completion of the subsequent disposal operation specified in D1 to D12 and R1 to R11 of Annex IV to the Convention.

The Guidelines shall also apply to re-imports under Articles 8 and 9 sub-paragraph 2 (a) or Article 9, paragraph 4, of the Convention.

### ***Disposal***

“Disposal” means any operation specified in Annex IV to the Basel Convention.

### ***Geographical Scope***

The Guidelines apply to damage to and reinstatement of the environment which occurred in an area under the national jurisdiction of a Contracting Party to the Protocol, which is a developing country or a country with economy in transition. The secretariat will use the lists produced by the OECD Development Assistance Committee to determine whether a country is a developing country or a country with economy in transition (Annex I - DAC List of Aid Recipients).

In addition, as far as compensation for the costs of preventive measures is concerned, such compensation may also be provided for damage suffered in areas beyond any national jurisdiction.

The Guidelines shall also apply to damage suffered in an area under the national jurisdiction of a State of transit which is not a Contracting Party, provided that such State appears in Annex A of the Protocol on Liability and Compensation and has acceded to a multilateral or regional agreement concerning transboundary movements of hazardous waste which is in force. Subparagraph (d) of paragraph 2 of Article 3 of the Protocol on Liability and Compensation will apply, *mutatis mutandis*.

### ***Hazardous wastes and other wastes***

These Guidelines apply to compensation for damage to and reinstatement of the environment which results from the transboundary movement and disposal of hazardous wastes and other wastes as defined in Article 1 of the Basel Convention.

The Guidelines shall apply to damage resulting from an incident occurring during a transboundary movement of wastes falling under Article 1, subparagraph 1(b), of the Convention only if those wastes have been notified in accordance with Article 3 of the Convention by the State of export or import, or both, and the damage arises in an area under the national jurisdiction of a State, including a State of transit, that has defined or considers those wastes as hazardous provided that the requirements of Article 3 of the Convention have been met.

### ***Incidents and illegal traffic***

Compensation for damage to and reinstatement of the environment can be provided in the case of an incident occurring during a transboundary movement of hazardous wastes and other wastes and their disposal including illegal traffic in those wastes.

“Illegal traffic” means any transboundary movement of hazardous wastes or other wastes as specified in Article 9, paragraph 1, of the Basel Convention.

### ***General Criteria***

The following criteria shall apply to all requests:

- (a) An incident falling within the scope of these Guidelines must have occurred;
- (b) The costs of measures of reinstatement of the impaired environment, limited to the costs of measures actually taken or to be undertaken;
- (c) Any expense must relate to measures which are deemed concurrently by the affected Party and the secretariat necessary, reasonable and justifiable;
- (d) A request for compensation from the Technical Cooperation Trust Fund can only be considered if the damage was caused through the hazardous properties of the hazardous wastes or other wastes involved in the movement;
- (e) There must be a causal link between the expense/loss/damage for which compensation is requested and the incident occurring during the transboundary movement of hazardous wastes;

(f) The person who requests compensation must have suffered a quantifiable economic loss;

(g) The person who requests compensation has to prove the amount of the loss or damage by producing appropriate documents or other evidence.

Thus, a request will only be considered to the extent that the amount of the loss or damage is actually demonstrated. Certain flexibility is nevertheless exercised in respect of the requirement to present documents, taking into account the particular circumstances of the case.

In determining the amount of compensation, the efforts by the claimant to mitigate damages shall be taken into account.

### **III. COMPENSATION FOR DAMAGE TO AND REINSTATEMENT OF THE ENVIRONMENT**

As noted in Section I above, pursuant to decision V/32, the secretariat may respond to a request for compensation for damage to and reinstatement of the environment.

#### ***Measures of Reinstatement***

Funds may be provided from the expanded Technical Cooperation Trust Fund to cover the costs of measures taken to reinstate the environment. To be admissible for consideration, such measures should fulfil the following criteria:

The cost of the measures should be reasonable;

The cost of the measures should not be disproportionate to the results achieved or the results which could reasonably be expected; and

The measures should be appropriate and offer a reasonable prospect of success.

The measures should be reasonable from an objective point of view in light of the information available when the specific measures are taken.

Compensation assistance may be provided only for measures actually undertaken or to be undertaken.

Post-incident environmental studies can be carried out to establish the precise nature and extent of damage to the environment caused by the incident as well as the need for reinstatement measures. The Fund may contribute to the reasonable cost of such studies, provided that the studies concern damage falling within the definition of “damage to and reinstatement of the environment”.

The secretariat shall be involved at as early a stage as possible in the selection of experts and the determination of the mandate of these experts.

The studies should be practical and deliver the required data. Their scale should not be out of proportion to the extent of the contamination and the predictable effects.

#### ***Preventive Measures***

“Preventive measures” means any reasonable measures taken by any person in response to an incident, to prevent, minimize or mitigate damage to and the necessity of reinstatement of the environment, or to effect environmental clean-up.

Measures shall only be considered as preventive under the current Guidelines to the extent that they aim at preventing damage to the environment or reduce necessary measures of reinstatement. If the measures have another purpose, the costs incurred shall not be considered under these Guidelines. If they are undertaken for both the purpose of preventing damage to the environment and another purpose, and it is not possible to establish with any certainty their primary purpose, the costs will be apportioned between preventive measures and measures of another nature.

#### ***Clean-up operations***

Requests for costs are not accepted when it could have been foreseen that the measures taken would be ineffective. On the other hand, the fact that the measures proved to be ineffective is not in itself a reason for rejection of a claim for the costs incurred. The costs incurred, and the relationship between the costs and the benefits expected, should be reasonable.

### ***Reinstatement of the environment includes clean-up measures on land and sea***

Requests for compensation for costs of clean-up operations may include the cost of personnel (for example wages, travel expenses) and the hire or purchase of equipment and materials. They may also include costs of repairing and cleaning the clean-up equipment.

If the equipment used was purchased for a particular incident, deductions are made for the residual value when the amount of compensation is assessed.

If materials or equipment have been purchased and maintained so that they are immediately available if an incident occurs, compensation is paid for a reasonable part of the purchase price of the materials and equipment actually used.

### ***Disposal of Collected Wastes***

Clean-up operations may result in considerable quantities of hazardous wastes and other wastes collected. Reasonable costs for disposing of the collected wastes can be compensated.

### ***Fixed Costs***

Clean-up operations may be carried out by public authorities, which use permanently employed personnel, or vessels, vehicles and equipment owned by those authorities. The authorities may then incur additional costs, e.g. expenses which arise solely as a result of the incident and which would not have been incurred had the incident and related operations not taken place. Reasonable additional costs may be compensated.

## **IV. APPLYING FOR COMPENSATION FOR DAMAGE TO AND REINSTATEMENT OF THE ENVIRONMENT**

### ***Role of the secretariat of the Basel Convention***

The secretariat of the Basel Convention may advise and assist, if requested, on the preparation and submission of requests for compensation for damage to and reinstatement of the environment.

### ***To whom should the request be addressed?***

Requests should be addressed to the Executive Secretary of the secretariat of the Basel Convention:

UNEP - SBC  
15, chemin des Anémones  
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### ***How should the request be presented?***

The request for compensation for damage and reinstatement should be submitted in written form (letter, fax, electronic mail). A request should be presented clearly and with sufficient detail for the secretariat to assess the amount of the damage on the basis of the facts and the supporting documentation presented. Each item of compensation should be substantiated by an invoice, or other relevant supporting documentation, such as work sheets, explanatory notes, accounts and photographs. It is the responsibility of the applicant to submit exhaustive supportive documentation.

The secretariat may appoint, to the extent possible under available resources, technical advisers to investigate the technical merits of the request. A request can only be considered promptly if the applicant cooperates fully and provides all relevant information deemed necessary for the assessment of the request.

The speed with which the requests are dealt with depends largely on how long it takes for the applicant to provide the secretariat with the required information. It is therefore advisable to follow the present Guidelines as closely as possible.

The request can be presented in any of the six official languages of the United Nations. Because the working languages of the United Nations are English, French and Spanish, consideration of the request will proceed more quickly if the request or request summary is presented in one of these languages.

***Within what period should a request be submitted?***

Requests should be submitted as soon as possible after the damage has occurred. Requests shall only be admissible if submitted within five years from the date the applicant knew or ought reasonably to have known of the damage and, in any case, within 10 years from the date of the incident or within the lifetime of these Guidelines, whichever is the earlier.

If court action is being brought by the applicant, he may submit his request within that period and will notify the secretariat that court action has been brought. The secretariat will, unless in the circumstances it is unreasonable to do so, await the outcome of the national court action before considering the request. In its consideration, the secretariat shall use the assessment of damage carried out by the national court(s) in question.

***Which information should the request contain?***

Each request should contain the following basic information:

Name, address and bank details of requesting authority;

Name, address and bank details of person who has suffered the damage, if different from requesting authority;

Date, place and specific details of the incident;

Description of hazardous wastes or other wastes involved (name, origin, physical form, major constituents, typical contaminants, volume/quantity, waste code);

Name of States involved in the transboundary movement (e.g. country of origin, transit or destination);

Name and address of persons involved in the transboundary movement (e.g. exporter, importer, notifier, carrier, disposer) and of insurance, if any;

Type and extent of damage to and reinstatement of the environment that occurred or will occur;

Measures of reinstatement and preventive measures that were/will be necessary;

Amount of compensation requested for damage to and reinstatement of the environment requested.

***Documentation regarding measures of reinstatement and preventive measures (clean-up operations)***

It is necessary that supporting documentation shows how the expenses are linked with actions taken at work sites. Major expenditures may be incurred for the use of equipment, personnel or vehicles, as well as for the disposal of the wastes. Some of those actions can be carried out by government, others may be subject of contractual arrangements or can be carried out by private persons or organizations. The request should contain a comprehensive record of all operations and expenditures resulting from that incident.

The request should be itemized as follows:

Delineation of the area affected, describing the extent of damage to the environment suffered and identifying those areas most heavily affected;

Analytical and other evidence linking the damage with the incident that occurred (e.g. chemical analysis of samples of hazardous wastes);

Summary of events, including a description and justification of the work carried out, together with an explanation of why the various working methods were selected;

Description and costing (personnel, equipment, travel, transport) of work carried out at each site;  
Cost of storage and disposal of recovered hazardous wastes in question;

Daily records of the operations in progress, which are treated as a document on prevention matters;

Any remaining value at the end of the operations of equipment and materials purchased; and

Age of equipment not purchased, but used in the incident.

## **V. IMPLEMENTATION OF COMPENSATION FOR DAMAGE AND REINSTATEMENT**

### ***Procedure***

Requests submitted to the secretariat are dealt with promptly and circumspectly. On the basis of the present Guidelines, it is the sole responsibility of the Executive Secretary to decide on which requests shall be given priority in the attribution of compensation for damage and reinstatement.

Prior to making the final decision, the Executive Secretary will consult with the Bureau and, in cases where contributions to the Trust Fund are earmarked with conditions, with the contributors. Upon receiving a request for compensation for damage and reinstatement, the secretariat could consult with the "technical advisers" mentioned in the section "How should the request be presented" above, in order to clarify the measures of prevention and reinstatement which were/are necessary to be taken for that specific incident.

## **VI. FINANCIAL RULES**

### ***Earmarking of contributions***

Contributions made to the Technical Cooperation Trust Fund for compensation may only be used for compensation for damage to and reinstatement of the environment.

Such contributions to the Technical Cooperation Trust Fund can be earmarked for compensation for damage to and reinstatement of the environment in general or can be earmarked for specific activities. Whenever contributions are earmarked for specific activities, they will be used accordingly unless the Contributors consent otherwise to divert the earmarked contribution for this purpose.

In the event of an incident, contributions earmarked for specific activities will be used first, followed by contributions for "Compensation for damage to and reinstatement of the environment" which have not been specifically earmarked.

### ***Relevant rules***

The contribution to and the attribution of expenditures from the Technical Cooperation Trust Fund for compensation for damage and reinstatement are subject to the financial regulations of the United Nations Environment Programme.

The operation of compensation for damage to and reinstatement of the environment under the Enlarged Technical Cooperation Trust Fund is governed by the Terms of Reference for the Administration of the Trust Fund for the Basel Convention, as laid down in Annex II to decision I/7 of the first meeting of the Conference of the Parties to the Basel Convention.

### ***Payments***

The attribution of payments from the Technical Cooperation Trust Fund is discretionary and subject to the availability of resources and shall be made by the Executive Secretary in consultation with the Expanded Bureau, using a quick procedure. If the total amount of requests exceeds the total amount of compensation available in the Fund, the Executive Secretary shall decide on which requests should be given priority based on the present criteria and Guidelines and inform the Expanded Bureau that the resources available in the Fund are exceeded by demand.

In such a case, the compensation provided to each requesting person may be reduced proportionately or as deemed necessary. If there is a risk that such situation may arise in the future, the Executive Secretary may have to restrict payments to a fixed percentage, in order to ensure that all applicants considered are given equal treatment.

Without approval of the Expanded Bureau, with respect to each incident the Executive Secretary should not use more than 30 per cent of the amount of funds not earmarked for specific activities available in the Fund at any given time, and the minimum reserve of 10 per cent should never be used except with express approval of the Expanded Bureau. These limits shall not apply to earmarked contributions.

### *Transparency and accountability*

The secretariat will submit periodical reports on its decisions related to the projects considered, whether approved or not, to the Expanded Bureau for its consideration and review. The reports shall contain all relevant factual and financial information (accounting). A consolidated report will be submitted to the meetings of the Conference of the Parties.

### *Possible recourse action*

The policy of the secretariat shall be to take recourse action, whenever appropriate against any liable person, whenever appropriate, and the Executive Secretary should in each case consider whether it would be possible to recover any amounts paid from the Enlarged Technical Cooperation Trust Fund for compensation. The decision whether or not to take such action should be made on a case by case basis, in the light of the prospect of success and the provisions of the relevant national law. The Executive Secretary should in each case cooperate with the Party which requested assistance in order to recover the amounts paid by it for compensation for damage to and reinstatement of the environment.

Each Party, which has received financial assistance will be required to take appropriate actions to sue the liable company or persons for the recovery of the funds spent from the Fund, where this is possible under the relevant national law. Other Parties will be requested to offer any assistance, in accordance with the respective legal regime, necessary to overcome procedural barriers to suing in another jurisdiction.

If appropriate, the secretariat shall also take steps to recover monies paid for compensation if the claimant is subsequently successful in a private legal action with respect to the same incident and damage.

### *Cooperation with Private Sector/Insurance Industry*

The entry into force of the Basel Protocol on Liability and Compensation will be a significant step in seeking any recourse. The secretariat shall seek cooperation with major international insurance companies in order to explore ways of recovery of amounts paid as well as the possibility of advance or interim payments by the insurance.

## **PART 3**

### **DEVELOPMENT OF CAPACITY-BUILDING, TRANSFER OF TECHNOLOGY AND PUTTING IN PLACE MEASURES TO PREVENT ACCIDENTS AND DAMAGE TO THE ENVIRONMENT CAUSED BY THE TRANSBOUNDARY MOVEMENT OF HAZARDOUS WASTES AND OTHER WASTES AND THEIR DISPOSAL**

#### **I. WHO CAN APPLY FOR ASSISTANCE**

Only Parties to the Basel Convention which are a developing country or country with an economy in transition can request assistance. The secretariat will use the lists produced by the OECD Development Assistance Committee's to determine whether a country is a developing country or a country with an economy in transition (Annex I - DAC List of Aid Recipients).

#### **II. LEGAL FRAMEWORK**

The Enlarged Technical Cooperation Trust Fund operates within the framework of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal as well as of the Basel Protocol on Liability and Compensation for Damage resulting from Transboundary Movements of Hazardous Wastes and their Disposal.

According to paragraph 4 of decision V/32, the secretariat may, upon request, use funds of the Enlarged Technical Cooperation Trust Fund to assist a Party to the Convention which is a developing country or a country with economy in transition in developing its capacity-building and transfer of technology and in putting in place measures to prevent accidents and damage to the environment caused by the transboundary movement of hazardous wastes and other wastes and their disposal.

### *Project Areas*

The secretariat can support various projects aimed at developing capacity-building and transfer of technology and in putting in place measures to prevent accidents and damage to the environment caused by the transboundary movement of hazardous wastes and other wastes and their disposal.

Hence, technical cooperation under these Guidelines aims both at measures of risk reduction to prevent accidents, as well as emergency preparedness to prevent damage, once an incident has occurred.

## ***Measures to Prevent Accidents and Damage to the Environment***

### (a) Safety, Risk Reduction and Accident Prevention

This project area includes projects which primarily aim at enhancing safety and reducing the risks of accidents during the transboundary movement of hazardous wastes and other wastes and their disposal. Proposed activities could relate to measures preventing accidents during transport, storage and disposal of hazardous wastes or other wastes subject to a transboundary movement. It also comprises measures to enhance compliance with international rules and standards in the field of packaging, labelling and transport, as well as implementation of internationally recognized practices. If appropriate, funding could also be provided for administration/ coordination activities such as seed money for proposal development and identification of potential partners.

### (b) Emergency Response and Contingency Planning

This area comprises projects aiming at enhancing effectiveness of emergency response, including preventive measures, at the national, regional or local level. For example, it includes projects aiming at developing and implementing emergency or contingency plans by authorities in cooperation with the private sector. Such projects should take into account the related work of all international organizations involved. If appropriate, funding could also be provided for administrative/coordination activities such as seed money for proposal development and identification of potential partners.

## **III. SUBMITTING PROPOSALS**

### ***Regional Centres for Training and Technology Transfer***

The Basel Convention Regional Centre in the region could assist, upon request, in the development and submission of proposals. Parties are encouraged to cooperate with the respective Regional Centre throughout the whole project cycle, including project design, implementation, monitoring and evaluation.

### ***Role of the secretariat of the Basel Convention***

The secretariat of the Basel Convention may advise and assist, if requested, on the preparation and submission of proposals for technical cooperation for the prevention of accidents and damage.

### ***Proposal format***

Requests should be presented as UNEP project proposals. Project implementation, monitoring and evaluation shall be carried out according to existing rules and practices of UNEP, or as otherwise decided by the Conference of the Parties.

### ***To whom should the proposal be addressed?***

Proposals should be addressed to the Executive Secretary of the secretariat of the Basel Convention:

UNEP - SBC  
15, chemin des Anémones  
1219 Chatelaine/Geneva  
Tel: +41 22 917 82 18  
Fax: +41 22 797 34 54  
E-Mail: [sbc@unep.ch](mailto:sbc@unep.ch)

## **IV. DECISION-MAKING PROCEDURE**

### ***Selection of Projects***

On the basis of the present Guidelines, it is the sole responsibility of the Executive Secretary to decide which proposals should be given priority.

The selection of the projects is discretionary and subject to the availability of resources and shall be made by the Executive Secretary in consultation with the Expanded Bureau, using a quick procedure. In case contributions to the Technical Cooperation Trust Fund are earmarked with conditions, the Executive Secretary will consult with the contributors.



## ***Risk Assessment***

In order to assist in determining which requests will be given priority, a risk assessment should be included in the proposal, including on the likely impact and severity of any incident in a particular area. The secretariat could, if necessary, proceed with its own risk assessment. Factors to be considered should include, e.g.:

- Frequency of transport or disposal;
- Hazard of the wastes;
- Type of hazard;
- The dispersibility of the hazardous wastes involved;

- Whether the area in which the accident might happen is deserving of special consideration (e.g. World Heritage Site, Ramsar wetland site or catchment, risk to livelihood of communities, etc.);

- What technical capacity would be needed in a given place to prevent accidents and damage;

- What technology would need to be transferred to a given place to prevent accidents and damage.

By carrying out the assessment, the secretariat could judge the likely impact and severity of any incident in a particular area.

## **V. FINANCIAL RULES**

### ***Earmarking of contributions***

Where contributions made to the Technical Cooperation Trust Fund are earmarked for developing capacity-building and transfer of technology and putting in place measures to prevent accidents and damage to the environment caused by the transboundary movement of hazardous wastes and other wastes and their disposal they shall be used accordingly.

Such contributions to the Technical Cooperation Trust Fund can be earmarked in general or can be earmarked for specific activities. Whenever contributions are earmarked for specific activities, they will be used accordingly.

If a request is made, contributions earmarked for specific activities would be used first, followed by contributions which have not been specifically earmarked.

### ***Relevant rules***

The contribution to and the attribution of expenditures from the Technical Cooperation Trust Fund are subject to the financial regulations of the United Nations Environment Programme. The operations for the third part of these Guidelines are governed by the Terms of Reference for the Administration of the Trust Fund for the Basel Convention, as laid down in Annex II to decision I/7 of the first meeting of the Conference of the Parties to the Basel Convention.

### ***Payments***

The attribution of payments from the Technical Cooperation Trust Fund is subject to the availability of resources. The Executive Secretary shall decide on which requests should given priority based on the present criteria and Guidelines, and in consultation with relevant donors.

Without approval of the Expanded Bureau, with respect to each request, the Executive Secretary should not use more than 30 per cent of the amount of funds contributed for the purpose of this third part of the Guidelines that are not earmarked for specific activities, and available in the Fund. Also, the minimum reserve of 10 per cent should never be used, except with express approval of the Expanded Bureau.

### ***Transparency and accountability***

The secretariat will submit periodical reports on its decisions related to the projects considered, whether approved or not, to the Expanded Bureau for its review. The reports shall contain all factual and financial information (accounting) required to give a clear picture of the projects considered. A consolidated report will be submitted to the meetings of the Conference of the Parties.

## Appendix

### **Texts containing Definitions taken from the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal**

**and**

### **The Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and Their Disposal**

#### **Text of the Basel Convention**

#### Article 2

#### Definitions

For the purposes of this Convention:

1. "Wastes" are substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law;
2. "Management" means the collection, transport and disposal of hazardous wastes or other wastes, including after-care of disposal sites;
3. "Transboundary movement" means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement;
4. "Disposal" means any operations specified in Annex IV to this Convention;
5. "Approved site or facility" means a site or facility for the disposal of hazardous wastes or other wastes which is authorized or permitted to operate for this purpose by a relevant authority of the State where the site or facility are located;
6. "Competent authority" means one governmental authority designated by a Party to be responsible, within such geographical areas as the Party may think fit, for receiving the notification of a transboundary movement of hazardous wastes or other wastes, and any information related to it, and for responding to such a notification, as provided in Article 6;
7. "Focal point" means the entity of a Party referred to in Article 5 responsible for receiving and submitting information as provided for in Articles 13 and 16;
8. "Environmentally sound management of hazardous wastes or other wastes" means taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes;
9. "Area under the national jurisdiction of a State" means any land, marine area or air space within which a State exercises administrative and regulatory responsibility in accordance with international law in regard to the protection of human health or the environment;
10. "State of export" means a Party from which a transboundary movement of hazardous wastes or other wastes is planned to be initiated or is initiated;
11. "State of import" means a Party to which a transboundary movement of hazardous wastes or other wastes is planned or takes place for the purpose of disposal therein or for the purpose of loading prior to disposal in an area not under the national jurisdiction of any State;
12. "State of transit" means any State, other than the State of export or import, through which a movement of hazardous wastes or other wastes is planned or takes place;

13. "States concerned" means Parties which are States of export or import, or transit States, whether or not Parties;
14. "Person" means any natural or legal person;
15. "Exporter" means any person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported;
16. "Importer" means any person under the jurisdiction of the State of import who arranges for hazardous wastes or other wastes to be imported;
17. "Carrier" means any person who carries out the transport of hazardous wastes or other wastes;
18. "Generator" means any person whose activity produces hazardous wastes or other wastes or, if that person is not known, the person who is in possession and/or control of those wastes;
19. "Disposer" means any person to whom hazardous wastes or other wastes are shipped and who carries out the disposal of such wastes;
20. "Political and/or economic integration organization" means an organization constituted by sovereign States to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve, formally confirm or accede to it;
21. "Illegal traffic" means any transboundary movement of hazardous wastes or other wastes as specified in Article 9.

**Protocol on Liability and Compensation for Damage Resulting from  
Transboundary Movements of Hazardous Wastes and Their Disposal**

**Article 2**

**Definitions**

1. The definitions of terms contained in the Convention apply to the Protocol, unless expressly provided otherwise in the Protocol.
2. For the purposes of the Protocol:
  - (a) "The Convention" means the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;
  - (b) "Hazardous wastes and other wastes" means hazardous wastes and other wastes within the meaning of Article 1 of the Convention;
  - (c) "Damage" means:
    - (i) Loss of life or personal injury;
    - (ii) Loss of or damage to property other than property held by the person liable in accordance with the present Protocol;
    - (iii) Loss of income directly deriving from an economic interest in any use of the environment, incurred as a result of impairment of the environment, taking into account savings and costs;
    - (iv) The costs of measures of reinstatement of the impaired environment, limited to the costs of measures actually taken or to be undertaken; and
    - (v) The costs of preventive measures, including any loss or damage caused by such measures, to the extent that the damage arises out of or results from hazardous properties of the wastes involved in the transboundary movement and disposal of hazardous wastes and other wastes subject to the Convention.

- (d) "Measures of reinstatement" means any reasonable measures aiming to assess, reinstate or restore damaged or destroyed components of the environment. Domestic law may indicate who will be entitled to take such measures;
- (e) "Preventive measures" means 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;
- (f) "Contracting Party" means a Party to the Protocol;
- (g) "Protocol" means the present Protocol;
- (h) "Incident" means any occurrence, or series of occurrences having the same origin that causes damage or creates a grave and imminent threat of causing damage;
- (i) "Regional economic integration organization" means an organization constituted by sovereign States to which its member States have transferred competence in respect of matters governed by the Protocol and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve, formally confirm or accede to it;
- (j) "Unit of account" means the Special Drawing Right as defined by the International Monetary Fund.

## **VI/15. Basel Protocol on Liability and Compensation**

The Conference of the Parties,

Recalling its decision V/29, by which it adopted the Basel Protocol on Liability and Compensation for Damage resulting from the Transboundary Movements of Hazardous Wastes and their Disposal, and its decision V/31 on the relationship of the Protocol with the Basel Convention,

### I. Ratification, acceptance or approval of instruments of accession

1. Calls on Parties to the Basel Convention to expedite the process of ratification, acceptance or approval of or accession to the Basel Protocol, to enable the Protocol to enter into force at the earliest opportunity, with a view to allowing the first meeting of the Parties to the Basel Protocol to be convened in conjunction with the seventh ordinary meeting of the Conference of the Parties to the Basel Convention;
2. Further calls on States that are not Parties to the Basel Convention to ratify, accept, approve or accede to it and to the Protocol;
3. Invites Parties to provide to the secretariat by 1 July 2003 their answers, views and comments to the questionnaire contained in appendix I to the present decision;
4. Requests the secretariat to prepare a summary and a compilation of the submissions received and present them to the Open-ended Working Group for consideration;

### II. Facilitation of ratification and implementation of the Basel Protocol

5. Approves the work plan for the facilitation of ratification and implementation of the Basel Protocol prepared by the secretariat and contained in appendix II to the present decision;
6. Requests the Open-ended Working Group to undertake, with the support of the secretariat, the preparations necessary for the first meeting of the Parties of the Basel Protocol.

## Appendix I

### **QUESTIONNAIRE FOR THE PARTIES ON THE RATIFICATION OF AND ACCESSION TO THE PROTOCOL ON LIABILITY AND COMPENSATION FOR DAMAGE RESULTING FROM TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL**

1. Please select from the following the most appropriate description of the current position of your Government:
  - (a) No steps have been taken towards ratification/accession. If so, in general terms, could you elaborate on why no action has been taken.
  - (b) No formal steps have been taken towards ratification/accession but the Protocol has been examined by respective national authorities in order to determine what actions may be needed to initiate ratification/accession. In general terms, can any preliminary outcomes be shared with other Parties to the Convention?
  - (c) The Protocol has been examined by respective national authorities and recommended for ratification/accession.
  - (d) The Protocol has been examined by respective national authorities and not recommended for ratification/accession. If possible and in general terms, please specify the reasons why it was not recommended for ratification/accession.
2. What difficulties/obstacles have been encountered in the process of ratification/accession?
3. Please provide any other observations.

Note: The questions are voluntary and Parties have the full freedom to respond to all, to some or to none of the questions.

## Appendix II

### **WORK PLAN FOR THE FACILITATION OF RATIFICATION/ACCESSION AND IMPLEMENTATION OF THE BASEL PROTOCOL**

#### I. Open-ended Working Group

Analyse, based on a compilation of submissions received from Parties, the obstacles and difficulties faced by the Parties in the process of ratification/accession to the Basel Protocol.

#### II. Secretariat

1. Organization with voluntary financial contributions, in cooperation with the Basel Convention Regional Centres, of five workshops (one workshop for each United Nations regional group) for addressing various aspects and obstacles to the process of ratification of or accession to the Basel Protocol.
2. Provision of legal and technical assistance, upon request and within available resources, to Parties in their process of ratification/accession.
3. Provision of legal and technical assistance to countries not Party to the Basel Convention, in order to facilitate accession to or approval or acceptance of both the Basel Convention and the Basel Protocol.
4. Preparation, in consultation with Parties and other stakeholders, of a detailed instruction manual for the implementation of the Basel Protocol.

## VI/16. Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Wastes

The Conference of the Parties,

Recalling its decision V/23 on the prevention and monitoring of illegal traffic in hazardous wastes and other wastes,

Welcoming the efforts made by the secretariat and the assistance offered by Australia and Canada in the preparation of the Guidance Elements for the Detection, Prevention and Control of Illegal Traffic in Hazardous Wastes,

1. Approves the Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Wastes contained in the appendix to the present decision;

2. Requests the secretariat, in collaboration with the Basel Convention Regional Centres, to assist Parties, particularly developing countries, in implementing the Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Wastes at the national level, including the development of national contingency plans.

### Appendix

#### **Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Wastes**

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# GUIDANCE ELEMENTS FOR DETECTION, PREVENTION AND CONTROL OF ILLEGAL TRAFFIC IN HAZARDOUS WASTES

## INTRODUCTION

### Purpose of these guidance elements

1. Decision IV/12 recognised that the issue of illegal traffic remained a high priority with particular emphasis on cases involving alleged illegal traffic. The Decision requested the Technical Working Group and the Consultative Sub-group of Legal and Technical Experts, at their joint meeting, to develop recommended procedures to assist Parties in preventing, identifying and managing illegal traffic.
2. Decision V/23 extended the mandate of the Technical Working Group and requested the Legal Working Group to give further consideration to the issue of illegal traffic in hazardous wastes and other wastes, to develop recommended procedures to address alleged cases of illegal traffic and to assist Parties in preventing, identifying, monitoring and managing illegal traffic. This work should take into account the draft guidance elements for the detection, prevention and control of illegal traffic in hazardous wastes, approved at a joint meeting in Pretoria in November 1998.
3. The purpose of the document is to be a practical guide to assist enforcement of national law implementing the Basel Convention.
4. Its intended audience includes Party Governments, ministries, federal and state authorities and agencies, law enforcement authorities and competent authorities.
5. Various readers will be interested in paragraphs dealing with matters related to their particular sphere of concern.
6. Representatives of Governments and ministries will be mainly interested in those paragraphs providing guidance for developing their national legislation or institution arrangements (e.g. paragraphs 13 to 16; 38 to 45; 49-50 and Appendix 1). Police officers will be more interested in reading paragraphs which could be useful to their particular mandate and activity (e.g. paragraphs 46 to 48; 52 to 56; 84 to 90). Customs officers will find it useful to read those paragraphs dealing with techniques of inspection of consignments on how to determine whether the material is or is not a hazardous waste.
7. These guidance elements are intended to set out the recommended procedures requested in Decisions IV/12 and V/23.

### Objectives

8. These guidelines focus on enforcement at the domestic level. By reference to the Convention documents and other resources they also provide guidance for Parties who have yet to develop implementing legislation.

### Background

9. Ensuring enforcement of law implementing Multilateral Environmental Agreements (MEAs) is a widely recognised problem because enforcing national legislation and procedures across international boundaries is difficult and complex. Nevertheless, there is much useful experience of enforcement of law implementing MEAs amongst countries.
10. By decision SS VII/4, the Seventh Special Session of the Governing Council/Global Ministerial Environment Forum of UNEP, adopted the Guidelines on Compliance with and Enforcement of Multilateral Environmental Agreements.
11. The process of adoption of these Guidelines has highlighted the need for Parties to have the flexibility to design domestic implementation measures that are suited to their national circumstances and attributes.

### Developing a national capacity to identify and manage illegal traffic

12. In order to implement the Basel Convention effectively, it is important to develop and/or maintain national capacity for identifying, controlling and managing illegal traffic. The secretariat of the Basel Convention will continue to support measures designed to enhance national and local capacity to comply with the agreements. These include



technical and financial assistance, training and technology transfer. The private sector should also be encouraged to take a role.

13. As there are a number of complex legal and technical aspects to effective management of illegal traffic, a multifaceted approach to combating illegal traffic will be required.

### **National legislation**

14. A key element in preventing and managing illegal traffic is an effective national regulatory environment. States should develop and implement a participatory approach to determining domestic needs and to setting priorities to encourage a culture of compliance. States should also provide for effective participation by civil society, including industry and non-governmental organizations when developing legislation and strengthen domestic institutions, including the judiciary.

15. Building an effective legal and institutional framework for enforcement and awareness raising, taking into account interlinkages between obligations in various MEAs, should be considered by Parties.

16. The secretariat of the Basel Convention will continue to offer legal assistance to Parties that request it.

17. Those Parties in need of assistance for developing their national legislation, in addition to contacting the secretariat of the Basel Convention, could contact the UNEP Division for Policy Development and Law; UNEP regional offices; the Basel Convention Regional Centres; the secretariats of regional conventions (e.g. Bamako, Waigani); national representatives of UNDP, or they could use bilateral assistance from other parties, etc. It is also useful to consult three documents adopted by the Conference of the Parties to the Basel Convention: Model National Legislation; the Manual for the Implementation of the Basel Convention and the Instruction Manual.

### **Definitions**

18. There are different interpretations for terms such as "compliance", "enforcement" and "environmental crime" in international practice and law. These definitions are currently the subject of considerable debate in the international area.

19. The Basel Convention contains a number of definitions that are relevant to managing illegal traffic. They include, for example, "wastes", "transboundary movement", "disposal", "environmentally sound management", "area under the national jurisdiction of a State", "state of import", "state of export", "state of transit", "person", "exporter", "importer", "carrier" and "generator" and "disposer". These all have a bearing on how intelligence is gathered and how illegal traffic is detected and monitored. Moreover, different Parties implement their Basel obligations under different forms of national legislation, which all carry their own definitions. These may be broader than those laid out by the Basel Convention.

20. Hazardous wastes are defined, in Article 1.1(a) of the Basel Convention, as wastes that belong to any category contained in Annex I, unless they do not possess any of the characteristics listed in Annex III. Annex I of the Basel Convention lists the categories of wastes to be controlled. Annexes VIII and IX of the Basel Convention are an elaboration and clarification of the provisions of Article 1.1(a) and provide useful clarification of the scope of Annex I.

21. Annex III lists the hazardous characteristics of Basel Convention wastes. The seventh session of the Technical Working Group noted that the United Nations Committee of Experts on the Transport of Dangerous Goods *Recommendations on the Transport of Dangerous Goods, English revised edition 1993* had defined test procedures that elaborated the interpretation of H1, H3, H4.1, H4.2, H4.3, H5.1, H5.2, H6.1 and H8. However, it also noted that these were relevant only to the transport of the wastes, not their disposal. Annex III notes that many countries have developed national tests which can be applied to materials listed in Annex I, in order to decide if these materials exhibit any of the characteristics listed in Annex III. Decision V/24 requested the Technical Working Group to finalise its work on hazard characteristics H6.2, H11, H12 and H13, and to initiate work on H10.

22. Hazardous wastes are also defined, in Article 1.1(b) of the Basel Convention, as wastes that are not covered under paragraph (a) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit. Article 3 states that each Party shall, within six months of becoming a Party, inform the secretariat of the wastes that, under its national legislation, are covered under Article 1.1(b). Parties shall also inform the secretariat of any significant changes to the information provided. The secretariat shall inform all Parties of the information it has received. Parties shall be responsible for making this information available to their exporters.

23. Interpretation of these definitions is complex and cases of illegal traffic may stem from differing interpretations of hazardous waste definitions. This may be further complicated by problems in translation from one language to another.

## Summary of the provisions of the Basel Convention concerning Illegal Traffic and of the Decisions of the Conference of the Parties

24. Illegal traffic is the subject of Article 9 of the Basel Convention. Article 9.1 defines illegal traffic as any transboundary movement of hazardous wastes or other wastes:

- (a) without notification pursuant to the provisions of this Convention to all States concerned; or
- (b) without the consent pursuant to the provisions of this Convention of a State concerned; or
- (c) with consent obtained from States concerned through falsification, misrepresentation or fraud; or
- (d) that does not conform in a material way with the documents; or
- (e) that results in deliberate disposal (e.g. dumping) of hazardous wastes or other wastes in contravention of this Convention and of general principles of international law.

25. Article 9.2 specifies what must be done if a transboundary movement is deemed to be illegal traffic as the result of conduct on the part of the exporter or generator. The State of export shall ensure that the wastes in question are:

- (a) taken back by the exporter or the generator or, if necessary, by itself into the State of export, or, if impracticable,
- (b) are otherwise disposed of in accordance with the provisions of this Convention,

within 30 days from the time the State of export has been informed about the illegal traffic or such other period of time States concerned may agree to. To this end the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the State of export.

26. Article 9.3 specifies what must be done if a transboundary movement is deemed to be illegal traffic as the result of conduct on the part of the importer or disposer. The State of import shall ensure that the wastes in question are disposed of in an environmentally sound manner by the importer or disposer or, if necessary, by itself. This shall be done within 30 days from the time the illegal traffic has come to the attention of the State of import or such other period of time as the States concerned may agree on. To this end, the Parties concerned shall cooperate, as necessary, in the disposal of the wastes in an environmentally sound manner.

27. Article 9.4 specifies what must be done if responsibility for the illegal traffic cannot be assigned either to the exporter or generator or to the importer or disposer. The Parties concerned or other Parties, as appropriate, shall cooperate to ensure that the wastes in question are disposed of as soon as possible in an environmentally sound manner either in the State of export or the State of import or elsewhere as appropriate.

28. Article 9.5 requires each Party to introduce appropriate national/domestic legislation to prevent and punish illegal traffic. The Parties shall cooperate with a view to achieving the objectives under this Article.

29. The prevention and control of illegal traffic in hazardous wastes and other waste has been an important issue for the Basel Convention ever since it entered into force in 1992.

30. All five meetings of the Conference of the Parties debated the issue of illegal traffic and adopted resolutions on this issue.

31. The main provisions of the 5 decisions adopted by the Conferences of the Parties on the issue of illegal traffic are:

urge the Parties to the Basel Convention who have not yet done so, to promulgate laws that consider illegal traffic in hazardous wastes a criminal act;

request the Parties to incorporate in their legal system, appropriate sanctions or penalties for the illegal traffic in hazardous wastes and other wastes, to take appropriate measures to ensure the effective implementation of this legislation and inform the secretariat of the Basel Convention accordingly;

encourage Parties to build up these enforcement capacities, inter alia, through cooperation with international bodies such as Interpol, WCO and the International Network for Environmental Complaints,

in the development of training and networking for enforcement personnel involved in the presentation of illegal traffic;

request all governments to promote the interministerial coordination within the respective government to prevent and penalize illegal traffic in hazardous wastes and other wastes;

note that the classification and characterization of wastes represent an essential tool to assist in the identification and prevention of illegal traffic;

invite Parties to promote consistency when addressing the issue of illegal traffic in the relevant United Nations bodies, while avoiding duplication;

invite Parties to use approved forms in their reports related to confirmed cases of illegal traffic to the secretariat;

appeal to Parties to bring any confirmed case or, after consultation and agreement with the other Parties involved, alleged case of illegal traffic to the attention of the secretariat of the Basel Convention, with all the necessary information to enable the secretariat to take appropriate action, including support for any efforts by the Parties to solve the issues, such as the provision of appropriate expertise;

request the Parties and the secretariat to take the necessary preventive measures, in particular through the dissemination of information on the Basel Convention and through working closely with the World Customs Organization, to include, as a matter of priority, the wastes under the scope of the Convention in the Harmonized System;

request the Parties, with the assistance of the secretariat, to organize training courses and develop training manuals, at national and regional levels, for customs officers and police forces, in cooperation with the World Customs Organization, the International Criminal Police Organization and other appropriate bodies, including the United Nations regional commissions and secretariats of regional agreements dealing with similar issues.

32. The secretariat of the Basel Convention was requested by the decisions adopted by five meetings of the Conference of the Parties to:

work closely with the United Nations Committee of Experts on the Transport of Dangerous Goods to harmonize classification and labelling systems for hazardous wastes and dangerous goods;

continue its cooperation with various regional commissions and secretariats of regional conventions and protocols, non-governmental organizations, the industrial sector and the private sector, as well as the World Customs Organization and the International Criminal Police Organization, in order to achieve better control and monitoring of cases or alleged cases of illegal traffic in hazardous wastes and other wastes;

assist Parties in capacity building, including the development of an appropriate infrastructure, with a view to preventing and penalizing cases of illegal traffic in hazardous wastes and other wastes and to ensuring the involvement of national authorities and focal points for the Basel Convention in the prevention and monitoring of illegal traffic in hazardous wastes and other wastes.

33. Appendix 1 contains all the provisions of the Basel Convention related to illegal traffic and all the provisions of the 5 decisions adopted by the Conference of the Parties of the Basel Convention in relation to the issue of illegal traffic.

34. The issue of illegal traffic was considered one of the priorities for the next 10 years by the Ministerial Declaration adopted by the fifth meeting of the Conference of the Parties to the Basel Convention.

35. The five parts of the guidance elements for the detection, prevention and control of illegal traffic in hazardous waste should be considered in their entirety including all appendices, each part bringing specific suggestions for the same general goal.

36. Appendix 2 contains case studies/examples of successful actions of Parties.

37. Decision V/23 requested the Legal Working Group and Technical Working Group to give further consideration to the issue of illegal traffic in hazardous wastes and other wastes, to develop recommended procedures to address

alleged cases of illegal traffic and to assist Parties in preventing, identifying, monitoring and managing illegal traffic. This work should take into account the draft guidance elements for the detection, prevention and control of illegal traffic in hazardous wastes, approved in Pretoria in November 1998.

38. These Draft Guidance Elements were prepared by the secretariat using suggestions from Parties.

## **PART 1. NATIONAL CAPACITY BUILDING AND INTERNATIONAL COOPERATION**

### **National Capacity Building**

#### ***1a. Competent Authority/Focal Point***

39. Article 5 of the Basel Convention requires Parties to designate or establish one or more competent authorities and one focal point. One competent authority shall be designated to receive the notification in case of a State of transit. Parties must inform the secretariat, within one month of the date of decision, of any changes in these arrangements.

40. National competent authorities have the main obligation to prevent, manage and punish illegal traffic of hazardous wastes. The secretariat should continue to organize training activities for competent authorities.

#### ***1b. Administrative procedures***

41. Effective and transparent administrative procedures are another key agent in preventing and managing illegal cases of hazardous wastes.

#### ***1c. National inventories***

42. National authorities should adopt a common approach for compiling statistics (including from the export/importing companies) on the legal and illegal transboundary movements of hazardous wastes. Such an approach should incorporate both the Basel Convention and the Harmonised System of classification.

43. National inventories should be maintained on a yearly basis and should be used as a policy tool against illegal traffic, and to implement pragmatic and focused preventive and coercive measures against illegal traffic.

#### ***1d. Promotion of compliance***

44. Competent authorities should develop compliance and enforcement strategies covering the four main components of compliance. These are education and information dissemination, permitting, detecting offences and investigations and enforcement action.

##### ***a. Education and information dissemination***

45. This component focuses on behaviour modification and includes dissemination of information to shippers and exporters, responding to inquiries about the scope of the Convention and ensuring easy access for industry to guidance documents and promotional material. Another important thrust concerns proactive activities which seek to find solutions for waste disposal in country or to improve industry practice. These activities may include regular advertisements, production of guidance documents for dissemination to industry, initiating and participating in workshops, workgroups and discussions to assist where possible in establishing appropriate domestic solutions to waste disposal and encouraging companies to implement waste minimisation practices, cleaner production techniques and best practice technologies and methodologies.

##### ***b. Permitting***

46. This component is about ensuring that any system of permits has in place checks and balances. It aims to ensure clarity of requirements, crossing-checking of information, minimum standard requirements for public notices and tailoring of permit conditions to particular circumstances. Activities may include revision of forms to make requirements clear, ensuring the security of permit numbers, establishing procedures to cross check actual movements, as reported in Customs data, against those specified in permits. The permits should clearly specify the obligations of the exporters.

*c. Detecting offences*

47. This component involves ad hoc inspections of shipments, taking of samples by inspectors, targeting particular types of export/import movements for compliance checks, checking of Customs data and provision of intelligence to Customs, targeting high-risk situations and initiating specific enforcement activities. Activities include ensuring a regular supply of information from Customs and establishing protocols for reviewing Customs data on a regular basis and responding to data that needs further action, targeting high-risk shipments for inspection and developing training courses for inspectors and Customs personnel.

*d. Investigations and enforcement actions*

48. This component consists of referral of possible breaches of the laws implementing the Convention to law-enforcement agencies. Activities may include developing standard operating procedures to assist in conducting investigation and developing comprehensive investigative procedures which do not risk compromising an investigation.

49. As enforcement of law becomes increasingly diverse and complex more demands are being made of all sectors of the community to ensure compliance with the law. This can be achieved proactively through education or reactively through investigation and subsequently, possible prosecution. Non-governmental organizations and community groups can make important contributions to enforcement and competent authorities should ensure that they can work effectively with them.

**1e. Training of enforcement personnel**

50. Training of personnel involved in preventing, identifying and managing illegal traffic is central to effective control. Where there is a breach of a law an investigation is often necessary. Given the complexities inherent in such an investigation it is essential that the investigator be equipped with appropriate competencies and knowledge in order to fulfil the role effectively and efficiently. A basic training manual jointly prepared by the SBC, Interpol and WCO will be attached to this Guidance as Appendix 5.

**1f. Technical expertise/facilities**

51. Lack of technical expertise/facilities is an obstacle to effective prevention, monitoring and management of illegal traffic in hazardous wastes. The secretariat shall develop Guidelines on the development of incident, accident and contingency preparedness plan for hazardous wastes. Regional and sub-regional mechanism for Dump Watch alert system are encourage.

52. Where use of a national laboratory or facility is not feasible a regional solution should be sought. Regional training centres could play a key role in addressing this issue. Advice may be sought from the secretariat of the Basel Convention, which may refer inquiries to relevant experts. The International Network on Compliance and Enforcement (INECE) can also help.

**1g. Enforcement/intelligence capacity**

53. When developing strategies for preventing and managing illegal traffic in hazardous wastes, Parties could use any existing draft guidelines for compliance and enforcement. In particular, recommendations on transparency of approach, strengthening treaty reporting requirements, site monitoring, compliance incentives, building national capacity and education and awareness raising would provide a sound basis for such work.

54. Data gathering and information analysis is also a very important tool. In particular, close monitoring of hazardous waste import and export statistics, should be based on waste trade patterns and the modus operandi of confirmed illegal shipments to form an overall picture. For example, much of the data on illegal traffic in hazardous wastes is related to contaminated waste (i.e. wastes mixed with hazardous substances) or non-recyclable wastes. Past experience indicates that illegally imported or exported waste is often declared as non-hazardous scrap (e.g. mixed metal scrap and plastic scrap) and tends to be exported by small trading firms or agents with no waste recycling facilities, rather than original waste generators. Prior to the arrival of the waste at its destination, the waste is likely to have changed hands several times. Consequently, illegal traffic is generally suspected where the origin or exporter of a shipment is difficult to determine.

55. Some countries have been liaising with their major waste trade partners to share operational experience and refine the criteria for selecting shipments for inspection. Cooperation between competent authorities is also useful in determining the legal status of a shipment.

56. Heavy cargo traffic at many international ports and the time taken to conduct random screening and inspection, mean that sometimes illegal traffic is not detected prior to departure. Where an illegal shipment is suspected, competent authorities can exchange information on the name of the vessel, the contained number(s) and the date of departure so that the waste can be intercepted on its arrival at its destination. This type of cooperation can benefit both parties, as it allows time for shipping documents to be scrutinised and for inspections to be organized. It is also relevant to all modes of transport including sea, road, rail, river and air.

57. Competent authorities should use a risk management approach to setting compliance and enforcement priorities, to ensure that their resources are targeted effectively. A typical approach would involve five steps, namely:

1. Establish the context
2. Identify the risks
3. Analyse the risks
4. Assess the risks and set priorities
5. Treat the risks
6. Following-up the process

58. Guidelines for such a risk management approach are provided in Appendix 4.

### ***1h. Effective licensing and monitoring of facilities***

59. The Basel Convention provides that each Party shall prohibit all persons under its national jurisdiction from transporting or disposing of hazardous wastes or other waste unless such persons are authorised or allowed to perform such types of operation. In order to meet this obligation all parties must have effective licensing and monitoring systems in place.

#### ***1i. Effective inter-agency cooperation etc.***

60. National environmental agencies generally work with local, national and international authorities to enforce controls on transboundary movements of hazardous waste. Customs agencies and competent authorities are key partners in detecting, intercepting and inspecting suspect hazardous waste shipments at critical control points.

61. International and national environmental agencies should collaborate with competent authorities, local police, transport companies, recycling industries, NGOs, etc. in detecting, investigating and managing illegal waste traffic. A high level of cooperation is crucial in managing and monitoring the waste if it is to be safely and quickly returned to its place of origin.

62. Illegal hazardous waste shipments can often be detected by reviewing information contained in shipping manifests. Information received from partner agencies is also useful in building profiles for targeting illegal waste traders. For example, companies previously involved in illegal or problematic shipments are targeted for inspection as are shipments with profiles describe above. Often such shipments are identified in cooperation with overseas control authorities, and provide an effective additional check to random inspections.

## **International Cooperation**

### ***a. Levels of international cooperation***

63. International cooperation for detection, prevention and control of illegal traffic in hazardous wastes can occur on the following levels:

interaction of competent authorities

use of international intelligence networks by enforcement/intelligence officers

role of/cooperation with other international organizations such as the World Customs Organization (WCO), Interpol, etc.

64. The interaction between the competent authorities of the country of export, country of import and countries of transit is necessary and could help in detecting, preventing and controlling the illegal traffic of hazardous wastes. Formal and informal communication could be used, including e-mail messages which facilitate quick interaction.

65. The World Customs Organization initiated in July 2000 a network called Customs Enforcement Network (CEN). The aim of this network is to link all customs administrations for enforcement purposes and provide them with a common database and reference system. Any national customs administration should be connected to CEN through its National

Contact Point. By using the CEN network, national customs administration can have immediate and direct access to the database of all previous cases of illegal traffic of hazardous wastes.

66. Another source of intelligence and useful information about past cases of illegal traffic of hazardous wastes and modus operandi could be obtained from Interpol through National Central Bureaus.

67. Such profiles will need to be continually updated if regulatory authorities are to keep abreast of developments in illegal traffic trends.

*b. Role of the secretariat of the Basel Convention*

68. The secretariat of the Basel Convention is rapidly improving its ability to facilitate international cooperation in the prevention, identification and management of illegal traffic in hazardous waste. In particular, the secretariat has identified a large number of relevant international organizations that could cooperate in joint activities aimed at better controlling and monitoring alleged or confirmed cases of illegal traffic. These include Interpol, World Customs Organization, UN Commission on Crime Prevention and Criminal Justice, UNEP, UNDP, IAEA/World Atom, the Secretariat of Climate Change, CITES, Ozone Secretariat, the UN High Commissioner for Human Rights, the Food and Agriculture Organization of the United Nations (FAO), the European Commission, the International Maritime Organization (IMO), the Organization for Economic Cooperation and Development (OECD), the Organization for the Prohibition of Chemical Weapons (OPCW).

69. The secretariat intends to develop Memoranda of Understanding or similar agreements with most, if not all, these organizations. These agreements will outline each party's area of responsibility and modalities for cooperation.

70. Future cooperative efforts will be focused on achieving practical and concrete results in the following priority areas:

- (i) identifying opportunities for combating illegal traffic;
- (ii) information exchange;
- (iii) improving data collection and analysis;
- (iv) updating criminal profiling;
- (v) improving methodologies for compliance and enforcement;
- (vi) identifying and resolving deficiencies in existing national legislation;
- (vii) training in compliance and enforcement;
- (viii) awareness raising and information dissemination.

## **PART 2. PREVENTION**

71. It is very important for Parties prohibiting the import of various wastes to ensure that this information is transmitted to other Parties via the secretariat as required by Article 4.1(a) and Article 13 of the Convention.

72. Article 3.1 of the Basel Convention requires each Party, within six months of becoming a Party to the Convention, to inform the secretariat of the Convention of the wastes, other than those listed in Annexes I and II, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes.

73. Article 3.4 requires Parties to be responsible for making the information transmitted to them by the secretariat available to their exporters.

74. In cases where national legislation is defective or where there is information or technical obstacles to compliance, there are a range of measures that might enhance the capacity of Parties to comply, such as legal and technical assistance which could be requested through the Basel secretariat.

75. Prevention can encompass detection, investigation, management of the intercepted cargo and legal action.

### **2a. Problems relating to transit**

76. The Basel Convention defines "State of transit" as any State, other than the State of export or import, through which a movement of hazardous wastes or other wastes is planned or takes place. The definition of "transboundary movement" includes movement through an area under the national jurisdiction of another State, including any land, marine area or air space within which a State exercises administrative and regulatory responsibility in accordance with international law in regard to protection of human health and the environment. Article 4.12 states that nothing in the Convention shall affect in any way the sovereignty of States over their territorial sea, and the jurisdiction which States have in their exclusive economic zones, and the exercise by ships and aircraft of all States of navigational rights and freedoms.

77. The Convention allows a State to require notification and consent for transits of hazardous wastes which are planned to cross its territorial sea or exclusive economic zone. In practice, however, most Parties are understood to require notification and consent only when a ship enters a port under their jurisdiction. This is because during a visit to a port there is always a risk that wastes may be unloaded, even if this was not planned, and then abandoned. However, some Parties only require notification and consent if it is planned that the wastes be unloaded and then loaded again.

78. Because there is a risk associated with unloading of the wastes, some Parties require notification and consent if the ship enters a roadstead instead of a port. At international law a roadstead is an area of water which is normally used for the loading, unloading and anchoring of ships. The definition of a port would not include a roadstead: in referring to ports Article 11 of the UN Law of the Sea Convention (UNCLOS) does not expressly include roadsteads. Rather, the provision includes "permanent harbour works which form an integral part of the harbour system" but expressly excludes off-shore installations and artificial islands. Article 12 of UNCLOS provides for roadsteads to be considered part of the territorial sea and not part of internal waters.

79. It is recommended that Competent Authorities should follow the notification and consent procedure for all transboundary movements involving entry into a port or roadstead, unless they are aware that the wastes are not proposed to be unloaded and the particular State of transit does not require notification under those circumstances. It is recommended that Parties which require notification and consent for transits through their territorial sea or exclusive economic zone should advise other Parties, through the secretariat, of their requirements.

80. Similar principles apply to proposed transits through airspace and airports.

81. Written consent from a State of transit is required for each movement that passes through it. International canals and free ports present special problems where a central system of control should be instituted.

## **2b. Cooperation with Customs and other regulatory authorities**

82. Cooperation with Customs and other regulatory authorities is central to preventing illegal traffic. Work currently being undertaken on the Harmonised System (HS) of the World Customs Organization will provide a much greater understanding of the extent of the illegal traffic problem and will allow greater scope for identifying and targeting problem areas. Customs authorities are key players in detecting and intercepting illegal traffic. However, the current Harmonised System Code does not allow for the identification of hazardous wastes and other wastes, making the task of customs authorities even more difficult in the task of identifying illegal traffic. For this reason, competent authorities, in cooperation with Customs, have begun to develop procedures for aligning Basel Convention wastes with categories in the Harmonised System. Only through close cooperation between customs authorities and national environmental agencies, will customs authorities be able to become effective agents in the battle against illegal traffic in hazardous wastes.

83. In particular, it would be useful to develop a table relating Annexes VIII and IX of the Convention to the Harmonised Customs Codes. This would assist Parties in identifying priority areas requiring review. These could then be brought to the attention of the World Customs Organization.

84. There is today wide agreement about the importance of strengthening linkages among MEAs that will allow greater compliance verification and problem identification. Cooperation between secretariats, government agencies and non-governmental experts in on-site monitoring as a measure for increasing transparency is developing.

## **2c. Identification of waste streams at source**

85. Export countries should develop strategies for identifying hazardous waste streams at the point of exit. This could be achieved by identifying regular hazardous waste exporters, maintaining tight administrative control at the notification stage, promoting enhanced cooperation and information exchange amongst relevant national authorities, and tightening legal provisions relating to the 'duty to reimport' under their national laws in accordance with Article 8 of the Basel Convention.



86. For some wastes, however, it may be best to identify waste streams at source. For example, hazardous electronic scrap is likely to be shipped under a general customs code such as "mixed metal scrap". It is very difficult to identify electronic scrap among the numerous entries for this code. However, companies that collect and dispose of electronic scrap will advertise their services, and it should be possible to check what each company is doing with the waste it collects.

#### **2d. Packaging, labelling, sampling and analysis**

87. The Basel Convention obliges each Party to ensure that all hazardous wastes and other wastes that are to be transported are packed, labelled and transported in conformity with generally accepted and recognised international rules and standards. Accepted international standards have been established under the UN Dangerous Goods Codes and ISO 14000 and all packaging, labelling and transportation procedures should conform to these standards.

88. Improper packaging and labelling may be indicative of illegal traffic, and any shipment that does not conform to the above standards should be investigated.

89. Sampling and analysis is dealt with in Appendix 3.

#### **2e. Promoting awareness**

90. Some cases of illegal traffic are due to lack of information and for this reason a key strategy for prevention will be international and national awareness raising campaigns. This might include activities such as training courses, seminars, advertising, information papers and guidance documents targeted at those involved in the import and export of hazardous waste. Ensuring clear and enforceable regulations is also an effective prevention measure.

91. For intentional cases, publicity of prosecuted illegal cases may be an effective deterrent if detection and enforcement measures are successful. Other options for prevention might be advertising, strengthening detection and enforcement measures, closing loopholes in legislation and raising penalties to a level that will act as an effective deterrent.

#### **2f. Guidance documents by national authorities**

92. Guidance documents targeted at importers and exporters are essential for preventing inadvertent breaches of legislation. In areas of uncertainty such as determining waste from non-waste, whether or not a waste is hazardous, and what constitutes environmentally sound management, guidance documents can be useful in clarifying the Convention's rules. They also provide a transparent and consistent basis for determining how the Convention will be interpreted. For hazardous waste importers and exporters, such guidance provides clarification on issues that could potentially lead to illegal activity and leads to greater certainty in planning and administration.

93. Guidance documents are also useful for providing a simple explanation of the rules that need to be followed. Often legislation is difficult to interpret and contains ambiguities that could lead to potential inadvertent breaches. Providing simple explanation and clarification of legislative instruments promotes an environment of transparency, cooperation, awareness and trust and can therefore be a useful tool in preventing illegal traffic.

#### **2g. Inspection: overt and covert**

94. In preventing illegal activity, it is important to know how and why breaches occur. It is also useful to know whether there are patterns or linkages of non-compliance that may point to potential or further illegal activity and whether there are obstacles or loopholes that act as disincentives to compliance. Strategies to promote transparency, cooperation amongst parties, public awareness and opportunities for a wide range of stakeholders to contribute to identifying problems and possible solutions should be encouraged.

95. It is important and necessary that each Party shall designate one or more competent authorities to work together to address illegal traffic and share enforcement information through a confidential network.

96. Data gathering and analysis can take place at many stages, especially where the activity has been observed by intelligence gathering operations as potentially illegal. This may then trigger requests to customs authorities to investigate as the next paragraph suggests.

97. Typically, investigation of alleged illegal traffic is triggered by the detection of suspect material by customs officials or competent authorities in the country of import. Generally such shipments are not accompanied by the relevant documentation or the documentation provided does not correspond to description of the material being transported. Such cases tend to be intentional and are generally more difficult to resolve than unintentional breaches of the Convention involving companies that routinely comply with established regulations.

98. Intelligence about intentions of identified illegal traffic is crucial for preventing, monitoring and detecting illegal activities. Where unintentional breaches are detected, the reasons for non-compliance can be assessed and procedures refined or education programmes targeted to reduce the likelihood of a recurrence. Intentional breaches can point to loopholes in national legislation or procedures that may need amended or may point to wider organized criminal activity that may require further monitoring.

99. Once an illegal shipment is detected, further investigation is necessary to confirm who is responsible for the illegal activities and whether or not prosecution is likely to be successful. Collection of evidence is crucial for successful prosecution, and should be conducted strictly in accordance with established procedures.

100. Proper procedure for evidence collection and witness interviewing are vital if a successful prosecution is to take place under the relevant jurisdiction.

101. In some cases it would be more convenient to inspect a transboundary shipment when it arrives at the importer's facility rather than at the border crossing. In this case the inspectors may wish to follow up their inspection of transboundary shipment by also inspecting equipment and processes at the inspector's facility to assess if they are consistent with the recycling and/or disposal operation(s) indicated in their licences/permits. Non-tariff requirements could be established so that at the border the environmental inspectors could verify the documents related to hazardous wastes.

102. In other cases, taking into account intelligence information, the inspection could also be undertaken at an export facility.

103. In all circumstances, the inspection procedure will begin with collection of all documents related to the generation of hazardous wastes, related to plans of export/import, related to recycling activities, disposal facilities and any other documents which might be useful (record information about exporter, carrier, importer, etc.).

104. After the documents are gathered and checked, a visual inspection of the hazardous waste is necessary, including storage facilities. People undertaking inspections should always take appropriate precautions. For example, closed shoes with steel caps should normally be worn in cargo-handling areas. Care should be taken when opening containers in case cargoes have shifted in transit. Respiratory protection and gloves should be worn if there is a risk of exposure to hazardous dusts.

105. Last, but not least, sampling might be necessary, for determining precisely what are the characteristics of the hazardous wastes. Sampling should always be done in accordance with the guidance in Appendix 3. As with visual inspections, appropriate safety precautions must always be taken.

106. In all cases of inspection, if there are signs of violation, the inspectors should remember that the purpose of inspection is to collect evidence to determine if a violation of the law was made. Subsequently, if this is the case the appropriate procedures of investigation should be followed.

## **2h. *Dealing with ambiguity***

107. Ambiguities can be of a legal, technical and/or practical nature and important ones must be resolved before an illegal shipment can be confirmed.

108. Legal ambiguities stem from different interpretations about what is or is not covered by the Convention. These are further complicated by national definitions of hazardous wastes. Consequently, despite clarification and refinement of the Basel lists, a certain level of ambiguity will always remain. Ultimately Parties will need to resolve these matters through existing mechanisms established under the Convention, or through lengthy and costly legal proceedings in the Courts.

109. Technical ambiguities are related to determining the physical properties of a material. These relate to questions of whether a material is considered to be a waste or whether a waste is considered hazardous. Currently, these ambiguities are resolved by the Basel Convention Technical Working Group which considers applications for placement or removal from the Basel annexes. Open debate within this forum provides the opportunity for Parties to state their case and have their proposal examined by experts in a number of countries.

110. Ambiguities may also arise from disputes over sampling and analytical methods (see Appendix 3, Sampling and analysis).

111. Practical ambiguities relate to problems such as identifying a party or parties responsible for an illegal shipment, the ability of an aggrieved party to recover costs, differences in opinion about concepts such as temporary storage and determining the responsibility of concerned parties in meeting the Basel Convention obligations on the cooperative resolution of illegal traffic.

112. In establishing certainty, it is useful to consult Part 3 of these Guidelines, especially paragraphs 127 to 135.

## **2i. International cooperation at all levels**

113. International cooperation amongst key players and at all levels is central to prevention and management of illegal traffic. These include national competent authorities, the secretariat of the Basel Convention, the secretariats of other environmental conventions, UNEP, Interpol, World Customs Organization, etc.

114. In addition, Parties should promote, as appropriate, strategies to bring their actions as well as actions of other relevant participants in the open for appropriate scrutiny by Parties, and as appropriate, other groups in the international system. The public should have access to information about the Convention, including reports on national compliance pursuant to Article 13 of the Basel Convention and opportunities to assist in monitoring compliance.

115. Parties should consider making provision for measures designed to enhance national and local capacity, to comply with the Basel Convention requirements. These include such measures as technical and financial assistance, training and supplying necessary equipment. The private sector should be encouraged to assist in enhancing the national capacity to comply. Economic or other incentives should be considered to facilitate effective implementation of the Basel Convention.

116. Cooperation amongst the secretariats of relevant international Conventions, non-government and government experts, business and industrial association, recycling industries, universities, technical institutes, research centres, NGOs and individuals should be initiated in order to prevent and reduce illegal traffic.

## **2j. Insurance and bonds**

### **Insurance**

117. Article 6(11) of the Basel Convention provides that any transboundary movement of hazardous wastes or other wastes shall be covered by an insurance policy, bond or other guarantee as may be required by the state of import or any state of transit, which is a Party. It does not stipulate the level of or type of insurance that is required.

118. There are many insurance options that competent authorities can consider when determining insurance scheme. For example, insured legal liability to third parties covers claims in respect of personal injury or damage to property. It can also cover the cost of removing, nullifying or cleaning up any contamination or pollution, which is caused by a "sudden and accidental" event (insurance policies commonly exclude liability caused by or arising out of contamination or pollution unless caused by a sudden, identifiable, unintended, unexpected and accidental event). Competent authorities could choose to accept this double exclusion or they could require a less restrictive (but more expensive) type of insurance such as environment impairment liability insurance. This may cover any disposal, release, dispersal, discharge or seepage, even if it is not "sudden and accidental".

119. Geographical exclusions and conditions are also common in policies. Competent authorities may wish to consider not accepting such exclusions if the excluded countries include the proposed state of import, export or transit.

120. A common feature of insurance policies however, is that they generally do not cover cases where shipments are deemed illegal. Where an accident occurs as a result of an illegal shipment, it may be difficult to apportion liability and even more difficult to enforce laws that will ensure adequate environmental clean up. In cases where an illegal shipment has resulted from an inadvertent error, financial guarantees or bonds, in addition to insurance, may minimize the exporting country's risk of having to meet the cost of environmental damage.

121. An analysis of the amount required for insurance, bonds or other guarantees in relation to the quantity and quality of hazardous wastes described in the shipping or movement documents could also provide useful for the detection or prevention of illegal traffic.

### **Financial Guarantees and Bonds**

122. Article 8 of the Basel Convention requires States of export to ensure that wastes are taken back, by the exporter, if a transboundary movement cannot be completed in accordance with the terms of the contract. To ensure that exporters are able to do this, competent authorities may require financial guarantees and bonds. The amount of money involved should be calculated so that all likely costs of a forced return and disposal of the wastes are covered. Financial guarantees and bonds

may not be required if the competent authority is satisfied that the exporter has sufficient assets to be able to meet these costs.

123. The major benefit of financial guarantees and bonds over insurance is that financial payouts are assured regardless of the legal status of the shipment. In short, they ensure that the risk lies with those responsible for shipping the waste.

124. Multiple financial guarantees or bonds may be required by all States concerned, that is the States of export, import and transit. It is not normally appropriate for one State to rely on another State's financial guarantee because for example, the State of import may wish to call on a financial guarantee in circumstances outside the scope of the financial guarantee held by the State of export.

### **Protocol on liability and compensation for damage resulting from transboundary movements of hazardous wastes and their disposal**

125. The Protocol on liability and compensation adopted by the fifth meeting of the Conference of the Parties in December 1999, although not yet in force, contains important provisions which could nevertheless be taken into consideration as a useful guide by the Parties.

## **PART 3. MANAGING ALLEGED AND CONFIRMED CASES**

126. There are many challenges that face regulators in their efforts to effectively manage alleged cases of illegal traffic. One of the most difficult amongst them is determining whether the alleged case constitutes illegal traffic. Another key issue is determining who is responsible until illegal traffic has been confirmed. And once liability has been apportioned, the question of how to bring the perpetrator or perpetrators to justice poses further problems that can be extremely difficult to resolve.

127. Given the multiple jurisdictions and different legal systems that are often involved, resolving these challenges can be a complex and lengthy process. In many cases, national legislation is unable to effectively deal with inter-jurisdictional matters, making incidents of illegal traffic extremely difficult, if not impossible, to resolve within the 30-day time period contemplated in Article 9 of the Convention. However, with effective cooperation of all authorities involved, cases of illegal traffic can be successfully resolved with minimal impact on the environment.

### **3a. *Determining whether illegal traffic has occurred***

128. Once suspected illegal shipments are detected, further investigation must be carried out to confirm whether or not it is illegal traffic. Through intelligence received from various national and international sources, waste shipments may be intercepted for inspection at key control points such as container terminals. In later stages, investigations will be aimed at determining those responsible for undertaking the alleged illegal activities and whether or not prosecutions will be likely to succeed. As evidence is collected both locally and internationally, cooperation between relevant competent authorities is central to illegal traffic management. All legal requirements (provisions of the Basel Convention, national laws and regulations) should be taken into account when determining whether or not a transboundary shipment of hazardous wastes is illegal.

129. Identification of hazardous waste in one country may not necessarily provide a basis for enforcement in another. Even where there is general agreement, Parties' rights under Article 3 of the Convention, to define non-Basel waste as hazardous wastes under national legislation, may make prosecution difficult. This highlights the importance of the Basel Convention's notification and consent procedures and the requirement under Article 3 to inform the secretariat of any non-Basel hazardous wastes defined under national legislation.

130. There may also be a time lag between the arrival of the wastes in the state of import and notification of the State of export of illegal traffic. Within 30 days from the time the state of export has been informed of the illegal traffic, the State of export or the generator shall take back the waste in question. The States concerned could agree to extend the period of 30 days. If it is impracticable to take back the wastes, the State of export or the generator shall dispose of the waste in accordance with the provisions of the Basel Convention. Nevertheless, Parties' obligations to cooperate to resolve illegal traffic incidents should ensure that the material is returned to the country of origin and dealt with in an environmentally sound manner as soon as possible.

131. The tendency for countries to reject extra-territorial application of national laws in criminal cases makes it difficult for the exporting country to pursue prosecution of illegal traders based solely on allegations of the country of import. The country of export has to have legal authority to require reimportation and the country of import has the right to insist on the duty of the Party of export to take back the illegal waste.

### **3b. *Determining who was the exporter of the waste***

132. Under the Basel Convention, exporter means any person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported. National legislation reflecting elements of the Convention, could provide that the exporter may be the generator, broker, carrier or other person with responsibility for the waste.

133. Considerable time may be spent determining the person or persons responsible for an illegal shipment. Complications increase with complexity in relationships between companies especially where foreign companies are involved. For example, the use of subsidiary companies, foreign brokers and agents and the sale of wastes to foreign companies prior to physical transfer of the waste can introduce complexities that obscure the identity of the exporter. Additional questions may arise if the exporter is an overseas-based company without a presence or agent in the States of export. In the absence of adequate legislative provisions to ensure legal liability is enforceable, the country of export must accept responsibility for making arrangements for the return of the waste. It is therefore in a party's interest to ensure that all loopholes in its national legislation are eliminated.

### **3c. *Determining how to return the waste***

134. Although the provisions of the Basel Convention require the State of export to ensure that the wastes in question are taken back by the exporter or the generator or, if necessary, by itself into State of export within 30 days from the time of receiving information about the illegal traffic or such other period of time as States concerned may agree when the illegal traffic operation is the result of conduct on the part of the exporter or generator, the past experience showed that complications could occur, such as ownership of the waste

135. Where there is a dispute between parties as to the legal ownership of the waste, the time taken to resolve the dispute could be lengthy, thus delaying the speedy return of the waste as required by the Basel Convention.

136. The domestic law of some countries requires a successful conviction before steps can be taken to reimport an illegal shipment. In such cases, if the company involved in the illegal shipment does not voluntarily agree to reimport the waste, the time taken to resolve the illegal traffic incident is likely to be lengthy.

137. Because of the difficulties mentioned in the above paragraphs, unfortunately, once an illegal shipment of hazardous or contaminated waste has been intercepted, the country of import has been obliged to adopt measures for arranging the return of the waste to the country of origin. To facilitate early return of the waste in accordance with the requirements of the Basel Convention, effective cooperation and liaison between the competent authority of the importing state and other relevant states should be a priority.

### **3d. *Whether the exporter followed the requirements of the Basel Convention***

138. The country of export may take all reasonable steps to ensure that an illegal shipment is reimported and disposed of in accordance with the Convention. Nevertheless, it is possible that the Convention could once again be breached, either fraudulently or unintentionally, in the course of reimportation. In such cases, the reimport of the material would also be considered to be illegal traffic. Once confirmed, steps should be taken to investigate the breach and the perpetrators brought to justice.

### **3e. *Seizure of the material***

139. If the waste (in particular recyclable material that has economic value) is still legally owned by the exporting or importing company, but this company refuses to comply with requests to return the waste, government authorities may face legal difficulties in seizing or moving wastes that they do not own. Difficulties encountered by governments in seizing or moving waste be addressed through provisions in national law.

### **3f. *Temporary storage***

140. It is important that the material is safely stored during an illegal traffic investigation. In particular, consideration should be given to protecting human health and the environment, safeguarding the chain of evidence and avoiding any counter-claims by companies relating to damage to their material.

141. Once an alleged illegal shipment of wastes has been identified, sampling and analysis is carried out to determine whether or not the material is hazardous. As the quality of sampling and analysis is central to legal proceedings and, later, whether or not a prosecution is likely to succeed, it is crucial that correct procedures are followed and evidence is not compromised. To ensure that highest quality results are obtained, the considerations in Appendix 3 should be taken into account in investigations of alleged illegal traffic.

### **3g. *Dealing with abandoned waste***

142. Cases of abandoned illegal shipments of hazardous wastes are increasing. It is therefore important to institute national legal and technical provisions and mechanisms for dealing with each case. For example old ships are being abandoned in the ports of developing countries or are dumped in the territorial waters of developing countries.

### **3h. *Notification to the SBC and concerned Parties***

143. Article 16,(1)(i) of the Basel Convention gave the secretariat the mandate to assist Parties upon request in identification of cases of illegal traffic and to circulate immediately to the Parties concerned, any information it has received regarding illegal traffic.

144. Ensuring that all relevant countries are aware of alleged illegal shipments is crucial in preventing illegal traffic. Notification, either by the secretariat for the Parties, or directly between Parties, encourages governments, companies, NGOs and other stakeholders to work together to develop effective prevention strategies and provides an incentive to quickly and effectively resolve illegal traffic incidents, to the extent that is consistent with legal requirements and enforcement practice.

### **3i. *Differences in interpretations of the countries involved***

145. On-going negotiation by relevant countries is crucial in resolving cases of illegal traffic where the countries of export and import disagree on the status of the shipment. Where agreement cannot be reached, despite the genuine effort of both Parties, it might be necessary to resort to the procedure for settlement of disputes described in Article 20 of the Convention.

## **PART 4. USE OF ELECTRONIC INFORMATION**

### **4a. *Domestic Examples***

146. Opportunities for increasing the automated administration of national legislation are increasing all the time. This includes both the collection of notification information from companies regarding proposed exports, imports and transits, the issuance of permits electronically, and the development of software for the electronic tracking of shipments. Some considerations experience include not only hardware and software capability within the administering agency, but also parallel and compatible electronic systems within industry and among trading partners.

147. Automated administration would likely require a large electronic database of information for example that is drawn from notification and movement documents. Other software uses could include systems that query these databases and can quickly provide information to officers in the field via a secure website which limits access to authorized individuals. These systems allow for direct access to the database, and at the same time, reports can be generated, shared and transmitted electronically. These are all technologies that Parties to the Conventions may have already implemented, or could consider developing.

148. For communication with regulated companies, one possibility is an internet based system of electronic data exchange (EDE). With such a system, it is possible to deposit notifications and movement documents directly into a database using either of the following methods:

regulates fill out electronic forms over the internet; or

regulates transfer bulk notification and movement document information from their databases using an e-mail attachment.

149. Given that not all regulates have the same level of technological capacity, an electronic system should also allow interface with traditional paper-based systems.

150. The systems outlined above support the generation and collection of data. The collected data can then be used to monitor regulatees' regulatory compliance. Additionally, the same or similar databases may be used to support intelligence and enforcement activities. Details regarding these activities may be considered to be confidential for security reasons. One possibility is the use of electronic libraries that contain case assessments.

### **4b. *International Examples***

151. In the international setting, there are also automated customs, trade and investigative processes that can incorporate electronic information and allow customs and law enforcement officers to track shipments and possession of wastes and to detect illegal shipments or dumping. For example, the World Customs Organization has a Customs Enforcement Network which has international accessibility restricted to authorized customs enforcement officers.

152. Bar codes and global positioning systems represent other electronic technologies with applicability to transboundary movements of hazardous wastes, particularly during their transportation. Partnerships among regulatory and enforcement authorities, and the affected industry (e.g. transportation) can be important aspects of the effective operation of such initiatives. These technologies can expedite customs clearance at international borders and also flag shipments which do not comply.

## Appendix 1

### **Provisions of the Basel Convention and decisions adopted by the Conferences of the Parties to the Basel Convention**

#### Article 4

##### General Obligations

1. (a) Parties exercising their right to prohibit the import of hazardous wastes or other wastes for disposal shall inform the other Parties of their decision pursuant to Article 13.
  - (b) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes to the Parties which have prohibited the import of such wastes, when notified pursuant to subparagraph (a) above.
  - (c) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes if the State of import does not consent in writing to the specific import, in the case where that State of import has not prohibited the import of such wastes.
2. Each Party shall take the appropriate measures to:
 

[.....]

  - (d) Ensure that the transboundary movement of hazardous wastes and other wastes is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes, and is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement;
  - (e) Not allow the export of hazardous wastes or other wastes to a State or group of States belonging to an economic and/or political integration organization that are Parties, particularly developing countries, which have prohibited by their legislation all imports, or if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner, according to criteria to be decided on by the Parties at their first meeting;
  - (f) Require that information about a proposed transboundary movement of hazardous wastes and other wastes be provided to the States concerned, according to Annex V A, to state clearly the effects of the proposed movement on human health and the environment;
  - (g) Prevent the import of hazardous wastes and other wastes if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner;
  - (h) Cooperate in activities with other Parties and interested organizations, directly and through the Secretariat, including the dissemination of information on the transboundary movement of hazardous wastes and other wastes, in order to improve the environmentally sound management of such wastes and to achieve the prevention of illegal traffic.
3. The Parties consider that illegal traffic in hazardous wastes or other wastes is criminal.
4. Each Party shall take appropriate legal, administrative and other measures to implement and enforce the provisions of this Convention, including measures to prevent and punish conduct in contravention of the Convention.
5. A Party shall not permit hazardous wastes or other wastes to be exported to a non-Party or to be imported from a non-Party.
6. The Parties agree not to allow the export of hazardous wastes or other wastes for disposal within the area south of 60° South latitude, whether or not such wastes are subject to transboundary movement.

7. Furthermore, each Party shall:

[.....]

(b) Require that hazardous wastes and other wastes that are to be the subject of a transboundary movement be packaged, labelled, and transported in conformity with generally accepted and recognized international rules and standards in the field of packaging, labelling, and transport, and that due account is taken of relevant internationally recognized practices;

(c) Require that hazardous wastes and other wastes be accompanied by a movement document from the point at which a transboundary movement commences to the point of disposal.

## **Article 6**

### **Transboundary Movement between Parties**

1. The State of export shall notify, or shall require the generator or exporter to notify, in writing, through the channel of the competent authority of the State of export, the competent authority of the States concerned of any proposed transboundary movement of hazardous wastes or other wastes. Such notification shall contain the declarations and information specified in Annex V A, written in a language acceptable to the State of import. Only one notification needs to be sent to each State concerned.

2. The State of import shall respond to the notifier in writing, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. A copy of the final response of the State of import shall be sent to the competent authorities of the States concerned which are Parties.

3. The State of export shall not allow the generator or exporter to commence the transboundary movement until it has received written confirmation that:

(a) The notifier has received the written consent of the State of import; and

(b) The notifier has received from the State of import confirmation of the existence of a contract between the exporter and the disposer specifying environmentally sound management of the wastes in question.

4. Each State of transit which is a Party shall promptly acknowledge to the notifier receipt of the notification. It may subsequently respond to the notifier in writing, within 60 days, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. The State of export shall not allow the transboundary movement to commence until it has received the written consent of the State of transit. However, if at any time a Party decides not to require prior written consent, either generally or under specific conditions, for transit transboundary movements of hazardous wastes or other wastes, or modifies its requirements in this respect, it shall forthwith inform the other Parties of its decision pursuant to Article 13. In this latter case, if no response is received by the State of export within 60 days of the receipt of a given notification by the State of transit, the State of export may allow the export to proceed through the State of transit.

5. In the case of a transboundary movement of wastes where the wastes are legally defined as or considered to be hazardous wastes only:

(a) By the State of export, the requirements of paragraph 9 of this Article that apply to the importer or disposer and the State of import shall apply *mutatis mutandis* to the exporter and State of export, respectively;

(b) By the State of import, or by the States of import and transit which are Parties, the requirements of paragraphs 1, 3, 4 and 6 of this Article that apply to the exporter and State of export shall apply *mutatis mutandis* to the importer or disposer and State of import, respectively; or

(c) By any State of transit which is a Party, the provisions of paragraph 4 shall apply to such State.

6. The State of export may, subject to the written consent of the States concerned, allow the generator or the exporter to use a general notification where hazardous wastes or other wastes having the same physical and chemical characteristics are shipped regularly to the same disposer via the same customs office of exit of the State of export via the same customs office of entry of the State of import, and, in the case of transit, via the same customs office of entry and exit of the State or States of transit.



7. The States concerned may make their written consent to the use of the general notification referred to in paragraph 6 subject to the supply of certain information, such as the exact quantities or periodical lists of hazardous wastes or other wastes to be shipped.
8. The general notification and written consent referred to in paragraphs 6 and 7 may cover multiple shipments of hazardous wastes or other wastes during a maximum period of 12 months.
9. The Parties shall require that each person who takes charge of a transboundary movement of hazardous wastes or other wastes sign the movement document either upon delivery or receipt of the wastes in question. They shall also require that the disposer inform both the exporter and the competent authority of the State of export of receipt by the disposer of the wastes in question and, in due course, of the completion of disposal as specified in the notification. If no such information is received within the State of export, the competent authority of the State of export or the exporter shall so notify the State of import.
10. The notification and response required by this Article shall be transmitted to the competent authority of the Parties concerned or to such governmental authority as may be appropriate in the case of non-Parties.
11. Any transboundary movement of hazardous wastes or other wastes shall be covered by insurance, bond or other guarantee as may be required by the State of import or any State of transit which is a Party.

### Article 7

#### Transboundary Movement from a Party through States which are not Parties

Paragraph 1 of Article 6 of the Convention shall apply *mutatis mutandis* to transboundary movement of hazardous wastes or other wastes from a Party through a State or States which are not Parties.

### Article 8

#### Duty to Re-import

When a transboundary movement of hazardous wastes or other wastes to which the consent of the States concerned has been given, subject to the provisions of this Convention, cannot be completed in accordance with the terms of the contract, the State of export shall ensure that the wastes in question are taken back into the State of export, by the exporter, if alternative arrangements cannot be made for their disposal in an environmentally sound manner, within 90 days from the time that the importing State informed the State of export and the Secretariat, or such other period of time as the States concerned agree. To this end, the State of export and any Party of transit shall not oppose, hinder or prevent the return of those wastes to the State of export.

### Article 9

#### Illegal Traffic

1. For the purpose of this Convention, any transboundary movement of hazardous wastes or other wastes:
- (a) without notification pursuant to the provisions of this Convention to all States concerned; or
  - (b) without the consent pursuant to the provisions of this Convention of a State concerned; or
  - (c) with consent obtained from States concerned through falsification, misrepresentation or fraud; or
  - (d) that does not conform in a material way with the documents; or
  - (e) that results in deliberate disposal (e.g. dumping) of hazardous wastes or other wastes in contravention of this Convention and of general principles of international law, shall be deemed to be illegal traffic.
2. In case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the State of export shall ensure that the wastes in question are:
- (a) taken back by the exporter or the generator or, if necessary, by itself into the State of export, or, if impracticable,
  - (b) are otherwise disposed of in accordance with the provisions of this Convention,

within 30 days from the time the State of export has been informed about the illegal traffic or such other period of time as States concerned may agree. To this end the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the State of export.

3. In the case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the importer or disposer, the State of import shall ensure that the wastes in question are disposed of in an environmentally sound manner by the importer or disposer or, if necessary, by itself within 30 days from the time the illegal traffic has come to the attention of the State of import or such other period of time as the States concerned may agree. To this end, the Parties concerned shall cooperate, as necessary, in the disposal of the wastes in an environmentally sound manner.

4. In cases where the responsibility for the illegal traffic cannot be assigned either to the exporter or generator or to the importer or disposer, the Parties concerned or other Parties, as appropriate, shall ensure, through cooperation, that the wastes in question are disposed of as soon as possible in an environmentally sound manner either in the State of export or the State of import or elsewhere as appropriate.

5. Each Party shall introduce appropriate national/domestic legislation to prevent and punish illegal traffic. The Parties shall cooperate with a view to achieving the objects of this Article.

### **Article 13**

#### **Transmission of Information**

1. The Parties shall inform each other, through the Secretariat, of:

- (a) Changes regarding the designation of competent authorities and/or focal points, pursuant to Article 5;
- (b) Changes in their national definition of hazardous wastes, pursuant to Article 3; and, as soon as possible,
- (c) Decisions made by them not to consent totally or partially to the import of hazardous wastes or other wastes for disposal within the area under their national jurisdiction;
- (d) Decisions taken by them to limit or ban the export of hazardous wastes or other wastes;
- (e) Any other information required pursuant to paragraph 4 of this Article.

### **Article 16**

#### **Secretariat**

1. The functions of the Secretariat shall be:

[.....]

- (i) to assist Parties upon request in identification of cases of illegal traffic and to circulate immediately to the Parties concerned, any information it has received regarding illegal traffic.

#### **Decisions adopted by the Conferences of the Parties to the Basel Convention**

##### **I/15. ILLEGAL TRAFFIC IN HAZARDOUS WASTES**

###### **The Conference**

**Expressing** its concern at the problem of illegal traffic in hazardous wastes, in particular to developing countries,

**Conscious** of the negative consequences of the illegal traffic on human health and the environment,

**Convinced** that the prevention of illegal traffic requires close cooperation among States, with the support of the secretariat of the Basel Convention and all interested organizations,

1. Welcomes the United Nations Environment Programme (UNEP) and Economic and Social Commission for Asia and the Pacific (ESCAP) joint project currently being implemented on monitoring and assessment of illegal traffic in toxic and dangerous products and wastes in that region;
2. Requests the secretariat to present an analytical report on the results of the UNEP-ESCAP joint project to the Second Meeting of the Conference of the Parties to the Basel Convention;
3. Also requests the secretariat to cooperate with other regional commissions in order to achieve the goal of prevention of illegal traffic in hazardous wastes;
4. Urges the Parties to the Basel Convention that have not yet done so to promulgate laws that consider illegal traffic in hazardous wastes a criminal act;
5. Calls upon Parties in a position to do so to cooperate with the secretariat to enable it to provide assistance to other Parties for the identification of cases of illegal traffic in accordance with Article 16, paragraph 1(i) of the Basel Convention;
6. Requests the Open-ended Ad Hoc Committee to study ways and means of enhancing the monitoring and prevention of illegal traffic in hazardous wastes and other wastes and to report its findings to the Conference of the Parties at its second meeting.

#### II/4. ILLEGAL TRAFFIC IN HAZARDOUS WASTES AND OTHER WASTES

##### The Conference

Expressing its concern at the problems of illegal traffic in hazardous wastes and other wastes, in particular to developing countries and to the countries in transition,

Recalling Decision I/15 of the First Meeting of the Conference of the Parties,

Having considered the report of the secretariat contained in document UNEP/CHW.2/8,

Having further considered the Open-ended Ad Hoc Committee recommendations contained in its Decision I/6 on "Illegal Traffic in Hazardous Wastes and other Wastes,"

1. Requests the Parties to promulgate or develop stringent national legislation on the control of transboundary movements of hazardous wastes taking into account the elements contained in document UNEP/CHW/C.1/1/7;
2. Further requests the Parties to incorporate in their legal systems, appropriate sanctions or penalties for the illegal traffic in hazardous wastes and other wastes;
3. Requests the regional commissions and secretariats of regional conventions and protocols to take an effective role in the monitoring and prevention of illegal traffic in hazardous wastes and other wastes and to coordinate their efforts and activities in this regard with the secretariat of the Basel Convention;
4. Requests all governments to promote the interministerial coordination within the respective government to prevent and penalize illegal traffic in hazardous wastes and other wastes;
5. Requests the secretariat of the Basel Convention to:
  - (a) Assist Parties in developing national legislation to deal with illegal traffic and hazardous wastes and other wastes;
  - (b) Assist Parties in capacity-building including the development of an appropriate infrastructure with a view of the prevention and penalization of illegal traffic in hazardous wastes and other wastes and to ensure the involvement of national authorities and focal points for the Basel Convention in the prevention and monitoring of illegal traffic in hazardous wastes and other wastes;
  - (c) Liaise with the various regional commissions and secretariats of regional conventions and protocols with a view to promoting the development of compatible regional mechanisms and systems;

(d) Promote the implementation of the appropriate parts of chapter 20 of Agenda 21 related to the illegal traffic in hazardous wastes, in particular its section D. In this regard a report should be presented to the relevant substantive session of the United Nations Commission on Sustainable Development;

(e) Continue its cooperation with the Customs Cooperation Council Secretariat with a view to ensure better control of import and export of hazardous wastes and other wastes and in particular to identify hazardous wastes and other wastes subjected to the Basel Convention in the Harmonized System;

(f) Include, in cooperation with the governments concerned, the Customs Cooperation Council and the International Maritime Organization, the training of customs and ports officers in relation to the import and export of hazardous wastes and other wastes in its programme of training activities;

(g) Receive, collate and disseminate information on illegal traffic in hazardous wastes and other wastes promptly and systematically with a view to ensuring that hazardous waste detected and rejected by one country is not dumped in another;

(h) Explore the possibility of cooperation with Interpol in cases of illegal traffic in hazardous wastes and other wastes;

(i) Establish a well-defined reporting system on cases of illegal traffic in hazardous wastes and other wastes, which would:

- (i) Request Parties to report to the secretariat on any cases of illegal traffic in hazardous wastes and other wastes as defined by the Basel Convention and the actions taken to monitor and prevent such cases, and
- (ii) Include a submission by the secretariat to the Conference of the Parties to the Basel Convention of reports, based on information received from the Parties, on cases of illegal traffic in hazardous wastes and other wastes and the publication of these reports;
- (iii) Enhance its cooperation in the prevention and monitoring of illegal traffic in hazardous wastes and other wastes with non-governmental organizations, industry and the private sector;
- (iv) Submit a report on the above-mentioned activities to the third meeting of the Conference of the Parties to the Basel Convention.

### III/5. ILLEGAL TRAFFIC IN HAZARDOUS WASTES AND OTHER WASTES

#### The Conference

Recalling decision II/4 of the second meeting of the Conference of the Parties,

1. Decides that a form be developed for use by Parties to report cases of confirmed illegal traffic;
2. Requests the Technical Working Group to review and revise the draft form developed by the secretariat of the Basel Convention and attached to this document as Appendix;
3. Requests Parties to review the draft form and submit comments for consideration by the Technical Working Group;
4. Requests Parties to cooperate with each other and the secretariat of the Basel Convention on alleged cases of illegal traffic;
5. Requests the Parties to:
  - (a) promulgate or develop stringent legislation on the control of transboundary movements of hazardous wastes and incorporate in this legal system appropriate sanctions or penalties for the illegal traffic in hazardous wastes and other wastes, to take appropriate measures to ensure the effective implementation of this legislation and inform the secretariat of the Basel Convention thereon;
  - (b) provide the secretariat of the Basel Convention with replies regarding the reported cases on illegal traffic;
  - (c) extend cooperation with Interpol with a view to presenting to future meetings of the Contracting Parties detailed reports on activities undertaken by the secretariat of the Basel Convention and Interpol to prevent illegal traffic in

hazardous wastes and to provide detailed reports to the Bureau and the meetings of the Contracting Parties on any cases of illegal traffic, their sources, actions undertaken by the governments during the discovery of cases and follow-up activities by the Contracting Parties.

6. Requests the secretariat of the Basel Convention to:

- (a) assist Parties in developing national legislation to deal with illegal traffic in hazardous wastes;
- (b) assist Parties in capacity-building including the development of an appropriate infrastructure with a view to preventing and penalizing cases of illegal traffic in hazardous wastes and other wastes and to ensuring the involvement of national authorities and focal points for the Basel Convention in the prevention and monitoring of illegal traffic in hazardous wastes and other wastes;
- (c) continue its cooperation with the various regional commissions and secretariats of regional conventions and protocols, NGOs, industry, private sector, as well as the World Customs Organization (WCO) and Interpol in order to achieve a better control and monitoring of cases or alleged cases of illegal traffic in hazardous wastes and other wastes;
- (d) organize training courses for customs officers, port authorities, judiciary personnel and police forces in cooperation with WCO, Interpol and other appropriate bodies, including UN regional commissions and secretariats of regional agreements dealing with similar aspects.

#### IV/12. ILLEGAL TRAFFIC IN HAZARDOUS WASTES AND OTHER WASTES

##### The Conference

1. Welcomes the work of the Technical Working Group on confirmed cases of illegal traffic and recognizes that the issue of illegal traffic remains a high priority with particular emphasis on cases involving alleged illegal traffic;

(a) Appeals to Parties to bring any case or, if appropriate, alleged case of illegal traffic to the attention of the secretariat and to provide the secretariat with all necessary information to enable it to take any appropriate action, including preventive measures through initial dissemination of information to Parties concerned;

(b) Welcomes steps taken by Parties to submit information on how Parties may have dealt with illegal traffic, including alleged cases of illegal traffic, with regard to difficulties they could be facing when seeking compliance with the provisions of the Basel Convention;

(c) Recognizes that illegal traffic can take many different forms and be of different magnitudes ranging from, for example, falsification of documents to large-scale organized activities;

(d) Requests Parties to cooperate with each other and the secretariat on alleged cases of illegal traffic;

(e) Assigns the Consultative Sub-group of Legal and Technical Experts the task of developing procedures to address alleged cases of illegal traffic;

(f) Adopts the draft Form for Confirmed Cases of Illegal Traffic for use by Parties in confirmed cases of illegal traffic;

(g) Invites Parties to use this form in their reports related to confirmed cases of illegal traffic to the secretariat;

(h) Requests the secretariat to report to the fifth meeting of the Conference of the Parties, through the Open-ended Ad Hoc Committee for the Implementation of the Basel Convention, as appropriate, on information received by Parties on cases of illegal traffic;

2. Welcomes the convening of meetings and conferences on the prevention of illegal traffic approved by decision III/28 and urges Parties to promote the effective participation of developing countries in these meetings;

3. Urges Parties to fulfil their obligations under Article 9, paragraph 5 of the Basel Convention, in particular:

(a) To promulgate, update and/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;

4. (a) Notes that the classification and characterization of wastes represent essential tools to assist in the identification and prevention of illegal traffic;
- (b) Requests the secretariat of the Basel Convention, bearing in mind decisions I/18 and II/23, to work closely with the United Nations Committee of Experts on the Transport of Dangerous Goods towards the development of an appropriate classification and labelling system;
- (c) Requests the secretariat to continue its cooperation with various regional commissions and secretariats of regional conventions and protocols, non-governmental organizations, industry and the private sector, as well as the World Customs Organization and Interpol, in order to achieve better control and monitoring of cases or alleged cases of illegal traffic in hazardous wastes and other wastes;
- (d) Requests the secretariat to organize training courses for customs officers and police forces in cooperation with the World Customs Organization, Interpol and other appropriate bodies, including United Nations regional commissions and secretariats of regional agreements dealing with similar aspects;
- (e) Requests the secretariat to assist Parties in capacity building, including the development of an appropriate infrastructure, with a view to preventing and penalizing cases of illegal traffic in hazardous wastes and other wastes and to ensuring the involvement of national authorities and focal points for the Basel Convention in the prevention and monitoring of illegal traffic in hazardous wastes and other wastes;
- (f) Encourages Parties to build up their enforcement capacities, *inter alia*, through cooperation with international bodies such as Interpol and the International Network for Environmental Complaints, in the development of training and networking for enforcement personnel involved in the prevention of illegal traffic;
- (g) Invites Parties to promote consistency when addressing the issue of illegal traffic in the relevant United Nations bodies, while avoiding duplication;
5. Requests the Technical Working Group and the Consultative Sub-group of Legal and Technical Experts, at their joint meeting, keeping in mind the discussions within the Ad Hoc Working Group of Legal and Technical Experts to Consider and Develop a Draft Protocol on Liability and Compensation, to develop recommended procedures to assist Parties in preventing, identifying and managing illegal traffic.

#### V/23. PREVENTION AND MONITORING OF ILLEGAL TRAFFIC IN HAZARDOUS WASTES AND OTHER WASTES

##### The Conference

1. Extends the mandate of the Technical Working Group and requests the Legal Working Group to give further consideration to the issue of illegal traffic in hazardous wastes and other wastes, to develop recommended procedures to address alleged cases of illegal traffic and to assist Parties in preventing, identifying, monitoring and managing illegal traffic, taking into account the draft guidance elements for the detection, prevention and control of illegal traffic in hazardous wastes, approved by the Technical Working Group and the Consultative Subgroup of Legal and Technical Experts at their first joint meeting, in Pretoria, in November 1998;
2. Appeals to Parties to bring any confirmed case or, after consultation and agreement with the other Parties involved, alleged case of illegal traffic to the attention of the secretariat of the Basel Convention, with all the necessary information to enable the secretariat to take appropriate action, including support for any efforts by the Parties to solve the issues, such as the provision of appropriate expertise;
3. Invites Parties to use the approved form in their reports to the secretariat related to confirmed cases of illegal traffic;
4. Requests the secretariat to continue its cooperation with various regional commissions and secretariats of regional conventions and protocols, non-governmental organization, the industry sector and the private sector, as well as the World Customs Organization and the International Criminal Police Organization, in order to achieve a better control and monitoring of cases or alleged cases of illegal traffic in hazardous wastes and other wastes;
5. Requests the Parties and the secretariat to take the necessary preventive measures, in particular through the dissemination of information on the Basel Convention and through working closely with the World Customs Organization, to include, as a matter of priority, the wastes under the scope of the Convention in the Harmonized System;

6. Requests the secretariat, bearing in mind the provisions of decision IV/12, to work closely with the United Nations Committee of Experts on the Transport of Dangerous Goods to harmonize classification and labelling systems for hazardous wastes and dangerous goods;

7. Requests the Parties, with the assistance of the secretariat, to organize training courses and develop training manuals, at the national and regional levels, for customs officers and police forces, in cooperation with the World Customs Organization, the International Criminal Police Organization and other appropriate bodies, including United Nations regional commissions and secretariats of regional agreements dealing with similar issues.

**BASEL DECLARATION ON ENVIRONMENTALLY SOUND MANAGEMENT**

We, the Ministers and other heads of delegation from the Parties to the Basel Convention and from other States,

Having met in Basel, Switzerland, from 6 to 10 December 1999, on the occasion of the fifth meeting of the Conference of the Parties to the Basel Convention and the tenth anniversary of the adoption of the Basel Convention,

[.....]

6. Recognize the need to focus our activities within the next decade on specific actions to promote the implementation of the Convention and its amendments worldwide, at all levels, and, to this end, agree to enhance and strengthen our efforts and cooperation to achieve environmentally sound management in the following fields:

[.....]

- (a) Prevention and monitoring of illegal traffic;

**Appendix 2**

**Case studies/examples of successful actions of Parties**

**Three cases from Australia**

**1. FIRST CASE FROM AUSTRALIA**

**CONFIRMED CASES OF ILLEGAL TRAFFIC**

**A. TRANSMITTING AUTHORITY**

<p><b>Name:</b> <u>Environment Australia</u></p> <p><b>Address:</b> <u>GPO Box 787 CANBERRA</u> <u>ACT 2601</u></p> <p><b>Tel:</b> <u>61 2 6274 1411</u></p> <p><b>Fax:</b> <u>61 2 6274 1164</u></p> <p><b>E-mail:</b> <u>hwa@ea.gov.au</u></p>	<p><b>Party</b></p> <p>Competent Authority <input type="checkbox"/></p> <p>Focal Point <input type="checkbox"/></p> <p>National Authority <input type="checkbox"/></p>
--	--

**Date of transmission:** \_\_\_\_\_

**B. REPORTING BODY**

<p><b>Name:</b> <u>“As Above”</u></p> <p><b>Address:</b> _____</p> <p><b>Tel:</b> _____</p> <p><b>Fax:</b> _____</p> <p><b>E-mail:</b> _____</p>	<p>Party<sup>1</sup> <input type="checkbox"/></p> <p>Observer State <input type="checkbox"/></p> <p>NGO <input type="checkbox"/></p> <p>Company <input type="checkbox"/></p> <p>Individual <input type="checkbox"/></p>
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<sup>1</sup> Please specify if different from Transmitting Authority.

**C. DESCRIPTION OF THE ILLEGAL ACT**

**C.1. Act(s) found to be illegal traffic (please include information on which Basel Convention provisions has (have) been contravened)**

**Description:**

On 13 December 1996, 84,000kgs of used lead acid batteries were exported from Australia destined for recycling/recovery operations in Manila, Philippines. The export contravened Articles 6.1 and 6.3 of the Basel Convention because the requirements for notification and consent were not observed. The export also contravened section 40 of the Australian *Hazardous Waste (Regulation of Exports and Imports) Act 1989*, which prohibits the export of hazardous waste without a permit.

**C.2. Name of States affected by the illegal traffic (i.e. country of origin, transit or destination):**

**Country of Origin:** Australia

**Countries of Transit:** Singapore

**Country of Destination:** Philippines

**C.3. Brief description of the waste(s) subject to the illegal act, including modes of transport, place of discovery, environmental conditions of the location:**

**Description of the waste:** Scrap drained/dry whole intact lead batteries (“Rains”).

**Modes of Transport:** The waste was loaded into shipping containers, transported by road, loaded onto a ship at the Port of Burnie, Tasmania, Australia and offloaded at Manila in the Philippines.

**Place of Discovery:** The illegal export was discovered in Australia during a routine check of Australian Customs records.

**Date of discovery of the wastes:** April 1997

**C.4. Date of the infraction:**

Infraction:                      Day Month Year  
    13 / 12 / 96

**D. WASTE IDENTIFICATION**

**D.1. Description of the waste:**

**Name of the Waste:** Waste lead-acid batteries, whole or crushed (Annex VIII entry A1020).

**Origin of the Waste:** Tasmania, Australia.

**Physical form:** Solid.

**Major constituents:** Lead, plastic.

**Typical contaminants:** Not known.

**Volume/Quantity of wastes:** 84,000kgs.



**Waste Code:**                      **Y number(s)** Y31                      **UN Class** 6.1  
    **H number(s)** 6.1,11,12                      **UN number**  
    **IWIC**                      **OECD**                      **HS**  
    **EWC**

**D.2. Sampling and testing:**

No sampling or testing was done on the waste.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Results:**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**D.3. Other relevant information (e.g. containment appearance, etc.):**

None  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**E. DETECTION OF ILLEGAL TRAFFIC, TYPES OF DAMAGES, REMEDIAL ACTIONS AND DISPOSAL**

**E.1. Detection of illegal traffic:**

**By whom:**     Environment Australia  
**Where:**         Australia  
**When:**          April 1997

**E.2. Damages:**

**Details of type and extent of known damages:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 There were no damages reported from the illegal traffic.  
 \_\_\_\_\_  
 \_\_\_\_\_

**E.3. Remedial actions:**

**Type of action(s):** \_\_\_\_\_  
 \_\_\_\_\_

No remedial actions were necessary.  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_  
 Cost: \_\_\_\_\_  
 Allocation: \_\_\_\_\_

**E.4. Final disposal of wastes subject to illegal traffic (i.e. measures taken, State of disposal, etc.)**

The waste was disposed of by recycling/reclamation of metals and metal compounds in the State of import, by Philippine Recyclers Inc at Manila, Philippines.

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**F. PUNISHMENT**

**F.1. State of conviction:** Australia

**F.2. Date of conviction:**

Conviction:                      Day    Month    Year  
   25    /    05    /    1999

**F.3. Description of punishment by the authority in the State of conviction:**

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The exporting company pleaded guilty to negligently contravening Section 40(1) of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* by exporting a hazardous waste without an export permit. An executive officer of the company pleaded guilty to contravening Section 40B(1) of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* by being negligent as to whether the contravention of section 40(1) would occur, being in a position to influence the conduct of the company and failing to take all reasonable steps to prevent the contravention. The exporting company was convicted and fined AUD2,000. The executive officer was convicted and fined AUD500.

As this matter was the first prosecution under the amendments to the Act, which entered into force on 12 December 1996, the Magistrate made a number of general remarks in relation to the offences prior to passing sentence. Of particular note were his comments that this was not a matter where there had been a deliberate plot to export the battery waste or a conscious decision not to apply for a permit. Rather, the commission of this offence was the unintentional consequence of a series of events which had been occurring over a number of months. The Magistrate noted that the plea of guilty was in respect of a negligent export of lead battery waste without a permit, rather than a deliberate act.

If more space required, please use additional sheet(s)

*Authority completing the Form shall forward a copy to all Competent Authorities or Focal Points in the State(s) concerned as appropriate.*

**2. SECOND CASE FROM AUSTRALIA**

On 1 September 1997, a shipment of approximately 60 tonnes of waste, mainly computer scrap, was exported from Sydney, Australia, bound for Hong Kong. On 22 September 1997, the Hong Kong authorities, after being notified by Greenpeace Australia of the hazardous nature of the goods, refused to allow the scrap entry. The containers were subsequently returned to Sydney, together with another two containers, also consigned to Hong Kong, that were removed from another vessel before it left Brisbane, Australia, on 1 October 1997.

The shipments contravened Articles 6.1 and 6.3 of the Basel Convention because the requirements for notification and consent were not observed. The export also contravened section 40 of the Australian Hazardous Waste (Regulation of Exports and Imports) Act 1989 ('Act'), which prohibits the export of hazardous waste without a permit. The suspected contravention of the Act was the subject of a joint investigation by the Australian Federal Police (AFP) and the Department of the Environment and Heritage.

The investigation found that the computer scrap had been collected by an Australian company concerned with the collection and re-sale of most kinds of metal and electrical scrap. In August 1997, the Australian company sold the scrap to a foreign company for AUD26,693. The Australian company then stuffed the containers and transported them to the docks. During the process of stuffing the containers, Greenpeace Australia became aware of the possible hazardous nature of the goods.

The problem during the investigation centred upon which company was responsible for the illegal export of the goods. The investigation found that the terms of the contract between the Australian company and the foreign company were Free on Board (FOB) and under commercial law this in effect made the foreign company the owner and exporter of the waste. However, there was no basis for criminal proceedings against the foreign company because an offence against section 40 of

the Act can only be committed by a person who acts knowingly or recklessly. It could not be shown that anyone associated with the foreign company knew or ought to have known that the containers contained hazardous waste.

It could be argued that the Australian company was the exporter of the scrap for the purposes of section 40, having sold the scrap and packed it into the containers knowing that it was to be shipped to Hong Kong. Nevertheless, the investigation found that the prospects for a successful prosecution were not good, partly because the only individual who clearly knew precisely what was in the containers had died during the investigation, and partly because it was uncertain whether a company could be an exporter for the purpose of section 40 unless it was also the exporter for the purpose of commercial law. The Australian company was wound up while the investigation proceeded.

The Act is currently being amended to close this loophole by making it illegal for Australian companies to sell hazardous waste to foreign companies unless an export permit is in place.

The hazardous waste was disposed of in Australia, under Australian law, at the expense of the Australian Federal Government and at a total cost of AUD94,426. There are provisions in the Act under which the Government may seek to recover these costs from the foreign company.

### 3. THIRD CASE FROM AUSTRALIA

An alleged import of waste oil from a South Pacific island country was detected in October 1999 when the oil was transported from an Australian port to a storage facility without the waste transport certificates that were required by the local environment agency.

Investigations by the Australian Federal Police confirmed that 20,000 litres of waste oil had been imported on 12 October 1999 in an isotainer that was owned/leased by an Australian oil company. The oil was owned by a mining company based in the South Pacific island country. This company was unable to dispose of the oil in their previous manner, through a local liquid soap manufacturer, because that manufacturer had closed due to civil unrest.

Enquiries subsequently found that a previous import of 16,800 litres of waste oil had occurred on 17 June 1999. This oil had been treated by a local recycling facility before disposal to a power generating plant.

The Director of Public Prosecutions determined that a *prima facie* case existed against the Australian oil company but prosecution would not be in the public interest after considering that:

- (a) the imports were designed to ensure the disposal of the waste oil in a more environmentally friendly manner in the light of the civil unrest in the South Pacific island country at the time;
- (b) no waste oil was spilled or caused any damage as a result of the import; and
- (c) the two imports were isolated incidents occurring four months apart and were not part of a continuing course of conduct.

A letter of caution was formally issued to the Australian oil company.

! Please specify if different from Transmitting Authority.

**(Form for)**  
**CONFIRMED CASES OF ILLEGAL TRAFFIC**

**A. TRANSMITTING AUTHORITY**

Name: Department for Environment, Food and Rural Affairs  
Address: Waste Policy Division,  
Ashdown House  
123 Victoria Street  
London, SW1 6DE

Tel: + 44 (0) 20 7944 6424  
Fax: + 44 (0) 20 7944 6409  
E-mail: waste\_policy@defra.gsi.gov.uk

Date of transmission: 3 September 2001

**B. REPORTING BODY**

Name: As above  
Address:

Tel:  
Fax:  
E-mail:

**C. DESCRIPTION OF THE ILLEGAL ACT**

**C.1. Act(s) found to be illegal traffic (please include information on which Basel Convention provisions has (have) been contravened)**

Description:

Shipment of hazardous waste from Sweden to the UK without notification to the relevant Competent Authorities. This contravened Article 9(i)(a) of the Basel Convention and Article 26(1)(a) of Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community.

**C.2. Name of States affected by the illegal traffic (i.e. country of origin, transit or**

**destination):**

Sweden (country of origin) and the United Kingdom (country of destination)

**C.3. Brief description of the waste(s) subject to the illegal act, including modes of transport, place of discovery, environmental conditions of the location:**

Waste rags, gloves, overalls and liquid solvents, including acetone. The waste arrived in 45 gallon drums at a solvent recovery facility in Morecambe, Lancashire. An employee at the site contacted the Environment Agency as the load was not accompanied by all the necessary paperwork. The waste was inspected by Agency officers and some of the drums were found to be damaged, there was a strong smell of solvents coming from the drums and wood and rags were visible in a number of drums without lids. The load was poorly secured and was not clearly labelled. Further examination of the load revealed rags, overalls, gloves and liquid solvents. The paperwork with the drums indicated a further load which were eventually traced (again 45-gallon drums) to the docks at Immingham. These drums were crudely packaged in shrink-wrapped polythene and there was no waste description, or hazard warning labels.

**Date of discovery of the wastes:**

1 December 1999

**C.4. Date of the infraction:**

1 December 1999

**D. WASTE IDENTIFICATION**

**D.1. Description of the waste:**

Name of the Waste: Acetone and waste cloths contaminated with resins and polymers.

Origin of the Waste: Malmo, Sweden

Physical form: Liquids, sludges and contaminated solids

Major constituents: Contaminated rags, packaging, protective clothing, polymers and resins.

Typical contaminants: Resins and Polymers.

Volume/Quantity of wastes: 13500 Kg

Waste Code: Y number(s) Y13 UN Class 3

H number(s) \_H3 \_\_\_\_\_ UN number: 1993

IWIC Q16/D9/P13/C42/H3/A243 OECD \_\_\_\_ HS \_\_\_\_

EWC: 080102

**D.2. Sampling and testing:**

On 13 December 1999 seven samples of liquid solvent waste were submitted by the Environment Agency to Lancashire County Council Laboratory for analysis. These samples were obtained by Environment Agency officers on 10 December 1999.

**Results:**

The samples were found to contain concentrations of acetone varying from 4.1% to 67%. Flash point analysis carried out on the waste sampled varied from -10 degrees centigrade to 55 degrees centigrade.

**D.3. Other relevant information (e.g. containment appearance, etc.):**

The waste was poorly packaged in 45 gallon drums some of which had missing lids and sealing bungs. The waste gave off strong solvent odours and was a potentially explosive cocktail of substances.

Only a small amount of the total quantity of waste would have been suitable for solvent recovery, whilst the majority of the waste would have required final disposal.

**E. DETECTION OF ILLEGAL TRAFFIC, TYPES OF DAMAGES, REMEDIAL ACTIONS AND DISPOSAL**

**E.1. Detection of illegal traffic:**

By whom: Employee of the solvent recovery site at Morecambe, Lancashire, UK.

Where: Solvent recovery site, Morecambe, Lancashire, UK.

When: 1 December 1999

**E.2. Damages:**

Details of type and extent of known damages: None

**E.3. Remedial actions:**

Type of action(s):

Date:

Cost:

Allocation:

**E.4. Final disposal of wastes subject to illegal traffic (i.e. measures taken, State of disposal, etc.)**

The Environment Agency arranged for the waste to be shipped back to Sweden at Stirling Lloyd's cost. TFS notification no. GB 004528

**F. PUNISHMENT**

**F.1. State of conviction:**

United Kingdom

**F.2. Date of conviction:**

Conviction: 17 November 2000

**F.3. Description of punishment by the authority in the State of conviction:**

Stirling Lloyd Contracts Limited were fined £1500 for the illegal shipment and were ordered to pay £4594.80 costs to the Environment Agency.

If more space required, please use additional sheet(s)

*Authority completing the Form shall forward a copy to all Competent Authorities or Focal Points in the State(s) concerned as appropriate.*

Adopted by the fourth meeting of the  
Conference of the Parties to the Basel Convention  
February 1998

## Appendix 3

### **Sampling and analysis**

#### **A. *Quality of Investigations***

1. It is important that investigation officers are familiar with sampling and analysis procedures before proceeding with investigations. Improper collection of evidence may compromise the likelihood of a successful prosecution. Consequently, investigation officers should be trained in determining the chain of custody, retaining samples and security procedures that the sampling team and laboratory intend to follow.
2. Experienced government agencies that regularly deal with environmental crime will have the relevant background and expertise to carry out investigations to a high standard. However, if a less experienced local officer, the person in charge of the investigation, is taking samples will need to ensure that appropriate chains of custody procedures are followed.

#### **B. *Quality of Analysis***

3. Similarly, it cannot be assumed that laboratories will necessarily follow appropriate procedures once samples have been taken. This is especially true for laboratories or personnel that are relatively inexperienced in collecting and analysing samples for use in criminal proceedings. Consequently, it is important to work with accredited or certified laboratories that are familiar with the relevant procedures.

#### **C. *Sampling Procedures***

4. A number of questions may be asked to ensure proper handling of samples, as follows:
  - (a) Does the chain of custody form follow the samples from the time they are taken until the time they are delivered to the laboratory for analysis?
  - (b) If sampling exceeds one day or samples require storage prior to delivery to the laboratory, investigators should determine what the samples are intended to be used for and what security procedures are in place to protect existing samples. Procedures should ensure secure overnight storage for all samples which are to be used as evidence in criminal cases. For example if the samples are to be stored in a locked vehicle, then the vehicle should be garaged in secure conditions. Where samples are being taken to determine clean-up costs for civil cases, secured storage is not required. They should also determine whether there are any other storage or packaging requirements relevant to the material being sampled and check how the samples will be packaged. For example the samples may need to be stored at a certain temperature, in a dark place and/or away from moisture until analysis is carried out to ensure their integrity. Ensure that all packaging and storage requirements are met.
  - (c) Is a chain of custody procedure or other record generated when the laboratory receives the samples?
  - (d) How does the laboratory store the samples prior to analysis?
  - (e) Will the samples be handled by multiple personnel during the course of analysis? If so, what records are maintained to track samples and procedures?
  - (f) What happens to the samples after analysis? Does the laboratory retain the samples? If so, how long are the samples retained and are the samples secure?

#### **5. D. *Capability of Laboratory***

- (a) Are approved testing methods used to analyse samples and are the correct methods used for the specific circumstance?
- (b) Are appropriate quality assurance/quality control procedures strictly applied?
- (c) Does the laboratory have a track record in providing high quality services for criminal investigation? The experience and reputation of the laboratory undertaking the analysis will have a direct bearing on the quality of the analysis. Certification or accreditation should be a minimum requirement for all cases involving criminal investigations. To this end, consideration should be given to establishing a regional network of accredited laboratories that can be used for this purpose.
- (d) Does the laboratory understand the objectives of the investigation?



### ***E. Capability of Inspectors***

6. A number of questions may be asked to ensure laboratory capability, as follows:

- (a) Does the investigator understand the correct analytical procedures to be followed and what information is required? As with sampling, it is important to furnish scientific personnel with as much relevant case history as possible prior to analysis to maximise the accuracy of the results.
- (b) Can the investigator accurately interpret the results? If not, has he/she clarified any areas of confusion? It is important to obtain early clarification of results in areas where there may be confusion or a lack of understanding.
- (c) Has the investigators asked the laboratory to retain the samples for the requisite period of time?

### ***F. Treatment of video and photographic evidence***

7. As a general rule, photographic or videotaped evidence is not recommended for recording sampling or analysis procedures. However, should photographic or videotaped evidence be required, the following measures should be taken:

- (a) personnel undertaking sampling or analysis should not be videotaped or photographed.
- (b) the sample area and sample jars should be videotaped or photographed before and after sampling takes place as a record that correct procedures have been followed.
- (c) where a videotaped record of sampling and analysis procedures is undertaken, a new video cassette should be used, the sound turned off and the original tape retained by the investigator in charge.
- (d) where a photographic record of sampling and analysis procedures is undertaken, a full record of the photographic evidence should be kept including photo sequence numbers, a description of the photograph and the time and date of photography. As with videotaped evidence, films should be retained by the investigator in charge.
- (e) should the company under investigation request the right to videotape or photograph sampling procedures, permission should not be granted where there is a risk of interference with the sampling being undertaken.

### ***G. Treatment of original documents***

8. The sampling team and other technical staff involved in investigations should be informed that all original documents must be stored in a secure location until the investigator notified them that the documents are no longer required. These documents include chain of custody forms, field notes and reports.

9. Likewise, the laboratory responsible for analysing the samples should be requested to maintain all original documents relating to the analysis until otherwise informed. These documents include laboratory notes, chromatograms and final reports.

### ***H. Treatment in the Laboratory***

10. Treatment in the laboratory includes the following operations:

- (a) Sample pre-treatment: homogenisation, subsampling, extraction, clean-up, purification, irradiation, etc.
- (b) Component separation, chemical and physico-chemicals.
- (c) Components measure: detection, identification, quantification.

### ***I. Results and Data***

11. Reliability of analytical data means that it is precise and true. Precision is achieved when random errors are minimised. Accuracy is reached when systematic errors are eliminated.

Note: At some later date Appendix 3 might benefit from some worked examples. Such examples could be added after the guidance elements have been adopted and used in practice.

## Appendix 4

### **Guidelines for Risk Management Approach**

#### ***Step 1: Establish the context***

1. The political, social, economic, legal and physical environments in which the competent authority operates must be considered in establishing the context. The following questions may be asked:

- What legislation is being enforced?
- What does the legislation seek to control?
- What, broadly, is the nature, size and complexity of the business or community activity concerned?
- What are the major threats of non-compliance?
- What are the major outcomes expected/desired?
- Who has an interest in ensuring compliance with the legislation?
- Who must comply with the legislation?
- What is their interest in the matters the legislation is protecting?
- What must individuals or organizations external to the competent authority do, in order to comply with the legislation?
- What problems or obstacles have been identified?

#### ***Step 2: Identify the risks***

2. For the purposes of compliance and enforcement, risk means the risks, or incidents, of failure to comply with the legislation. This step is concerned with identifying the potential or actual incident. The consequences and likely occurrence of these non-compliance risks or incidents will be analysed in step 3. The following questions may be asked:

- What is the source of each non-compliance risk or incident?
- When is an incident of failure to comply with the Convention likely to occur?
- What is the compliance rate at present for similar activities?
- Are there any geographical regions in which breaches of the Convention are particularly prevalent?
- Why might an individual or organization not comply with the Convention?

- ignorance of existence of the Convention
- knowledge of the Convention but insufficient awareness of provisions
- wilful non-compliance
- lack of clarity of Convention/processes/regulations
- ignorance/inadvertence/recklessness/negligence

- What advantages might be gained by failing to comply with the Convention?
- What is the nature of penalties vis-à-vis potential advantages from non-compliance?
- Are individuals or organizations aware of their responsibilities under the Convention?
- Have any individual, or classes, of people or organizations displayed a particular tendency not to comply with the Convention in the past?
- What problems might arise from excessive or inadequate enforcement activity?

#### ***Step 3: Analyse the risks***

3. In this step the level of risk will be determined. The level of risk is determined by the relationship between the likelihood that a person or organization will fail to comply with the Convention and the consequences of that failure. The consequence of a failure to comply should be considered from three perspectives:

- the consequences for the environment,
- consequences for the community, present and future, and
- consequences for the Government

4. The level of risk may be determined by answering the following questions:

- What is the potential likelihood of the non-compliance risks or incidents occurring?
- What is the compliance rate at present for similar activities?

Are there any geographical regions in which breaches of the legislation are particularly likely to occur?  
 What advantages might be gained by failing to comply with the legislation?  
 What is the nature of penalties vis-à-vis potential advantages from non-compliance  
 Are individuals or organizations aware of their responsibilities under the legislation?  
 Have any individual, or classes, of people or organizations displayed a particular tendency not to comply with the legislation in the past?  
 What are the potential consequences of each non-compliance risk or incident, should it occur?  
 What environmental damage may result from the failure to comply with the legislation?  
 Are there any classes of illegal activities that are likely to damage the environment more than others?  
 Are there any geographic regions where damage as a result of failure to comply with the legislation may be particularly severe?  
 Are there any protected elements of the environment (e.g. particular species, objects and/or places, or cultural values) which are particularly vulnerable to illegal actions (or failures to act)?  
 Are there any matters covered by the legislation that have a high public profile in which there is a high degree of community or political interest?  
 What are the current controls which may detect or prevent potential non-compliance risks or incidents?

#### ***Step 4: Assess risk and set priorities***

5. This step involves deciding whether a given risk (assessed in Step 3 as severe, high, etc.) is acceptable or unacceptable. An assessment of the acceptability of the risk involves, takes into account cost impact, benefits and opportunities presented by the risk. Thresholds may be appropriate in some cases, to determine how much effort is warranted in relation to each area of level of risk.

6. In order to set priorities and assess the risk, the following key questions should be answered:

What is the acceptable level of risk (for the environment, for the community and for the Government)?  
 Are there any matters covered by the legislation that have a high public profile or in which there is a high degree of community or political interest?  
 What level or priority is the risk (severe, high, etc.)?

#### ***Step 5: Treat the risks***

7. This step involved deciding what measures need to be taken to minimise identified risks and their impacts. Promoting compliance with legislation will reduce the risks and incidents; certain measures may be necessary to promote compliance. The information identified in the previous steps will help identify which strategies are the most appropriate under a given set of circumstances.

What are the current controls which may detect or prevent potential non-compliance risks or incidents?  
 How may these be improved?  
 What other strategies may promote compliance and enforcement activities?

8. Possible strategies include:

Compliance assistance  
 Education and awareness  
 Technical assistance  
 Partnership arrangements  
 Monitoring and investigation  
 Addressing contraventions  
 Enforcement options  
 Remedial actions  
 Managing key partnerships  
 Ensuring other agencies can be relied upon for some of the compliance and enforcement functions.

#### ***Monitoring and review***

9. Periodic review is necessary to ensure changing circumstances do not alter risk priorities.

Note: At some later date Appendix 4 might benefit from some worked examples. Such examples could be added after the guidance elements have been adopted and used in practice.

## **VI/17. Bilateral, multilateral or regional agreements or arrangements**

The Conference of the Parties,

Recalling its decision V/20 on bilateral, multilateral or regional agreements or arrangements,

Taking note of the bilateral, multilateral or regional agreements or arrangements concluded before or after the entry into force of the Convention, as reported under article 11 of the Basel Convention,

1. Requests the Parties that, in accordance with article 11, have entered into bilateral, multilateral or regional agreements or arrangements and have not yet reported on the conformity of such agreements or arrangements with the said article, to report through the secretariat to the Open-ended Working Group, taking into account the list of questions contained in the annex to decision II/10;

2. Requests the secretariat continuously to update the list of bilateral, multilateral or regional agreements or arrangements currently in force, as reported to the secretariat, and to distribute that list on a regular basis to the Parties and non-Parties, and to post the list on the web site of the secretariat.

## **VI/18. Draft guidance elements for bilateral, multilateral or regional agreements or arrangements**

The Conference of the Parties,

1. Requests the Open-ended Working Group to consider the draft guidance elements for bilateral, multilateral or regional agreements or arrangements and report back to the seventh meeting of the Conference of the Parties;

2. Requests Parties and Signatories to present to the secretariat their comments and views on the issue;

3. Requests the secretariat to present a compilation of those comments and views to the Open-ended Working Group.

## **VI/19. Annex IX to the Basel Convention**

The Conference of the Parties,

Recalling paragraph 1 (a) of article 1 to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, stipulating that wastes subject to transboundary movement that belong to any category contained in Annex I, unless they do not possess any of the characteristics contained in Annex III, shall be hazardous wastes for the purpose of the Convention,

Recalling also paragraph 1 (b) of article 1, stipulating that wastes subject to transboundary movement that are not covered under paragraph 1 (a) of the same article but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit, shall be hazardous wastes for the purpose of the Convention,

Recalling further article 3 of the Convention on the national definitions of hazardous wastes in which each Party shall, within six months of becoming Party to the Convention, inform the secretariat of the wastes, other than those listed in Annexes I and II, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes,

Taking note of certain general obligations stipulated in article 4 of the Convention, namely subparagraphs 1 (a) and (b) on prohibition of import of hazardous wastes and requirements for reporting under article 13; subparagraphs 1 (c) and 2 (f) on prohibition of export and notification requirements; subparagraph 9 (b) on transboundary movement of wastes as raw material for recycling or recovery industries in the State of import; and paragraph 11 on additional requirements,

Taking note also of subparagraphs 2 (b), (c) and (d) of article 13 to the Convention containing certain reporting obligations, and subparagraph 5 (c) of article 15 to the Convention on the authority of the Conference of the

Parties to consider and undertake any additional action that may be required for the achievement of the purposes of the Convention,

Taking note further of other control systems for the transboundary movement of hazardous and other wastes,

Recalling decision IV/9 amending Annex I and adding two additional Annexes to the Convention (Annex VIII and Annex IX) in order to facilitate the application of the Basel Convention by characterizing wastes listed in Annex VIII as hazardous wastes pursuant to article 1, subparagraph 1 (a), of the Convention, and characterizing wastes listed in Annex IX as wastes not covered by article 1, subparagraph 1 (a), of the Convention,

Recalling also its decision V/26 on the work programme of the Technical Working Group,

Recognizing the substantial progress made by the Technical Working Group in clarifying the scope of the Convention and facilitating its application through its work on the review of lists of wastes contained in Annex VIII or Annex IX and on the characterization of wastes subject to its control system,

Aware of the practical difficulties encountered by Parties in the use of Annex IX and uncertainties in regard to its status and scope,

Convinced that effective control of hazardous and other wastes subject to transboundary movement is essential to protect human health and the environment from the dangers posed by these wastes,

Convinced also that a pragmatic and clear way forward is necessary to assist Parties in the application of the control system of the Basel Convention,

Noting that the draft information paper on issues related to Annex IX attached to the present decision as appendix I may provide helpful guidance to Parties on issues related to Annex IX, bearing in mind that the Convention remains the ultimate authority in case of conflict,

Taking note of the questionnaire concerning the national classification and control procedures for the import of wastes contained in Annex IX (list B wastes) prepared by the Technical Working Group,

1. Decides to adopt the questionnaire concerning the national classification and control procedures for the import of wastes contained in Annex IX (list B wastes) attached to the present decision as appendix II;
2. Requests the secretariat to distribute the questionnaire to all Parties and Signatories;
3. Invites Parties to fill out the present questionnaire and to submit it initially in advance of the first session of the Open-ended Working Group and subsequently whenever they have updates to the information in the questionnaire;
4. Requests the secretariat to prepare a compilation of the replies received, to have the questionnaire and the compilation posted on the web site of the Basel Convention ([www.basel.int](http://www.basel.int)), and to make the information available to all Parties and others on a regular basis, in the six United Nations official languages;
5. Also requests the secretariat to assist any Party if needed to complete the questionnaire;
6. Further requests the secretariat to inform the Open-ended Working Group of information received, including difficulties with issues related to the questionnaire;
7. Requests the Open-ended Working Group as necessary and appropriate, to further elaborate the draft information paper on issues related to Annex IX on the basis of the replies received.

## **Appendix I**

### **Draft information paper on issues related to Annex IX**

#### **I. INTRODUCTION**

1. Uncertainties as to the purpose, use or status of Annex IX to the Basel Convention were revealed and exemplified through the submissions to the Technical Working Group of applications to review or adjust the lists of wastes contained in Annex VIII or Annex IX of the Convention.

#### **II. BACKGROUND**

2. At its 15th session in April 1999, the Technical Working Group considered, inter alia, the application from India (Ministry of Environment and Forests) concerning copper oxide mill-scale. India provided the meeting with the motivation on their submission, in particular referring to the importance of removing copper oxide mill-scale from Annex IX (entry B1240) to avoid ambiguities as to its classification. This material is inert and does not exhibit any Annex III hazardous characteristics. However, the removal of copper oxide mill-scale from Annex IX would provide uncertainties as to the status of this material when traded as wastes. The general understanding of the experts was that the material under consideration was not hazardous. Also, they emphasized that classifying a material on Annex IX (list B) does not mean that the material is always considered a waste. However, if this material is considered a waste it will be classified as B1240 under Annex IX. Noting that the explanations provided for removing copper oxide mill-scale from Annex IX raised issues in regard to the use of Annex IX, it was suggested that an information paper could be prepared relating to the purpose of the list of wastes in Annex IX.

3. While assigning priorities in its work programme, the sixteenth session of the Technical Working Group, in April 2000, identified task I, activity 1 (d) (Preparation of elements of an information paper on the purpose of Annex IX), as one of its priorities. At its seventeenth session, in October 2000, the Technical Working Group requested the secretariat to submit an information paper on the purpose of Annex IX to its next meeting, using the elements prepared by the secretariat in document UNEP/CHW/TWG/17/14 on complementary elements on the work programme of the Technical Working Group). At its eighteenth session, in June 2001, the Technical Working Group took into account the information paper prepared by the secretariat. At the meeting, Finland, Germany and Switzerland presented an informal paper on the purpose of Annex IX which contained additional elements to assist Parties to make progress on the issue. The Technical Working Group at its nineteenth session, in January 2002, requested the secretariat to revise and up-date its information paper taking into account the comments already made, to be submitted at a future date.

4. Attachment 1 to the present paper refers to the development of lists of wastes contained in Annexes VIII and IX to the Convention. Attachment 2 contains guidance elements on issues related to Annex IX.

#### **III. SUMMARY OF THE MAIN DISCUSSION POINTS**

5. The main discussion points raised by experts at the Technical Working Group were:

(a) Use of Annex IX to control import of certain wastes not characterized as hazardous under paragraph 1 (a) of article 1, but considered to pose environmental or health problems in the State of import;

(b) Relationship of Annex IX with the provisions of paragraph 1(b) of article 1 to the Convention to control the transboundary movements of wastes defined or considered hazardous by the national legislation of the State of export, import or transit;

(c) Differing procedures for controlling a waste under domestic legislation or for the same waste when subject to a transboundary movement;

(d) Trade flows implications of different classification or control requirements for the same waste material.

#### **Attachment 1**

##### **Development of lists of wastes contained in Annexes VIII and IX to the Convention**

1. The first meeting of the Conference of the Parties, in December 1992, recognized the uncertainties in regard to the identification of and control procedures for wastes destined for recovery operations. Further to this, the second meeting of the Conference of the Parties (1994) and meetings of the Technical Working Group developed activities for

improving the hazardous characterization of wastes and their classification in the Basel Convention. At its seventh session (1995), the Technical Working Group identified the development of lists of hazardous wastes and the applicable procedure for their review, together with providing clearer definition of the classes described in Annex III to the Convention, as two possible ways forward in facilitating the implementation of the Convention. (For more information on this process, refer to the position paper on Hazard Characterization and Classification of Wastes within the Framework of the Basel Convention, SBC N° 98/002.)

2. From the eighth session of the Technical Working Group (June 1995), priority was given to work on the hazardous characterization and classification of wastes as two parallel but complementary processes to provide clearer understanding of which wastes are hazardous and subject to control under the Basel Convention. The adoption at the second meeting of the Conference of the Parties of decision II/12 made that work even more critical, requiring a fast track approach to identifying wastes that everyone would agree are hazardous without the need to refer back to Annex III (e.g., use of Annex III to demonstrate that a waste is or is not hazardous).

3. The issue of developing a list of wastes not covered by the Convention was raised at the Informal Advisory Meeting of Technical Experts (Denmark, May 1995) with a view to:

- (a) Provide guidance on types of wastes not subject to the Convention;
- (b) Facilitate the identification of wastes which need further work to determine their hazardousness.

4. The priorities of the ninth (December 1995) and subsequent meetings of the Technical Working Group were driven to a large extent by the adoption of decision III/1 on amendment to the Basel Convention at the third meeting of the Conference of the Parties (1995). Principally, it was important to identify those wastes which would fall under the Ban Amendment and those which would not. Efficient and effective work on this complex issue was required to complete the tasks before the fourth meeting of the Conference of the Parties.

5. While developing the preliminary lists of wastes not covered by the Basel Convention, the following criteria were used:

- (a) The wastes to be included do not belong to any categories of Annex I; or
- (b) They belong to a category of Annex I, but, normally, do not exhibit any of the hazardous characteristics of Annex III.

6. The main goal of the Technical Working Group until the fourth meeting of the Conference of the Parties was to establish a logical framework or system that would bring clarity and certainty in classifying wastes or in evaluating their hazardousness. The proposed framework of such a system was conceived at the informal meeting of technical experts to the Basel Convention on hazard characterization (January 1996) and consisted of the following elements:

- (a) List A: wastes subject to the Basel Convention and the Amendment;
- (b) List B: wastes not subject to the Amendment;
- (c) List C: wastes where uncertainties prevailed as to their classification on list A or B2;
- (d) A review mechanism to keep lists dynamic managed by the Technical Working Group.

A number of criteria were discussed regarding the fast-track approach for developing lists of wastes; in particular, priority should be given to listing of wastes or constituents identified in Annex I and that are significant to trade, and have (or do not have) Annex III hazardous characteristics. In March 1996, another informal meeting of technical experts on characterization took on the job of concretizing the proposed logical framework for the development of lists.

7. During the development of lists of wastes between the third and fourth meetings of the Conference of the Parties, three types of concerns were expressed regarding the use of Annex III, namely:

- (a) A procedure to resort systematically to the use of Annex III to demonstrate that a waste on list A is not hazardous would end up by leaving a heavy burden on developing countries to control such wastes, countries that often would not have the capacity to undertake testing or other similar activities;

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<sup>2</sup> Wastes on list C could be wastes for which specific consideration is required although not necessarily identifiable in Annex I.

(b) Development of lists should be done with no prejudice to article 1, paragraph 1 (a) of the Convention, and an exporter or a generator has always the possibility to resort to Annex III criteria to prove that a waste on list A is not hazardous;

(c) International standardized tests to characterize potential hazards (Annex III) posed to people or the environment by certain types of wastes do not exist.

8. From April 1996 to February 1997, the tenth, eleventh and twelfth sessions of the Technical Working Group completed the development of consolidated lists of wastes and development of the applicable procedure for their review.

9. The issue of mirror entries on lists A and B was raised at the Technical Working Group meetings. The main purpose of these mirror entries is to clarify the situation. For instance, a number of entries on list A are general while their mirror entries on list B specify exceptions. However, concerns were expressed about list B mirror entries that are not specific.

10. In its decision IV/9 on amendment and adoption of annexes to the Convention, the fourth meeting of the Conference of the Parties (February 1998) adopted an amendment to Annex I consisting of adding the following paragraphs at the end of the annex:

“(a) To facilitate the application of this Convention, and subject to paragraphs (b), (c) and (d), wastes listed in Annex VIII are characterized as hazardous pursuant to article 1, paragraph 1 (a), of this Convention, and wastes listed in Annex IX are not covered by article 1, paragraph 1 (a), of this Convention;

“(b) Designation of a waste on Annex VIII does not preclude, in a particular case, the use of Annex III to demonstrate that a waste is not hazardous pursuant to article 1, paragraph 1 (a), of this Convention;

“(c) Designation of a waste on Annex IX does not preclude, in a particular case, characterization of such waste as hazardous pursuant to article 1, paragraph 1 (a), of this Convention if it contains Annex I material to an extent causing it to exhibit an Annex III characteristic;

“(d) Annexes VIII and IX do not affect the application of article 1, paragraph 1 (a), of this Convention for the purpose of characterization of wastes.”

The amendment to Annex I and adoption of Annexes VIII and IX became effective in November 1998 in accordance with paragraphs 2 (c) and 3 of article 18 of the Basel Convention (as specified in a communication from the Depository dated 6 May 1998).

#### Specificities of Annex IX

11. In its decision IV/9, the Conference of the Parties recognized that list A of Annex VIII and list B of Annex IX are not intended to be exhaustive. Hence, concerns were expressed by some Parties at further Technical Working Group meetings of the adequacy of putting forward applications for wastes which are considered by many countries to be non-hazardous. Some experts argued that Annex IX is more or less a mirror of the wastes contained in Annex VIII to give clarity, but was not intended to be an exhaustive list of non-hazardous wastes.

12. In its decision IV/9, the Conference of the Parties considered that Annex I and Annex III will remain the factors to characterize wastes as hazardous for the purpose of the Basel Convention. It also considered that list A of Annex VIII and list B of Annex IX developed by the Technical Working Group provided an expeditious way to facilitate the implementation of the Convention, including article 4A (part of the Ban Amendment contained in decision III/1), by establishing wastes that are and wastes that are not covered by article 1, paragraph 1 (a) of the Convention, and that these lists should have equal status.

13. At the seventeenth session of the Technical Working Group, in October 2000, the Latin American and Caribbean Group made a declaration, in which the Group expressed concerns regarding the effects of decisions taken on the revision or amendment of lists of wastes and the effects such decisions would have on transboundary movements of wastes. In particular, the Group referred to the use of Annex IX for considering wastes that cannot be identified in Annex I to the Convention and for which the exporter would be released from the obligation to notify the State of import.



## Attachment 2

### Guidance elements on issues related to Annex IX

#### A. General elements

(a) The wastes contained in Annexes VIII (list A) and IX (list B) respectively are an elaboration and clarification of the provisions of paragraph 1 (a) of article 1 to the Convention by reference to Annexes I and III;

(b) The lists of wastes contained in Annexes VIII (list A) and IX (list B) are not for the purpose of deciding whether or not a material is a waste and are not meant to be exhaustive. They are subject to amendments or adjustments;

(c) Listing of a waste in Annex IX (list B) does not preclude the use of Annex III to demonstrate that a waste is hazardous.

#### B. Supplementary elements and factual information regarding classification of wastes under the Basel Convention

##### 1. HAZARDOUS WASTES SUBJECT TO TRANSBOUNDARY MOVEMENTS

(a) Wastes that belong to any category contained in Annex I, unless they do not possess any of the characteristics contained in Annex III (paragraph 1 (a) of article 1);

(b) Wastes covered under paragraph 1 (a) of article 1 are subject to the control procedures of the Convention;

(c) Wastes that are not covered under paragraph 1 (a) of article 1 but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit (paragraph 1 (b) of article 1);

(d) Wastes covered under paragraph 1 (b) of article 1 are subject to the control procedure of the Convention;

(e) Waste characterized as hazardous pursuant to paragraphs 1 (a) and (b) of article 1 destined for operations in accordance with section A (D-operations) of Annex IV fall under the Ban Amendment<sup>3</sup>;

(f) Wastes characterized as hazardous pursuant to paragraph 1 (a) of article 1 destined for operations in accordance with section B (R-operations) of Annex IV fall under the Ban Amendment.<sup>a</sup>

(g) Wastes defined as, or considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit (paragraph 1 (b) of article 1) destined for operations in accordance with section B, (R-operations) of Annex IV do not fall under the Ban Amendment;<sup>a</sup>

(h) Pursuant to paragraph 1 (b) of article 4, Parties shall prohibit or shall not permit the export of hazardous wastes (i.e., wastes classified as hazardous under paragraphs 1 (a) and (b) of article 1) and other wastes to the Parties which have prohibited the import of such wastes.

##### 2. ANNEX VIII (LIST A)

(a) Wastes contained in Annex VIII are characterized as hazardous under paragraph 1 (a) of article 1 of the Basel Convention;

(b) The designation of a waste on Annex VIII does not preclude the use of Annex III to demonstrate that a waste is not hazardous;

(c) Wastes listed in Annex VIII destined for operations according to Annex IV, section A (D-operations) and Annex IV, section B (R-operations) do fall under the Ban Amendment<sup>a</sup>, unless they do not exhibit an Annex III characteristic;

(d) A waste although considered hazardous may not be listed in Annex VIII because there is no relevant Y-entry for this material or compound. In such cases, paragraph 1 (b) of article 1 may be applied to classify such a waste as hazardous at the national level.

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<sup>a</sup> After entry into force of the Ban Amendment contained in Decision III/1.

### 3. ANNEX IX (LIST B)

(a) Wastes contained in Annex IX will not be wastes covered by paragraph 1 (a) of article 1 of the Basel Convention unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic;

(b) Wastes contained in Annex IX may fall under paragraph 1 (b) of article 1 of the Convention (nationally defined or considered as hazardous waste);

(c) Wastes contained in Annex IX destined for operations according to Annex IV, section A (D-operations) fall under the Ban Amendment<sup>a</sup>, if they are covered under paragraph 1 (b) of article 1 (or if they contain an Annex I material to an extent causing them to exhibit an Annex III characteristic);

(d) Wastes contained in Annex IX destined for operations according to Annex IV, section B (R-operations) do not fall under the Ban Amendment<sup>a</sup>, unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic.

## Appendix II

### **Questionnaire concerning the national classification and control procedures for the import of wastes contained in Annex IX (list B wastes)**

#### A. Purpose and goal of the questionnaire

The Technical Working Group recognizes that there are a number of difficulties related to Annex IX of the Basel Convention. The main issue concerns the legal interpretation, purpose, use, and implementation of Annex IX. The difficulties arise from the control of transboundary movements of wastes listed in Annex IX, in particular from the import of such wastes.

The attached questionnaire was developed at the request of the Technical Working Group at its nineteenth session, in January 2002, by the secretariat of the Basel Convention with the assistance of the European Commission, Germany and Switzerland. Its purpose is to clarify the questions concerning Annex IX by using a pragmatic approach.

**The questionnaire is intended to be sent to the focal points of the Basel Convention with a request for filling in the questionnaire.**

The secretariat of the Basel Convention should compile the information collected from the submission of the questionnaire. As a result, up-to-date information about national classifications of wastes listed in Annex IX of the Basel Convention and the required import control procedures of all responding countries will be available<sup>4</sup>.

The information collected should further assist in clarifying issues concerning Annex IX and in daily operations in the practical context of transboundary movements of wastes contained in Annex IX.

#### **B. Information and instructions for filling in the questionnaire**

**Box 1:** Lists the wastes contained in Annex IX (list B) of the Basel Convention, with their code (**Box1.a**) and waste description (**Box1.b**).

Note: Wastes contained in Annex IX are not hazardous wastes covered by paragraph 1 (a), article 1 of the Basel Convention, unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic.

**Box 2:** Provide information on national classification and control procedure for imports of the Annex IX wastes (list B) applied in your country.

**Box 2.a:** Is the specific waste in this line defined as or considered to be hazardous waste by the domestic legislation of your country? If yes, the waste in question is based on paragraph 1 (b), article 1 of the Basel Convention defined as

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<sup>4</sup> Pursuant to article 3 of the Basel Convention, each Party to the Convention shall inform the secretariat of the wastes other than those listed in Annexes I and II considered or defined as hazardous under its national legislation and the secretariat will make this information available to the Parties. The information collected by the questionnaire should assist the secretariat in this task.

hazardous waste for the purpose of the Convention (a so-called “article 1(1) b hazardous waste”). As a consequence the regulations of the Basel Convention must be applied for transboundary movements.

-> *If this is the case mark box 2.a*

**Box 2.b:** Indicate if there is no control procedure for the import in your country of the specific waste? If there is no control procedure, the waste is not controlled during a transboundary movement and follows the system applicable to normal commercial transactions.

-> *If this is the case mark box 2.b*

**Box 2.c:** Indicate if the import in your country of the specific waste in this line is subject to the Prior Informed Consent (PIC) procedure? This means imports must be notified and are only possible with the consent of the export, transit and import country/ies. (Normally such wastes are nationally defined or considered in your country as “article 1(1)b hazardous waste” (see also explanation for Box2.a).

-> *If this is the case mark box 2.c*

- However it may be, that:

a) the specific waste in this line is not considered in your country as an “article 1(1)b hazardous waste”, but nevertheless based on your national regulation imports are controlled.

-> *If this is the case mark box 2.c*

b) the specific waste in this line is not considered as an “article 1(1)b hazardous waste” in your country, but nevertheless based on your national regulation imports are prohibited.

-> *If this is the case don't mark box 2.c, but mark box 2.d*

**Box 2.d:** Is the import in your country of the specific waste in this line prohibited?

-> *If this is the case mark box 2.d*

-> *Please mark the appropriate box(es) for each waste with a “x”.*

**Box 3.:** Please fill in the name of your Country.

**Box 4.:** Please fill in any additional comments or information you deem necessary (e.g., import prohibited due to lack of recycling capacity).

## Questionnaire

Cover sheet - general information:  
-> Please fill in the following:

Country:	Address:
Contact person:	Remarks:
Telephone no:	E-mail:
Fax no:	Date when questionnaire completed D/M/Y:

To request an electronic version of this questionnaire, to return the completed questionnaire, or for further information, clarification or assistance, please contact:

Mr. Ibrahim Shafii  
Secretariat of the Basel Convention (SBC)  
15, chemin des Anémones  
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1. Annex IX of the Basel Convention (List B)		2. National classification and control procedure for the import of wastes listed in Annex IX (list B) of the Basel Convention				3. Country: .....
1.a Code	1.b Waste	2.a Art. 1(1)b waste	2.b No control procedure	2.c PIC - Procedure	2.d Import prohibited	4. Comments and information
<b>B1</b>	<b>Metal and metal-bearing wastes</b>					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - precious metals (gold, silver, the platinum group, but not mercury)					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Iron and steel scrap					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Copper scrap					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Nickel scrap					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Aluminum scrap					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Zinc scrap					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Tin scrap					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Tungsten scrap					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Molybdenum scrap					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Tantalum scrap					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Magnesium scrap					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Cobalt scrap					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Bismuth scrap					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Titanium scrap					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Zirconium scrap					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Manganese scrap					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Germanium scrap					

1. Annex IX of the Basel Convention (List B)		2. National classification and control procedure for the import of wastes listed in Annex IX (list B) of the Basel Convention				3. Country: .....
1.a Code	1.b Waste	2.a Art. 1(1)b waste	2.b No control procedure	2.c PIC - Procedure	2.d Import prohibited	4. Comments and information
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Vanadium scrap					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Scrap of hafnium, indium, niobium, rhenium and gallium					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Thorium scrap					
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Rare earths scrap					
B1020	Clean uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plate, beams, rods, etc.), of: - Antimony scrap					
B1020	Clean uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plate, beams, rods, etc.), of: - Beryllium scrap					
B1020	Clean uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plate, beams, rods, etc.), of: - Cadmium scrap					
B1020	Clean uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plate, beams, rods, etc.), of: - Lead scrap (but excluding lead-acid batteries)					
B1020	Clean uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plate, beams, rods, etc.), of: - Selenium scrap					
B1020	Clean uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plate, beams, rods, etc.), of: - Tellurium scrap					
.....						
.....						
up to						
.....						
.....						

1. Annex IX of the Basel Convention (List B)		2. National classification and control procedure for the import of wastes listed in Annex IX (list B) of the Basel Convention				3. Country: .....
1.a Code	1.b Waste	2.a Art. 1(1)b waste	2.b No control procedure	2.c PIC - Procedure	2.d Import prohibited	4. Comments and information
B4020	Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives, not listed on list A, free of solvents and other contaminants to an extent that they do not exhibit Annex III characteristics, e.g., water-based, or glues based on casein starch, dextrin, cellulose ethers, polyvinyl alcohols (note the related entry on List A A3050)					
B4030	Used single-use cameras, with batteries not included on list A					

Note: The questions are voluntary and Parties have full freedom to respond to all, to some or to none of the questions.

## **VI/20. Technical Guidelines for the Environmentally Sound Management of Biomedical and Health care Wastes (Y1; Y3)**

The Conference of the Parties,

Welcoming the adoption by the Technical Working Group of the Technical Guidelines on the Environmentally Sound Management of Biomedical and Health-care Wastes,

Noting with appreciation the leading role played by Germany with support from Parties and others in the preparation of the Technical Guidelines,

Noting also the different concepts and approaches used at the international level concerning the definition and classification of biomedical and health-care wastes, especially in the case of infectious wastes,

1. Adopts the Technical Guidelines on the Environmentally Sound Management of Biomedical and Health-care Wastes (UNEP/CHW.6/20, annex II);
2. Invites Parties and others to use the Technical Guidelines and to report to the Conference of the Parties at its seventh meeting, through the secretariat, on their experience and any difficulties or obstacles encountered in the application of the Guidelines, with a view to improving them as necessary and required;
3. Requests the secretariat to continue its cooperation with the World Health Organization and the United Nations Committee of Experts on the Transport of Dangerous Goods on matters concerning or related to the environmentally sound management of biomedical and health-care wastes.

## **VI/21. Technical Guidelines for the Identification and Environmentally Sound Management of Plastic Wastes and for their Disposal**

The Conference of the Parties,

Welcoming the adoption by the Technical Working Group of the Technical Guidelines for the Identification and Environmentally Sound Management of Plastic Wastes and for their Disposal,

Noting with appreciation the roles played by Parties, non-governmental organizations and industry in the preparation of the Technical Guidelines,

1. Adopts the Technical Guidelines for the Identification and Environmentally Sound Management of Plastic Wastes and for their Disposal (UNEP/CHW.6/21, annex);
2. Requests the secretariat to disseminate the Technical Guidelines to Parties, non-governmental organizations and industry in all United Nations languages as appropriate;
3. Invites Parties and others to use the Technical Guidelines and to report to the Conference of the Parties at its seventh meeting, through the secretariat, on their experience and any difficulties or obstacles encountered in the application of the Guidelines, with a view to improving them as necessary and required.

## **VI/22. Technical Guidelines for the Environmentally Sound Management of Waste Lead-acid Batteries**

The Conference of the Parties,

Welcoming the adoption by the Technical Working Group of the Technical Guidelines for the Environmentally Sound Management of Waste Lead-acid Batteries,

Noting with appreciation the leading role played by Brazil in the preparation of the Technical Guidelines,

1. Adopts the Technical Guidelines for the Environmentally Sound Management of Waste Lead-acid Batteries (UNEP/CHW.6/22);



2. Requests the secretariat to disseminate the Technical Guidelines to Parties, non-governmental organizations and industry in all United Nations languages as appropriate;

3. Invites Parties and others to use the Technical Guidelines and to report to the Conference of the Parties at its next meeting, through the secretariat, on their experience and any difficulties or obstacles encountered in the application of the Guidelines, with a view to improving them as necessary and required.

## **VI/23. Preparation of technical guidelines on the environmentally sound management of persistent organic pollutants as waste**

The Conference of the Parties,

Recalling its decision V/26 on the work programme of the Technical Working Group,

Welcoming the progress in the preparation of technical guidelines on the environmentally sound management of persistent organic pollutants as waste and the effective cooperation taking place with the interim Secretariat of the Stockholm Convention on Persistent Organic Pollutants,

Also welcoming the initiative taken by Canada to revise the technical guidelines on polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) and polybrominated biphenyls (PBBs),

1. Encourages the Open-ended Working Group to complete the preparation of the technical guidelines in 2003 for adoption by the Open-ended Working Group on an interim basis;

2. Requests the Open-ended Working Group to finalize the technical guidelines and submit them for consideration and eventual adoption by the Conference of the Parties at its seventh meeting;

3. Also requests the Open-ended Working Group to consider any measures necessary to finalize the preparation of the technical guidelines;

4. Further requests the Open-ended Working Group to continue and reinforce its cooperation with the appropriate subsidiary bodies of the Stockholm Convention on Persistent Organic Pollutants to ensure consistency in implementation and mutual support between the Basel and Stockholm Conventions.

## **VI/24. Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships**

The Conference of the Parties,

Recalling its decision V/28 on the dismantling of ships,

Taking note of the outcome of the consideration of environmentally sound management of the full and partial dismantling of ships by both the Technical Working Group and the Legal Working Group,

Noting the need to improve the standard of ship dismantling worldwide,

Welcoming the finalization and adoption by the Technical Working Group of the Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships,

Noting with appreciation the leading roles of Norway, the Netherlands and India with support from others,

Recognizing the importance of the implementation of the Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships,

Recognizing also the longstanding expertise of the International Maritime Organization on technical matters in the field of maritime safety, efficiency of navigation and prevention and control of marine pollution from ships, and the

International Labour Organization's specialization in formulating a step-wise approach towards safe ship-breaking from a labour perspective,

Also recognizing that incentive mechanisms should be developed by Governments and other international bodies to stimulate the environmentally sound management of ships,

1. Adopts the Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships (UNEP/CHW.6/23, annex);
2. Requests the secretariat to disseminate the Technical Guidelines to Parties, non-governmental organizations and industry in all United Nations languages as appropriate;
3. Invites Parties and others to use the Technical Guidelines and to report to the Conference of the Parties at its seventh meeting, through the secretariat, on their experience and any difficulties or obstacles encountered in the application of the Guidelines, with a view to improving them as necessary and required;
4. Decides to place the legal aspects of the full and partial dismantling of ships on the agenda of the Open-ended Working Group;
5. Requests the Open-ended Working Group to present its recommendations on the legal aspects of the full and partial dismantling of ships to the Conference of the Parties at its seventh meeting;
6. Encourages Parties and others, including authorities of dismantling nations as well as recycling yards, ship owners and flag States, to apply the Technical Guidelines;
7. Encourages the International Maritime Organization to consider establishing the necessary incentives for ship owners to request ship dismantling in accordance with the Technical Guidelines;
8. Requests the secretariat to report on the effect of the application of the Technical Guidelines to the seventh meeting of the Conference of the Parties.

## **VI/25. Hazardous characteristic H6.2 (Infectious substances)**

The Conference of the Parties,

Welcoming the contribution of the United Kingdom of Great Britain and Northern Ireland and others in the preparation of the draft paper on hazardous characteristic H6.2 of Annex III to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,

1. Takes note of the draft paper on hazardous characteristic H6.2;
2. Requests the Open-ended Working Group to continue to review the paper, based on the work of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods;
3. Requests the secretariat to continue its consultations with relevant bodies, in particular the World Health Organization and the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods;
4. Invites Parties and others to consider using the draft paper and to report to the Conference of the Parties, through the secretariat, their experiences of its use.

## **VI/26. Interim Guidelines on Hazardous Characteristic H12 –(Ecotoxic)**

The Conference of the Parties,

Welcoming the finalization of the Interim Guideline on Hazardous Characteristic H12 (Ecotoxic), of Annex III to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,

Noting with appreciation the efforts and leadership exercised by Denmark in the development of the Interim Guidelines,

1. Adopts the Interim Guidelines on Hazardous Characteristic H12 (Ecotoxic) (UNEP/CHW.6/26, annex);
2. Invites Parties to monitor the use of the Interim Guidelines, with a view to improving or up-dating them as necessary;
3. Requests the secretariat to publish the Interim Guidelines in the official languages of the United Nations and to facilitate their dissemination.

## VI/27. Implementation of decision V/14 on transmission of information

The Conference of the Parties,

Recalling its decision V/14 on transmission of information and its decision V/15 on information management and dissemination and the development of the information system on hazardous wastes and their management,

Taking note of the revised questionnaire on transmission of information (UNEP/CHW.6/29, annex) with its pre-filling feature and the manual to assist Parties in completing the revised questionnaire,

Welcoming the efforts made by the secretariat, in consultation with Parties, to revise the questionnaire and to prepare the manual,

Welcoming the assistance provided by Finland in the preparation of the revised questionnaire and its manual,

Taking note of the database designed for processing and dissemination of data and information reported by Parties,

Taking note also of the compilation documents and country fact sheets prepared by the secretariat, based on the information reported by Parties for the years 1998 and 1999 in accordance with articles 13 and 16 of the Convention,

Taking note further of the progress of work within the Member countries of the Organisation for Economic Cooperation and Development on the development of waste prevention indicators,

1. Adopts the revised questionnaire on transmission of information with its pre-filling feature and manual;
2. Requests the Parties to use the revised questionnaire and its manual to report data and information to the secretariat in accordance with articles 13 and 16 of the Convention;
3. Requests the secretariat to provide training to developing countries and other countries that are in need of assistance to meet their reporting obligations by organizing workshops through the Basel Convention Regional Centres or by other appropriate means;
4. Urges Parties that have not yet done so to report on articles 13 and 16 for the calendar year 2000, and earlier years, as soon as possible using the revised questionnaire, bearing in mind that, in accordance with the provisions of article 13, Parties are requested to transmit, before the end of each calendar year, a report on the previous calendar year;
5. Recalls that such information has to be provided by Parties to the secretariat for the calendar year 2001 before the end of the calendar year 2002;
6. Invites Parties to assist the secretariat in providing training as referred to in operative paragraph 3 above;
7. Requests the secretariat to make the database on articles 13 and 16 available on the web site of the secretariat;
8. Also requests the secretariat to analyse the information collected from the questionnaire on transmission of information to identify cases where notification in accordance with article 3, paragraphs 1 and 2 of the Convention would be necessary;
9. Further requests the secretariat to prepare the compilation documents and country fact sheets for the years 2000 and 2001 and to make such information available on a regular basis to the Parties and to non-Parties;

10. Requests the secretariat to continue to explore the possibilities of developing indicators on hazardous wastes, which shall take into account the different socio-economic conditions of Parties, to facilitate decision-making and to report thereon to the Conference of the Parties at its seventh meeting.

## **VI/28. Consolidated report on implementation of decision II/12 of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal**

The Conference of the Parties,

Recalling its decision V/2 on the report of the Parties and Signatories on the implementation of decision II/12,

Taking note of the consolidated report prepared by the secretariat of the Basel Convention on the implementation of decisions II/12 and III/1, as contained in *Country Fact Sheets 1999, Basel Convention Series No. 01/04*,

1. Encourages Parties which have not done so, to report on their implementation of decision II/12 in their report under article 13 of the Convention, in the light of the importance of that decision for the implementation of the Basel Convention;
2. Requests the secretariat, through the Open-ended Working Group, to submit a further consolidated report to the Conference of the Parties at its seventh meeting.

## **VI/29. International cooperation**

The Conference of the Parties,

Recalling its decisions V/8, V/9, V/10, V/11 and V/12 on cooperation between the Basel Convention and other intergovernmental bodies,

Noting the increased level of activities undertaken by the secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal to cooperate with the relevant bodies, secretariats and organizations of the United Nations system, with regional conventions, commissions, secretariats and institutions, other multilateral environmental agreements and intergovernmental bodies,

Noting also the effective and substantial progress made in the strengthening of cooperation and improved coordination and coherence of activities between the secretariat of the Basel Convention and, in particular, the interim secretariat of the Stockholm Convention on Persistent Organic Pollutants as well as with the interim secretariat of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, in the domains of capacity-building, training, science and information for the environmentally sound management of waste pesticides, polychlorinated biphenyls (PCBs), dioxins and furans,

Noting further the effective and fruitful cooperation with the International Maritime Organization and the International Labour Organization in the domain of the environmentally sound dismantling of ships,

Welcoming the signature of the memorandum of understanding with the secretariats of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Montreal Protocol on Substances that Deplete the Ozone Layer on cooperation in the field of prevention and monitoring of illegal traffic,

Welcoming also the development of a strategic partnership with other organizations and in particular with the United Nations Environment Programme Chemicals Branch, the Food and Agriculture Organization of the United Nations and the United Nations Industrial Development Organization in the area of environmentally sound technologies for the disposal of persistent organic pollutants as wastes,

Encouraging further cooperation between the secretariat of the Basel Convention and the secretariat of the World Customs Organization to make progress on the one hand with submission of recommendations to the World Customs Organization for ascribing codes to wastes subject to the Basel Convention within the Third Harmonized System Review Cycle, effective from 1 January 2007, and on the other hand in joint enforcement activities,

Welcoming the cooperation and development of programmatic activities with the World Health Organization on the environmentally sound management of biomedical and health-care wastes, and on matters pertaining to the characterization of such wastes,

Welcoming also the work of the Organisation for Economic Cooperation and Development towards harmonization of the provisions of its decision C(2001)107/FINAL concerning the revision of its decision C(92)39/FINAL on the control of transboundary movements of wastes destined for recovery operations, with the provisions of the Basel Convention,

Recognizing the need for the secretariat to continue participating in the work of the United Nations Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals,

Welcoming further the initiatives taken by the secretariat to improve cooperation, coordination and coherence of activities with those of the United Nations Environment Programme and the regional seas conventions and action plans,

Noting the cooperation between the secretariat of the Basel Convention and the interim secretariat of the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa and the secretariat of the Waigani Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region, to facilitate and reinforce regional delivery of the Basel Convention and coherence among these closely related legal instruments,

Taking note of the tasks contained in the work programme of the Open-ended Working Group of relevance to the environmentally sound management of persistent organic pollutants, dismantling of ships, classification of wastes for transport purposes, identification of wastes controlled by the Basel Convention in the Third Harmonized System Review Cycle of the World Customs Organization, and to the area of harmonization of control procedures and forms,

#### I. Stockholm Convention on Persistent Organic Pollutants

1. Requests the secretariat, under the guidance of the Open-ended Working Group, to continue its cooperation with the interim secretariat of the Stockholm Convention on Persistent Organic Pollutants and other relevant intergovernmental organizations on the issue of persistent organic pollutants as wastes with a view to:

(a) Assisting in building the capacities of developing countries and other countries in need of such assistance to manage persistent organic pollutants as waste and other stockpiles of obsolete stocks of pesticides, including prevention of their accumulation, in an environmentally sound manner;

(b) Undertaking joint activities to improve coordination and coherence between chemical and waste programme activities, in particular by making use of the Basel Convention Regional Centres as regional delivery mechanisms;

2. Also requests the secretariat to keep the Open-ended Working Group regularly informed of progress on issues concerning or related to persistent organic pollutants;

3. Further requests the secretariat to cooperate with the interim secretariat of the Stockholm Convention in the implementation of decisions INC-6/9 and INC-6/10 of the Intergovernmental Negotiating Committee of the Stockholm Convention, on feasibility and case studies on regional and subregional centres respectively adopted in June 2002, as contained in appendix I to the present decision, and to the report on progress to the seventh meeting of the Conference of the Parties.

#### II. Rotterdam Convention

4. Requests the secretariat to continue its cooperation with the interim secretariat of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals in International Trade;

#### III. Other multilateral environmental agreements

5. Requests the secretariat to continue its effective cooperation with the secretariats of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Montreal Protocol on Substances that

Deplete the Ozone Layer, as well as with the United Nations Environment Programme in conducting joint training activities for enforcement officers;

#### IV. International Maritime Organization

6. Requests the secretariat, under the guidance of the Open-ended Working Group, to continue its cooperation with the International Maritime Organization on compliance and implementation and on issues concerning or related to the environmentally sound management of the dismantling of ships, in particular in regard to exploring the development of an inter-agency technical assistance project on ship dismantling together with the International Labour Organization and the International Maritime Organization; and to strengthen cooperation at the regional level with the United Nations Environment Programme and the International Maritime Organization on matters pertaining to the environmentally sound management of wastes to complement activities carried out at port reception facilities or related to marine litter or debris; and further to create a joint working group with the International Maritime Organization and the International Labour Organization as a means of achieving a common understanding of the problems and character of the required solutions, including the responsibility of ship owners and flag States and the roles of various other stakeholders,

#### V. Food and Agriculture Organization

7. Requests the secretariat to continue and reinforce its cooperation with the Food and Agriculture Organization of the United Nations on matters pertaining to the disposal and prevention of accumulation of obsolete stocks of pesticides;

#### VI. World Customs Organization

8. Requests the secretariat 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 Third Harmonized System Review Cycle;

9. Also requests the secretariat to pursue its efforts and cooperation with the World Customs Organization and other relevant organizations in the field of prevention and monitoring of illegal traffic and in providing training to enforcement personnel;

#### VII. World Health Organization

10. Further requests the secretariat to continue its cooperation with the World Health Organization as well as with the United Nations Committee on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals in the domain of environmentally sound management of biomedical and health care-wastes, taking into account the specific needs of some Parties for transport and disposal of these wastes;

#### VIII. Organisation for Economic Cooperation and Development

11. Requests the secretariat to continue participating in the work of the subsidiary bodies of the Organisation for Economic Cooperation and Development, as appropriate, with a view to improving coherence between the Basel Convention and that organization's decisions on transboundary movements of wastes and in regard to work of relevance to waste prevention and minimization, and to waste pesticides;

#### IX. Cooperation with other organizations and secretariats

12. Requests the secretariat to continue and further strengthen its cooperation in critical areas for the effective and concrete implementation of the Basel Convention, the Basel Protocol and Amendments with relevant organizations, including the following:

- (a) International Atomic Energy Agency;
- (b) United Nations Conference on Trade and Development;
- (c) Organization for the Prohibition of Chemical Weapons;
- (d) International Criminal Police Organization;
- (e) United Nations International Drug Control Programme;

- (f) Centre for International Crime Prevention;
- (g) Environmental Crime Prevention Programme;
- (h) United Nations Commission on Sustainable Development;
- (i) United Nations Office for the Coordination of Humanitarian Affairs;
- (j) United Nations Commission on Human Rights;
- (k) United Nations regional economic commissions;
- (l) United Nations Office of Legal Affairs/Division of Ocean Affairs and Law of the Sea;
- (m) Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972;
- (n) Regional seas conventions and action plans;<sup>5</sup>
- (o) African Union, as interim secretariat of the Bamako Convention;
- (p) South Pacific Regional Environment Programme, as secretariat of the Waigani Convention;
- (q) World Trade Organization.

#### X. United Nations Environment Programme

13. Requests the secretariat to continue cooperating with and providing technical and other guidance to the United Nations Environment Programme, as appropriate and taking into account its limited financial resources, in particular in regard to its activities in Africa, on post-conflict assessment activities, coordination of environmental agreements and compliance and enforcement as well as in regard to environment and trade initiatives, with a view to improving coordination and coherence of activities;

#### XI. General

14. Requests the secretariat to report on cooperation with the bodies listed under paragraphs 1 to 12 above, to the Conference of the Parties at its seventh meeting.

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<sup>5</sup> Listed in appendix II to the present decision.

## Appendix I

### **Decision related to the Basel Convention Regional Centres, adopted at the sixth meeting of the INC of the Stockholm Convention**

Decision INC-6/9: Feasibility study on regional and subregional centres

#### The Intergovernmental Negotiating Committee

1. Requests the secretariat to undertake, in consultation with the secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, as appropriate, a feasibility study on regional and subregional centres for capacity-building and transfer of technology. The study shall include:

(a) An identification of the needs of countries in the area of capacity-building and transfer of technology that might be facilitated by regional and subregional centres;

(b) An assessment of the capacity of all relevant regional and subregional centres, in particular, but not limited to Basel Convention regional centres, to facilitate capacity-building and transfer of technology. Such an assessment shall include, but not be limited to, a review of mandates, functions, performance, institutional arrangements and the needs identified in paragraph 1 (a) above;

(c) An assessment of the gaps and limitations of existing arrangements, including the availability of technology to be transferred, and the means to address these constraints;

(d) A review of the experiences gained by other international agreements in capacity-building and transfer of technology;

(e) An identification and analysis of the potential synergies between the Stockholm Convention on Persistent Organic Pollutants and other multilateral environmental agreements regarding the provision of capacity-building and transfer of technology;

2. Further requests the secretariat to communicate terms of reference for the feasibility study to Governments for comments prior to its commencement, and to present the intermediate or final report of the study to the Intergovernmental Negotiating Committee at its seventh session. The final report should be presented no later than 31 December 2003, unless otherwise decided by the Intergovernmental Negotiating Committee at its seventh session.

Decision INC-6/10: Case studies on regional and subregional centres

#### The Intergovernmental Negotiating Committee

1. Requests the secretariat to develop and conduct, in cooperation with the secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the Basel Convention regional centres, as appropriate, one or more case studies of regional and subregional centres for the purpose of facilitating capacity-building and transfer of technology in accordance with article 12 of the Stockholm Convention on Persistent Organic Pollutants and with a view to contributing to the feasibility study provided for in decision INC-6/9 on the feasibility study on regional and subregional centres;

2. Invites Governments, intergovernmental organizations, non-governmental organizations, the private sector and international financial institutions to provide information to the secretariat on how they might contribute to the case studies. Such information should be submitted to the secretariat by 31 October 2002;

3. Requests the secretariat to report to the Intergovernmental Negotiating Committee at its seventh session on progress made in implementing the case studies;

4. Agrees that implementation of the case studies should be subject to the availability of extrabudgetary resources, and invites developed countries and other countries in accordance with their capabilities, intergovernmental organizations, non-governmental organizations, the private sector and international financial institutions who are in a position to do so, to contribute resources.



## Appendix II

### Regional Seas Conventions and Action Plans

1. Convention for the Protection of the Marine and Coastal Environment of the West and Central African Region (Barcelona)
2. Abidjan Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (Abidjan)
3. Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi)
4. Kuwait Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution
5. Regional Convention for the Conservation of the Red Sea and the Gulf of Aden Environment (Jeddah)
6. South Asia Cooperative Environment Programme (SACEP)
7. East Asian Seas Action Plan
8. Action Plan for the Protection, Management and Development of the Marine and Coastal environment of the Northwest Pacific Region (UNEP/DEC serves as interim Secretariat) (NOWPAP)
9. Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (Noumea)
10. Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific (Lima)
11. Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena)
12. Convention for the Protection of the Black Sea Against Pollution (Bucharest)
13. Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki)
14. Convention for the Protection of the Marine Environment of the North-East Atlantic (Paris) (OSPAR)
15. Programme for the Protection of the Arctic Marine Environment (PAME)
16. Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR)
17. Caspian Environment Programme
18. Northeast Pacific Regional Action Plan

## VI/30. Cooperation with the World Trade Organization

The Conference of the Parties,

Recalling its decision V/12 on cooperation with United Nations bodies, specialized agencies, regional systems and organizations and others,

Noting that the secretariats of the Basel Convention and the World Trade Organization have developed an informal institutional dialogue over several years, a process that started under the General Agreement on Tariffs and Trade until 1994, before the existence of the World Trade Organization,

Noting also that, more recently, an informal dialogue has been taking place between multilateral environmental agreements, including the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and the World Trade Organization to enhance synergies, particularly in relation to trade and environment,

Recognizing that implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal requires consideration all trade related aspects of the transboundary movement of hazardous wastes, including the monitoring of international trade and prevention of illegal trade of hazardous wastes, as well as the export and import licensing systems for hazardous wastes. These trade measures are designed to protect, by strict control, human health and the environment against the adverse effects that may result from the generation and management of hazardous wastes and other wastes,

Mindful of the need to strengthen cooperation between the Basel Convention and the World Trade Organization within their respective mandates,

Welcoming the enhanced cooperation between the secretariats of the Basel Convention and of the World Trade Organization,

1. Requests the secretariat of the Basel Convention to:

(a) Seek observer status in the Committee on Trade and Environment meeting in special session, and to advise the Parties to the Basel Convention when the request has been submitted to and granted by the World Trade Organization;

(b) Report to the Parties to the Basel Convention on any meetings it attends at the World Trade Organization and any substantive contacts with the World Trade Organization secretariat and its committee secretariats;

(c) Monitor developments in the World Trade Organization Committee on Trade and Environment meeting in special session and report to the Parties thereon;

2. Also requests the secretariat of the Basel Convention, when called upon to provide general information to the World Trade Organization on trade provisions of the Basel Convention, to consult with the Parties to the Basel Convention before providing that information. If the Secretariat of the Basel Convention is requested to provide interpretation on the trade provisions of the Convention, it will refer such requests to the Conference of the Parties.

## **VI/31. Sustainable partnership for the environmentally sound management of end-of-life mobile telephone**

The Conference of the Parties,

Recalling its decision V/13 on cooperation with environmental non-governmental organizations and with the industry and business sectors and its decision V/33 on environmentally sound management,

Having regard to the Basel Declaration on Environmentally Sound Management,

Having considered decision its VI/32 on partnership with environmental non-governmental organizations and with the industry and business sectors

Taking note with appreciation of the initiative taken by the Swiss presidency of the fifth meeting of the Conference of the Parties to establish a sustainable partnership on the environmentally sound management of end-of-life mobile 'phones,

Taking note also of the mobile 'phones destined for disposal at the end of their life,

Welcoming the announcement by manufacturers of mobile 'phones contained in the appendix to the present decision, expressing their wish and willingness to enter into a partnership with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal for the environmentally sound management of end-of-life mobile 'phones,

Acknowledging that such a partnership will require the necessary support, expertise and, where appropriate, leadership of other stakeholders (such as network providers),

1. Requests the Parties to consider the environmentally sound management of end-of-life mobile 'phones as a very important activity;

2. Decides to establish a small group of experts from Parties and/or Signatories interested in the initiative on a sustainable partnership on the environmentally sound management of end-of-life mobile 'phones together with representatives of the mobile 'phone manufacturers and a representative of the secretariat. As appropriate, other stakeholders<sup>6</sup> will be invited by the group to participate actively in its work;

3. Further decides that the group will work under the guidance of the Open-Ended Working Group;

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<sup>6</sup> Such as other United Nations bodies and agencies, network providers, operators and recyclers.

4. Requests the Parties to nominate candidates for the group no later than 31 January 2003 and announce these to the secretariat;
5. Mandates the group to:
  - (a) Elaborate draft terms of reference for the group, including its working structure (such as for subgroups);
  - (b) Develop, in cooperation with the secretariat, a draft concrete work programme setting priorities and identifying specific programmes for the environmentally sound management of end-of-life mobile 'phones, taking into account the fields of common interest for cooperative work identified in the announcement by the mobile 'phone manufacturers;
  - (c) Work intersessionally;
  - (d) Set priorities based on the work programme;
  - (e) Work in a transparent way by making information or reports of meetings available to Parties, Signatories, non-governmental organizations and other stakeholders;
  - (f) Elect a contact person for the group and ensure that intersessional input or comments from Parties, Signatories, non-governmental organizations and other stakeholders will also be brought to the attention of the group;
6. Mandates the Open-ended Working Group at its first meeting to:
  - (a) Adopt the terms of reference of the group;
  - (b) Adopt the work programme;
7. Mandates the secretariat to:
  - (a) Coordinate the establishment of the group and organize a first meeting;
  - (b) When the terms of reference and the work programme have been adopted in cooperation with the group, to initiate the first projects for the environmentally sound management of end-of-life mobile 'phones within funds available and, where appropriate, involving the Basel Convention Regional Centres. Such a project or projects could, if so decided by the Conference, be a project/projects identified in the activities of the strategic plan;
  - (c) To report regularly to the Open-ended Working Group and finally to the seventh meeting of the Conference of the Parties on the progress made.

## Appendix

### **SUSTAINABLE PARTNERSHIP<sup>7</sup> ON THE ENVIRONMENTALLY SOUND MANAGEMENT OF END-OF-LIFE MOBILE PHONES**

On the occasion of the sixth meeting of the Conference of the Parties to the Basel Convention and having regard to the Basel Declaration on Environmentally Sound Management,

We, the manufacturers of mobile phones,

Recognizing that we have a role to play, in partnership with the secretariat of the Basel Convention, in identifying good management practices and providing guidance related to the sound management of end-of-life mobile phones;

Subject to the necessary support, expertise and, where appropriate, leadership of other stakeholders (in particular network providers), which are critical to the success of any programme that addresses end-of-life product recovery; and

Having regard to the guidelines on cooperation between the United Nations and the business Community, which encourage business partners to advance and adhere to the principles of the United Nations Secretary-General's Global Compact;

Declare our intention to:

Contribute towards meeting the goals and objectives of the Basel Convention and the Basel Declaration on Environmentally Sound Management;

Promote the sound management of end-of-life mobile phones with the aim of protecting human health and the environment;

Take all reasonable steps for ensuring responsible design and manufacturing and contribute towards products' stewardship;

Enter into a sustainable partnership with the Basel Convention in cooperation with other stakeholders<sup>8</sup> to develop and promote the environmentally sound management of end-of-life mobile phones;

Participate in working group(s) including the aforementioned stakeholders as appropriate, whose purpose is to define responsibilities, elaborate a work programme and to consider the following:

Initiatives (regulatory, voluntary, economic) for reused phones that re-enter the market to ensure high quality and standards that satisfy the product requirements of manufacturers, network providers and operators alike;

Rules that govern transboundary movements of mobile phones to be reused;

Advise on any programmes, legislation and/or regulations for an effective collection of end-of-life mobile phones;

Rules that apply to transboundary movement of end-of-life mobile phones to be sent for refurbishing, recycling and recovery;

Guidance on environmentally sound practices for recycling and recovery;

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<sup>7</sup> Partnership is to be understood in the context of the Basel Declaration. It is a cooperation between different stakeholders (private and public) to work together towards a common goal; it has no legal implication.

<sup>8</sup> Such as other United Nations bodies and agencies, network providers, operators and recyclers.

Elaboration of the role of the Basel Convention Regional Centres to assist countries in developing legislation, establishing potential recycling companies, raising awareness, disseminating information and capacity-building;

To this end we will play an active role in developing a work programme with other stakeholders and join in the effort to take appropriate actions to achieve environmentally sound management of end-of-life mobile phones.

Geneva, 12 December 2002  
(Signed)

**Yong-Hwa Lee**  
for LG

**Peter Hine**  
for Matsushita (Panasonic)

**Kazuyuki Katori**  
for Mitsubishi

**Y.C. Heng**  
for Motorola

**Tsuneo Idei**  
for NEC

**Tapio Takalo**  
for Nokia

**Ron Dikhoff**  
for Philips

**Sang-Bai Lee**  
for Samsung

**Hans-Peter Grässle**  
for Siemens

**Per Hendar**  
for Sony Ericsson

Witnessed by:

**Klaus Töpfer**  
Under-Secretary-General  
Executive Director  
UNEP

**Philippe Roch**  
President COP-5  
State Secretary  
Switzerland

**Sachiko Kuwabara-Yamamoto**  
Executive Secretary  
Secretariat of the  
Basel Convention

## **VI/32. Partnership with environmental non-governmental organizations and with the industry and business sectors**

The Conference of the Parties,

Recalling its decision V/13 on cooperation with environmental non-governmental organizations and with the industry and business sectors,

Taking note of the activities undertaken by the secretariat to develop partnership with the industry and business sectors and with environmental non-governmental organizations and other organizations,

Welcoming the outcome of the World Summit on Sustainable Development in respect to partnership,

Welcoming also the contribution of Switzerland to assist the secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in increasing effective cooperation and partnership with industry,

Welcoming further the increased participation of industry organizations as well as environmental and development non-governmental organizations in concrete project activities for the environmentally sound management of hazardous and other wastes,

Recalling the Basel Declaration on Environmentally Sound Management, and referring to the strategic plan for the implementation of the Basel Convention,

Convinced that the active involvement and support of industry and business organizations and non-governmental organizations is necessary to achieve the aims of the Basel Convention,

Noting the draft elements for cooperation with industry as contained in the appendix to the present decision,

1. Encourages industry or business organizations, as well as environmental and development non-governmental organizations, to get involved in concrete activities at the regional and national levels in support of the aims of the Basel Convention;
2. Invites, in the spirit of the Basel Declaration on Environmentally Sound Management, relevant industry and business organizations as well as individual companies and non-governmental organizations, to get involved in supporting environmentally sound management projects, in particular at the regional level using for that purpose the Basel Convention Regional Centres;
3. Requests the secretariat to prepare, for adoption by the Open-Ended Working Group, a work programme for cooperation with the industry and business sectors and non-governmental organizations with the aim of developing strategic partnership in domains of relevance to the implementation of the Basel Convention and its amendments and protocols, taking into account activities for 2003-2004 supporting the aims of the Basel Declaration on Environmentally Sound Management, and to report on progress to the Conference of the Parties at its seventh meeting;
4. Requests the secretariat to initiate and implement the work programme in consultation with the Open-Ended Working Group,
5. Also requests the secretariat to develop further the draft elements of a framework for cooperation with industry contained in the appendix to the present decision for adoption by the Open-ended Working Group, taking into account the "Guiding Principles for Partnerships for Sustainable Development" proposed by the Vice Chairs at the fourth session of the Commission on Sustainable Development acting as the preparatory committee for the World Summit on Sustainable Development, held in Bali in May/June 2002 (the Bali guidelines);
6. Further Requests the secretariat to circulate the draft elements to the relevant industry sectors with a view to seeking their views and input on their operationalization;
7. Requests the secretariat to report on progress on developing cooperation with the industry and business sectors and non-governmental organizations to the Open-ended Working Group and to the seventh meeting of the Conference of the Parties;

8. Invites Parties, Signatories and other Governments to promote partnership with the industry and business sectors and non-governmental organizations;

9. Encourages the Basel Convention Regional Centres to consider opportunities for partnership with the industry and business sectors and non-governmental organizations, and to promote such partnership.

### Appendix

#### **DRAFT ELEMENTS OF A FRAMEWORK FOR COOPERATION WITH INDUSTRY**

The following non-exclusive elements could form part of the work programme for cooperation with industry:

(a) Identification of key stakeholders in selected industry and business sectors dealing with or having a responsibility in the environmentally sound management of hazardous and other waste streams (such as corporate foundations, industry associations, multi-national companies, and companies operating at the national level);

(b) Initiation of scoping dialogue with the key stakeholders of selected industry sectors in the context of the life-cycle approach of materials;

(c) Development of strategic partnership in the priority fields identified in the Basel Declaration on Environmentally Sound Management and in the strategic plan for the implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, taking into account regional specificities;

(d) Development and implementation of joint activities with stakeholders of selected industry sectors to improve environmental performance of companies dealing with or having a responsibility in the environmentally sound management of hazardous and other waste streams, encompassing minimization of those wastes, strengthening capacity-building, and access to sound technologies or processes;

(e) Involvement of the Basel Convention Regional Centres in providing training, with support from industry sector, to small- and medium-sized enterprises in the domains of environmentally sound management and prevention and minimization of hazardous wastes and other wastes.

### **VI/33. Implementation of decision III/1 on Amendment of the Basel Convention**

The Conference of the Parties,

Recalling its decision V/3 on the implementation of decision III/1 on Amendment to the Basel Convention,

Taking note of the progress made by Parties in implementing decision III/1,

1. Welcomes the ratification or acceptance by several Parties of the Amendment contained in decision III/1;
2. Strongly appeals to Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal to expedite the process of ratification, acceptance, approval of or accession to, the Amendment to facilitate its entry into force at the earliest opportunity;
3. Also strongly appeals to States that are not Parties to the Basel Convention to expedite the process of ratification, acceptance and approval of, or accession to, the Basel Convention and its amendments,
4. Requests the secretariat to respond to any request from a State for information or advice relating to the process of ratification, acceptance, approval of, or accession to, the Basel Convention and its amendments.

## **VI/34. Analysis of issues related to Annex VII**

The Conference of the Parties,

Recalling that the purpose of the analysis of issues related to Annex VII is to explore, in a transparent, objective and comprehensive manner, health, environmental, social, economic and other issues that are considered important to the Conference of the Parties and to assist Parties to ratify the Ban Amendment contained in decision III/1 on amendment to the Basel Convention,

Recalling also that the phase II analysis shall be restricted to investigate the eight elements of evaluation already identified,

Recalling further its decision V/4 on reporting on the implementation of decision IV/8 (decision regarding Annex VII),

Reaffirming its decision to leave Annex VII unchanged until the amendment contained in its decision III/1 enters into force,

Noting that some progress has been made in the development of the analysis of issues related to Annex VII,

Determined to finalize the analysis at the latest by the seventh meeting of the Conference of the Parties,

1. Requests the secretariat to finalize the work on phase II of the analysis at the latest in time for the seventh meeting of the Conference of the Parties and in doing so to make full use of existing information and obtain such further information as necessary;
2. Also requests the secretariat to present the first draft of the analysis to a meeting of the Open-ended Working Group in 2003, and to present the final version of the analysis in due time for consideration by the last meeting of that body before presenting it for a final decision by the seventh meeting of the Conference of the Parties;
3. Further requests the secretariat to support Parties, upon request, to ratify the Ban Amendment, contained in decision III/1;
4. Invites Parties and others to provide the secretariat with relevant materials or documentation that would assist the secretariat in its work;
5. Requests the Open-ended Working Group to continue overseeing the development of work and provide guidance to the secretariat to ensure its timely finalization;
6. Also requests the Open-ended Working Group to present its final report on the analysis of issues related to Annex VII to the Conference of the Parties at its seventh meeting.

## **VI/35. Review or adjustment of lists of wastes contained in Annexes VIII and IX to the Basel Convention**

The Conference of the Parties,

Referring to its decision V/24 on the classification and hazard characterization of wastes,

Taking note of the procedure for the review or adjustment of lists of wastes contained in Annexes VIII and IX of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, adopted by the Technical Working Group,

Taking note also of the applications submitted by Parties to amend the lists of wastes contained in Annexes VIII and IX,

1. Adopts the procedure for the review or adjustment of the lists of wastes contained in Annexes VIII and IX of the Basel Convention, as contained in the appendix to the present decision;



2. Invites Parties that are submitting applications for the review or adjustment of lists of wastes in Annexes VIII and IX, to state whether the applications are a formal proposal for amendment of the Annexes to the Basel Convention in accordance with articles 17 and 18 of the Convention;

3. Adopts the following amendments to Annexes VIII and IX of the Basel Convention:

(a) Entry B2060 in Annex IX: Replace the existing wording by: “Spent activated carbon not containing any Annex I constituents to an extent they exhibit Annex III characteristics, for example, carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (note the related entry on list A, A4160”;

(b) New entry B1250 in Annex IX: “Waste end-of-life motor vehicles, containing neither liquids nor other hazardous components”;

(c) Entry B1010 in Annex IX: Insert “chromium scrap” as a new bullet point;

(d) New entry B3035 in Annex IX: “Waste textile floor coverings, carpets”;

(e) New entry B1031 in Annex IX: “Molybdenum, tungsten, titanium, tantalum, niobium and rhenium metal and metal alloy wastes in metallic dispersible form (metal powder), excluding such wastes as specified in list A under entry A1050, Galvanic sludges”;

(f) New entry A3200 in Annex VIII: “Bituminous material (asphalt waste) from road construction and maintenance, containing tar (note the related entry on list B, B2130)”;

(g) New entry B2130 in Annex IX: “Bituminous material (asphalt waste) from road construction and maintenance, not containing tar<sup>a</sup>(note the related entry on list A, A3200);

(h) New entry B3065 in Annex IX: “Waste edible fats and oils of animal or vegetable origin (e.g, frying oils), provided they do not exhibit an Annex III characteristic”;

(i) Entry B3010 in Annex IX: Replace the existing wording in entry B3010:

“ Perfluoroalkoxy alkane (PFA)

“ Perfluoroalkoxy alkane (MFA)”

with the following new wording:

“ Perfluoro alkoxy alkane

➤ Tetrafluoroethylene/per fluoro vinyl ether (PFA)

➤ Tetrafluoroethylene/per fluoro methylvinyl ether (MFA)”

4. Notes that the applications submitted by India concerning the classification of PVC-coated cable scrap will be placed on the agenda of the Open-ended Working Group;

5. Requests the Open-ended Working Group to consider issues related to the official translation of the lists of wastes contained in the Annexes to the Basel Convention and to provide guidance as appropriate.

<sup>a</sup> The concentration level of Benzol[a]pyrene should not be 50 mg/kg or more.

## Appendix

### **PROCEDURE FOR THE REVIEW OR ADJUSTMENT OF LISTS OF WASTES CONTAINED IN ANNEXES VIII AND IX OF THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL**

1. Applications.

- (a) Applications must be submitted to the secretariat using the form below. Any Party, observer State, non-governmental organization, private company or individual has the right to fill out the application form with the proposed placement of wastes under Annex VIII or Annex IX, or with a proposal for removing wastes from Annex VIII, Annex IX or working list C. Any application submitted to the secretariat shall be by or through a Party or observer State.
- (b) A Party submitting an application shall clearly state whether or not the application is a formal proposal for amendment to the annexes to the Basel Convention in accordance with articles 17 and 18 of the Convention.
- (c) Competent authorities and focal points are requested to make available any information in addition to the form to all focal points of the Basel Convention and to advise the secretariat that this has been done. If a competent authority or focal point is unable to make available any annexes or attachments to all focal points of the Basel Convention, it may request the secretariat to undertake that function.

2. Procedure for transmission of the form.

- (a) The applicant must present the application form with any additional information to a national authority for the Basel Convention.
- (b) The competent authority and/or focal point should consider the application form with any additional information and only forward it to the secretariat of the Basel Convention if it is properly completed and if the completed application provides sufficient information for the Open-ended Working Group to reach a decision.
- (c) The Open-ended Working Group will consider the application at its following meeting, provided it is received by the secretariat within the time frame stipulated in paragraph 3 (a) below.

3. Time frame for application.

- (a) The application form for placement or removal of wastes has to be submitted to the secretariat of the Basel Convention at least three months prior to the meeting of the Open-ended Working Group. Any information in addition to the form should also be submitted within that time frame.
- (b) In exceptional circumstances, a Party may submit the application form for placement or removal of wastes two months before the meeting of the Open-ended Working Group, if such proposal(s) cannot be sent to the secretariat within the three-month deadline. The Open-ended Working Group will endeavour to consider such application(s) at its following meeting.

4. Procedure before consideration in the Open-ended Working Group.

- (a) After receiving an application, the secretariat will place the application on the Internet web site of the Basel Convention within 30 days ([www.basel.int](http://www.basel.int)).
- (b) The secretariat will send an e-mail to all focal points announcing that the application is available. Those Parties which have no access to Internet or e-mail facilities will be sent the application by mail or facsimile.
- (c) The secretariat will invite the Parties to comment on the application within 20 days directly to the applicant (by mail, facsimile or e-mail).
- (d) The applicant will make, as necessary, an addendum to the application containing answers to the

questions within 20 days.

- (e) The secretariat will make the addendum available to the Parties at least 20 days before the meeting.
- (f) In the exceptional cases mentioned in paragraph 3 (b) above, the time frames stipulated in paragraphs 4 (a) and (d) above are reduced to 10 days.

5. Action by the Open-ended Working Group.

- (a) The Open-ended Working Group will consider and review the applications for placement or removal of wastes in Annexes VIII and IX. The applications must be based on sound scientific assessment in accordance with article 1, paragraph 1 (a), of the Basel Convention.
- (b) The Open-ended Working Group should arrive at a decision by consensus.
- (c) The decisions of the Open-ended Working Group on the placement or removal of wastes on lists contained in Annexes VIII and IX shall be transmitted in a report of the Open-ended Working Group through the secretariat to the following meeting of the Conference of the Parties. In cases where no formal proposal for amendment to the Annexes to the Basel Convention has been made by a Party when submitting an application, the Open-ended Working Group should invite other Parties to submit such a formal proposal to the Conference of the Parties in accordance with articles 17 and 18 of the Convention.

6. Effective review procedure.

Costs of review should be kept to a minimum. Restricting the summary of cases to eight additional pages would help save costs, although a Party wishing to provide more information could do so at its own cost.

7. Reporting.

The secretariat of the Basel Convention should provide a report to Parties on the status of lists of wastes in Annexes VIII and IX of the Basel Convention on a regular basis, and when changes have entered into force.

**APPLICATION FORM FOR THE PLACEMENT OR REMOVAL  
OF WASTES ON ANNEXES VIII AND IX**

**A. WASTE IDENTIFICATION**

**Proposed wording for the placement (or replacement wording for an existing category)**

1. Name of the waste: \_\_\_\_\_
  2. Origin of the waste: \_\_\_\_\_
  3. Physical form: \_\_\_\_\_
  4. Major constituents: \_\_\_\_\_
  5. Typical contaminants: \_\_\_\_\_
6. Waste Code:      UN Class      \_\_\_\_\_      UN number      \_\_\_\_\_  
                                  IWIC                                 \_\_\_\_\_      OECD      \_\_\_\_\_  
                                  EWC \_\_\_\_\_      Others (e.g. Harmonized System Code, BIR, ISRI,  
                                  IPMI, etc.)
7. Enter all relevant Y numbers
8. Hazardous characteristics
- |                               |                               |                               |                              |
|-------------------------------|-------------------------------|-------------------------------|------------------------------|
| <input type="checkbox"/> H1   | <input type="checkbox"/> H4.3 | <input type="checkbox"/> H6.2 | <input type="checkbox"/> H12 |
| <input type="checkbox"/> H3   | <input type="checkbox"/> H5.1 | <input type="checkbox"/> H8   | <input type="checkbox"/> H13 |
| <input type="checkbox"/> H4.1 | <input type="checkbox"/> H5.2 | <input type="checkbox"/> H10  |                              |
| <input type="checkbox"/> H4.2 | <input type="checkbox"/> H6.1 | <input type="checkbox"/> H11  |                              |

**B. PROPOSED PLACEMENT**

**PROPOSED REMOVAL**

List A of Annex VIII   
List B of Annex IX

From list A of Annex VIII   
From list B of Annex IX

**C. NATIONAL DEFINITION**

Is the waste legally defined as or considered to be hazardous in the country submitting the application?

Yes  No

**D. COMMERCIAL CLASSIFICATION**

Is the waste routinely traded through established channels and is that evidenced by commercial classifications?

Yes  No

**SUMMARY OF REASONS FOR PROPOSED PLACEMENT**

NB: A detailed case study (no more than eight additional pages) should be attached, taking into consideration the category(ies) in Annex I to the Basel Convention under which the waste falls and with evidence demonstrating that the waste does or does not exhibit any of the hazardous characteristics in Annex III to the Convention (guidance document to be drafted). Additional material may be submitted in the form of annexes or attachments. All such annexes or attachments must be listed in the application form, together with instructions on how to obtain the documents.

**E. NAME OF APPLICANT**

Name:	_____		
Address:	_____	Party	<input type="checkbox"/>
	_____	Observer State	<input type="checkbox"/>
Tel:	_____	NGO	<input type="checkbox"/>
Fax:	_____	Company	<input type="checkbox"/>
E-mail:	_____	Individual	<input type="checkbox"/>

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Stamp)

**F. AUTHORITY TRANSMITTING APPLICATION**

Name:	_____	
Address:	_____	_____
	_____	(Signature)

Tel:	_____
Fax:	_____
E-mail:	_____

\_\_\_\_\_  
(Stamp)

Date of transmission: \_\_\_\_\_

This application form may include up to 8 additional pages.

## VI/36. Institutional arrangements

The Conference of the Parties,

Recalling its decisions I/2, I/5, II/27, III/28 and V/34, by which it established the subsidiary bodies of the Convention,

Recognizing that the work of the subsidiary bodies should be made more efficient, in accordance with the issues presented in document UNEP/CHW.6/35,

Having considered the experience of the work of the revised subsidiary bodies,

1. Decides that the subsidiary bodies of the Convention shall be organized in the following manner:

- (a) Expanded Bureau; and
- (b) Open-ended Working Group;

2. Decides also that the Expanded Bureau will be composed of 13 members: five members of the present Bureau; five members of the previous Bureau; the two Co-chairs of the Open-ended Working Group; and the Chair of the Committee administering the mechanism for promoting implementation and compliance with the Basel Convention, having due regard to the principle of equitable geographic representation. Should a national of one Party occupy more than one position in the Expanded Bureau, the relevant regional group may nominate a representative of another Party to fill the additional position;

3. Decides further that, within the policy agreed by the Conference of the Parties, the Expanded Bureau will have the following mandate:

- (a) To provide administrative and general operational directions to the secretariat between the meetings of the Conference of the Parties;
- (b) To provide guidance and advice to the secretariat on the preparation of agendas and other requirements for the organization of meetings and on any other matters brought to it by the secretariat in the exercise of its functions;
- (c) To perform functions requested by the Conference of the Parties or the Open-ended Working Group, especially administrative tasks, taking into account the approved budget;
- (d) To report to the Conference of the Parties on the activities it has carried out between meetings of the Conference of the Parties.

4. Decides that Bureau members have the responsibility to advise members of their region on substantive issues to be discussed within the Bureau, and to report back to their regions on the results of those discussions;

5. Decides also that the Open-ended Working Group will take over the roles currently performed by the Working Group for Implementation, the Legal Working Group and the Technical Working Group;

6. Decides further that the Open-ended Working Group will be composed of the representatives of all interested Parties and will be open to observers;

7. Decides that the Open-ended Working Group will have two co-chairs, one with technical and one with legal/implementation expertise, two vice-chairs, one with technical and one with legal/implementation expertise and one rapporteur, having due regard to the principle of equitable geographical representation;

8. Decides also that the Open-ended Working Group will have the following mandate:

- (a) To assist the Conference of the Parties in developing and keeping under continuous review the implementation of the Convention's work plan, specific operational policies and decisions taken by the Conference of the Parties for the implementation of the Convention, as specified in article 15;
- (b) To consider and advise the Conference of the Parties on issues relating to policy, technical, scientific, legal, institutional, administration, finance, budgetary and other aspects of the implementation of the Convention within

the approved budget, including identification of the specific needs of different regions and subregions for training and technology transfer and to consider ways and means of ensuring the establishment and functioning of the Basel Convention Regional Centres for Training and Technology Transfer;

(c) To prepare its work plan for consideration by the Conference of the Parties;

(d) To report to the Conference of the Parties on the activities it has carried out between meetings of the Conference of the Parties;

9. Decides further that the Open-ended Working Group will meet up to three times intersessionally for up to a maximum of eighteen days in total, unless otherwise decided by the Conference of the Parties, in accordance with the approved budget and its work plan.

10. Decides that the meetings of the Open-Ended Working Group will be conducted in all six official United Nations languages.

11. Decides also the tentative meeting schedule for the Open-ended Working Group is as follows:

First meeting:	April/May 2003 with focus on technical issues
Second meeting:	September/October 2003 with focus on legal/implementations issues
Third meeting:	March/April 2004
Seventh meeting of the Conference of the Parties:	September/October 2004

12. Requests the secretariat to prepare agendas and related documentation well in advance and ensure as far as possible that the meetings are scheduled without overlaps with meetings of other multilateral environmental agreements.

13. Invites Parties to examine the functioning of the subsidiary bodies and to submit comments to the secretariat by 31 May 2004 and requests the secretariat to prepare a paper for consideration at the seventh meeting of the Conference of the Parties.

## **VI/37. Work programme of the Open-ended Working Group**

The Conference of the Parties,

Recalling its decision V/26 on the work programme of the Technical Working Group, its decision V/22 on the work programme of the Legal Working Group and its decision V/34, paragraphs 4 and 6, on the establishment and work programme of the Working Group for Implementation,

Noting with appreciation the substantial progress made, in particular in clarifying issues related to Annex IX, in the preparation of technical guidelines and in the development of work on hazardous characterization,

Noting also the progress made by the Legal Working Group in the implementation of the tasks assigned to it by the fifth meeting of the Conference of the Parties,

Commending those Parties, Signatories and others for their continuing effective support that resulted in delivering documents considered essential to meet the environmentally sound management objectives of the Convention,

1. Adopts the work programme of the Open-ended Working Group for 2003-2004 as contained in the appendix to the present decision;

2. Requests the Open-ended Working Group, at its first session, to arrange its work programme, taking into account the priorities established by the Conference of the Parties.

## Appendix

### WORK PROGRAMME OF THE OPEN-ENDED WORKING GROUP

#### I. Technical Activities

Tasks	Activities
I. Classification and hazardous characterization of waste	<p>1. Classification</p> <p style="padding-left: 40px;">Review or adjustment of lists of wastes contained in Annexes VIII and IX; Issues related to the questionnaire concerning the national classification and control procedures for the import of wastes in Annex IX; further elaborate the paper on issues related to Annex IX. Address the issue of conformity of the language versions of the lists of wastes contained in the annexes to the Basel Convention.</p> <p>2. Hazardous characterization</p> <p style="padding-left: 40px;">Finalization of work on the hazardous characteristics H 6.2, H10; H11 and H13; Initiation of work on the hazardous characteristics not yet covered by the Technical Working Group.</p> <p>3. Review of available and forthcoming scientific information concerning the evaluation of the potential environmental health effects of the disposal of PVC wastes and PVC-coated cables.</p>
II. Technical guidelines on environmentally sound management	<p>1. Preparation or completion of the technical guidelines on:</p> <p style="padding-left: 40px;">The environmentally sound management of persistent organic pollutants as wastes including the finalization of the revision of the technical guidelines on PCBs/PCTs/PBBs; Recycling/reclamation of metals and metal compounds (R4); Wastes resulting from surface treatment of metals and plastics (Y17);</p> <p>2. Further possible technical guidelines on:</p> <p style="padding-left: 40px;">Monitoring and closure plans for facilities (guidance to operators); Ozone-depleting substances.</p> <p>3. Undertake periodic review of the technical guidelines and update them as necessary.</p> <p>4. Initiate an assessment of the implementation of the existing technical guidelines on environmentally sound management with a view to identifying practical difficulties and obstacles to their effective implementation.</p>
III. Harmonized Commodity Description and Coding System (HS) of the World Customs Organization (WCO)	<p>1. Continue work, through the secretariat, with WCO on the issue of relationship of the lists of wastes of the Basel Convention with the HS codes. The secretariat to liaise with the UN Committee of Experts on the Transport of Dangerous Goods, WHO, IMO and OECD on this matter.</p> <p>2. Propose a framework and action for ensuring proper reflection of the wastes covered by the Basel Convention in the HS.</p>
IV. Annex II to the Basel Convention	Initiate work on the scope of Annex II.

Tasks	Activities
V. Stockholm Convention on Persistent Organic Pollutants and Rotterdam Convention on Prior Informed Consent	<p>Work related to:</p> <ol style="list-style-type: none"> <li>1. Cooperation pertaining to article 6 of the Stockholm Convention (subparagraph 1-d) (Environmentally sound management of persistent organic pollutants as wastes).</li> <li>2. Providing guidance to the secretariat of the Basel Convention on matters pertaining to coordination among intergovernmental bodies responsible for or involved in persistent organic pollutants, to improve coordination and coherence.</li> <li>3. The issue of stockpiling for the purpose of disposal/destruction, or for recycling.</li> <li>4. Consideration of a work programme on dioxins and dibenzofurans.</li> <li>5. Classification of waste pesticides destined for reformulation, together with details of recovery operations of concern.</li> </ol>
VI. Work on harmonization and coordination	<ol style="list-style-type: none"> <li>1. Harmonization of lists of wastes and related procedures concerning transboundary movements of hazardous and other wastes at the world level. Provide guidance to the secretariat of the Basel Convention on technical implications and modalities required to aim at achieving compatibility among the different international and regional systems dealing with the control of transboundary movements of hazardous and other wastes. The secretariat of the Basel Convention to cooperate closely with OECD on this matter.</li> <li>2. Keep under review work under way at intergovernmental forums (e.g., UN Committee of Experts on the Transport of Dangerous Goods, WHO, ILO, OECD) on the global harmonization of systems of classification and labelling of chemicals.</li> <li>3. Keep under review possible linkages with the Montreal Protocol on Substances that Deplete the Ozone Layer, in particular on matters related to disposal or destruction technologies.</li> </ol>
VII. Dismantling of ships	Provide guidance to the secretariat on the development of a technical assistance project in cooperation with IMO and ILO.
VIII. Capacity-building	Provide technical guidance, as necessary, to the Basel Convention Regional Centres for Training and Technology Transfer to assist in their establishment or operation.



## II. Legal Activities

Tasks	Activities
I. Emergency mechanism/enlargement of the scope of the Technical Cooperation Trust Fund	Analyse the functioning of the emergency mechanism with a view to making adequate proposals for improvements.
II. Legal implications of full and partial dismantling of ships	<p>1. Cooperate with proposed joint working group comprising IMO, ILO and the secretariat of the Basel Convention together with other relevant bodies such as the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 and the United Nations Convention on the Law of the Sea, on legal matters pertaining to the full and partial dismantling of ships.</p> <p>2. Analyse legal matters relating to the issue of the full and partial dismantling of ships, in order to contribute to the discussions of the joint working group and report to the Conference of the Parties, at its seventh meeting, on how those discussions have progressed.</p>
III. Protocol on Liability and Compensation	<p>1. Analyse, based on a compilation of the submissions from Parties, the obstacles and difficulties faced by the Parties in their process of ratification of or accession to the Protocol.</p> <p>2. Analyse the financial limits set out in paragraph 2 of Annex B of the Protocol on Liability and Compensation.</p> <p>3. Undertake any other necessary tasks related to the preparation of the first meeting of the Parties to the Protocol.</p>
IV. Prevention and monitoring of illegal traffic	<p>1. Review and update the guidance elements on illegal traffic.</p> <p>2. Provide legal guidance to the secretariat of the Basel Convention on matters pertaining to the prevention and monitoring of illegal traffic of hazardous wastes and other wastes covered by the Basel Convention, including its cooperation with other international organizations.</p>
V. Other legal tasks	Provide legal advice to the Basel Convention Regional Centres in order to ensure that all Centres follow a coherent approach in their activities.

### III. Activities related to implementation and general activities

Tasks	Activities
I. Budget and financial matters	Consider matters related to the budget of the Basel Convention and other financial matters.
II. Bilateral, multilateral and regional agreements and arrangements	Consider matters related to bilateral, multilateral and regional agreements or arrangements, including consideration of the draft guidance elements for bilateral, multilateral or regional agreements or arrangements.
III. Reports under article 13	Examine reports submitted by the Parties in accordance with the requirements of article 13 of the Basel Convention.
IV. Basel Convention Regional Centres	Analyse reports and issues related to the activities of the Regional Centres.
V. Information system	Examine, as required, issues related to the information system of the Basel Convention and the development of the secretariat web site.
VI. Basel Declaration on Environmentally Sound Management and the strategic plan	<ol style="list-style-type: none"> <li>1. Review the priority activities of the strategic plan for the implementation of the Basel Convention and their financing.</li> <li>2. Provide guidance to the secretariat on the implementation of the Basel Declaration on Environmentally Sound Management and the strategic plan.</li> <li>3. Identify activities of relevance to the implementation of the Basel Declaration, taking into account the strategic plan for the Basel Convention.</li> </ol>
VII. Issues regarding Annex VII	Oversee the development of the analysis of issues relating to Annex VII and provide guidance to the secretariat, as necessary, and report to the seventh meeting of the Conference of the Parties on progress. The purpose of the analysis is to explore, in a transparent, objective and comprehensive manner, health, environmental, social, economic and other issues that are considered important to the Conference of the Parties and to assist Parties to ratify the Ban Amendment.
VIII. Preparation of draft decisions	Prepare draft decisions for consideration by the Conference of the Parties.
IX. Other tasks	To perform any other tasks as may be entrusted to it by the Conference of the Parties.

## VI/38. Competent authorities and focal points

The Conference of the Parties,

Recalling its decision V/19 on competent authorities and focal points,

1. Calls on Parties to designate competent authorities and focal points for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, if they have not done so, and to submit the relevant information to the secretariat, including any modifications or additions as they occur;
2. Invites non-parties and interested organizations to identify contact persons for the Convention, if they have not done so, and submit the relevant information to the secretariat, including any modifications or additions as they occur;
3. Requests the secretariat to continue to keep the list of competent authorities, focal points and contact persons up to date and to post it on the Convention's web site to facilitate communications concerning matters related to the Convention.

## VI/39. Logo of the Basel Convention

The Conference of the Parties,

1. Adopts the logo of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes, as described in appendix I to the present decision;
2. Mandates the secretariat to register the logo of the Basel Convention for copyright protection;
3. Adopts the policy guidelines, as contained in appendix II to the present decision, for the use of the logo.

### Appendix I

#### Logo of the Convention



## Appendix II

### **Policy guidelines for the use of the logo of the Basel Convention**

1. The use of the logo of the Basel Convention by the United Nations and United Nations Environment Programme for official documents and publications, shall be made consistent with United Nations administrative instruction ST/AI/189/Add.21 of 15 January 1979 entitled "Use of the United Nations emblem on documents and publications".
2. The use of the logo of the Basel Convention by non-commercial entities shall be subject to the prior written agreement of the secretariat of the Basel Convention.
3. The use of the logo of the Basel Convention by the business community or by commercial entities shall be subject to the prior written agreement of the secretariat of the Basel Convention approved by the Expanded Bureau. The secretariat shall be guided on its policy in entering in such agreements by the Guidelines on Cooperation between the United Nations and the Business Community issued by the Secretary-General of the United Nations on 17 July 2000.

### **VI/40. Follow-up to the World Summit on Sustainable Development**

The Conference of the Parties,

Taking note with appreciation of the participation of the secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in the World Summit for Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002,

Welcoming the adoption at the World Summit of a Plan of Implementation for the next ten years,

Noting with satisfaction that the Plan of Implementation of the World Summit, in particular its paragraph 22 which is reproduced in the appendix to the present decision, fully recognizes and supports the work, decisions, plans and actions for the implementation of the Basel Convention, including the Basel Declaration on Environmentally Sound Management and the strategic plan for the implementation of the Basel Convention,

Welcoming also the large support given by the World Summit to the concept of type two partnerships between Governments, business and civil society,

Mindful of the call of the Plan of implementation of for coherence and cooperation between the international regimes for waste, hazardous waste and chemicals,

Recognizing that the outcome of the World Summit is of particular relevance to the objectives and goals of the Basel Convention, including:

- (a) Broadened and strengthened understanding of sustainable development, particularly the important linkages between poverty, the environment and the use of natural resources;
- (b) Governmental agreement to and reaffirmation of a wide range of concrete commitments and targets for action to achieve more effective implementation of sustainable development objectives;
- (c) Development of a 10-year framework of programmes to accelerate the shift towards sustainable consumption and production;
- (d) Renewed commitment to the sound management of chemicals and hazardous wastes and other wastes throughout their life cycle;
- (e) Call for the promotion of the ratification and implementation of relevant international instruments on chemicals and hazardous waste;
- (f) Support for regional initiatives for sustainable development in developing areas in the world, including:
  - (i) Undertaking of initiatives by 2004 aimed at implementing the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities to reduce, prevent and control waste and pollution and their health-related impacts in small island developing States,

- (ii) Support to Africa's efforts to implement the objectives of the New Partnership for Africa's Development,

Recognizing also the need expressed by the World Summit for the United Nations Environment Programme, the United Nations Human Settlements Programme, the United Nations Development Programme and the United Nations Conference on Trade and Development, within their mandates, to strengthen their contribution to sustainable development programmes and the implementation of the Plan of Implementation of the World Summit and Agenda 21, particularly in the area of capacity-building,

Taking into account its decisions V/8, V/9, V/10, V/11, V/12, and V/13 on cooperation between the Basel Convention and the United Nations Environment Programme, the United Nations specialized agencies, regional systems and organizations and others, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the World Customs Organization, the Organisation for Economic Cooperation and Development, environmental non-governmental organizations and the industry and business sectors,

1. Requests the secretariat to identify those areas of relevance to the Basel Convention and the Basel Declaration on Environmentally Sound Management covered in the Plan of Implementation of the World Summit on Sustainable Development with a view to exploring cooperation with Parties and other stakeholders to support the Plan;
2. Also requests the secretariat to identify the most efficient ways of cooperating with the relevant stakeholders, in particular the United Nations Environment Programme, the United Nations Human Settlements Programme, the United Nations Development Programme and the United Nations Conference on Trade and Development as well as the private sector and non-governmental organizations, with a view to enhancing its contribution to those areas referred to in paragraph 1 above;
3. Further requests the secretariat to propose to the Open-ended Working Group a way forward in implementing concrete activities in this field within available resources;
4. Requests the secretariat to report on the progress made in the implementation of the present decision to the Conference of the Parties at its seventh meeting, through the Open-ended Working Group.

## Appendix

### WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT - PLAN OF IMPLEMENTATION

#### III. Changing unsustainable patterns of consumption and production

22. Renew the commitment, as advanced in Agenda 21, to sound management of chemicals throughout their life cycle and of hazardous wastes for sustainable development and for the protection of human health and the environment, inter alia, aiming to achieve by 2020 that chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment, using transparent science-based risk assessment procedures and science-based risk management procedures, taking into account the precautionary approach, as set out in principle 15 of the Rio Declaration on Environment and Development, and support developing countries in strengthening their capacity for the sound management of chemicals and hazardous wastes by providing technical and financial assistance. This would include actions at all levels to:
  - a) Promote the ratification and implementation of relevant international instruments on chemicals and hazardous waste, including the Rotterdam Convention on Prior Informed Consent Procedures for Certain Hazardous Chemicals and Pesticides in International Trade so that it can enter into force by 2003 and the Stockholm Convention on Persistent Organic Pollutants so that it can enter into force by 2004, and encourage and improve coordination as well as supporting developing countries in their implementation;
  - b) Further develop a strategic approach to international chemicals management based on the Bahia Declaration and Priorities for Action beyond 2000 of the Intergovernmental Forum on Chemical Safety (IFCS) by 2005, and urge that the United Nations Environment Programme (UNEP), IFCS, other international organizations dealing with chemical management, and other relevant international organizations and actors closely cooperate in this regard, as appropriate;

- c) Encourage countries to implement the new globally harmonized system for the classification and labelling of chemicals as soon as possible with a view to having the system fully operational by 2008;
- d) Encourage partnerships to promote activities aimed at enhancing environmentally sound management of chemicals and hazardous wastes, implementing multilateral environmental agreements, raising awareness of issues relating to chemicals and hazardous waste, and encouraging the collection and use of additional scientific data;
- e) Promote efforts to prevent international illegal trafficking of hazardous chemicals and hazardous wastes and to prevent damage resulting from the transboundary movement and disposal of hazardous wastes in a manner consistent with obligations under relevant international instruments, such as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal;
- f) Encourage development of coherent and integrated information on chemicals, such as through national pollutant release and transfer registers;
- g) Promote reduction of the risks posed by heavy metals that are harmful to human health and the environment, including through a review of relevant studies, such as the UNEP global assessment of mercury and its compounds.

## VI/41. Financial matters

The Conference of the Parties,

Recalling its decision V/35 on financial matters,

Having noted the comprehensive information provided on the Trust Funds of the Basel Convention by the secretariat,

Recognizing the continued management by the secretariat of the finances of the Basel Convention Trust Funds,

Taking note of the financial report on the Trust Funds for 2002 (UNEP/CHW.6/INF/3),

Noting the increase in the number of Parties to the Convention, the need for greater assistance to be provided financially and in other forms to the Parties to achieve more effective implementation, and the necessity to implement the various decisions, including the strategic plan for the implementation of the Basel Convention,

Recognizing that voluntary contributions are an essential complement for the effective implementation of the Basel Convention,

Noting the need to manage financial arrangements supporting the Basel Convention in a way that is fully transparent;

1. Approves the budget of the Trust Fund for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention Trust Fund) in the amount of 4,201,854 United States dollars for 2003 and 4,201,854 United States dollars for 2004, as contained in appendix II to the present decision;

2. Authorizes the Executive Secretary to utilize an amount not exceeding 1,200,000 United States dollars in the year 2003 and 1,200,000 United States dollars in the year 2004 from the reserve and fund balance of the Basel Convention Trust Fund to meet expenditure in the approved budget;

3. Notes that, as a result of utilization authorized in paragraph 2 above, the reserve and fund balance will be drawn down by an amount not exceeding 15 per cent, reduced by the income from interest and contributions from others than Parties;

4. Decides that the total amount of the contributions to be paid by the Parties is 3,001,854 United States dollars for 2003 and 3,001,854 United States dollars for 2004, as set out in appendix II to the present decision;

5. Also decides that the contributions of individual Parties shall be as listed in appendix III to the present decision;

6. Further decides to establish a working capital reserve and to maintain the level of a working capital reserve at 15 per cent of the estimated annual planned expenditures at any time;

7. Decides that the Executive Secretary may make transfers of up to 20 per cent from one main appropriation line of the approved budget to other main appropriation lines;
8. Authorizes the Executive Secretary, in addition to the approved budget, on an exceptional basis to utilize an amount not exceeding 1,200,000 United States dollars in the period 2003-2004 from the reserve and fund balance of the Basel Convention Trust Fund for the purpose of putting into effect activities to implement the strategic plan in 2003-2004;
9. Agrees to review at its seventh meeting, on the basis of a document to be prepared by the secretariat, a plan for working towards a reduction in the reserve and fund balance and identify the optimal means of balancing the Convention's operating funds and expenditures;
10. Expresses its concern over the delays in payment of the agreed contributions by Parties, contrary to the provisions of the terms of reference for the administration of the Trust Fund for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, as contained in paragraph 8 of appendix I to the present decision;
11. Urges all Parties to pay their contributions promptly and in full and further urges Parties that have not done so to pay their contributions for prior years as soon as possible;
12. Takes note of the budget for 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) in the amount of 4,556,160 United States dollars for 2003 and 5,347,160 United States dollars for 2004, as contained in appendix IV to the present decision;
13. Invites voluntary contributions to the Technical Cooperation Trust Fund and to the Basel Convention Trust Fund from Parties and non-Parties, as well as from other sources;
14. Invites Parties to notify the secretariat of the Basel Convention of all contributions made to the Basel Convention Trust Funds at the time such payments are made;
15. Decides that the Trust Funds for the Basel Convention shall be further continued until 31 December 2006 and requests the Executive Director of the United Nations Environment Programme to extend the two Trust Funds to the Basel Convention for 2005-2006, subject to the approval of the Governing Council of the United Nations Environment Programme;
16. Requests the secretariat of the Basel Convention to ensure the implementation of the decisions adopted by the Conference of the Parties as approved, within the budgets and the availability of financial resources in the Trust Funds;
17. Also requests the secretariat to report annually to the Open-ended Working Group and to the Expanded Bureau on all sources of income received, including the reserve and fund balance and interest, as well as actual provisional and projected expenditure and commitments, and further requests the Executive Secretary to report on all expenditures against the agreed budget lines;
18. Requests the Executive Secretary to report to the Open-ended Working Group and the Expanded Bureau on the use of the funds referred to in paragraph 8 above on an annual basis;
19. Requests the Open-ended Working Group to consider, on the basis of comments provided by Parties to the secretariat by 28 February 2003, how to improve the format for reporting in accordance with paragraph 17 above;
20. Also requests the Open-ended Working Group and the Expanded Bureau to keep under review the financial information provided by the secretariat, including the timeliness and transparency of that information;
21. Approves that the scope of the Technical Cooperation Trust Fund shall be enlarged as provided for in decision V/32 on the enlargement of the scope of the Technical Cooperation Trust Fund;
22. Approves the revised terms of reference for the administration of the trust funds for the Basel Convention as contained in appendix I to the present decision, from the financial period beginning on 1 January 2003;

23. Further approves modification of the scale of assessments for the Basel Convention Trust Fund by substituting 25 per cent by 22 per cent in accordance with United Nations General Assembly resolution 55/5 B to F of 23 December 2000;

24. Invites Parties to submit to the secretariat their views in writing on the scale of assessments for the Basel Convention Trust Fund, before 31 May 2004;

25. Requests the secretariat to compile a paper in this regard to be considered by the Parties at the seventh meeting of the Conference of the Parties.

## Appendix I

### **TERMS OF REFERENCE FOR THE ADMINISTRATION OF THE TRUST FUNDS FOR THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL**

1. The scope of the Trust Fund for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (hereinafter referred to as the Basel Convention Trust Fund) is to provide financial support for the ordinary expenditure of the secretariat of the Basel Convention.

2. 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 (hereinafter referred to as the Technical Cooperation Trust Fund) is to provide financial support in particular for:

(a) Technical assistance, training and capacity-building;

(b) Basel Convention Regional Centres;

(c) Appropriate participation of the representatives of developing countries Parties and of Parties with economies in transition;

(d) Cases of emergency and compensation for damage resulting from incidences arising from transboundary movements of hazardous wastes and other wastes and their disposal.

3. The financial period of both Trust Funds will be a biennium consisting of two consecutive calendar years.

4. The trust funds shall be administered by the Executive Director of the United Nations Environment Programme (UNEP), with the approval of the Governing Council of UNEP, pursuant to the Financial Regulations and Rules of the United Nations.

### Contributions

5. The appropriations for the Basel Convention Trust Fund shall be replenished by:

(a) Contributions made by the Parties to the Convention, by reference to the table attached as an appendix to the budget, including additional contributions and contributions from any new Parties, which are to be added to the table;

(b) Contributions from States not party to the Convention, other governmental, intergovernmental and non-governmental organizations and other sources.

6. The appropriations of the Technical Cooperation Trust Fund for this period shall be financed from voluntary contributions made by the Parties and the non-parties to the Convention, intergovernmental and non-governmental organizations and other sources.

7. The contributions referred to in paragraph 5 (a) above are to be based on the United Nations scale of assessments for the apportionment of the expenses of the United Nations.

8. All contributions are due to be paid in the year immediately preceding the year to which the contributions relate.

9. All contributions shall be paid in United States dollars or their equivalent in a convertible currency into a bank



account to be designated by the Executive Director, in consultation with the Executive Secretary of the Convention secretariat.

10. The secretariat shall acknowledge all pledges and contributions and shall inform the Parties once a year of the status of pledges and payments of contributions.

11. Contributions from States that become Parties after the beginning of the financial period shall be made *pro rata temporis* for the balance of the financial period.

12. Contributions not immediately required for the purpose of either trust fund shall be invested at the discretion of the United Nations and any interest so earned shall be credited to the funds.

### **Budget**

13. The budget estimates covering the income and expenditure for each of the calendar years constituting the financial period to which they relate, prepared in United States dollars, shall be submitted for approval at the regular meeting of the Conference of the Parties to the Convention at least 90 days prior to the meeting for submission to the Conference of the Parties.

14. The estimates for each of the calendar years covered by a financial period shall be specified according to objects of expenditure and shall be accompanied by such information as may be required by, or on behalf of, the contributors and such further information as the Executive Director of UNEP may deem useful and advisable.

15. The decision of the Conference of the Parties on the budget, including contributions thereto, shall be made by consensus prior to the commencement of the financial period it covers.

16. Adoption of the budget by the Conference of the Parties shall constitute authority to incur obligations and make payments for purposes for which the appropriations were approved and up to the amount so approved. Commitments against the resources of the trust funds may be made only if they are covered by the necessary income. No commitments shall be made in advance of the receipt of contributions.

17. The Executive Secretary may make transfers within each of the main appropriation lines of the approved budget. The Executive Secretary may also make transfers between such appropriation lines up to limits, which the Conference of the Parties may set as appropriate.

### **Funds**

18. The Basel Convention Trust Fund shall be managed by the Executive Secretary of the secretariat of the Basel Convention. All resources under paragraphs 5 (a) and 5 (b) above shall be credited to the Basel Convention Trust Fund and all expenditures included in the approved budget shall be charged to the Fund.

19. Within the Trust Fund there shall be maintained a working capital reserve at a level to be determined from time to time by the Conference of the Parties by consensus. The purpose of the working capital reserve shall be to ensure continuity of operations in the event of a temporary shortfall of cash. Drawdowns from the working capital reserve shall be restored from contributions as soon as possible.

20. The Technical Cooperation Trust Fund shall be managed by the Executive Secretary of the secretariat of the Basel Convention and shall receive voluntary contributions under paragraph 6 above.

21. At the end of a calendar year of a financial period, the Executive Director shall transfer any uncommitted balance of appropriations to the following calendar year.

### **Accounts and audit**

22. All funds governed by the present terms of reference shall be subjected to the internal and external audit process of the United Nations.

23. At the end of each calendar year of a fiscal period, the Executive Director shall submit to the Parties the certified accounts for the year and a report of activities under the Convention. The Executive Director shall submit the accounts for the two-year financial period audited by the Board of Auditors of the United Nations as soon as practicable.

### Programme support costs

24. Programme support cost will be charged by UNEP for the services provided to the Conference of the Parties, its subsidiary bodies and the Convention secretariat from the funds referred to in paragraphs 5 (a) and (b) and 6 above under such terms as may from time to time be agreed upon between the Conference of the Parties and UNEP, or in the absence of such agreement, in accordance with the general policy of the United Nations.

### General provisions

25. In the event that the Parties wish both trust funds to be further extended, the Executive Director of UNEP shall be so requested by the Parties at least six months earlier. Such extension of both trust funds shall be subject to the approval of the UNEP Governing Council.

26. Any amendments to the present terms of reference shall be adopted by the Conference of the Parties by consensus.

## Appendix II

### Budget

#### Basel Convention Trust Fund Years 2003 -2004

#### 10 PERSONNEL COMPONENT

##### *Professional Staff (Title & Grade)*

1101 Executive Secretary (D2) *	
Senior Programme Officer - Regional Centres/Technology (D1)	
1102*	
1103 Senior Programme Officer - Technical Cluster Matters (P5)	
1104 Senior Programme Officer - Institutional/Sec. Legal WG (P5)	
1105 First Programme Officer -Scientific Sec. TWG (P4)	
1106 Programme Officer - National Reporting (P3)	
1107 Programme Officer - Tech. Cooperation and Training (P4) *	
1108 Programme Officer - Public Awareness (P3)	
1109 Administrative / Fund Management Officer (UNEP) **	
1110 Associate Programme Officer - Computer Systems (P2)	
1120 Temporary Posts for Conference Servicing (relates to COP7 together with line 1321)	

#### **Sub-total, Professional Staff**

##### *Consultants*

1201 Legal Advice and Support	
1202 Capacity-building / Technical Guidelines	

#### **Sub-total, Consultants**

##### *Administrative Support (Title & Grade) \**

1301 Administrative Assistant (G6) **	
1302 Personal Assistant to the Executive Secretary (G6)	
1303 Meetings / Documents Assistant (G6)	
1304 Personnel Assistant (G5)	
1305 Programme Assistant (G5)	
1306 Secretary (G5)	
1307 Secretary (G5)	

Budget		
2002	2003	2004
157,500	157,500	157,500
146,800	146,800	146,800
146,800	146,800	146,800
146,800	146,800	146,800
130,000	130,000	130,000
108,000	108,000	108,000
108,000	108,000	130,000
108,000	108,000	108,000
-	-	-
87,600	87,600	87,600
-	50,000	50,000
<b>1,139,500</b>	<b>1,189,500</b>	<b>1,211,500</b>
130,000	135,000	135,000
130,000	135,000	135,000
<b>260,000</b>	<b>270,000</b>	<b>270,000</b>
-	-	-
85,200	85,200	85,200
85,200	85,200	85,200
85,200	85,200	85,200
85,200	85,200	85,200
85,200	85,200	85,200
85,200	85,200	85,200

	Budget		
	2002	2003	2004
1308Reproduction & Registry Clerk (G3)	85,200	85,200	85,200
1309Secretary (G4) - new post	-	85,200	85,200
1320Temporary assistance posts (short term)	95,500	10,300	10,300
Sub-total	691,900	691,900	691,900
<i>Conference Servicing Costs</i>			
1321Conference of the Parties (1 meeting per biennium in six languages, USD 50,000 pa charged against B/L 1120, hence total cost for biennium USD 700,000). Costed at 400 pages for translation. Carry over of COP funds to COP year).	300,000	100,000	500,000
1322Open-ended Working Group 1 (translation of 300 pages and interpretation in 6 UN languages)	50,000	400,000	-
1323Open-ended Working Group 2 (translation of 300 pages and interpretation in 6 UN languages)	48,750	400,000	-
1324Open-ended Working Group 3 (translation of 300 pages and interpretation in 6 UN languages)	48,750	-	400,000
1325Expanded Bureau (in English only - 3 meetings per biennium)	10,500	7,000	7,000
1326Expert Group on end of life cycle mobile phones	-	3,000	3,000
1327Committee on Compliance (English only, in conjunction with OEWG or the Conference of the Parties)	-	3,000	3,000
<b>1399Sub-total Administrative Support and Conference Servicing Costs</b>	<b>1,149,900</b>	<b>1,604,900</b>	<b>1,604,900</b>
<i>1600Travel on Official Business</i>			
1601Official Travel	180,000	200,000	200,000
<b>1699Total, Travel On Official Business</b>	<b>180,000</b>	<b>200,000</b>	<b>200,000</b>
<b>1999TOTAL STAFF COMPONENT</b>	<b>2,729,400</b>	<b>3,264,400</b>	<b>3,286,400</b>
<b>20SUB-CONTRACT COMPONENT</b>			
<i>2100Sub-contracts Component</i>			
2101Information System	50,000	50,000	50,000
<b>2199Sub-total sub-contracts - non-commercial</b>	<b>50,000</b>	<b>50,000</b>	<b>50,000</b>
<b>2999TOTAL SUB-CONTRACT COMPONENT</b>	<b>50,000</b>	<b>50,000</b>	<b>50,000</b>
<b>30MEETINGS AND CONFERENCES COMPONENT</b>			
<i>3300Travel and DSA Costs of Participants</i>			
3301Conference of the Parties	-	-	-
3302Open-ended Working Group 1 (25 travels)	-	87,500	-
3303Open-ended Working Group 2 (25 travels)	75,000	87,500	-
3304Open-ended Working Group 3 (50 travels)	75,000	-	175,000
3305Expanded Bureau (some 14 travels)	90,555	51,555	51,555
<b>3399Sub-total Meetings and Conferences</b>	<b>240,555</b>	<b>226,555</b>	<b>226,555</b>
<b>3999TOTAL MEETINGS AND CONFERENCES COMPONENT</b>	<b>240,555</b>	<b>226,555</b>	<b>226,555</b>

	Budget		
	2002	2003	2004
<b>40 EQUIPMENT AND PREMISES COMPONENT</b>			
4100 <i>Expendable Equipment</i>			
4101 Office Supplies, library acquisitions and computer software	31,000	24,500	24,500
<b>4199 Sub-total, Expendable Equipment</b>	<b>31,000</b>	<b>24,500</b>	<b>24,500</b>
4200 <i>Non Expendable Equipment</i>			
4201 Computer Equipment, printers, furniture, multimedia and others	28,000	28,000	28,000
<b>4299 Sub-total, Non Expendable Equipment</b>	<b>28,000</b>	<b>28,000</b>	<b>28,000</b>
4300 <i>Premises</i>			
4301 Office space fees, building maintenance, security, utilities and insurance	129,000	60,000	60,000
<b>4399 Total, Premises</b>	<b>129,000</b>	<b>60,000</b>	<b>60,000</b>
<b>4999 TOTAL, EQUIPMENT AND PREMISES COMPONENT</b>	<b>188,000</b>	<b>112,500</b>	<b>112,500</b>
<b>50 MISCELLANEOUS COMPONENT</b>			
5100 <i>Operation, Rental and Maintenance of Equipment</i>			
5101 Computers, Printers, photocopiers and other	51,300	51,300	51,300
<b>5199 Sub-total, Maintenance of Equipment</b>	<b>51,300</b>	<b>51,300</b>	<b>51,300</b>
5200 <i>Reporting costs</i>			
5201 Newsletters, publications and other media	99,800	55,000	55,000
<b>5299 Sub-total, Reporting costs</b>	<b>349,800</b>	<b>55,000</b>	<b>55,000</b>
5300 <i>Sundry</i>			
Communications, freight and other (with carry over to COP 5301 year)	99,900	67,500	67,500
<b>5399 Sub-total Sundry</b>	<b>99,900</b>	<b>67,500</b>	<b>67,500</b>
5400 <i>Hospitality</i>			
5401 Hospitality	9,500	9,500	9,500
<b>5499 Sub-total Hospitality</b>	<b>9,500</b>	<b>9,500</b>	<b>9,500</b>
<b>5999 TOTAL, MISCELLANEOUS COMPONENT</b>	<b>510,500</b>	<b>183,300</b>	<b>183,300</b>
99SUB – TOTAL OPERATIONAL COSTS	3,718,455	3,836,755	3,858,755
Less UNEP Contribution ***		(115,300)	(137,300)
99TOTAL OPERATIONAL COSTS	3,718,455	3,718,455	3,718,455
13% Programme Support Costs	483,399	483,399	483,399
<b>TOTAL BUDGET OF THE TRUST FUND</b>	<b>4,201,854</b>	<b>4,201,854</b>	<b>4,201,854</b>
Deduction from the Reserve and Fund Balance ****	1,200,000	1,200,000	1,200,000
<b>TO BE COVERED BY CONTRIBUTIONS BY PARTIES</b>	<b>3,001,854</b>	<b>3,001,854</b>	<b>3,001,854</b>

\* Review of the existing post is taking place. Grade of asterixed posts has been proposed for reclassification in higher grade in line with the revised functions within existing budget. Reclassification to be effective in 2004 subject to approval of the Executive Director of UNEP.

- \*\* Provided fully by UNEP from 13% Programme Support Cost (PSC).  
 \*\*\* UNEP will contribute USD 115,300 in 2003 and USD 137,300 in 2004, should the overall level of expenditure reach the total approved budget level.  
 \*\*\*\* The reduction in the reserve and fund balance will be reduced by interest for period 2003 -2004 and by contributions from other than Parties.

### Appendix III

#### Trust Fund for the Basel Convention on Transboundary Movements on Hazardous Wastes and Their Disposal (BC)

Scale of Contribution for the biennium 2003 - 2004 in United States dollars (USD)

A	B	C	D	E	F
No.	PARTIES	United Nations scale of assessments 2003 *	Scale for the Trust Fund with 22% ceiling and countries that contribute less than 0.1 per cent to the UN, not paying	Annual contributions as per 2003 (USD)	Annual contributions as per 2004 (USD)
		(per cent)	(per cent)		
1	Albania	0.00300	0.00000	-	-
2	Algeria	0.07000	0.00000	-	-
3	Andorra	0.00400	0.00000	-	-
4	Antigua and Barbuda	0.00200	0.00000	-	-
5	Argentina	1.14900	1.50199	45,088	45,088
6	Armenia	0.00200	0.00000	-	-
7	Australia	1.62700	2.12684	63,845	63,845
8	Austria	0.94700	1.23794	37,161	37,161
9	<i>Azerbaijan</i>	<i>0.00400</i>	<i>0.00000</i>	-	-
10	Bahamas	0.01200	0.00000	-	-
11	Bahrain	0.01800	0.00000	-	-
12	Bangladesh	0.01000	0.00000	-	-
13	Barbados	0.00900	0.00000	-	-
14	<i>Belarus</i>	<i>0.01900</i>	<i>0.00000</i>	-	-
15	Belgium	1.12900	1.47585	44,303	44,303
16	Belize	0.00100	0.00000	-	-
17	Benin	0.00200	0.00000	-	-
18	<i>Bhutan</i>	<i>0.00100</i>	<i>0.00000</i>	-	-
19	Bolivia	0.00800	0.00000	-	-
20	<i>Bosnia &amp; Herzegovina</i>	<i>0.00400</i>	<i>0.00000</i>	-	-
21	Botswana	0.01000	0.00000	-	-
22	Brazil	2.39000	3.12425	93,785	93,785
23	Bulgaria	0.01300	0.00000	-	-
24	Burkina Faso	0.00200	0.00000	-	-
25	Burundi	0.00100	0.00000	-	-
26	Canada	2.55800	3.34386	100,378	100,378
27	<i>Cambodia</i>	<i>0.00200</i>	<i>0.00000</i>	-	-
28	<i>Cameroon</i>	<i>0.00900</i>	<i>0.00000</i>	-	-
29	Cape Verde	0.00100	0.00000	-	-
30	Chile	0.21200	0.27713	8,319	8,319
31	China	1.53200	2.00266	60,117	60,117
32	Colombia	0.20100	0.26275	7,887	7,887

A	B	C	D	E	F
	PARTIES	United Nations scale of assessments 2003 *	Scale for the Trust Fund with 22% ceiling and countries that contribute less than 0.1 per cent to the UN, not paying	Annual contributions as per 2003 (USD)	Annual contributions as per 2004 (USD)
No.		(per cent)	(per cent)		
33	Comoros	0.00100	0.00000	-	-
34	Costa Rica	0.02000	0.00000	-	-
35	Cote d'Ivoire	0.00900	0.00000	-	-
36	Croatia	0.03900	0.00000	-	-
37	Cuba	0.03000	0.00000	-	-
38	Cyprus	0.03800	0.00000	-	-
39	Czech Republic	0.20300	0.26537	7,966	7,966
40	Democratic Republic of the Congo	0.00400	0.00000	-	-
41	Denmark	0.74900	0.97911	29,391	29,391
42	<i>Djibouti</i>	<i>0.00100</i>	<i>0.00000</i>	-	-
43	Dominica	0.00100	0.00000	-	-
44	<i>Dominican Republic</i>	<i>0.02300</i>	<i>0.00000</i>	-	-
45	Ecuador	0.02500	0.00000	-	-
46	Egypt	0.08100	0.00000	-	-
47	El Salvador	0.01800	0.00000	-	-
48	Estonia	0.01000	0.00000	-	-
49	<i>Ethiopia</i>	<i>0.00400</i>	<i>0.00000</i>	-	-
50	Finland	0.52200	0.68237	20,484	20,484
51	France	6.46600	8.45247	253,731	253,731
52	Gambia	0.00100	0.00000	-	-
53	Georgia	0.00500	0.00000	-	-
54	Germany	9.76900	12.77021	383,343	383,343
55	Greece	0.53900	0.70459	21,151	21,151
56	Guatemala	0.02700	0.00000	-	-
57	Guinea	0.00300	0.00000	-	-
58	<i>Guyana</i>	<i>0.00100</i>	<i>0.00000</i>	-	-
59	Honduras	0.00500	0.00000	-	-
60	Hungary	0.12000	0.15687	4,709	4,709
61	Iceland	0.03300	0.00000	-	-
62	India	0.34100	0.44576	13,381	13,381
63	Indonesia	0.20000	0.26144	7,848	7,848
64	Iran (Islamic Republic of)	0.27200	0.35556	10,673	10,673
65	Ireland	0.29400	0.38432	11,537	11,537
66	Israel	0.41500	0.54250	16,285	16,285
67	Italy	5.06475	6.62073	198,745	198,745
68	Japan	19.51575	22.00000	660,408	660,408
69	Jordan	0.00800	0.00000	-	-
70	<i>Kenya</i>	<i>0.00800</i>	<i>0.00000</i>	-	-
71	<i>Kiribati</i>	<i>0.00100</i>	<i>0.00000</i>	-	-
72	Kuwait	0.14700	0.19216	5,768	5,768
73	Kyrgyzstan	0.00100	0.00000	-	-
74	Latvia	0.01000	0.00000	-	-
75	Lebanon	0.01200	0.00000	-	-
76	<i>Lesotho</i>	<i>0.00100</i>	<i>0.00000</i>	-	-
77	<i>Libyan Arab Jamahiriya</i>	<i>0.06700</i>	<i>0.00000</i>	-	-
78	Liechtenstein	0.00600	0.00000	-	-

A	B	C	D	E	F
	<b>PARTIES</b>	<b>United Nations scale of assessments 2003 *</b>	<b>Scale for the Trust Fund with 22% ceiling and countries that contribute less than 0.1 per cent to the UN, not paying</b>	<b>Annual contributions as per 2003 (USD)</b>	<b>Annual contributions as per 2004 (USD)</b>
<b>No.</b>		(per cent)	(per cent)		
79	Lithuania	0.01700	0.00000	-	-
80	Luxembourg	0.08000	0.00000	-	-
81	Madagascar	0.00300	0.00000	-	-
82	Malawi	0.00200	0.00000	-	-
83	Malaysia	0.23500	0.30720	<b>9,222</b>	<b>9,222</b>
84	Maldives	0.00100	0.00000	-	-
85	<i>Mali</i>	<i>0.00200</i>	<i>0.00000</i>	-	-
86	<i>Malta</i>	<i>0.01500</i>	<i>0.00000</i>	-	-
87	Mauritania	0.00100	0.00000	-	-
88	Mauritius	0.01100	0.00000	-	-
89	Mexico	1.08600	1.41964	<b>42,615</b>	<b>42,615</b>
90	Micronesia (Federated States of )	0.00100	0.00000	-	-
91	Monaco	0.00400	0.00000	-	-
92	Mongolia	0.00100	0.00000	-	-
93	Morocco	0.04400	0.00000	-	-
94	Mozambique	0.00100	0.00000	-	-
95	Namibia	0.00700	0.00000	-	-
96	<i>Nauru</i>	<i>0.00100</i>	<i>0.00000</i>	-	-
97	Nepal	0.00400	0.00000	-	-
98	Netherlands	1.73800	2.27194	<b>68,200</b>	<b>68,200</b>
99	New Zealand	0.24100	0.31504	<b>9,457</b>	<b>9,457</b>
100	Nicaragua	0.00100	0.00000	-	-
101	Niger	0.00100	0.00000	-	-
102	Nigeria	0.06800	0.00000	-	-
103	Norway	0.64600	0.84446	<b>25,350</b>	<b>25,350</b>
104	Oman	0.06100	0.00000	-	-
105	Pakistan	0.06100	0.00000	-	-
106	Panama	0.01800	0.00000	-	-
107	Papua New Guinea	0.00600	0.00000	-	-
108	Paraguay	0.01600	0.00000	-	-
109	Peru	0.11800	0.15425	<b>4,630</b>	<b>4,630</b>
110	Philippines	0.10000	0.13072	<b>3,924</b>	<b>3,924</b>
111	Poland	0.37800	0.49413	<b>14,833</b>	<b>14,833</b>
112	Portugal	0.46200	0.60393	<b>18,129</b>	<b>18,129</b>
113	Qatar	0.03400	0.00000	-	-
114	Republic of Korea	1.85100	2.41966	<b>72,635</b>	<b>72,635</b>
115	Republic of Moldova	0.00200	0.00000	-	-
116	Romania	0.00580	0.00000	-	-
117	Russian Federation	1.20000	1.56866	<b>47,089</b>	<b>47,089</b>
118	Saint Kitts and Nevis	0.00100	0.00000	-	-
119	Saint Lucia	0.00200	0.00000	-	-
120	Saint Vincent and the Grenadines	0.00100	0.00000	-	-
121	Saudi Arabia	0.55400	0.72420	<b>21,739</b>	<b>21,739</b>
122	<i>Samoa</i>	<i>0.00100</i>	<i>0.00000</i>	-	-
123	Senegal	0.00500	0.00000	-	-
124	Seychelles	0.00200	0.00000	-	-

A	B	C	D	E	F
	<b>PARTIES</b>	<b>United Nations scale of assessments 2003 *</b>	<b>Scale for the Trust Fund with 22% ceiling and countries that contribute less than 0.1 per cent to the UN, not paying</b>	<b>Annual contributions as per 2003 (USD)</b>	<b>Annual contributions as per 2004 (USD)</b>
<b>No.</b>		(per cent)	(per cent)		
125	Singapore	0.39300	0.51374	<b>15,422</b>	<b>15,422</b>
126	Slovakia	0.04300	0.00000	-	-
127	Slovenia	0.08100	0.00000	-	-
128	South Africa	0.40800	0.53334	<b>16,010</b>	<b>16,010</b>
129	Spain	2.51875	3.29255	<b>98,838</b>	<b>98,838</b>
130	Sri Lanka	0.01600	0.00000	-	-
131	Sweden	1.02675	1.34219	<b>40,290</b>	<b>40,290</b>
132	Switzerland	1.27400	1.66540	<b>49,993</b>	<b>49,993</b>
133	Syrian Arab Republic	0.08000	0.00000	-	-
134	Thailand	0.29400	0.38432	<b>11,537</b>	<b>11,537</b>
135	The former Yugoslav Republic of Macedonia	0.00600	0.00000	-	-
136	Trinidad and Tobago	0.01600	0.00000	-	-
137	Tunisia	0.03000	0.00000	-	<b>0</b>
138	Turkey	0.44000	0.57518	<b>17,266</b>	<b>17,266</b>
139	Turkmenistan	0.00300	0.00000	-	-
140	Uganda	0.00500	0.00000	-	-
141	Ukraine	0.05300	0.00000	-	-
142	United Arab Emirates	0.20200	0.26406	<b>7,927</b>	<b>7,927</b>
143	United Kingdom of Great Britain and Northern Ireland	5.53600	7.23676	<b>217,237</b>	<b>217,237</b>
144	United Republic of Tanzania	0.00400	0.00000	-	-
145	Uruguay	0.08000	0.00000	-	-
146	Uzbekistan	0.01100	0.00000	-	-
147	Venezuela	0.20800	0.27190	<b>8,162</b>	<b>8,162</b>
148	Viet Nam	0.01600	0.00000	-	-
149	Yemen	0.00600	0.00000	-	-
150	<i>Yugoslavia</i>	<i>0.02000</i>	<i>0.00000</i>	-	-
151	Zambia	0.00200	0.00000	-	<b>0</b>
152	European Community	2.50000	2.50000	<b>75,046</b>	<b>75,046</b>
	<b>TOTAL</b>	81.42480	<b>100.00000</b>	<b>3,001,854</b>	<b>3,001,854</b>

*New Parties after fifth meeting of the Conference of the Parties are printed in italics.*

\* United Nations General Assembly Fifty-fifth session Agenda item 122

Report symbol: A/55/521/Add.1



**Appendix IV****Budget****Technical Cooperation Trust Fund (BD)  
Years 2003 –2004**

	COP 5 budget	COP 6 budget	
	2002	2003	2004
<b>10 PERSONNEL COMPONENT</b>			
<i>Consultants</i>			
1201Compliance mechanism - Experts and advisers	-	25,000	25,000
<b>Sub-total, Consultants</b>	-	<b>25,000</b>	<b>25,000</b>
<i>1600Travel on Official Business</i>			
1601Official Travel - Compliance mechanism, Information gathering missions	-	10,000	10,000
<b>1699Total, Travel On Official Business</b>	-	<b>10,000</b>	<b>10,000</b>
<b>1999TOTAL STAFF COMPONENT</b>	-	<b>35,000</b>	<b>35,000</b>
<b>20SUB-CONTRACT COMPONENT</b>			
<b>2100Sub-contracts Component</b>			
2101Development and maintenance of web portals for information system of BCRC's	-	100,000	100,000
2102Assistance in Development of Information Systems for national reporting and HW management (40 Countries)	260,000	200,000	200,000
2103Projects for the implementation of the Strategic Plan	-	250,000	250,000
2150Interim financial mechanism for the liability and compensation	-	500,000	500,000
<b>2999TOTAL SUB-CONTRACT COMPONENT</b>	<b>260,000</b>	<b>1,050,000</b>	<b>1,050,000</b>
<b>3100Training</b>			
3101Technical Assistance and Technical Matters (Inputs from BCRC business plans) (In 2002 budget B/L called: Technical assistance to 10 Countries)	272,500	375,000	375,000
3102Capacity Building (Inputs from BCRC business plans)	100,000	935,000	935,000
<b>3199Sub-total training</b>	<b>472,500</b>	<b>1,310,000</b>	<b>1,310,000</b>
<b>3200Group training</b>			
3201Regional / Sub-Regional Workshops and Seminars on Implementation of the Strategic Plan (5 meetings per biennium, 50 participants)	157,500	250,000	250,000
3202Basel Convention Regional Centres (Inventories and National Legislations (12 Centres))	400,000	485,000	485,000
3203Workshops for Customs and Enforcement Officers on Prevention of Illegal Traffic, implementation plans of HW management.	-	340,000	340,000
<b>3299Sub-total Group training</b>	<b>557,500</b>	<b>1,075,000</b>	<b>1,075,000</b>

	<b>COP 5 budget</b>	<b>COP 6 budget</b>	
	<b>2002</b>	<b>2003</b>	<b>2004</b>
<b>3300 Meetings &amp; Conferences (travel and DSA costs of participants)</b>			
3301 Conference of Parties (1 meeting per biennium)	200,000	-	770,000
3302 Open-ended Working Group 1	105,000	220,500	-
3303 Open-ended Working Group 2	200,000	220,500	-
3304 Open-ended Working Group 3	200,000	-	371,000
3307 Committee on Compliance Mechanism	-	65,000	65,000
3308 Expert Group on end of life cycle mobile phones (1 meeting per annum, 4 travels per meeting)	-	14,000	14,000
3309 Committee on Compliance (1 meeting per annum, 12 travels per meeting)	-	42,000	42,000
<b>3399 Sub-total meetings and conferences</b>	<b>705,000</b>	<b>562,000</b>	<b>1,262,000</b>
<b>3999 TOTAL MEETINGS AND CONFERENCES COMPONENT</b>	<b>1,735,000</b>	<b>2,947,000</b>	<b>3,647,000</b>
<b>99 TOTAL OPERATIONAL COSTS</b>	<b>1,995,000</b>	<b>4,032,000</b>	<b>4,732,000</b>
13% Programme Support Costs	259,350	524,160	615,160
<b>TOTAL BUDGET OF THE TRUST FUND</b>	<b>2,254,350</b>	<b>4,556,160</b>	<b>5,347,160</b>

## Conclusion of the President on the United Nations scale of assessments

The United Nations scale of assessments will apply to contributions to the Basel Convention Trust Fund for 2003 – 2004. With reference to paragraph 7 of the terms of reference and paragraph 23 of decision VI/41 on financial matters, and as a result of the discussions, it was understood that, in this interim period, the difference in contributions between the new scale and the scale agreed at fifth meeting of the Conference of the Parties should not affect developing countries and countries with economies in transition.

### Statements

#### Canada

“It is the view of my delegation that the United Nations scale, as adopted in New York, is the result of an agreement among all United Nations members. While it may be modified to reflect differences in membership, it should not be applied in different ways to different categories of countries. It is also the firm belief of my delegation that the Basel Convention is for the protection of the environment, to the benefit of all countries. It requires the support of all, developed and developing countries alike.

Finally, it is unfortunate that this issue overtook the positive outcomes of this meeting. Namely, the fact that the Parties have agreed to provide for translation and interpretation in the six official UN languages for the Open-ended Working Group. Unfortunately, the Parties will simply remember the difficult discussions related to the scale of assessments.

#### Group of 77 and China

The Group of 77 and China would like to thank the President of the Conference for the conclusion just read by him and which reflects the understanding of the Parties in relation to the decision on institutional and financial arrangements, and will be happy to cooperate with all Parties during the seventh meeting of the Conference of the Parties and give due consideration to the compilation of a paper, which will contain the views of the Parties on the scale of assessments for the Basel Convention Trust Fund as stated in paragraph 24 and 25 of the decision referred to above in order to enable the next Conference to decide on the future scale of assessments for the Basel Trust Fund.



The background of the entire page is a grayscale, high-magnification microscopic image of biological cells. The cells are various shapes and sizes, some appearing as clusters or chains, with visible internal structures and membranes. The overall texture is granular and complex, typical of a histological or cytological slide.

# **BASEL CONVENTION**

## COMPILATION OF DECISIONS

Decisions adopted by the Conference of the Parties to  
the Basel Convention at its seventh meeting

Geneva, 25 – 29 October 2004



## VII/1. Strategic Plan for the Implementation of the Basel Convention

*The Conference of the Parties,*

*Recalling* its decisions VI/1 and VI/2, by which it adopted the Strategic Plan for the Implementation of the Basel Convention to 2010 as the major instrument to give further effect to the Basel Declaration on Environmentally Sound Management,

*Noting* with appreciation the report by the Secretariat on progress in the implementation of the Strategic Plan,

*Welcoming* the progress made in the implementation of the project proposals approved under the Strategic Plan,

*Recalling* that the Open-ended Working Group should review and amend as necessary the action table in the light of experience gained in the implementation of the activities in 2003-2004,

*Noting* that a sustainable and adequate financial basis is essential for the implementation of priority actions of the strategic plan up to 2010,

1. *Agrees* that Parties and the Basel Convention regional centres, in partnership with other stakeholders, should continue to promote the implementation of the Strategic Plan;
2. *Requests* the Secretariat to assist the Parties and the Basel Convention regional centres in the preparation of projects for submission to donors in 2005–2006;
3. *Requests* the Secretariat to continue to assist the Parties, the Basel Convention regional centres and other stakeholders in the development and implementation of priority activities contained in the Strategic Plan under the guidance of the Open-ended Working Group and in the preparation of partnership programmes to support the Strategic Plan;
4. *Strongly encourages* recipient Parties to include priorities for projects that implement the Strategic Plan in their national development assistance programmes and to request other Parties, the Basel Convention regional centres and the Secretariat to help them approach donors for assistance in mobilizing available financial resources to that end;
5. *Requests* the Secretariat to report to the Conference of the Parties at its eighth meeting on progress in the implementation of the Strategic Plan and, as appropriate, to the Open-ended Working Group on experience gained and obstacles encountered.

## VII/2. Hazardous waste minimization

*The Conference of the Parties,*

*Reaffirming* the fundamental aims of the Basel Convention, namely, the reduction of transboundary movements of hazardous and other wastes subject to the Basel Convention, the prevention and minimization of their generation, the environmentally sound management of such wastes and the active promotion of the transfer and use of cleaner technologies,

*Recalling* the ministerial declaration made at the fifth meeting of the Conference of the Parties, which it states that, despite the concerted efforts made during the first decade of the Basel Convention, hazardous waste generation has continued to grow at the global level and transboundary movements of hazardous wastes and other wastes are still of concern,

*Referring* to the Strategic Plan for the Implementation of the Basel Convention, which aims to assist Parties to the Basel Convention to achieve the environmentally sound management of hazardous wastes and other wastes, emphasizing the minimization of such wastes,

*Recognizing* the challenges that Parties face in developing and implementing hazardous waste minimization strategies, including the development of technologies, materials and products to that end,

*Noting with appreciation* the work done so far by the Basel Convention regional centres and recognizing their essential role in building partnerships to meet the global waste challenge,

*Calls upon* all Parties and other States to increase their efforts to take steps to reduce the generation and transboundary movements of hazardous wastes and other wastes subject to the Basel Convention;

*Encourages* Parties to select at least one hazardous waste stream of particular concern to it or, in collaboration with the Basel Convention regional centres, to prepare regional pilot projects, for special

efforts to be made regarding hazardous waste generation prevention or reduction and, in the interest of sharing experiences for the benefit of all Parties, to submit information to the Secretariat on measures taken, results and experiences gained;

*Also encourages* Parties to support partnerships between governmental authorities, industry, environmental groups and other stakeholders;

*Requests* the Secretariat to make the information mentioned above available on the Convention web site (www.basel.int) and, on request, by mail to Parties for their consideration and to prepare for possible further considerations at the eighth meeting of the Conference of the Parties.

### **VII/3. Basel Convention Partnership Programme**

*The Conference of the Parties,*

*Recalling* its decision VI/32,

1. *Adopts* the work plan of the Basel Convention Partnership Programme for 2005–2006 as contained in the annex to the present decision;
2. *Requests* the Secretariat, subject to the availability of resources, to continue implementation of the work plan in cooperation with all relevant and interested partners and to keep the Open-ended Working Group and the Conference of the Parties regularly informed on progress as well as initiatives to include new projects in order to adopt a decision on this matter;
3. *Encourages* Parties and signatories to follow the lead of Australia, Japan and Switzerland in providing funding to the Basel Convention Partnership Programme and becoming actively involved in the programme;
4. *Encourages* broader civil society, including environmental non-governmental organizations and the private sector, in particular industry, to provide technical and financial support for the Basel Convention Partnership Programme and to become involved in specific activities at the regional, national and international levels.

### **Annex to decision VII/3 on the Basel Convention Partnership Programme**

#### **Basel Convention Partnership Programme: 2005–2006 work plan**

#### **A. Background**

1. At its sixth meeting, in Geneva in December 2002, the Conference of the Parties to the Basel Convention agreed in decisions VI/32 to develop a work programme for cooperation with industry and business sectors and environmental non-governmental organizations with the aim of developing strategic partnerships relevant to the implementation of the Convention, its amendments and protocols.
2. This document outlines a work programme that responds to that decision. In particular, it:
  - (a) Takes into account activities for 2003–2004 under the Strategic Plan for the Implementation of the Basel Convention;
  - (b) Takes into account the Basel Convention regional centres as potential delivery mechanisms for the promotion and nurturing of public-private partnerships that take into consideration regional or subregional specificities;
  - (c) Supports the aims of the Basel Declaration on Environmentally Sound Management;
  - (d) Recognizes and complements existing initiatives and projects.

#### **B. Introduction**

3. The worldwide environmentally sound management of hazardous and other wastes as called for in the Basel Declaration on Environmentally Sound Management requires action at all levels of society. Training, information, communication, methodological tools, capacity-building with financial support, transfer of know-how, knowledge and sound and proven cleaner technologies and processes are driving factors to assist in the concrete implementation of the Basel Declaration.
4. The effective involvement and coordination by all concerned stakeholders is seen as essential for achieving the aims of the Basel Declaration.
5. The challenge is to find and develop practical, sustainable solutions to de-link economic



development and the waste it traditionally generates. Alternative development models do exist. Industry and Governments have begun to embrace cleaner production technologies and extend producer liability, which provides built-in incentives for greener, less wasteful production and products.

6. Growth in partnerships is hindered by a broad perception that the Basel Convention deals only with hazardous wastes and/or only with the transboundary movement of such wastes. This is particularly acute when the Convention seeks to engage industry in the end-of-life implications of products which during their life are not hazardous or wastes. Conversely, considerable potential exists for a broader interpretation of the role of the Basel Convention as an instrument contributing to effective life cycle management of materials and products – e.g., in areas of waste minimization, design for environment, cleaner production and changing consumption patterns, as well as management of wastes, including municipal wastes.

## C. General principles

### 1. Rights and responsibilities

7. Partnerships cannot create or abrogate rights or responsibilities of Parties under the Basel Convention.

8. The Partnership Programme is under the authority of the Conference of the Parties to the Basel Convention.

### 2. United Nations guidelines for cooperation with the business community

9. Irrespective of any situation-specific nature, the Partnership Programme supports and is consistent with the United Nations Environment Programme and the United Nations Global Compact. United Nations guidelines<sup>1</sup> stipulate that cooperative arrangements should be guided by the following general principles:

(a) Advance United Nations goals: The objectives need to be articulated clearly and must advance United Nations goals as laid out in the Charter of the United Nations;

(b) Clear delineation of responsibilities and roles: The arrangements must be based on a clear understanding of respective roles and expectations, with accountability and a clear division of responsibilities;

(c) Maintain integrity and independence: Arrangements should not diminish the United Nations' integrity, independence and impartiality;

(d) No unfair advantage: Every member of the business community should have the opportunity to propose cooperative arrangements, within the parameters of these guidelines. Cooperation should not imply endorsement or preference of a particular business entity or its products or services;

(e) Transparency: Cooperation with the business sector must be transparent. Information on the nature and scope of cooperative arrangements should be available within the organization and to the public at large.

## D. Programme objectives

10. Given the size and nature of the waste challenge and the call on both expertise and resources (internal and external), the Basel Convention Partnership Programme is focused on the following objectives:

(a) To initiate and oversee practical project activity in priority areas, with particular regard to the generation, movement and environmentally sound management of waste and active promotion of the transfer and use of cleaner technologies;

(b) To broaden the resource and support base of the Convention, particularly through:

(i) Improved local and regional participation;

(ii) Improved analysis, understanding and political support for the broadest programme perspective of the role of the Basel Convention in the waste challenge;

<sup>1</sup> *Building Partnerships: Cooperation between the United Nations and the Business Community* (United Nations publication, Sales No. E.02.I.12).

- (iii) Enhanced access to external expertise and resources (for example, from industry, environmental non-governmental organizations, philanthropic organizations and other United Nations agencies and regional and national authorities);

- (c) To improve stakeholder participation and communication.

## **E. Priority areas**

11. The Strategic Plan for the Implementation of the Basel Convention to 2010, adopted at the sixth meeting of the Conference of the Parties (December 2002), identifies priority waste streams as including electronic wastes, used lead-acid batteries, used oils, obsolete stocks of pesticides, PCBs, dioxins/furans, by-products from the dismantling of ships, biomedical wastes and healthcare wastes. At the first meeting of the Open-ended Working Group (April–May 2003) it was agreed to fund a new partnership with municipalities for the environmentally sound management of hazardous waste in urban areas<sup>2</sup>. These priorities are, or may be, included in the Basel Convention Partnership Programme.

12. Other partnership opportunities will arise periodically that require a timely response from the Secretariat of the Basel Convention. The Secretariat will assess and initiate responses to these opportunities as required.

13. Programme activities encompassed within the above programme objectives are represented in table 1.

## **F. Stakeholders**

14. The engagement of civil society is a priority for the Partnership Programme. Partnership initiatives should fully involve environmental and other non-governmental organizations, along with industry leaders.

15. The Basel Convention Partnership Programme recognizes old friends but acknowledges that sustained interest in the waste challenge and the broadening programme perspective needed of the Convention will require additional partners.

16. There is also a need to look beyond the traditional environmental non-governmental organizations if the Basel Convention is to succeed in developing strategic alliances with organizations with potentially related agendas (e.g., non-governmental organizations involved in poverty reduction, economic or social development, health promotion or occupational health and safety issues) and foundations involved in broader philanthropic work.

17. Basel Convention regional centres have a key role to play both in promoting the Convention amongst potential partners and in providing capacity-building, training and other services at the regional level.

18. Stakeholders will vary according to the particular project or initiative. The criteria for selection of partners will include:

- (a) Demonstrated commitment to the principles, practice and promulgation of the concept of environmentally sound management;

- (b) Demonstrated commitment to engage in meaningful dialogue and cooperation with other partners, the Parties and signatories to the Basel Convention, Basel Convention regional centres, and the Secretariat of the Basel Convention;

- (c) Demonstrated expertise or standing in the subject of the particular project or initiative;

- (d) Demonstrated networking capacity.

19. The involvement of partners will at all times be voluntary.

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<sup>2</sup> Decision OEWG-I/1.

**Table 1**

**Basel Convention Partnership Programme  
Work plan 2005–2006**

	Objective	Programme elements	Key activities	Performance indicators
1	Initiate and oversee practical project activity in priority areas, with particular regard to the generation, movement and environmentally sound management of waste and active promotion of the transfer and use of cleaner technologies	Cooperative project development and implementation  Awareness-raising  Stakeholder participation	1. Mobile Phone Partnership Initiative 2. Personal computers 3. Obsolete stocks of pesticides in Africa 4. Used oils partnership for Africa 5. Biological and medical waste 6. Used lead-acid batteries 7. Partnerships with municipalities for the environmentally sound management of hazardous wastes in urban areas	Effective partnerships established with relevant stakeholders to support environmentally sound management activities for priority waste streams identified in the strategic plan; Ratification and implementation of the Basel Convention, its protocols, amendments and decisions
2	Broaden the resource and support base of the Convention	Awareness raising  Fundraising  Stakeholder participation	Develop and implement a fundraising programme  Identify and contact likely donors	Improved local and regional participation  Improved analysis, understanding and political support  Enhanced access to external expertise and resources (for example, from industry, environmental non-governmental organizations, philanthropic organizations and other United Nations agencies and regional and national authorities)
3	Improve stakeholder participation and communication	Stakeholder participation  Communications and public affairs activities	Establishment of a Basel Convention partners forum  (Aimed at formalizing regular discussion between non-governmental organization partners of the Convention)	Improved support from key industry and non-governmental organization leaders for the aims of the Basel Convention  Improved support for Basel Convention regional centres  Improved Convention newsletter

#### **VII/4. Mobile Phone Partnership Initiative**

*The Conference of the Parties,*

*Having regard to the Basel Declaration on Environmentally Sound Management,*

*Having considered decision VII/3 on partnership with environmental non-governmental organizations and with the industry and business sectors,*

*Recalling its decision VI/31 on sustainable partnership for the environmentally sound management of end-of-life mobile phones,*

*Taking note with appreciation of the initiative taken by the President of the Expanded Bureau of the fifth meeting of the Conference of the Parties to establish a sustainable partnership on the environmentally sound management of end-of-life mobile phones,*

*Welcoming* the work of the mobile phone working group and various project groups that deal with refurbishment, collection, transboundary movements, recycling and awareness raising,

*Welcoming also* the financial contributions made by Australia, Japan, Switzerland and Shields Environmental Group (UK) and in-kind contributions made by Parties, signatories, mobile phone manufacturers and other stakeholders,

*Noting* the great efforts that have been made by Parties, industry and other stakeholders to prepare various project reports and an overall guidance document on environmentally sound management of end-of-life mobile phones,

*Noting also* that additional effort and greater participation from all Parties and stakeholders is necessary to finalize those reports,

*Acknowledging* that the partnership with environmental non-governmental organizations and with the industry and business sectors has the capacity to contribute to the environmentally sound management of end-of life products and should assist in the promotion of sustainable consumption and production patterns as endorsed in the Plan of Implementation of the World Summit on Sustainable Development,

1. *Encourages* all Basel Convention regional centres actively to participate in the Mobile Phone Partnership Initiative;
2. *Invites* comments on the overall guidance document and individual project group reports, to be submitted to the Secretariat of the Basel Convention by 31 December 2004;
3. *Requests* the mobile phone working group to finalize the overall guidance document and individual project reports and then to submit the overall guidance document to the Open-ended Working Group at its fourth session for consideration and provisional adoption as a Basel Convention guidance document;
4. *Also requests* the Open-ended Working Group to submit the overall guidance document to the Conference of the Parties at its eighth meeting for final adoption;
5. *Decides* that the mobile phone working group continue to work under the guidance of the Open-ended Working Group;
6. *Invites further* the Parties and signatories to implement the final overall guidance document and individual project group reports when establishing collection, refurbishment or recycling projects;
7. *Requests* the Secretariat:
  - (a) To continue to coordinate the activities of the mobile phone working group and various project groups;
  - (b) To initiate, at an appropriate time, one or several pilot projects on collection schemes in areas and regions in need of such projects, using funds provided by mobile phone working group participants, and, where appropriate, to involve the Basel Convention regional centres;
  - (c) To report regularly to the Open-ended Working Group and finally to the Conference of the Parties at its eighth meeting on the progress made;
8. *Also invites* Parties, signatories, members of industry and international governmental and non-governmental organizations to make financial and in-kind contributions for the implementation of pilot projects on collection and treatment schemes and for the publication of final reports of the mobile phone working group, including the overall guidance document.

## **VII/5. Small island developing States**

*The Conference of the Parties,*

*Recognizing* that the Strategic Plan for the Implementation of the Basel Convention adopted in decision VI/1 represents a useful way forward for implementing the objectives of the Basel Declaration on Environmentally Sound Management, in particular in small island developing States,

*Welcoming* the holding of the international meeting to review the implementation of the Barbados Programme of Action for the Sustainable Development of Small Island Developing States, to be held in Mauritius from 10 to 14 January 2005,

*Taking note* of the specific constraints facing small island developing States in the implementation of the Basel Convention, in particular their unique geographical characteristics,

vulnerability, lack of adequate resources and expertise, as well as high costs of transport and disposal operations for hazardous waste,

*Conscious of* the need to take urgent action in small island developing States to meet the obligations of the Basel Convention as well as other related regional agreements,

1. *Draws the attention* of the participants at the international meeting to review the implementation of the Barbados Programme of Action to the need to give due consideration to the issue of the environmentally sound management of hazardous waste in view of its importance in the implementation of and follow-up to the Barbados Programme of Action;

2. *Requests* the Secretariat, as part of its work on capacity-building, to cooperate closely with the United Nations Department of Economic and Social Affairs as organizer of the above-mentioned international meeting as well as other relevant stakeholders, including Basel Convention regional centres, in the development and implementation of specific activities targeted for small island developing States that support the implementation of the Basel Declaration on Environmentally Sound Management, the Strategic Plan for the Implementation of the Basel Convention, and the follow-up to the Barbados Programme of Action. These activities shall take into consideration, wherever suitable, such principles as the promotion of integrated waste management and regional approaches for the environmentally sound management of hazardous waste.

## **VII/6. Implementation of the Environment Initiative of the New Partnership for Africa's Development as it relates to hazardous wastes and other wastes**

The Conference of the Parties,

*Recalling* the mandate of the Conference of the Parties in its decision VI/10 that the Secretariat of the Basel Convention and the Basel Convention regional centres in Africa cooperate with the secretariats of the African Ministerial Conference on the Environment and the New Partnership for Africa's Development,

*Also recalling* the endorsement by the African Ministerial Conference on the Environment of the utilization of the Basel Convention regional centres in Africa for the implementation of the Environment Initiative of the New Partnership for Africa's Development with respect to the management of hazardous wastes and other wastes,

*Noting* the recommendation of the New Partnership for Africa's Development to enhance capacity-building of regional centres in Africa, including the Basel Convention regional centres in Egypt, Nigeria, Senegal and South Africa, for the management of hazardous wastes in the context of building synergies with the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade,

*Noting also* that several programme activities proposed by a wide range of stakeholders that support the further implementation in Africa of the Basel Declaration on Environmentally Sound Management and the Strategic Plan for the Implementation of the Basel Convention have been selected as priority activities in the context of the Action Plan of the Environment Initiative of the New Partnership for Africa's Development,

1. *Requests* the Secretariat to continue its collaboration with the secretariat of the African Ministerial Conference on the Environment and the secretariat of the New Partnership for Africa's Development with a view to strengthening the development of concerted approaches for the further implementation in Africa of the Basel Declaration on Environmentally Sound Management and the Strategic Plan for the implementation of the Basel Convention;

2. *Encourages* Parties and other stakeholders to contribute financially and with other means to activities concerning the implementation of the Basel Convention in Africa as prioritized in the Action Plan of the Environment Initiative of the New Partnership for Africa's Development;

3. *Also requests* the Secretariat to continue its efforts to obtain financial support for the projects submitted to and endorsed by the African Ministerial Conference on the Environment;

4. *Further requests* the Secretariat to report on progress in the implementation of decision VI/10 to the Conference of the Parties at its eighth meeting.

## VII/7. Follow-up to the World Summit on Sustainable Development

*The Conference of the Parties,*

*Recalling* its decision VI/40 on follow-up to the World Summit on Sustainable Development,

*Welcoming* the concrete activities carried out by the Secretariat, Basel Convention regional centres, Parties and others to contribute to the Plan of Implementation adopted at the World Summit<sup>3</sup>,

*Welcoming* the support expressed at the World Summit for the concept of type II partnerships between Governments, business and civil society,

*Mindful* of the call in the Plan of Implementation for coherence and cooperation between international regimes for wastes, hazardous wastes and chemicals,

1. *Requests* the Secretariat to pursue cooperation with interested stakeholders in support of the Plan of Implementation and type II partnerships between Governments, business and civil society;
2. *Also requests* the Secretariat to report to the Conference of the Parties at its eighth meeting on progress and deliverables.

## VII/8. Capacity-building for implementation of the Strategic Plan

*The Conference of the Parties,*

*Recalling* its decision VI/11 on capacity-building and its decision V/5 on the regional centres for training and technology transfer,

*Welcoming* the specific activities carried out by the Basel Convention regional centres and Parties in close cooperation with the Secretariat of the Basel Convention to implement the Strategic Plan,

*Emphasizing* the importance of aiming at the mutually supportive implementation of related multilateral environmental agreements in the context of the life-cycle approach to the environmentally sound management of chemicals and wastes,

*Recognizing* in particular the need for close collaboration with the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants with regard to the life-cycle management of persistent organic and inorganic pollutants and hazardous chemicals,

*Bearing in mind* that capacity-building, information exchange, awareness-raising and education in all sectors of society are of paramount importance for achieving the aims of the Basel Convention,

1. *Requests* the Secretariat to continue to cooperate with the Basel Convention regional centres, Parties, non-Parties, international organizations, the industry sector and non-governmental organizations, to enhance the worldwide knowledge and the practical implementation of the Basel Convention through awareness-raising and capacity-building activities, subject to the availability of funds;
2. *Further requests* the Secretariat to continue to collaborate closely with UNEP Chemicals, the secretariats of the Rotterdam Convention and the Stockholm Convention and other partners, including the Basel Convention regional centres, with regard to the organization of joint training and capacity-building activities, in particular laying emphasis on socio-economic and financial production models;
3. *Encourages* the Secretariat, in cooperation with the Basel Convention regional centres, to continue to develop capacity-building activities such as workshops, project activities, training materials and decision-supportive tools, in close consultation and partnership with key partners from Governments, specialized agencies, the industry sector, universities and non-governmental organizations, with a view to addressing the needs of Parties for the environmentally sound management of priority waste streams, including, but not limited to, electronic wastes, lead and used lead-acid batteries, used oils, obsolete stocks of pesticides, PCBs, dioxins and furans, asbestos and materials resulting from the dismantling of ships, biomedical and healthcare wastes;

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<sup>3</sup> *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

4. *Invites* Parties, non-Parties, intergovernmental organizations, members of the industry and business sectors and non-governmental organizations to provide financial resources or assistance in-kind to assist countries in need of such assistance in the development of specific capacity-building projects, training, information and awareness-raising activities;

5. *Also invites* Parties to inform the Secretariat of their capacity-building activities and awareness and educational materials related to the implementation of the Basel Convention, to enable it to disseminate such information to other Parties and stakeholders;

6. *Also requests* the Secretariat to submit a report on the activities related to capacity-building to the Conference of the Parties at its eighth meeting.

## VII/9. Basel Convention regional centres: report on progress

*The Conference of the Parties,*

*Recalling* its decision VI/3 on the establishment and functioning of the Basel Convention regional centres for training and technology transfer,

*Recalling* also its decision VI/4 on the business plans of the Basel Convention regional centres,

*Recalling in addition* its decisions VI/1 and VI/2 and Open-ended Working Group decisions OEWG-I/1 and OEWG-II/1,

*Welcoming* progress in the conclusion of the framework agreements, implementation of the business plans and projects proposals under the Strategic Plan,

*Recognizing* the need for funding for the programme of activities of the Basel Convention regional centres,

1. *Requests* the Basel Convention regional centres and the Secretariat to ensure effective implementation of the project proposals contained in their business plans;

2. *Requests* the Secretariat and the Basel Convention regional centres and the Parties served by them to develop a strategy for funding the centres and the activities that they undertake;

3. *Urges* all Parties and signatories in a position to do so, as well as international organizations, including development banks, non-governmental organizations, the private sector and individuals, to make financial contributions to the Technical Cooperation Trust Fund of the Basel Convention or contributions directly to the Basel Convention regional centres on a bilateral basis, to allow the centres to continue to implement the Strategic Plan;

4. *Urges* host Governments of the Basel Convention regional centres and countries served by the centres, as appropriate, to provide adequate support to enable each centre to carry out its core operational activities;

5. *Requests* the Basel Convention regional centres to revise and update the new business plans for 2005–2006;

6. *Invites* the Basel Convention regional centres to continue to carry out capacity-building activities, technology transfer and projects on a regional basis for all the countries which they serve;

7. *Invites* the regional centres to carry out an evaluation of the technology transferred so far and requests the Secretariat to report on such evaluation to the Conference of the Parties at its ninth meeting.

## **VII/10. Establishment of a Basel Convention regional centre in Tehran**

*The Conference of the Parties,*

*Taking note* of the feasibility study submitted by the Islamic Republic of Iran for the establishment of the Basel Convention Regional Centre for Training and Technology Transfer in Tehran,

*Recognizing* the intention of Afghanistan, Bangladesh, the Islamic Republic of Iran, Maldives, Nepal and Pakistan to establish a national institution with a regional role to act as a Basel Convention regional centre through the conclusion of a framework agreement with the Secretariat of the Basel Convention on behalf of the Parties to the Convention in conformity with the decisions of the Conference of the Parties,

*Welcoming* the offer of the Government of the Islamic Republic of Iran to meet the operational costs of the centre for the first three to five years at a rate of US\$ 100,000 per annum,

1. *Requests* the Secretariat to conclude a framework agreement with the Islamic Republic of Iran to establish the Basel Convention Regional Centre for Training and Technology Transfer in Tehran;

2. *Calls upon* the Basel Convention regional centre in Tehran that will be so created, having regard to the need to avoid duplication of activities and to maximize the benefits derived from financial and other resources, to:

(a) Establish a regular line of communication with the neighbouring Basel Convention regional centres;

(b) Utilize the expertise of the neighbouring Basel Convention regional centres to conduct seminars, workshops, training courses and exhibitions, when needed;

(c) Consult the neighbouring Basel Convention regional centres with a view to ensuring cooperation and coordination, when needed.

## **VII/11. Designation of competent authorities and focal points**

*The Conference of the Parties,*

*Recalling decision* VI/38 on competent authorities and focal points,

1. *Calls on Parties* to designate competent authorities and focal points for the Convention, if they have not done so, and to submit such designations to the Secretariat, including any modifications or additions as they occur;

2. *Urges* Parties to provide up-to-date contact details of competent authorities and focal points to the Secretariat to ensure the efficient transmission of information;

3. *Requests* Parties that have designated multiple competent authorities to make sufficient information available regarding the functions and geographical area covered by each of its competent authorities;

4. *Invites* non-Parties and interested organizations to identify contact persons for the Convention, if they have not done so, and to submit the relevant information to the Secretariat, including any modifications or additions as they occur;

5. *Requests* the Secretariat to continue to maintain the list of competent authorities and focal points and to post it on the Convention web site to facilitate communications concerning matters related to the Convention.



## VII/12. Work programme of the Open-ended Working Group for 2005–2006

*The Conference of the Parties,*

*Recalling* its decision VI/37 on the work programme of the Open-ended Working Group,

*Aware* that the funds available to carry out the activities listed in the work programme are limited,

*Mindful* of the need to develop a work programme that facilitates synergies among programme activities,

*Mindful also* of the development of the Basel Convention Partnership Programme,

1. *Adopts* the work programme of the Open-ended Working Group for 2005–2006 contained in the annex to the present decision;
2. *Requests* the Open-ended Working Group at its fourth session to arrange its activities.

### Annex

#### Work programme of the Open-ended Working Group (2005–2006)

##### I. Technical and capacity-building

Tasks	Activities	Decisions of the Conference of the Parties at its seventh meeting
A. Strategic Plan for the Implementation of the Basel Convention (to 2010)	Provide guidance on the implementation of the Strategic Plan.	VII/1, VII/2, VII/5, VII/6, VII/7, VII/8
B. Work on harmonization and coordination	1. Revise the forms for notification and movement documents and related instructions.  2. Keep under review work under way in intergovernmental forums, including the working relationship with the United Nations Sub-Committee of Experts on the Globally Harmonized System.	VII/22  VII/38
C. Harmonized Commodity Description and Coding System (HS) of the World Customs Organization (WCO)	Continue work on the separate identification in the WCO/HS of certain wastes contained in Annexes VIII and IX.	VII/38

Tasks	Activities	Decisions of the Conference of the Parties at its seventh meeting
D. Classification and hazard characterization of wastes	<p>1. Classification:</p> <ul style="list-style-type: none"> <li>a) Review or adjustment of wastes contained in Annexes VIII and IX;</li> <li>b) Consider issues related to the questionnaire concerning the national classification and control procedures for the import of wastes in Annex IX.</li> </ul> <p>2. Complete the work on hazard characteristic H10.</p> <p>3. Elaborate on the guidance document on hazard characteristic H11 to include work on an appropriate de minimis level.</p> <p>4. Review scientific information on the disposal of PVC wastes.</p>	<p>VII/20</p> <p>VII/17</p> <p>VII/17</p> <p>VII/18</p>
E. Technical guidelines on environmentally sound management	<p>1. Complete technical guidelines on:</p> <ul style="list-style-type: none"> <li>a) The environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants, namely, PCDDs and PCDFs, DDT, HCB, and the eight pesticides aldrin, chlordane, dieldrin, endrin, HCB, heptachlor, mirex and toxaphene;</li> <li>b) Waste resulting from surface treatment of metals and plastics (Y17).</li> </ul> <p>2. Work further on the methodology for further definition of low persistent organic pollutant content and levels of destruction and irreversible transformation.</p> <p>3. Review and update the general technical guidelines and the guidelines on PCBs, PCTs and PBBs, if appropriate.</p> <p>4. 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).</p> <p>5. Assess the implementation of existing technical guidelines with a view to identifying practical difficulties and obstacles to their effective implementation.</p>	<p>VII/13</p> <p>VII/15</p> <p>VII/13</p> <p>VII/13</p> <p>VII/16</p>
F. Basel Convention regional centres	<p>1. Provide guidance, as necessary, to the centres.</p> <p>2. Provide guidance on the implementation of the Strategic Plan, including the business plans of the centres, at the regional level.</p>	<p>VII/9, VII/1</p>
G. Dismantling of ships	<p>Consider practical and technical aspects of the work undertaken by the International Maritime Organization (IMO) and the joint</p>	<p>VII/25, VII/26, VII/27</p>

Tasks	Activities	Decisions of the Conference of the Parties at its seventh meeting
	IMO/International Labour Organization/Basel Convention working group, and information on the abandonment of ships.	
H. Reporting	Consider reporting schemes and reports submitted by Parties, as necessary, in accordance with the requirements of article 13.	VII/35

## II. Legal and compliance

Tasks	Activities	Decisions of the Conference of the Parties at its seventh meeting
A. Prevention and monitoring of illegal traffic	<ol style="list-style-type: none"> <li>1. Review and, if necessary, update the guidance elements based on practical experience.</li> <li>2. Finalize the training manual for the enforcement of laws implementing the Basel Convention.</li> <li>3. Provide guidance to the Secretariat as necessary.</li> </ol>	VII/34  VII/34
B. Protocol on Liability and Compensation	<ol style="list-style-type: none"> <li>1. Analyse, based on a compilation of submissions from Parties, the obstacles and difficulties faced by the Parties in their process of ratification of or accession to the Protocol.</li> <li>2. Finalize the instruction manual.</li> <li>3. Undertake any other necessary tasks related to the preparation of the first meeting of the Parties to the Protocol.</li> </ol>	VII/28  VII/28
C. Emergency mechanism and enlargement of the scope of the Technical Cooperation Trust Fund	Provide guidance as necessary on improvement of operations.	
D. Dismantling of ships	Complete the analysis of the legal aspects of the dismantling of ships.	VII/26

## III. Partnership and resource mobilization

Tasks	Activities	Decisions of the Conference of the Parties at its seventh meeting
A. Partnership Programme	<ol style="list-style-type: none"> <li>1. Provide guidance to the Secretariat on the implementation of the Partnership Programme.</li> <li>2. Consider outcomes of the programme.</li> </ol>	VII/3, VII/4  VII/3, VII/4
B. Resource mobilization	Provide guidance to the Secretariat regarding resource mobilization.	Para. 140 of the report

#### IV. General

Tasks	Activities	Decisions of the Conference of the Parties at its seventh meeting
A. Budget and financial matters	Consider matters related to the budget of the Convention and related financial matters.	VII/40, VII/41
B. Draft decisions for the Conference of the Parties	Prepare draft decisions for the consideration of the Conference of the Parties.	

### VII/13. Technical guidelines on persistent organic pollutants

*The Conference of the Parties,*

*Recalling* its decision VI/23 on the preparation of technical guidelines on the environmentally sound management of persistent organic pollutants as wastes,

*Noting* that at its first meeting, the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants, in accordance with article 6, paragraph 2, of the Stockholm Convention, will consider the general technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants and the technical guidelines on polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) and polybrominated biphenyls (PBBs) prepared under the auspices of the Basel Convention,

*Noting also* with appreciation the roles played by Parties and others, especially Canada as lead country, in the preparation of the general guidelines and the guidelines on PCBs, PCTs and PBBs,

1. *Adopts* the general technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants<sup>4</sup> and the technical guidelines for environmentally sound management of wastes consisting of, containing or contaminated with polychlorinated biphenyls, polychlorinated terphenyls or polybrominated biphenyls<sup>5</sup>;
2. *Requests* the Secretariat to disseminate the technical guidelines to Parties, signatories, intergovernmental organizations, environmental non-governmental organizations and industry in all official languages of the United Nations;
3. *Further requests* the Secretariat to submit the technical guidelines to the Conference of the Parties of the Stockholm Convention at its first meeting through the Secretariat of the Stockholm Convention;
4. *Invites* Parties and others to use these technical guidelines, taking into account article 6.2 of the Stockholm Convention, and, two months before the eighth meeting of the Conference of the Parties, to submit a report to the Conference of the Parties, through the Secretariat, on their experience in the application of the guidelines, including any difficulties or obstacles encountered, with a view to improving them as necessary;
5. *Requests* the Open-ended Working Group to review and, if appropriate, prepare proposals for updating these technical guidelines for consideration at the latest by the ninth meeting of the Conference of the Parties;
6. *Invites* the bodies of the Stockholm Convention to consider best available technologies and best environmental practices with respect to unintentionally produced persistent organic pollutants, including the more recent technologies for destruction and irreversible transformation listed in the general technical guidelines;
7. *Encourages* Parties and others to make more data publicly available on, among other things, the persistent organic pollutant content in wastes and destruction efficiencies;
8. *Agrees* that the methodology for further definition of low persistent organic pollutant content, levels of destruction and irreversible transformation should be included in the work programme of the Open-ended Working Group for 2005–2006, as indicated in the annex to the present decision;

<sup>4</sup> UNEP/CHW.7/8/Add.1/Rev.1.

<sup>5</sup> UNEP/CHW.7/8/Add.2/Rev.1.

9. *Requests* the Open-ended Working Group to finalize the other technical guidelines regarding persistent organic pollutants with a view to their adoption at the eighth meeting of the Conference of the Parties;
10. *Invites* Parties and others to submit comments to the Secretariat and Australia by 31 January 2005 on the draft technical guidelines regarding polychlorinated dibenzo-p-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs);
11. *Requests* Australia, in consultation with the small intersessional working group established by the Open-ended Working Group at its first session, to prepare revised draft technical guidelines regarding PCDDs and PCDFs for consideration by the Open-ended Working Group at its fourth session;
12. *Requests* Mexico, in consultation with the small intersessional working group, to prepare a first draft of technical guidelines on dichloro-diphenyl-trichloroethane (DDT) for consideration by the Open-ended Working Group at its fourth session;
13. *Invites* Parties and others to submit comments to the Secretariat by 31 January 2005 on draft technical guidelines on the group of eight pesticides comprising aldrin, chlordane, dieldrin, endrin, hexachlorobenzene (HCB), heptachlor, mirex and toxaphene;
14. *Requests* the Secretariat, in consultation with the small intersessional working group, to prepare revised draft technical guidelines regarding the eight pesticides and a first draft of the technical guidelines regarding HCB for consideration by the Open-ended Working Group at its fourth session and requests the Open-ended Working Group to consider if these two guidelines should be merged;
15. *Invites* the Food and Agriculture Organization of the United Nations to contribute to the preparation of the technical guidelines regarding the eight pesticides;
16. *Decides* to extend the mandate of the small intersessional working group to continue to monitor and assist in the preparation, review and updating, as appropriate, of technical guidelines regarding persistent organic pollutants, working in particular by electronic means.

## **VII/14. Technical guidelines on the environmentally sound recycling/reclamation of metals and metal compounds (R4)**

*The Conference of the Parties,*

*Recalling* decision VI/37 on the work programme of the Open-ended Working Group and in particular that part of it that refers to the preparation of technical guidelines,

*Noting* with appreciation the roles played by Parties and others, especially Australia as lead country, in the preparation of the technical guidelines on the recycling/reclamation of metals and metal compounds (R4),

1. *Adopts* the technical guidelines on the environmentally sound recycling/reclamation of metals and metal compounds (R4) contained in the note by the Secretariat<sup>6</sup>;
2. *Requests* the Secretariat to disseminate the technical guidelines to Parties, signatories, intergovernmental organizations, environmental non-governmental organizations and industry, in all official languages of the United Nations;
3. *Invites* Parties and others to use the technical guidelines and to report at least two months before the eighth meeting of the Conference of the Parties, through the Secretariat, on their experiences, including any difficulties in their application of the technical guidelines, with a view to improving the technical guidelines as necessary.

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<sup>6</sup> UNEP/CHW.7/8/Add.3.

## **VII/15. Preparation of technical guidelines on the environmentally sound management of wastes resulting from surface treatment of metals and plastics (Y17)**

*The Conference of the Parties,*

*Recalling* decision VI/37 on the work programme of the Open-ended Working Group and in particular that part of it that refers to the preparation of technical guidelines,

*Noting* with appreciation the roles played by Parties and others, especially Australia as lead country, in the preparation of draft technical guidelines on the environmentally sound management of wastes resulting from surface treatment of metals and plastics (Y17),

1. *Requests* the Open-ended Working Group to finalize the technical guidelines on the environmentally sound management of wastes resulting from surface treatment of metals and plastics (Y17) with a view to their interim adoption by the Open-ended Working Group at its fourth session;
2. *Invites* Parties and other stakeholders to provide comments to Australia by 31 January 2005 and to transmit copies of those comments to the Secretariat.

## **VII/16. Implementation of existing technical guidelines**

*The Conference of the Parties,*

*Recalling* its decision VI/37 on the work programme of the Open-ended Working Group and in particular its decisions VI/20, VI/21, VI/22 and VI/24 on the preparation of technical guidelines,

*Also recalling* Open-ended Working Group decision OEWG-I/13, paragraph 7, inviting comments from Parties and others on the implementation of technical guidelines,

1. *Invites* Parties and others to provide comments to the Secretariat by 31 July 2005 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 and obstacles in their implementation;
2. *Requests* the Secretariat to prepare a compilation of the comments received for consideration by the Conference of the Parties at its eighth meeting.

## **VII/17. Work on hazard characteristics**

*The Conference of the Parties,*

*Recalling* decisions VI/25 on hazard characteristic H6.2 (infectious substances), VI/37 on the work programme of the Open-ended Working Group and VI/29 on international cooperation,

*Mindful* of the usefulness of developing practical guidance on the hazard characteristics listed in Annex III to the Basel Convention to assist Parties and others to implement the Convention effectively,

*Grateful* to those Parties and signatories that have taken the lead in the preparation of guidance papers on hazard characteristics,

*Noting* the importance of the work of the United Nations Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals in regard to the work being pursued on the hazard characteristics of Annex III to the Basel Convention,

*Considering* the interest of the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals in working with the appropriate body of the Basel Convention on hazard characteristics,

*Bearing in mind* the need to cooperate closely with the Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals,

## I.

### Finalization of the work on hazard characteristics

1. *Decides* to adopt, on an interim basis, the three guidance papers on the hazard characteristics H6.2 (infectious substances), H11 (toxic (delayed or chronic)) and H13 (capable after disposal of yielding another hazardous material);<sup>7</sup>
2. *Invites* Parties and others to use these guidance papers and to submit to the Conference of the Parties, through the Secretariat, reports on their experience and any difficulties or obstacles encountered in their application, with a view to improving them as necessary;
3. *Requests* the Parties to contribute actively to the guidance paper on hazard characteristic H10 (liberation of toxic gases in contact with air or water) prepared by the Secretariat with a view to finalizing it in time for a session of the Open-ended Working Group in 2005;
4. *Invites* Parties and others to submit comments to the Secretariat on the H10 guidance paper;

## II.

### Cooperation

5. *Requests* the Open-ended Working Group to establish a working relationship with the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals with a view to exploring possible links between the work undertaken in the context of the Basel Convention on hazard characteristics and the elements of the Globally Harmonized System of Classification and Labelling of Chemicals, including consideration of their respective work programmes to identify inconsistencies, discrepancies or shortcomings with a view to proposing appropriate action;
6. *Also requests* the Secretariat to present to the Open-ended Working Group at its first session in 2005 possible options for establishing a working relationship with the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals.

## VII/18. Review of scientific information on the disposal of PVC wastes

*The Conference of the Parties,*

*Recalling* its decision VI/37 on the work programme of the Open-ended Working Group and decision OEWG-I/11 of the Open-ended Working Group,

*Noting* that work on Annex III hazard characteristics, in particular H10, H11 and H13, is progressing and represents a necessary step in considering the classification of, for example, PVC wastes,

*Aware* of the work relating to PVC in other international forums,

1. *Agrees* to include the review of scientific information on the disposal of PVC wastes in the work programme of the Open-ended Working Group for the period 2005–2006;
2. *Requests* the Secretariat to prepare, based on comments received and made during the seventh meeting of the Conference of the Parties, a paper analysing the current situation for consideration by the Open-ended Working Group;
3. *Also requests* the Open-ended Working Group to submit to the Conference of the Parties at its eighth meeting recommendations for a decision on the status of PVC wastes in the context of the Basel Convention.

<sup>7</sup>

UNEP/CHW.7/11/Add.1/Rev.1, Add.2/Rev.1, Add.3 and Add.3/Corr.1, respectively.

## **VII/19. Review or adjustment of the lists of wastes contained in Annexes VIII and IX to the Basel Convention**

*The Conference of the Parties,*

*Considering* the application submitted by India concerning the placement of new entries regarding plastic-coated cable scrap on Annex VIII and Annex IX,

*Aware* of the health concerns that are also dealt with under the Stockholm Convention on persistent organic pollutants regarding the burning of some types of plastic coated cables and the potential for the formation of unintentionally produced persistent organic pollutants (POPs),

*Noting* that work on Annex III hazard characteristics, in particular H10, H11 and H13, is progressing and represents a step in considering the classification of, for example, PVC wastes,

1. *Adopts* the following amendments to Annexes VIII and IX of the Basel Convention:

(a) *New entry A 1190 in Annex VIII:*

Waste metal cables coated or insulated with plastics containing or contaminated with coal tar, PCB<sup>8</sup>, lead, cadmium, other organohalogen compounds or other Annex I constituents to an extent that they exhibit Annex III characteristics;

(b) *New entry B 1115 in Annex IX:*

Waste metal cables coated or insulated with plastics, not included in list A A1190, excluding those destined for Annex IVA operations or any other disposal operations involving, at any stage, uncontrolled thermal processes, such as open-burning.

## **VII/20. National classification and control procedures for the import of wastes contained in Annex IX**

*The Conference of the Parties,*

*Welcoming* the replies provided by Parties to the questionnaire circulated by the Secretariat concerning national classification and control procedures for the import of wastes contained in Annex IX,

*Noting* the information submitted on a voluntary basis by Parties in their replies to the questionnaire,

*Considering* the analysis prepared by the Secretariat on discrepancies between the information submitted in the questionnaire and the information provided to the European Community,

*Aware* that some Parties may still experience difficulties either with the interpretation of Annex IX or in controlling wastes listed in Annex IX,

1. *Invites* Parties having difficulties with national classification or control procedures relating to the import of wastes contained in Annex IX to report this information to the Secretariat;
2. *Requests* the Secretariat to collect the information submitted by Parties on a regular basis with a view to updating the Open-ended Working Group on the current situation;
3. *Also requests* the Open-ended Working Group to prepare specific proposals on ways of moving forward on this issue, for submission to the Conference of the Parties at its eighth meeting.

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<sup>8</sup> PCBs are at a concentration level of 50 mg/kg or more.



## VII/21. Lists of wastes

*The Conference of the Parties,*

*Noting with appreciation* the work undertaken by the Government of France to improve the translation into French of the lists of wastes contained in Annexes VIII and IX,

*Considering* the need to revise the existing official translation into French of Annexes VIII and IX and the entry B1030 in the English language version,

1. *Decides* to incorporate the modifications, as contained in the annex to the present decision, proposed by the Government of France into the French language version of the lists of wastes contained in Annexes VIII and IX;
2. *Decides* to delete the word “déchets” in the entries: A1010, B1060, B1070, B1090, B1100, B1110, B1150 and B2020 in the French language version as contained in the annex to the present decision;
3. *Decides* to change the second subheading of the proposed French language version of entry B3010 from (Déchets de résine ou produits polymérisés de condensation comme :”) to (Déchets durcis de résine ou produits polymérisés de condensation comme :”);
4. *Decides* to change the proposed French language version of entry A3190 to : “Résidus contenant du goudron (à l’exception des eurobés bitumineux) provenant du raffinage, de la distillation ou de toute opération de pyrolyse de matière organique”;
5. *Decides* to change the existing entry B1030 in the English language version to: “residues containing refractory metals”;
6. *Requests* the Secretariat to communicate the changes referred to above to the Depositary.

## Annex

### Annexe VIII

#### LISTE A

Les déchets qui figurent dans la présente annexe sont considérés comme des déchets dangereux en vertu de l’alinéa a) du paragraphe 1 de l’article premier de la Convention et l’inscription d’un déchet dans la présente annexe n’exclut pas le recours à l’annexe III pour démontrer que ledit déchet n’est pas dangereux.

#### A1 Déchets de métaux et déchets contenant des métaux

A1010 Déchets de métaux et déchets constitués d’alliages d’un ou plusieurs des métaux suivants:

- antimoine
- arsenic
- béryllium
- cadmium
- plomb
- mercure
- sélénium
- tellure
- thallium

à l’exception des déchets de ce type inscrits sur la liste B.

A1020 Déchets, à l’exception des déchets de métaux sous forme massive, ayant comme constituants ou contaminants l’une des substances suivantes :

- antimoine; composés de l’antimoine
- béryllium; composés du béryllium

- cadmium; composés du cadmium
- plomb; composés du plomb
- sélénium; composés du sélénium
- tellure; composés du tellure

A1030 Déchets ayant comme constituants ou contaminants l'une des substances suivantes :

- arsenic; composés de l'arsenic
- mercure; composés du mercure
- thallium; composés du thallium

A1040 Déchets ayant comme constituants des :

- métaux carbonyles
- composés du chrome hexavalent

A1050 Boues de galvanisation

A1060 Liqueurs provenant du décapage des métaux

A1070 Résidus de lixiviation du traitement du zinc, poussières et boues telles que jarosite, hématite, etc.

A1080 Déchets de zinc ne figurant pas sur la liste B et contenant du plomb et du cadmium à des concentrations suffisantes pour qu'ils présentent l'une des caractéristiques de l'annexe III

A1090 Cendres provenant de l'incinération de fils de cuivre isolés

A1100 Poussières et résidus provenant des systèmes d'épuration des fumées des fonderies de cuivre

A1110 Solutions électrolytiques usagées provenant des opérations d'affinage électrolytique et d'électrorécupération du cuivre

A1120 Boues résiduaire, à l'exception des boues anodiques, provenant des systèmes de purification de l'électrolyte dans les opérations d'affinage électrolytique et d'électrorécupération du cuivre

A1130 Solutions de gravure à l'eau-forte usagées contenant du cuivre dissout

A1140 Catalyseurs usagés à base de chlorure de cuivre et de cyanure de cuivre

A1150 Cendres de métaux précieux provenant de l'incinération de circuits imprimés ne figurant pas sur la liste B<sup>9</sup>

A1160 Déchets d'accumulateurs électriques au plomb et à l'acide, entiers ou concassés

A1170 Accumulateurs et piles usagés non triés, à l'exception des mélanges ne contenant que des accumulateurs et des piles figurant sur la liste B. Accumulateurs et piles usagés ne figurant pas sur la liste B et possédant des constituants mentionnés à l'annexe I dans une proportion telle qu'ils les rendent dangereux

A1180 Assemblages électriques et électroniques usagés ou sous forme de débris<sup>10</sup> contenant des éléments tels que les accumulateurs et autres piles figurant sur la liste A, les interrupteurs à mercure, les verres provenant de tubes cathodiques, les autres verres activés, les condensateurs au PCB, ou contaminés par des constituants figurant à l'annexe I (comme le cadmium, le mercure, le plomb, les diphényles polychlorés, etc.) dans une proportion telle qu'ils présentent l'une des caractéristiques de danger énumérées à l'annexe III (voir rubrique correspondante de la liste B-B1110)<sup>11</sup>

<sup>9</sup> Il est à noter que la rubrique correspondante de la liste B (B1160) ne prévoit pas d'exceptions.

<sup>10</sup> Cette rubrique n'inclut pas les déchets agglomérés provenant de la production d'énergie électrique.

<sup>11</sup> concentration de PCB égale ou supérieure à 50mg/kg.

## **A2 Déchets ayant principalement des constituants inorganiques et pouvant contenir des métaux et des matières organiques**

A2010 Débris de verre provenant de tubes cathodiques et d'autres verres activés

A2020 Déchets de composés inorganiques du fluor sous forme de liquides ou de boues à l'exception de ceux figurant sur la liste B

A2030 Catalyseurs usagés, à l'exception de ceux figurant sur la liste B

A2040 Déchets de gypse provenant de procédés chimiques industriels, possédant des constituants figurant à l'annexe I dans une proportion telle qu'ils présentent l'une des caractéristiques de danger énumérées à l'annexe III (voir rubrique correspondante de la liste B-B2080)

A2050 Déchets d'amiante (poussières et fibres)

A2060 Cendres volantes de centrales électriques alimentées au charbon, contenant des substances citées à l'annexe I à des concentrations suffisantes pour qu'elles présentent l'une des caractéristiques de danger énumérées à l'annexe III (voir rubrique correspondante de la liste B-B2050)

## **A3 Déchets ayant principalement des constituants organiques, et pouvant contenir des métaux et des matières inorganiques**

A3010 Résidus de la production ou du traitement du coke et du bitume de pétrole

A3020 Déchets d'huiles minérales impropres à l'usage initialement prévu

A3030 Déchets contenant, ou contaminés par des boues de composés antidétonants au plomb

A3040 Déchets de fluides thermiques (transfert calorifique)

A3050 Déchets issus de la production, de la préparation et de l'utilisation de résines, de latex, de plastifiants de colles ou adhésifs, à l'exception de ceux figurant sur la liste B (voir rubrique correspondante de la liste B-B4020)

A3060 Déchets de nitrocellulose

A3070 Déchets de phénols et composés phénolés, y compris les chlorophénols, sous forme de liquides ou de boues

A3080 Déchets d'éthers, à l'exception de ceux figurant sur la liste B

A3090 Déchets de sciures, cendres, boues et farines de cuir contenant des composés de chrome hexavalent ou des biocides (voir rubrique correspondante de la liste B- B3100)

A3100 Rognures et autres déchets de cuirs ou de peaux préparés ou de cuir reconstitué, non utilisables pour la fabrication d'ouvrages en cuir, contenant des composés de chrome hexavalent ou des biocides (voir rubrique correspondante de la liste B- B3090)

A3110 Déchets de pelletterie contenant des composés de chrome hexavalent, des biocides ou des substances infectieuses (voir rubrique correspondante de la liste B-B3110)

A3120 Fraction légère des résidus de broyage

A3130 Déchets de composés organiques du phosphore

A3140 Déchets de solvants organiques non-halogénés, autres que ceux spécifiés sur la liste B

A3150 Déchets de solvants organiques halogénés

A3160 Résidus de distillation non-aqueux, halogénés ou non-halogénés, issus d'opérations de récupération de solvants organiques

- A3170 Déchets provenant de la production d'hydrocarbures aliphatiques halogénés (tels que les chlorométhane, le dichloréthane, le chlorure de vinyle, le chlorure de vinylidène, le chlorure d'allyle et l'épichlorhydrine)
- A3180 Déchets, substances équipements et appareils contenant, , ou contaminés par des diphényles polychlorés (PCB), des terphényles polychlorés (PCT), des naphthalènes polychlorés (PCN) ou des diphényles polybromés (PBB), ou tout composé polybromé analogue ayant une concentration égale ou supérieure à 50 mg/kg<sup>12</sup>
- A3190 Résidus contenant du goudron (à l'exception des enrobés bitumineux) provenant du raffinage, de la distillation ou de toute opération de pyrolyse de matière organique
- A3200 Enrobés contenant du goudron et provenant de la construction et de l'entretien des routes (voir rubrique correspondante de la liste B- B2130)

#### **A4 Déchets pouvant contenir des constituants inorganiques ou organiques**

- A4010 Déchets issus de la production, de la préparation et de l'utilisation de produits pharmaceutiques, à l'exception de ceux figurant sur la liste B
- A4020 Déchets hospitaliers et apparentés, c'est-à-dire déchets provenant des soins médicaux, infirmiers, dentaires, vétérinaires ou autres pratiques analogues, et déchets produits dans les hôpitaux ou autres établissements apparentés lors de l'examen ou du traitement des patients ou lors des travaux de recherche
- A4030 Déchets issus de la production, de la préparation et de l'utilisation de biocides et de produits phytopharmaceutiques, y compris les déchets de pesticides et d'herbicides non conformes aux spécifications, périmés<sup>13</sup> ou impropres à l'usage initialement prévu
- A4040 Déchets issus de la fabrication, de la préparation et de l'utilisation de produits chimiques destinés à la préservation du bois<sup>14</sup>
- A4050 Déchets contenant, consistant en ou contaminés par l'une des substances suivantes:
- cyanures inorganiques, excepté les résidus des métaux précieux sous forme solide et présentant des traces de cyanures inorganiques
  - cyanures organiques
- A4060 Mélanges et émulsions huile/eau ou hydrocarbure/eau
- A4070 Déchets provenant de la production, de la préparation et de l'utilisation d'encre, de colorants, de pigments, de peintures, de laques ou de vernis, excepté ceux qui figurent sur la liste B (voir rubrique correspondante de la liste B-B4010)
- A4080 Déchets à caractère explosible (à l'exception de ceux qui figurent sur la liste B)
- A4090 Déchets de solutions acides ou basiques, autres que celles qui figurent dans la rubrique correspondante de la liste B (B2120)
- A4100 Déchets provenant des installations industrielles antipollution d'épuration des rejets gazeux industriels, à l'exception de ceux qui figurent sur la liste B
- A4110 Déchets contenant, consistant en ou contaminés par l'une des substances suivantes :
- tout produit de la famille des dibenzofuranes polychlorés

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<sup>12</sup> Le taux de 50 mg/kg est considéré comme un niveau pratique sur le plan international pour tous les déchets. Cependant, plusieurs pays ont individuellement fixé des niveaux réglementaires plus bas (par exemple 20 mg/kg) pour certains déchets.

<sup>13</sup> Ils sont dits "périmés" pour n'avoir pas été utilisés dans les délais recommandés par le fabricant.

<sup>14</sup> Cette rubrique n'inclut pas le bois traité avec des produits chimiques en vue de sa préservation.

- tout produit de la famille des dibenzoparadioxines polychlorées

A4120 Déchets contenant, ou contaminés par des peroxydes

A4130 Déchets d'emballages et de récipients contenant des substances de l'annexe I à des concentrations suffisantes pour qu'ils présentent l'une des caractéristiques de danger figurant à l'annexe III

A4140 Déchets contenant des produits chimiques non conformes aux spécifications ou périmés,<sup>15</sup> appartenant aux catégories de l'annexe I et présentant l'une des caractéristiques de danger figurant à l'annexe III

A4150 Déchets de substances chimiques provenant d'activités de recherche-développement ou d'enseignement, non identifiés et/ou nouveaux et dont les effets sur l'homme et/ou sur l'environnement ne sont pas connus

A4160 Charbon actif usagé ne figurant pas sur la liste B (voir rubrique correspondante de la liste B-B2060)

## Annexe IX

### LISTE B

Les déchets qui figurent dans la présente annexe ne sont pas couverts par l'alinéa a) du paragraphe 1 de l'article premier de la Convention, à moins qu'ils ne contiennent des matières de l'annexe I à des concentrations telles qu'ils présentent une caractéristique de danger figurant à l'annexe III

#### B1 Déchets de métaux et déchets contenant des métaux

B1010 Déchets et débris de métaux et d'alliages de métaux sous forme métallique non dispersible de:

- métaux précieux (or, argent, groupe du platine, à l'exception du mercure étant exclu)
- chrome
- fer et acier
- cuivre
- nickel
- aluminium
- zinc
- étain
- tungstène
- molybdène
- tantale
- magnésium
- cobalt
- bismuth
- titane
- zirconium
- manganèse
- germanium
- vanadium
- hafnium, indium, niobium, rhénium et gallium
- thorium
- terres rares

B1020 Déchets et débris de métaux et d'alliages de métaux, purs, non contaminés, sous forme finie (tôles, plaques, poutrelles, barres, etc.) :

- antimoine
- béryllium
- cadmium

<sup>15</sup>

Ils sont dits "périmés" pour n'avoir pas été utilisés dans les délais recommandés par le fabricant.

- plomb (à l'exception des accumulateurs électriques au plomb et à l'acide)
- sélénium
- tellure

B1030 Résidus contenant des métaux réfractaires

B1031 Déchets de métaux et d'alliages constitués d'un ou plusieurs des métaux suivants : molybdène, tungstène, titane, tantale, niobium et rhénium sous forme métallique dispersible (poudre métallique), à l'exception de déchets tels que ceux spécifiés dans la liste A, à la rubrique A1050 – boues de galvanisation

B1040 Débris d'assemblages provenant de générateurs électriques, non contaminés par des huiles lubrifiantes, des PCB ou des PCT au point de devenir dangereux

B1050 Débris de métaux non-ferreux mélangés (fractions lourdes) dépourvus de constituants figurant à l'annexe I à des concentrations telles qu'ils présentent l'une des caractéristiques de danger figurant à l'annexe III<sup>16</sup>

B1060 Déchets de sélénium et de tellure sous forme de métal élémentaire, y compris les poudres

B1070 Déchets de cuivre et d'alliages de cuivre sous forme dispersible, sauf s'ils possèdent des constituants figurant à l'annexe I à des concentrations telles qu'ils présentent l'une des caractéristiques de danger figurant à l'annexe III

B1080 Cendres et résidus de zinc, y compris résidus d'alliages de zinc sous forme dispersible, sauf s'ils possèdent des constituants de l'annexe I à des concentrations telles qu'ils présentent l'une des caractéristiques figurant à l'annexe III<sup>17</sup> ou s'ils présentent la caractéristique de danger H4.3

B1090 Déchets de piles et d'accumulateurs conformes à certaines spécifications, à l'exception de ceux contenant du plomb, du cadmium ou du mercure

B1100 Déchets contenant des métaux et provenant de la fonte, de la fusion et de l'affinage des métaux:

- Mattes de galvanisation
- Ecumes et laitiers de zinc
  - mattes de surface de la galvanisation (> 90% Zn)
  - mattes de fond de la galvanisation (> 92% Zn)
  - laitiers de fonderie sous pression (> 85% Zn)
  - laitiers provenant de la galvanisation à chaud (procédé discontinu) (> 92% Zn)
  - résidus provenant de l'écumage du zinc
- Résidus provenant de l'écumage de l'aluminium, à l'exception des scories salées
- Scories provenant du traitement du cuivre destinées à un affinage ultérieur, ne contenant pas d'arsenic, de plomb ni de cadmium, au point de présenter l'une des caractéristiques de danger figurant à l'annexe III
- Déchets de revêtements réfractaires, y compris les creusets, issus de la fusion du cuivre
- Scories provenant du traitement des métaux précieux et destinées à un affinage ultérieur
- Scories d'étain contenant du tantale, contenant moins de 0,5% d'étain

B1110 Déchets d'assemblages électriques et électroniques

- Déchets et débris d'assemblages électroniques constitués uniquement de métaux ou d'alliages

<sup>16</sup> Il est à noter que même en cas de faible niveau de contamination initiale par des constituants figurant à l'annexe I, les traitements ultérieurs, y compris le recyclage, peuvent aboutir à des fractions séparées ayant des concentrations nettement plus élevées de ces constituants figurant à l'annexe I.

<sup>17</sup> Le statut à accorder aux cendres de zinc est actuellement à l'étude, et il est recommandé par la Conférence des Nations Unies sur le commerce et le développement (CNUCED) que ces cendres ne soient pas classées comme matières dangereuses.

- Déchets et débris d'assemblages électriques et électroniques <sup>18</sup> (y compris les circuits imprimés) ne contenant pas d'éléments tels que les accumulateurs et autres piles mentionnés sur la liste A, les interrupteurs à mercure, les verres de tubes cathodiques, les autres verres activés, et les condensateurs au PCB, ou non contaminés par les constituants figurant à l'annexe I (tels que cadmium, mercure, plomb, polychlorobiphényles, etc.) ou purifiés de ces constituants, au point de ne présenter aucune des caractéristiques figurant à l'annexe III (voir rubrique correspondante de la liste A -A1180)
- Déchets et débris d'assemblages électriques et électroniques (y compris circuits imprimés, composants et fils électriques) destinés à une réutilisation directe <sup>19</sup> et non au recyclage ou à l'élimination définitive <sup>20</sup>

B1120 Catalyseurs usagés, à l'exception des liquides utilisés comme catalyseurs, possédant l'un des constituants suivants :

Métaux de transition, à l'exclusion des déchets de catalyseurs (catalyseurs usagés, catalyseurs liquides usagés ou autres catalyseurs) de la liste A :	scandium	titane
	vanadium	chrome
	manganèse	fer
	cobalt	nickel
	cuivre	zinc
	yttrium	zirconium
	niobium	molybdène
	hafnium	tantale
	tungstène	rhénium
	Lanthanides (terres rares):	lanthane
	praséodyme	néodyme
	samarium	europium
	gadolinium	terbium
	dysprosium	holmium
	erbium	thulium
	ytterbium	lutécium

B1130 Catalyseurs usagés épurés, contenant des métaux précieux

B1140 Résidus de métaux précieux sous forme solide, avec des traces de cyanures inorganiques

B1150 Déchets de métaux précieux et de leurs alliages (or, argent, groupe du platine, à l'exception du mercure) sous forme dispersible non liquide, avec conditionnement et étiquetage appropriés

B1160 Cendres de métaux précieux provenant de l'incinération de circuits imprimés (voir rubrique correspondante de la liste A - A1150)

B1170 Cendres de métaux précieux provenant de l'incinération de pellicules photographiques

B1180 Déchets de pellicules photographiques contenant des halogénures d'argent et de l'argent métallique

B1190 Déchets de papiers photographiques contenant des halogénures d'argent et de l'argent métallique

B1200 Laitiers granulés provenant de la fabrication du fer et de l'acier

B1210 Scories provenant de la fabrication du fer et de l'acier, y compris les scories utilisées comme source de dioxyde de titane et de vanadium

<sup>18</sup> Cette rubrique n'inclut pas les débris provenant de la production des générateurs électriques.

<sup>19</sup> La réutilisation peut inclure la réparation, la remise en état ou l'amélioration, mais pas un réassemblage majeur.

<sup>20</sup> Dans certains pays, ces matières destinées à être réutilisées directement ne sont pas considérées comme des déchets.

B1220 Scories provenant de la production du zinc, chimiquement stabilisées, ayant une forte teneur en fer (plus de 20%) et traitées conformément aux spécifications industrielles (par exemple DIN 4301) pour utilisation principalement dans la construction

B1230 Battitures provenant de la fabrication du fer et de l'acier

B1240 Battitures d'oxyde de cuivre

B1250 Véhicules à moteur en fin de vie ne contenant ni liquides ni autres éléments dangereux

**B2 Déchets ayant principalement des constituants inorganiques pouvant contenir des métaux et des matières organiques**

B2010 Déchets d'opérations minières sous forme non dispersible

- Déchets de graphite naturel
- Déchets d'ardoise, même dégrossie ou simplement débitée, par sciage ou autrement
- Déchets de mica
- Déchets de leucite, de néphéline et de néphéline syénite
- Déchets de feldspath
- Déchets de spath fluor
- Déchets de silicium sous forme solide, à l'exception de ceux utilisés dans les opérations de fonderie

B2020 Déchets de verre sous forme non dispersible

- Calcin et autres déchets et débris de verres, à l'exception du verre provenant de tubes cathodiques et d'autres verres activés

B2030 Déchets et débris de céramiques sous forme non susceptible de dispersion

- Déchets et débris de cermets (composites à base de céramique et de métal)
- Fibres à base de céramique, non spécifiées ni comprises ailleurs

B2040 Autres déchets contenant essentiellement de constituants inorganiques

- Sulfate de calcium partiellement raffiné provenant de la désulfuration des fumées
- Déchets d'enduits ou de plaques au plâtre provenant de la démolition de bâtiments
- Scories provenant de la production du cuivre, chimiquement stabilisées, contenant une quantité importante de fer (supérieure à 20%) et traitées conformément aux spécifications industrielles (par exemple DIN 4301 et DIN 8201), destinées principalement à la construction et aux applications abrasives
- Soufre sous forme solide
- Carbonate de calcium provenant de la production de cyanamide de calcium (ayant un pH inférieur à 9)
- Chlorures de sodium, de potassium et de calcium
- Carborundum (carbure de silicium)
- Débris de béton
- Groisil et résidus de cristaux contenant du lithium et du tantale ou du lithium et du niobium

B2050 Cendres volantes de centrales électriques alimentées au charbon, ne figurant pas sur la liste A (voir rubrique correspondante sur la liste A - A2060)

B2060 Charbon actif usagé provenant du traitement de l'eau potable, de procédés de l'industrie alimentaire et de la production de vitamines (voir rubrique correspondante de la liste A -A4160)

B2070 Boues de fluorure de calcium

B2080 Déchets de gypse provenant de traitements chimiques industriels, ne figurant pas sur la liste A (voir rubrique correspondante de la liste A - A2040)



B2090 Anodes usagées de coke de pétrole ou de bitume de pétrole provenant de la production d'acier ou d'aluminium, épurées selon les spécifications industrielles usuelles (à l'exception des anodes provenant de l'électrolyse chloro-alkaline et de l'industrie métallurgique)

B2100 Déchets d'hydrates d'aluminium, déchets d'alumine et résidus provenant de la production d'alumine, à l'exception des matières utilisées dans les procédés d'épuration de fumées, de floculation et de filtration

B2110 Résidus de bauxite ("boues rouges") (pH moyen inférieur à 11,5)

B2120 Déchets de solutions acides ou basiques ayant un pH supérieur à 2 et inférieur à 11,5, qui ne sont pas corrosives ou autrement dangereuses (voir rubrique correspondante de la liste A - A4090)

B2130 Enrobés ne contenant pas de goudron<sup>a</sup> et provenant de la construction et de l'entretien des routes (voir rubrique correspondante de la liste A - A3200)

### **B3 Déchets ayant principalement des constituants organiques pouvant contenir des métaux et des matières inorganiques**

B3010 Déchets et débris de matières plastiques sous forme solide

Déchets et débris de matières plastiques ou mélange de matières plastiques ci-après, à condition qu'elles ne soient pas mélangées avec d'autres déchets et qu'elles soient préparées selon certaines spécifications:

- Déchets plastiques de polymères et copolymères non halogénés comprenant mais non limités aux constituants suivants <sup>21</sup>:
  - éthylène
  - styrène
  - polypropylène
  - téréphtalate de polyéthylène
  - acrylonitrile
  - butadiène
  - polyacétales
  - polyamides
  - téréphtalates de polybutylène
  - polycarbonates
  - polyéthers
  - sulfures de polyphénylène
  - polymères acryliques
  - alcanes C10-C13 (plastifiants)
  - polyuréthanes (ne contenant pas d'hydrocarbures chlorofluorés)
  - polysiloxanes
  - polyméthacrylate de méthyle
  - alcool polyvinylique
  - butyral de polyvinyle
  - acétate polyvinylique
- Déchets durcis de résine ou produits polymérisés de condensation comme :
  - résines uréiques de formaldéhyde
  - résines phénoliques de formaldéhyde
  - résines mélaminiques de formaldéhyde
  - résines époxydes
  - résines alkydes
  - polyamides

<sup>a</sup> La concentration de benzo[a]pyrène ne devrait pas être égale ou supérieure à 50 mg/kg

<sup>21</sup> Il est entendu que ces déchets sont entièrement polymérisés

- Les déchets de polymères fluorés suivants <sup>22</sup>
  - perfluoroéthylène/propylène
  - alcane alcoxyle perfluoré
    - o tétrafluoroéthylène/éther de vynile perfluoré (PFA)
    - o tétrafluoroéthylène/éther de méthylvinyl perfluoré (MFA)
  - fluorure de polyvinyle
  - fluorure de polyvinylidène

#### B3020 Déchets de papier, de carton et de produits de papier

Matières ci-après, à condition qu'elles ne soient pas mélangées avec des déchets dangereux :

Déchets et rebuts de papier ou de carton :

- de papiers ou cartons écrus ou de papiers ou cartons ondulés
- d'autres papiers ou cartons obtenus principalement à partir de pâtes chimiques blanchies, non colorés dans la masse
- de papiers ou cartons obtenus à partir de pâtes mécaniques (par exemple journaux, périodiques et imprimés similaires)
- autres, comprenant et non limités aux :
  - i) cartons contrecollés
  - ii) rebuts non triés

#### B3030 Déchets de matières textiles

Matières ci-après, à condition qu'elles ne soient pas mélangées avec d'autres déchets et qu'elles soient préparées selon certaines spécifications

- Déchets de soie (y compris les cocons non dévidables, les déchets de fils et les effilochés)
  - non cardés ni peignés
  - autres
- Déchets de laine ou de poils fins ou grossiers, y compris les déchets de fils mais à l'exception des effilochés
  - blousses de laine ou de poils fins
  - autres déchets de laine ou de poils fins
  - déchets de poils grossiers
- Déchets de coton (y compris les déchets de fils et les effilochés)
  - déchets de fils
  - effilochés
  - autres
- Etoupes et déchets de lin
- Etoupes et déchets (y compris les déchets de fils et les effilochés) de chanvre (*Cannabis sativa* L.)
- Etoupes et déchets (y compris les déchets de fils et les effilochés) de jute et d'autres fibres textiles libériennes (à l'exception du lin, du chanvre et de la ramie)
- Etoupes et déchets (y compris les déchets de fils et les effilochés) de sisal et d'autres fibres textiles du genre Agave
- Etoupes et déchets (y compris les déchets de fils et les effilochés) de coco
- Etoupes et déchets (y compris les déchets de fils et les effilochés) d'abaca (chanvre de Manille ou *Musa textilis* Nee)

<sup>22</sup>

Cette rubrique ne couvre pas les produits en fin de vie  
Les déchets ne doivent pas avoir été mélangés  
Les problèmes découlant des pratiques de brûlage à l'air libre doivent être pris en considération

- Etoupes et déchets (y compris les déchets de fils et les effilochés) de ramie et d'autres fibres textiles végétales, non dénommées ni comprises ailleurs
- Déchets (y compris les déchets de fils, blousses et effilochés)
  - de fibres synthétiques
  - de fibres artificielles
- Articles de friperie
- Chiffons, ficelles, cordes et cordages en matières textiles au rebut sous forme de déchets ou articles hors d'usage
  - triés
  - autres

B3035 Déchets de revêtements de sols en matières textiles, tapis

B3040 Déchets de caoutchouc

Matières ci-après, à condition qu'elles ne soient pas mélangées avec d'autres types de déchets:

- Déchets et débris de caoutchouc durci (ébonite, par exemple)
- Autres déchets de caoutchouc (à l'exception de ceux spécifiés ailleurs)

B3050 Déchets de liège et de bois non traités

- Sciures, déchets et débris de bois, même agglomérés sous forme de bûches, briquettes et boulettes ou sous formes similaires
- Déchets de liège : liège concassé, granulé ou pulvérisé

B3060 Déchets issus des industries alimentaires et agroalimentaires, à condition qu'ils ne soient pas infectieux:

- Lies de vin
- Matières végétales et déchets végétaux, résidus et sous-produits végétaux, séchés et stérilisés, même agglomérés sous forme de pellets, du type de ceux utilisés pour l'alimentation des animaux, non dénommés ni compris ailleurs
- Dégras ; résidus provenant du traitement des corps gras ou des cires animales ou végétales
- Déchets d'os et de cornillons, bruts, dégraissés, simplement préparés (mais non découpés en forme), acidulés ou dégelatinés
- Déchets de poisson
- Coques, pellicules (pelures) et autres déchets de cacao
- Autres déchets provenant de l'industrie agroalimentaire, à l'exception des sous-produits qui respectent les prescriptions et les normes imposées aux niveaux national et international pour l'alimentation humaine ou animale

B3065 Déchets de graisse et d'huiles alimentaires d'origine animale ou végétale (par exemple huiles de friture), à condition qu'ils ne présentent aucune des caractéristiques de l'Annexe III

B3070 Déchets suivants:

- Déchets de cheveux
- Déchets de paille
- Mycélium de champignon désactivé provenant de la production de la pénicilline, utilisé pour l'alimentation des animaux

B3080 Déchets, rognures et débris de caoutchouc

B3090 Rognures et autres déchets de cuirs et de peaux préparées ou de cuir reconstitué, non utilisables pour la fabrication d'ouvrages en cuir, à l'exception des boues de cuir, ne contenant pas de composés du chrome hexavalent ni de biocides (voir rubrique correspondante de la liste A-A3100)

- B3100 Sciures, cendres, boues ou farines de cuir ne contenant pas de composés du chrome hexavalent ni de biocides (voir rubrique correspondante de la liste A - A3090)
- B3110 Déchets issus de la pelleterie, ne contenant pas de composés du chrome hexavalent, de biocides ni de substances infectieuses (voir rubrique correspondante de la liste A -A3110)
- B3120 Déchets constitués de colorants alimentaires
- B3130 Déchets d'éthers polymères et déchets d'éthers monomères non dangereux et non susceptibles de former des peroxydes
- B3140 Pneumatiques usagés, à l'exception de ceux destinés aux opérations citées à l'annexe IV.A

#### **B4 Déchets pouvant contenir des constituants inorganiques ou organiques**

- B4010 Déchets constitués principalement de peintures à l'eau/à l'huile, d'encre et de vernis durcis, ne contenant pas de solvants organiques, de métaux lourds ni de biocides à des concentrations pouvant les rendre dangereux (voir rubrique correspondante de la liste A -A4070)
- B4020 Déchets issus de la production, de la préparation et de l'utilisation de résines, de latex, de plastifiants, de colles et d'adhésifs, ne figurant pas sur la liste A et dépourvus de solvants et autres contaminants de sorte qu'ils ne présentent pas les caractéristiques de danger mentionnées à l'annexe III, par exemple lorsqu'ils sont à base d'eau ou de colles à base d'amidon (caséine), dextrine, éthers cellulose et alcools polyvinyliques (voir rubrique correspondante de la liste A - A3050)
- B4030 Appareils photographiques jetables hors d'usage, ne contenant pas de piles figurant sur la liste A

## **VII/22. Harmonization of lists of wastes and related procedures**

*The Conference of the Parties,*

*Recalling* its decision VI/37 (Work programme of the Open-ended Working Group) and decision OEWG-I/13 (Other issues in the work programme: arrangement of work) of the Open-ended Working Group,

1. *Requests* the Open-ended Working Group to revise the forms for the notification and movement documents for the control of transboundary movements of hazardous wastes and their disposal under the Basel Convention and the related instructions for filling in those forms;
2. *Invites* Parties and others to submit comments on the forms for the notification and movement documents contained in document UNEP/CHW/TWG/19/INF/5 to the Secretariat by 31 March 2005, taking into account the comments made in document UNEP/CHW.7/18;
3. *Requests* the Secretariat to prepare draft revised forms and related instructions for consideration by the Open-ended Working Group with a view to adoption by the Conference of the Parties at its eighth meeting.

## **VII/23. Implementation of decision III/1**

*The Conference of the Parties,*

*Recalling* its decision VI/33 on the implementation of decision III/1, entitled "Amendment to the Basel Convention",

*Taking note* of the progress made by Parties in implementing decision III/1,

*Further noting* that States and political and/or economic integration organizations that have already deposited instruments of ratification, acceptance, formal confirmation, approval of, or accession to the amendment to the Basel Convention adopted in decision III/1 are already giving effect to the provisions of that amendment,

1. *Welcomes* the ratification, acceptance, formal confirmation or approval by several Parties of 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 of or accession 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 or approval of, or accession to, the Basel Convention and its amendments.

## **VII/24. Analysis of issues related to Annex VII**

*The Conference of the Parties,*

*Recalling* its decision VI/34, in which it, among other things, entrusted the Open-ended Working Group with overseeing the development of work and requested it to present its final report on the analysis of issues related to Annex VII to the Conference of the Parties for a final decision at its seventh meeting,

*Reaffirming* its decision to leave Annex VII unchanged until the amendment contained in its decision III/1 enters into force,

1. *Takes note* of the final report of the Open-ended Working Group on the analysis of issues related to Annex VII, as contained in document UNEP/CHW.7/12;
2. *Invites* States that have not become party to the Basel Convention to consider doing so.

## **VII/25. Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention on Ship Scrapping**

*The Conference of the Parties,*

*Welcoming* the progress made to date in facilitating inter-agency cooperation at both the national and international levels on the subject of ship dismantling,

*Considering* especially the work of the meeting between the secretariats of the International Labour Office, the International Maritime Organization and the Basel Convention, held at Geneva on 13 and 14 January 2004 (the joint secretariat meeting),<sup>23</sup>

*Taking* into account the terms of reference proposed at the joint secretariat meeting for the Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention on ship scrapping (the “Joint Working Group”),

*Noting* that the report of the joint secretariat meeting was submitted to the Marine Environment Protection Committee of the International Maritime Organization for consideration at its fifty-first session, held from 29 March to 2 April 2004, and to the Sectoral and Technical Meetings Committee of the Governing Body of the International Labour Office, at its session in February and March 2004,

*Also noting* that the Governing Body of the International Labour Office took note of the report of the joint secretariat meeting,

*Further noting* that the terms of reference for the Joint Working Group, as proposed by the joint secretariat meeting, were approved, with minor editorial amendments, by the Marine Environment Protection Committee of the International Maritime Organization at its fifty-first session,

*Noting* further the report of the Working Group on Ship Recycling of the Marine Environment Protection Committee of the International Maritime Organization, adopted at the Committee’s fifty-second session,

*Aware* of the proposal to hold the first meeting of the Joint Working Group from 15 to 17 February 2005 at the headquarters of the International Maritime Organization,

*Also noting* the proposed provisional agenda for the first meeting of the Joint Working Group contained in annex II to the present decision,

1. *Agrees* to the terms of reference and working arrangements of the Joint Working Group contained in annex I to the present decision;

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<sup>23</sup> The full report of this meeting may be found in annex I to Decision III/4 adopted by the Open-ended Working Group contained in document UNEP/CHW/OEWG/3/34.

2. *Also agrees:*

(a) That the Joint Working Group will meet on a regular basis, rotating between the headquarters of the International Labour Organization, the International Maritime Organization and the Secretariat of the Basel Convention, or any other venue agreed upon, and that the host organization will assume the role of the secretariat for the purposes of such meetings;

(b) That participation by the Basel Convention in the Joint Working Group should ensure representation of all geographical regions;

3. *Decides* to appoint the following five Parties to the Basel Convention that have been nominated by the regional groups to participate in the Joint Working Group on the understanding that representatives of other Parties, signatories, intergovernmental organizations and non-governmental organizations may participate as observers:

(a) For the Asia and the Pacific group, China;

(b) For the African group, the Gambia;

(c) For the Central and Eastern European group, Russian Federation;

(d) For the Latin America and Caribbean group, Jamaica;

(e) For the Western Europe and others group, the United Kingdom of Great Britain and Northern Ireland;

4. *Authorizes* the Open-ended Working Group to review the composition of the Basel Convention representation to the Joint Working Group, if necessary, and to appoint replacement representatives to the Joint Working Group as appropriate;

5. *Invites* the Joint Working Group to propose a practical approach that provides guidance to be considered by the three organizations to promote environmentally sound management of ship dismantling;

6. *Invites* the Joint Working Group to discuss the responsibility of flag States in the context of environmentally sound management of ship dismantling;

7. *Invites* the Joint Working Group to consider the development of a reporting system for ships destined for dismantling;

8. *Declares* that the Joint Working Group shall not be considered as taking precedence over or superseding the work of the Conference of the Parties or other activities of the Basel Convention regarding the dismantling of ships;

9. *Requests* the Secretariat to report to future meetings of the Open-ended Working Group and the Conference of the Parties on the outcome of the first and subsequent meetings of the Joint Working Group;

10. *Decides* to place this matter on the agenda for consideration by the Conference of the Parties at its eighth meeting.

## **Annex I to decision VII/25 on the Joint Working Group**

### **Terms of reference and working arrangements for the Joint Working Group**

#### **Terms of reference**

The Joint Working Group should:

1. Consider the respective work programmes of the International Labour Organization (ILO), the International Maritime Organization (IMO) and the Conference of the Parties to the Basel Convention on the issue of ship scrapping in order to avoid duplication of work and overlapping of responsibilities and competencies between the three organizations, and identify further needs;

2. Facilitate the exchange of views between the three organizations in order to ensure a coordinated approach to all relevant aspects of ship scrapping;

3. Undertake a comprehensive initial examination of the:

Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships, adopted by the Sixth Meeting of the Conference of Parties to the Basel Convention;

IMO Guidelines on Ship Recycling, adopted by resolution A.962(23);

Safety and Health in Shipbreaking: Guidelines for Asian countries and Turkey, developed by ILO, with a view to identifying any possible gaps, overlaps, or ambiguities;

4. Consider mechanisms to promote jointly the implementation of the relevant guidelines on ship scrapping;
5. Monitor progress of any jointly organized technical cooperation activities;
6. Submit recommendations and any other relevant information on the above or other pertinent matters to bodies of IMO, ILO and the Basel Convention, as appropriate.

#### **Working arrangements**

The following should be the working arrangements of the Joint Working Group:

1. The Joint Working Group should meet on a regular basis, rotating between the headquarters of ILO, IMO and the Basel Convention, or any other venue agreed upon. The host organization should assume the role of secretariat.
2. The Joint Working Group should consist of representatives appointed by each organization, the number to be appointed by each being decided by agreement between the three organizations. The Joint Working Group should ensure, as appropriate, representation of all geographical regions of the world with an interest in the subject matter. Other interested parties who express a wish may be allowed to participate in the discussions of the Joint Working Group.
3. The Joint Working Group shall determine its own procedures.

#### **Annex II to decision VII/25 on the Joint Working Group**

##### **Provisional agenda for the first meeting of the Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention on Ship Scrapping, to be held at IMO Headquarters, 4 Albert Embankment, London SE1, 7SR from 9.30 a.m. on Tuesday, 15 to Thursday, 17 February 2005**

1. Opening of the session and election of the Chairman.
2. Adoption of the agenda.
3. Consideration of the work programmes of the pertinent bodies of ILO, IMO and the Conference of the Parties to the Basel Convention on the issue of ship scrapping.
4. Examination of the relevant ILO, IMO and Basel Convention guidelines on ship scrapping.
5. Promotion of the implementation of the guidelines on ship scrapping.
6. Joint technical cooperation activities.
7. Work programme of the Joint Working Group.
8. Any other business.
9. Consideration of the report of the Joint Working Group.



## VII/26. Environmentally sound management of ship dismantling

*The Conference of the Parties,*

*Aware of the risk of damage to human health and the environment caused by hazardous wastes and other wastes and the transboundary movement thereof,*

*Recognizing that many ships and other floating structures are known to contain hazardous materials and that such hazardous materials may become hazardous wastes as listed in the annexes to the Basel Convention,*

*Concerned that ships and other floating structures may pose a threat to the environment and human health if they are not, when pre-decontaminated or dismantled, managed in an environmentally sound manner,*

*Noting the need to improve the standards of ship dismantling worldwide and the importance of international cooperation in achieving this goal,*

*Recognizing the importance of the environmentally sound management of dismantling of ships,*

*Noting that a ship may become waste as defined in article 2 of the Basel Convention and that at the same time it may be defined as a ship under other international rules,*

*Recognizing the important role that concerned States, ship owners, recycling facility operators and other stakeholders have to play in developing mechanisms to ensure the environmentally sound management of ship dismantling,*

*Further recognizing the need to ensure effective enforcement of such mechanisms, including a reporting system, for ships destined for dismantling,*

*Recalling decision V/28 on the dismantling of ships, which mandated the Technical Working Group to collaborate with the International Maritime Organization on the subject of the full and partial dismantling of ships and, together with the Legal Working Group, to discuss the legal aspects of the subject under the Basel Convention,*

*Further recalling decision VI/24 on technical guidelines for the environmentally sound management of the full and partial dismantling of ships,*

*Noting that the Governing Body of the International Labour Office has adopted guidelines on safety and health in ship breaking, that the International Maritime Organization has adopted guidelines on ship recycling and that the Basel Convention has adopted technical guidelines for the environmentally sound management of the full and partial dismantling of ships,*

*Noting the importance of promoting the implementation of the above-mentioned guidelines,*

*Further noting that the International Maritime Organization and the International Labour Organization, together with the Conference of the Parties to the Basel Convention, have agreed to establish a joint working group on ship scrapping and have agreed to terms of reference and working arrangements governing its activities,*

*Affirming that elements of prior informed consent as elaborated in the Basel Convention enable the minimization of the impact to human health and the environment associated with dismantling of ships, recognizing the particular issues that arise in the unique context of ships,*

*Noting the progress made at the fifty-second session of the International Maritime Organization's Marine Environment Protection Committee toward the possible development of a mandatory scheme for ship recycling, including a reporting system for ships destined for recycling,*

*Realizing that States have distinct obligations as Parties to the United Nations Convention on the Law of the Sea and relevant International Maritime Organization conventions, including obligations of States in their capacities as flag States, and as Parties to the Basel Convention, including obligations in their capacities as States of Export, and that States should be able to meet these obligations in a consistent manner,*

*Noting that duplication of regulatory instruments that have the same objective should be avoided,*

1. *Reminds* the Parties to fulfil their obligations under the Basel Convention, where applicable, in particular their obligations with respect to prior informed consent, minimization of transboundary movements of hazardous wastes and the principles of environmentally sound management;
2. *Invites* Parties, other States, ship owners and other stakeholders to assist in the improvement of the environmentally sound management of ship dismantling worldwide;
3. *Invites* Parties, especially developed States, to encourage the establishment of domestic ship recycling facilities;
4. *Encourages* Parties to ensure their full and effective participation in the deliberations of the joint working group of the International Maritime Organization, the International Labour Organization and the Basel Convention, either through their representatives or as observers;
5. *Invites* the International Maritime Organization to continue to consider the establishment in its regulations of mandatory requirements, including a reporting system for ships destined for dismantling, that ensure an equivalent level of control as established under the Basel Convention and to continue work aimed at the establishment of mandatory requirements to ensure the environmentally sound management of ship dismantling, which might include pre-decontamination within its scope;
6. *Requests* the Open-ended Working Group to consider the practical, legal and technical aspects of the dismantling of ships in the context of achieving a practical approach to the issue of ship dismantling, to report on developments and to present any proposals, as appropriate, to the Conference of the Parties at its eighth meeting on a legally binding solution, taking into consideration the work of the International Maritime Organization and the work of the joint working group.

## **VII/27. Abandonment of ships**

*The Conference of the Parties,*

*Recognizing* the concern expressed by a number of Parties related to the abandonment of ships on land or in ports,

*Concerned* that abandonment of ships on land or in ports could have effects on human health and the environment,

1. *Invites* Parties to provide information regarding the abandonment of ships on land or in ports to the Secretariat of the Basel Convention and directs the Secretariat to compile such information for presentation to the Open-ended Working Group;
2. *Requests* the Open-ended Working Group to consider the information submitted with a view to taking action, as deemed appropriate;
3. *Requests* the Secretariat to consult the secretariat of the International Maritime Organization on this issue.

## **VII/28. Basel Protocol on Liability and Compensation**

*The Conference of the Parties,*

*Recalling* its decision VI/15 on the Basel Protocol on Liability and Compensation,

*Also recalling* Open-ended Working Group decision OEWG-II/2 on the Basel Protocol on Liability and Compensation,

*Noting* the importance of the workshops called for in the latter decision as a means of promoting the exchange of information on the difficulties faced by Parties with respect to ratification of and accession to the Basel Protocol on Liability and Compensation, with a view to enhancing such ratification and accession,

*Also noting* with appreciation the kind financial support provided by the Government of Switzerland towards the organization of three workshops,

*Welcoming* with appreciation the efforts made by the Secretariat, the Basel Convention regional centres and the host countries in organizing workshops,

*Taking note* of the work undertaken to date by the Secretariat,

*Welcoming* with appreciation the assistance offered by the Government of Switzerland in the preparation of the instruction manual,

*Further noting* the need for further work on the manual to render it ready for approval,

1. *Calls upon* all Parties and organizations that are in a position to do so to make financial or in-kind contributions for the organization of workshops for addressing various aspects of and obstacles to the process of ratification of or accession to the Basel Protocol as called for in decision VI/15;
2. *Requests* the Secretariat to continue its work on organizing workshops to address aspects of and obstacles to the process of ratification of or accession to the Basel Protocol;
3. *Also requests* the Secretariat to continue consultations with relevant institutions and to report thereon to the Open-ended Working Group regarding the options that may be available with respect to the requirement of insurance, bonds or other financial guarantees and the financial limits established under the Protocol;
4. *Further requests* the Secretariat to provide legal and technical assistance to Parties who require such assistance for the implementation of the Protocol;
5. *Requests* the Open-ended Working Group to consider and approve the instruction manual;
6. *Also requests* the Secretariat, upon approval by the Open-ended Working Group, to publish the instruction manual in all official United Nations languages and to disseminate it widely;
7. *Invites* Parties, upon approval by the Open-ended Working Group, to use the instruction manual, to report to the Secretariat on their experience in the use of the instruction manual and to submit to the Secretariat, on an on-going basis, copies of domestic laws and regulations implementing the Basel Protocol as well as case studies on the application of the Protocol;
8. *Further requests* the Secretariat to update the instruction manual on a regular basis by the addition, as annexes to the instruction manual, of copies of domestic laws and regulations and case studies relating to the implementation of the Basel Protocol submitted by Parties.

## **VII/29. Interim guidelines for the implementation of decision V/32 on enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention**

*The Conference of the Parties,*

*Recalling* decision V/32 concerning the enlargement, on an interim basis, of the scope of the Technical Cooperation Trust Fund,

*Recalling also* decision VI/14 concerning the interim guidelines for the implementation of decision V/32 on enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention, and, 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,

*Referring* to decision V/29 on the adoption of the Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal and, in particular, article 15, paragraph 1, of the Protocol on Liability and Compensation,

*Referring* to decision VI/41 on financial matters,

*Taking note* of article 15, paragraph 2, of the Protocol on Liability and Compensation,

*Observing* that requests for emergency assistance under paragraph 2 of decision V/32 and part 1 of the interim guidelines for the implementation of decision V/32 have not been submitted by Parties,

1. *Invites* developing countries and countries with economies in transition that are Parties to the Basel Convention to submit project proposals pursuant to part 3 of the interim guidelines for the

implementation of decision V/32, 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;

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 a contributor may specify that its contributions be used for purposes specified in parts 1, 2 or 3 of the interim guidelines;

3. *Requests* the Secretariat to continue collating information related to incidents, as defined under article 2, paragraph 2 (h), of the Protocol on Liability and Compensation, specifically:

(a) The number of incidents arising from transboundary movements of hazardous wastes and their disposal;

(b) With regard to each incident, the extent to which damage was not compensated by the existing 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.

## **VII/30. Mechanism for implementation and compliance: work programme for 2005–2006**

*The Conference of the Parties,*

*Bearing in mind* the provisions of the Basel Convention,

*Recalling* decision VI/12, in which the Conference of the Parties established a mechanism for promoting implementation of and compliance with the Basel Convention,

*Recalling also* the terms of reference of the mechanism set forth in the appendix to decision VI/12, and in particular paragraph 21, providing for the review by the Committee for Administering the Mechanism for Promoting Implementation and Compliance of general issues of compliance and implementation as directed by the Conference of the Parties,

*Also noting* the requirement for environmentally sound management of hazardous and other wastes as defined by the Convention,

1. *Approves* the work programme for 2005–2006 of the Committee for Administering the Mechanism for Promoting Implementation and Compliance, contained in the annex to the present decision;

2. *Requests* the committee to establish priorities and work methods and schedules as regards the issues identified in the work programme and to coordinate with the Open-ended Working Group so as to avoid duplication of activities;

3. *Recognizes* the need to provide the committee with sufficient funding in order to enable it to function effectively and to carry out its work programme;

4. *Requests* the committee to report to the Conference of the Parties at its eighth meeting on the work it has carried out to fulfil its functions in accordance with paragraphs 23 and 24 of the terms of reference of the Mechanism for Promoting Implementation and Compliance;

5. *Calls upon* Parties to make use of the mechanism for promoting implementation of and compliance with the Basel Convention, noting that it is non-confrontational, transparent, cost-effective and preventive in nature, simple, flexible, non-binding and oriented in the direction of helping Parties to implement the provisions of the Basel Convention, that it pays particular attention to the special needs of developing countries and countries with economies in transition, and that it is intended to promote cooperation between all Parties;

6. *Requests* the Secretariat of the Basel Convention to compile the views of the Parties as regards the general issues of compliance and implementation and the priorities that, in the view of the Parties, the committee should review, and provide them to the committee for its consideration in connection with the draft work programme for 2007–2008.

### **Work programme for 2005–2006 of the Committee for Administering the Mechanism for Promoting the Implementation and Compliance**

1. During the biennium 2005–2006, the committee shall review the following general issues in accordance with paragraph 21 of the terms of reference and in accordance with the priorities and budget decided by the Conference of the Parties:

- (a) Identification and analysis of difficulties relating to reporting obligations under the Basel Convention;
- (b) Identification and analysis of difficulties relating to designation and functioning of national competent authorities and focal points;
- (c) Identification and analysis of difficulties relating to development of national legislation to implement effectively the Basel Convention.

2. In doing so, the committee shall take full account of the previous discussions and decisions by the Basel Convention bodies on the relevant issues, and shall also take account of its mandate to complement the work performed by other bodies of the Basel Convention and by the Basel Convention regional centres.

3. When the committee receives specific submissions in accordance with paragraph 9 of the terms of reference, it shall give priority to dealing with such submissions.

### **VII/31. Mechanism for promoting implementation and compliance: election of members**

*The Conference of the Parties,*

*Recalling* decision VI/12 on the establishment of a mechanism for promoting implementation and compliance,

*Elects* the following members to serve on the Committee for Administering the Mechanism for Promoting the Implementation and Compliance of the Basel Convention, for two full terms, concluding at the end of the ninth meeting of the Conference of the Parties:

From the African region: Mr. Ratemo Michieka (Kenya);

From the Asian region: Mr. Abdul Hamid (Pakistan);

From the Central and Eastern European region: Ms. Ilze Donna (Latvia);

From the Latin American and Caribbean region: Ms. Yocasta Valenzuela (Dominican Republic);

From the Western European and other countries region: Mr. Jürg Bally (Switzerland).

## Annex

### **The members of the Committee to serve until the end of the eighth meeting of the Conference of the Parties**

#### **From the African region**

Mr. Prakash Kowlessar – Mauritius

Mr. Ibrahima Sow – Senegal

#### **From the Asian region**

Ms. Wang Qian – People's Republic of China

Mr. Akiho Shibata – Japan

#### **From the Central and Eastern European region**

Mr. Givi Kalandadze – Georgia

Mr. Pavel Suian – Romania

#### **From the Latin American and Caribbean region**

Mr. Miguel Angel Hildmann – Argentina

Mr. Mauricio Garcia-Velasco – Mexico

#### **From the Western European and other countries region**

Ms. Anne Daniel – Canada

Mr. Roy Watkinson – United Kingdom of Great Britain and Northern Ireland

### **VII/32. Checklist for preparation of national legislation for implementation of the Basel Convention**

*The Conference of the Parties,*

*Recalling* paragraph 4 of Article 4 of the Basel Convention, which requests Parties to take appropriate legal, administrative and other measures to implement and enforce the provisions of the Convention,

*Also recalling* decisions II/5, III/16, VI/1 and VI/16 of the Conference of the Parties,

*Noting* the importance of effective national legal frameworks to the implementation and enforcement of the Basel Convention,

1. *Requests* the Secretariat of the Basel Convention to finalize, in consultation with the Committee for Administering the Mechanism for Promoting Implementation and Compliance, a checklist for the preparation of national legislation for the implementation of the Basel Convention as a complement to the model national legislation, taking into account that such legislation may be combined with national legislation to implement the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants;
2. *Requests* the Secretariat to make the checklist available, including by posting it on the Convention web site;
3. *Requests* the Secretariat to continue to provide advice and assistance on national legislation to Parties upon request;
4. *Requests* the Secretariat to continue to organize regional or subregional training workshops, in collaboration with the Basel Convention regional centres, on the development and formulation of national legislation;
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. *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;

7. *Requests* the Secretariat to compile a collection of national legislation and other measures adopted by Parties to implement the Basel Convention and to make such measures available on the web site of the Convention.

### **VII/33. National definitions of hazardous wastes**

*The Conference of the Parties,*

*Noting* the standardized draft format for reporting under article 3 of the Basel Convention,

*Welcoming* the efforts made by Germany, in consultation with other Parties, to assist the Secretariat in developing the standardized draft reporting format,

*Mindful* of the importance of transmitting the notification of national definitions of hazardous wastes pursuant to article 3 of the Convention by Parties to the Secretariat,

1. *Adopts* the standardized reporting format for reporting under article 3 of the Convention as contained in the annex to the present decision;

2. *Requests* the Parties that have not provided the Secretariat with any of the information required under article 3 of the Convention to provide such information not later than six months after the adoption of the standardized reporting format and to report any subsequent significant change in this information using the standardized format;

3. *Further requests* the Parties, when providing such information to the Secretariat, to make reference to the relevant Convention provision to avoid ambiguity;

4. *Further 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;

5. *Requests* the Secretariat to make available on its web site the information received from Parties pursuant to article 3 of the Convention in the six official languages of the United Nations.

	<p style="text-align: center;"><b>Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal</b></p> <p style="text-align: center;"><b>Notification of national definitions or significant change to national definitions pursuant to article 3 of the Basel Convention</b></p> <p style="text-align: center;"><b>(Information reported using this form shall be regarded as formal notification pursuant to article 3 and shall be transmitted by the Secretariat of the Basel Convention to all Parties as well as Signatories)</b></p>	
	<p><b>Country:</b></p> <p><b>Government entity completing the questionnaire:</b></p> <p><b>Address:</b></p> <p><b>Telephone no:</b> <b>Fax no:</b></p> <p><b>Contact person:</b></p> <p><b>Title:</b></p> <p><b>Telephone no:</b> <b>(if different from above)</b></p> <p><b>E-mail:</b></p> <p><b>Date when form completed(D/M/Y):</b></p> <p><b>This report contains an updated national definition:</b>    Yes: <input type="checkbox"/>    No <input type="checkbox"/></p>	



<b>National Definition of Hazardous Wastes</b>							
<b>1</b>	<b>Is there a definition of hazardous waste in your national legislation?</b>						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 2px;">Yes: <input type="checkbox"/></td> <td style="padding: 2px;">No: <input type="checkbox"/> (If no, do not fill in the rest of the form)</td> </tr> </table>	Yes: <input type="checkbox"/>	No: <input type="checkbox"/> (If no, do not fill in the rest of the form)				
Yes: <input type="checkbox"/>	No: <input type="checkbox"/> (If no, do not fill in the rest of the form)						
	If yes, please provide the text of the national definition of hazardous waste (Please attach the full text of the relevant legislation):						
<b>1a</b>	<b>Is this a significant change to the national definition that has been previously notified to the Secretariat of the Basel Convention pursuant to article 3(2)?</b> (NB: Information transmitted annually under article 13 (3) does not represent a notification in compliance with article 3)						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 2px;">Yes <input type="checkbox"/></td> <td style="padding: 2px;">No <input type="checkbox"/></td> </tr> </table>	Yes <input type="checkbox"/>	No <input type="checkbox"/>				
Yes <input type="checkbox"/>	No <input type="checkbox"/>						
<b>1b</b>	<b>What is the source/ basis of this definition?</b>						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 2px;">Basel Convention <input type="checkbox"/></td> <td style="width: 33%; padding: 2px;">OECD-Council Acts <input type="checkbox"/></td> <td style="width: 33%; padding: 2px;">EU Waste Law <input type="checkbox"/></td> </tr> <tr> <td style="padding: 2px;">National <input type="checkbox"/></td> <td colspan="2" style="padding: 2px;">Other <input type="checkbox"/> (specify under remarks)</td> </tr> </table>	Basel Convention <input type="checkbox"/>	OECD-Council Acts <input type="checkbox"/>	EU Waste Law <input type="checkbox"/>	National <input type="checkbox"/>	Other <input type="checkbox"/> (specify under remarks)	
Basel Convention <input type="checkbox"/>	OECD-Council Acts <input type="checkbox"/>	EU Waste Law <input type="checkbox"/>					
National <input type="checkbox"/>	Other <input type="checkbox"/> (specify under remarks)						
	<u>Remarks, if necessary:</u>						

<b>2</b>	<b>Does the national definition of hazardous waste cover wastes other than those listed in Annexes I, II and VIII of the Basel Convention?</b>		
	<b>Yes:</b> <input type="checkbox"/>	<b>No:</b> <input type="checkbox"/>	
	If yes, please tick the box(es) below indicating the list(s) containing such wastes and, in the table below or as an attachment, list the wastes.		
	<b>WCO-HS</b> <input type="checkbox"/>	<b>OECD</b> <input type="checkbox"/>	<b>EU-Waste List</b> <input type="checkbox"/>
	<b>National</b> <input type="checkbox"/> (specify under remarks)		<b>Other</b> <input type="checkbox"/> (specify under remarks)
<b><u>General remarks, if any</u></b>          			

Waste code	Waste description	Remarks, if any

Please ensure that your listing is as precise and clear as possible.

Waste code	Waste description	Remarks, if any

<b>3</b>	<b>Specify any requirements (procedures) concerning transboundary movements that are applicable to the wastes listed under question 2 above:</b>	
	The same as for wastes of Annex I, II or VIII: <input type="checkbox"/>	Other requirements (procedures): <input type="checkbox"/> If other, please specify the requirements (procedures):

## VII/34. Illegal traffic

*The Conference of the Parties,*

*Recalling* its decision V/23 on the prevention and monitoring of illegal traffic in hazardous wastes and other wastes,

*Also recalling* its decision VI/16, in which it adopted in the appendix to the decision guidance elements for the detection, prevention and control of illegal traffic in hazardous wastes and called for the preparation of an appendix to the guidance elements in the form of a training manual for personnel involved in preventing, identifying and managing such illegal traffic,

*Welcoming* the Training Manual for the Enforcement of Laws Implementing the Basel Convention: Guidance for Safe and Effective Detection, Investigation and Prosecution of Illegal Traffic in Hazardous and Other Wastes, as contained in the annex to the note by the Secretariat on guidance elements,<sup>24</sup>

1. *Requests* the Secretariat to prepare, for submission to the Open-ended Working Group, a revised draft of the training manual, taking into account any comments received from Parties prior to, during and after the seventh meeting of the Conference of Parties but received no later than 31 December 2004, having particular regard to its function as a training tool;
2. *Requests* the Open-ended Working Group to consider and approve the training manual on behalf of the Conference of the Parties;
3. *Agrees*, upon approval by the Open-ended Working Group, to include the text of the training manual as appendix 5 to the Guidance Elements for Detection, Prevention and Control of Illegal Traffic in Hazardous Wastes;
4. *Requests* the Secretariat to make the guidance elements, including their appendices, available on the Convention web site in all official United Nations languages;
5. *Requests* the Open-ended Working Group to continue to review and update the guidance elements as appropriate;
6. *Requests* the Secretariat, in collaboration with the Basel Convention regional centres, to continue to assist Parties, particularly developing countries, in implementing the guidance elements at the national level, including the development of national contingency plans;
7. *Requests* the Secretariat to continue its efforts to organize further training seminars to assist Parties, particularly developing countries, in implementing the guidance elements;
8. *Calls upon* all Parties and organizations in a position to do so to make financial or in-kind contributions for the organization of such training seminars.

## VII/35. Transmission of information, including implementation of decision II/12

*The Conference of the Parties,*

*Recalling* its decisions VI/27 and VI/28,

*Noting* the compilation documents and country fact sheets prepared by the Secretariat based on the information reported by Parties for the years 2000 and 2001 in accordance with articles 13 and 16 of the Convention,

*Further noting* the consolidated report prepared by the Secretariat on the implementation of decisions II/12 and III/1 as contained in the country fact sheets published in 2004,

*Acknowledging* the efforts made by Parties to report for the years 2000 and 2001,

*Also noting* with appreciation the progress made by the Finnish Environment Institute in the development of the reporting database,

*Stressing* the importance of reporting to the Secretariat correct, complete and comparable data on the generation and transboundary movement of hazardous wastes and other wastes,

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<sup>24</sup>

UNEP/CHW.7/24.

*Recognizing* the importance of developing indicators on hazardous wastes and other wastes taking into account the different social and economic conditions of Parties,

1. *Urges* Parties that have not yet done so to report on articles 13 and 16 for the calendar year 2002 and for previous years, as soon as possible, using the revised questionnaire that was 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 are requested to transmit, before the end of each calendar year, a report on the previous calendar year;
2. *Invites* Parties to provide such information to the Secretariat for the calendar year 2003 before the end of the calendar year 2004;
3. *Encourages* Parties to continue to report on their implementation of decision II/12 in their report under article 13 of the Convention;
4. *Requests* the Secretariat to prepare compilation documents and country fact sheets for the years 2002 and 2003 and to make such information available on a regular basis to the Parties and non-Parties;
5. *Also requests* the Secretariat to prepare a further consolidated report of the implementation of decision II/12 and to report thereon to the Conference of the Parties at its eighth meeting;
6. *Further 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 the Basel Convention regional centres or by other appropriate means;
7. *Requests* the Secretariat to initiate the preparatory work that will be necessary to make the reporting database available on its web site;
8. *Requests* the 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 year 1999 and onwards, to facilitate the development of indicators;
9. *Requests* the Secretariat to submit a progress report on the initiation of the work of developing a set of indicators to the Open-ended Working Group at its fourth session, in 2005;
10. *Invites* Parties and others to assist the Secretariat in developing such indicators.

## **VII/36. Guidance elements for bilateral, multilateral or regional agreements or arrangements**

*The Conference of the Parties,*

*Recalling* decisions VI/12 and VI/18,

*Noting* decision OEWG-II/3 of the Open-ended Working Group on guidance elements for bilateral, multilateral and regional agreements or arrangements,

1. *Agrees* to cease work on the guidance elements for bilateral, multilateral and regional agreements or arrangements;
2. *Requests* the Secretariat to assist Parties that require assistance in addressing any specific problems that they have related to bilateral, multilateral and regional agreements or arrangements, within the means available to the Secretariat;
3. *Requests* Parties to supply any texts of such agreements or arrangements to the Secretariat pursuant to article 11;
4. *Requests* the Secretariat to place texts of such agreements or arrangements on the Basel Convention web site.

## **VII/37. Amendment to rule 29 of the rules of procedure**

*The Conference of the Parties,*

*Bearing in mind* the importance of transparency and promoting awareness and understanding of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal,

*Recognizing* the importance of the participation of non-governmental institutions and persons towards the achievement of the aims of the Basel Convention,

*Decides* to amend rule 29 of the rules of procedure for meetings of the Conference of the Parties to read as follows:

“1. Meetings of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides otherwise;

2. Meetings of committees and working groups established by the Conference of the Parties, other than drafting and informal working groups, shall be held in public unless the committee or working group decides otherwise.”

## **VII/38. International cooperation, including cooperation with the World Trade Organization and the Global Environment Facility**

*The Conference of the Parties,*

*Recalling* its decisions VI/29 and VI/30 on international cooperation and cooperation with the World Trade Organization, respectively,

*Mindful* of the increased level of cooperation with United Nations bodies, other international and regional intergovernmental organizations and multilateral environmental agreements,

*Conscious* of the importance of developing cooperative links in domains of relevance to the implementation of the Basel Convention,

*Also conscious* of the limited resources available to the Secretariat to discharge its functions,

*Noting* the tasks contained in the work programme of the Open-ended Working Group for 2005–2006 of relevance to international cooperation,

*Considering* the report on international cooperation prepared by the Secretariat contained in document UNEP/CHW.7/29,

1. *Requests* the Secretariat to further strengthen cooperation and synergies in the areas and with the organizations listed below, within their respective mandates:

### **Persistent organic pollutants**

(a) The Secretariat of the Stockholm Convention on Persistent Organic Pollutants, the United Nations Environment Programme (UNEP) and the Food and Agriculture Organization of the United Nations on the issue of the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants;

### **Toxic chemicals**

(b) The Secretariat of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade regarding joint efforts in training and capacity-building, involving the Basel Convention regional centres, with a view to enhancing implementation;

### **Strategic approach to international chemicals management**

(c) UNEP and other intergovernmental organizations or bodies such as the Inter-Organization Programme for the Sound Management of Chemicals, the Intergovernmental Forum on Chemical Safety and the OSPAR Commission of the Convention for the Protection of the Marine Environment of the North-East Atlantic, with a view to enhancing synergies and complementarities between chemicals and waste issues;

### **Enforcement**

(d) UNEP, the World Customs Organization, the International Criminal Police Organization (Interpol), relevant multilateral environmental agreements like the chemicals-related conventions, the Montreal Protocol on Substances that Deplete the Ozone Layer to the Vienna Convention for the Protection of the Ozone Layer, the Convention on International Trade in Endangered Species of Wild Flora and Fauna and biosafety-related conventions or protocols;

## Transport and classification

(e) The United Nations Committee of Experts on the Transport of Dangerous Goods, that committee's Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals and the World Health Organization regarding the development of criteria for the hazard characteristics of Annex III to the Convention generally and the transport of infectious substances;

## Identification of wastes in the World Customs Organization's Harmonized Commodity Description and coding System

(f) The secretariat, the Harmonized System Committee and Subcommittee and the Scientific Sub-Committee of the World Customs Organization;

## Dismantling of ships

(g) The secretariats of the International Maritime Organization, the International Labour Organization, the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (London Convention 1972), the United Nations Convention on the Law of the Sea and UNEP;

2. *Also requests* the Secretariat to continue its cooperation, in accordance with decisions VI/29 and VI/30, on critical areas for the effective implementation of the Basel Convention, its protocol and amendments with relevant organizations, including the following:

- (a) The World Bank;
  - (b) The Global Environment Facility;
  - (c) The United Nations Commission on Sustainable Development;
  - (d) The United Nations Conference on Trade and Development;
  - (e) The United Nations Office for the Coordination of Humanitarian Affairs;
  - (f) The United Nations Institute for Training and Research;
  - (g) The Office of the United Nations High Commissioner for Human Rights;
  - (h) United Nations regional economic commissions;
  - (i) The United Nations Office of Legal Affairs, Division for Ocean Affairs and the Law of the Sea;
  - (j) The World Trade Organization;
  - (k) The International Lead and Zinc Study Group, as well as other study groups on copper and nickel;
  - (l) The Organisation for the Prohibition of Chemical Weapons;
  - (m) The regional seas conventions and action plans;
  - (n) The African Union, as secretariat of the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes Within Africa;
  - (o) The African Ministerial Conference on the Environment;
  - (p) The New Partnership for Africa's Development;
  - (q) The South Pacific Regional Environment Programme, as secretariat of the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes Within the South Pacific Region (Waigani Convention);
  - (r) The Organisation for Economic Cooperation and Development;
  - (s) The International Energy Agency;
3. *Further requests* the Secretariat to report on cooperation to the Conference of the Parties at its eighth meeting;
4. *Encourages* Parties and others to support the cooperative efforts of the Secretariat.

## **VII/39. Institutional arrangements**

*The Conference of the Parties,*

*Recalling* its decision VI/36 on institutional arrangements,

*Noting* the comments submitted by China in regard to the functioning of the Open-ended Working Group,

1. *Invites* other Parties to submit comments to the Secretariat on the functioning of subsidiary bodies in time for consideration by the Conference of the Parties at its eighth meeting;
2. *Requests* the Secretariat to make the comments received from Parties available to the Conference of the Parties at its eighth meeting.

## **VII/40. Sustainable financing**

*The Conference of the Parties,*

*Aware* of the extent of the negative impact of hazardous and other wastes on health and the environment in developing countries, particularly in Africa,

*Recognizing* the need to strengthen and develop the capacities of the various institutions responsible for the control and management of hazardous and other wastes,

*Recalling* the weakness of the financial, institutional, technical and legal capacities of developing countries with regard to the management of hazardous and other wastes,

*Recalling* the social and economic imperatives of sustainable development and the needs relating to poverty mitigation that require the mobilization of additional resources,

*Recalling* the Rio principles,

*Realizing* the challenge faced by developing countries and countries with economies in transition in implementing the Basel Convention and its guidelines, including through the development of technologies, materials and products relevant to the management of hazardous wastes in an environmentally sound manner,

*Noting* the effectiveness and importance of lasting and sustainable financing that will enable developing countries to implement adequately the provisions of the Convention,

1. *Requests* the Open-ended Working Group to examine article 14 of the Basel Convention, by taking into account the various options provided under the study made on resource mobilization, with a view to determining the legal and institutional feasibility of appropriate and predictable financial mechanisms of the Convention;
2. *Requests* the Open-ended Working Group to report its findings to the Conference of the Parties at its eighth meeting.

## **VII/41. Financial matters**

*The Conference of the Parties,*

*Recalling* decision VI/41 on financial matters,

*Noting* the financial report on the trust funds for 2003 and 2004 contained in document UNEP/CHW.7/INF/17 and its addendum,

*Welcoming* the increase in the number of Parties to the Convention, and noting the need for greater technical and financial resources, both domestic and international, to assist the Parties to achieve more effective implementation, and the necessity to implement the various decisions of the Convention, including the Strategic Plan for the Implementation of the Basel Convention,

*Welcoming* the new programmatic structure of the Secretariat;

*Recognizing* that voluntary contributions are an essential complement for the effective implementation of the Basel Convention,

*Noting* the need to manage financial arrangements supporting the Basel Convention in a way that is fully transparent and effective;



*Regretting* that circumstances may lead to expenditure in the biennium 2003-2004 to exceed the authorized budget in contravention of the terms of reference for the administration of the trust funds for the Basel Convention;

*Determined* that in the future budgets the said terms of reference should be fully respected;

*Noting also* the serious economic difficulties being experienced by certain Parties and stressing the need to allow for flexibility in the application of the UN scale of assessment to the Parties concerned;

1. *Requests* the Secretariat to prevent exceeding the approved budget in 2004 if possible;
2. *Approves* the budget of the Trust Fund for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention Trust Fund) in the amount of US\$ 4,286,090 for 2005 and US\$ 4,404,740 for 2006, as contained in annex I to the present decision;
3. *Authorizes* the Executive Secretary to utilize an amount not exceeding US\$ 1,000,000 in the year 2005 and US\$ 600,000 in the year 2006 from the reserve and fund balance of the Basel Convention Trust Fund to meet expenditure in the approved budget;
4. *Authorizes* also the Executive Secretary to complete implementation of the core activities of the Strategic Plan for Implementation of the Basel Convention, as approved by the Conference of the Parties at its sixth meeting, for the biennium 2003–2004.
5. *Decides* that the total amount of the contributions to be paid by the Parties is US\$ 3,286,090 for 2005 and US\$ 3,804,740 for 2006, as set out in annex I to the present decision;
6. *Also decides* that the contributions of individual Parties shall be as listed in annex III to the present decision, which is based on the current United Nations General Assembly scale of assessments, modified so that no Party contributes less than 0.001 per cent of the total, no Party contribution exceeds 22 per cent of the total and no contribution from a least developed country Party exceeds 0.01 per cent of the total;
7. *Decides* to maintain the level of the working capital reserve at 15 per cent of the estimated annual planned expenditures at any time in the biennium 2005-2006;
8. *Decides* that the Executive Secretary may make transfers of up to 20 per cent from one main appropriation line of the approved budget to other main appropriation lines;
9. *Agrees* to review at its eight meeting, on the basis of a document to be prepared by the Secretariat, a plan that identifies the optimal means of balancing the Convention's operating funds and expenditures;
10. *Requests* that the budget presented to the eight meeting of the Conference of the Parties will be formatted according to the new programmatic structure of the Secretariat, on the basis of guidance provided by the open ended working group;
11. *Expresses* its concern over the delays in payment of the agreed contributions by Parties, contrary to the provisions of the terms of reference for the administration of the Trust Fund for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, as contained in paragraph 8 of the terms of reference;
12. *Urges* all Parties to pay their contributions promptly and in full and further urges Parties that have not done so to pay their contributions for prior years as soon as possible;
13. *Requests* the Executive Secretary of the Secretariat to publish a list of contributions received to the Basel Convention and the Technical Cooperation Trust Funds on the website of the Convention and to keep this list up to date;
14. *Takes note* of the budget for 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) in the amount of 17,868,398 United States dollars for 2005 and 12,297,011 United States dollars for 2006, as contained in annex II to the present decision;
15. *Invites* voluntary contributions to the Technical Cooperation Trust Fund and to the Basel Convention Trust Fund from Parties and non-Parties, as well as from other sources;
16. *Encourages* Parties, non-Parties and other stake holders to contribute financially and with other means to implement the Strategic Plan and related projects, and further encourage Parties and non-Parties to transmit these projects for consideration by the appropriate funding agencies.

17. *Invites* Parties to notify the Secretariat of the Basel Convention of all contributions made to the Basel Convention Trust Funds at the time such payments are made;

18. *Decides* that the trust funds for the Basel Convention shall be further continued until 31 December 2008 and requests the Executive Director of the United Nations Environment Programme to extend the two trust funds to the Basel Convention for 2007–2008, subject to the approval of the Governing Council of the United Nations Environment Programme;

19. *Requests* the Executive Secretary to provide Parties with an indication of the financial implications of draft decisions, which cannot be met from existing resources within the budget of the Basel Convention Trust Fund, at the time they are presented to the eight meeting of the Conference of the Parties;

20. *Requests* the Secretariat of the Basel Convention to ensure the implementation of the decisions adopted by the Conference of the Parties as approved, within the budgets and the availability of financial resources in the Trust Funds;

21. *Also requests* the Secretariat to report annually to the Open-ended Working Group and to the Expanded Bureau on all sources of income received, including the reserve and fund balance and interest, as well as actual provisional and projected expenditure and commitments, and further requests the Executive Secretary to report on all expenditures against the agreed budget lines;

22. *Also requests* the Open-ended Working Group and the Expanded Bureau to keep under review the financial information provided by the Secretariat, including the timeliness and transparency of that information.

## Annex I

### Budget

#### Basel Convention Trust Fund

#### Years 2005 -2006

	COP 6 budget			COP 7 budget		
	2004	2005	2006	Total		
<b>10 PERSONNEL COMPONENT</b>						
1100 Professional Staff (Title & Grade) ***						
1101 Executive Secretary (D2)	157.500	211.000	211.000	422.000		
1102 Deputy Executive Secretary (D1)	146.800	200.000	200.000	400.000		
1103 Senior Programme Officer - Technical Cluster Matters (P5)	146.800	173.600	173.600	347.200		
1104 Senior Programme Officer - Institutional/Sec. Legal WG (P5)	146.800	173.600	173.600	347.200		
1105 First Programme Officer - Scientific Sec. TWG (P4)	130.000	150.200	150.200	300.400		
1106 Programme Officer - National Reporting (P3)	108.000	124.400	124.400	248.800		
1107 Programme Officer - Tech. Cooperation and Training (P4)	130.000	150.200	150.200	300.400		
1108 Programme Officer - Public Awareness (P3)	108.000	124.400	124.400	248.800		
1109 Administrative / Fund Management Officer (UNEP) **	-	-	-	-		
1110 Associate Programme Officer - Computer Systems (P2)	87.600	96.200	96.200	192.400		
1120 Temporary Posts for Conference Servicing (relates to COP7 together with line 1321)	50.000	10.000	10.000	20.000		
<b>1199 Sub-total, Professional Staff</b>	<b>1.211.500</b>	<b>1.413.600</b>	<b>1.413.600</b>	<b>2.827.200</b>		
<b>1200 Consultants</b>						
1201 Legal Advice, Support, Capacity-building / Technical Guidelines	135.000	100.000	100.000	200.000		
1202 Capacity-building / Technical Guidelines	135.000	100.000	100.000	200.000		
1203 Resource Mobilization / Partnerships	0	60.000	60.000	120.000		
<b>1299 Sub-total, Consultants</b>	<b>270.000</b>	<b>260.000</b>	<b>260.000</b>	<b>520.000</b>		
1300 Administrative Support (Title & Grade) ***						
1301 Administrative Assistant (G6) **	-	-	-	-		

1302 Personal Assistant to the Executive Secretary (G6)  
 1303 Meetings / Documents Assistant (G6)  
 1304 Personnel Assistant (G5)  
 1305 Programme Assistant (G5)  
 1306 Secretary (G5)  
 1307 Secretary (G5)  
 1308 Reproduction & Registry Clerk (G4)\*  
 1309 Legal Assistant (G5)\*  
 1310 Finance and Budget Assistant (G-6) \*\*  
 1320 Temporary assistance posts (short term)  
*Sub-total*

*Conference Servicing Costs*

1321 Conference of the Parties (1 meeting per biennium in six languages, USD 10,000 pa charged against B/L 1120, total 620,000). Costed at 300 pages for translation. Carry over of COP funds to COP year).  
 1322 Open-ended Working Group 4 (translation of 200 pages or less and interpretation in 6 UN languages up to 18.00)  
 1323 Open-ended Working Group 5 (translation of 200 pages or less and interpretation in 6 UN languages up to 18.00)  
 1324 Open-ended Working Group 3 (translation of 300 pages and interpretation in 6 UN languages)  
 1325 Expanded Bureau (in English only - 2 meetings per biennium)  
 1326 Expert Group on end of life cycle mobile phones  
 1327 Mechanism for Implementation and Compliance (English only)

**1399 Sub-total Administrative Support and Conference Servicing Costs**

*1600 Travel on Official Business*

1601 Official Travel  
**1699 Total, Travel On Official Business**

COP 6 budget	COP 7 budget			
	2004	2005	2006	Total
85.200	118.400	118.400	118.400	236.800
85.200	118.400	118.400	118.400	236.800
85.200	92.100	92.100	92.100	184.200
85.200	92.100	92.100	92.100	184.200
85.200	92.100	92.100	92.100	184.200
85.200	92.100	92.100	92.100	184.200
85.200	92.100	92.100	92.100	184.200
-	0	0	0	0
10.300	10.300	10.300	10.300	20.600
691.900	799.700	799.700	799.700	1.599.400
500.000	250.000	350.000	350.000	600.000
0	450.000	0	0	450.000
0	0	450.000	450.000	450.000
400.000	0	0	0	0
7.000	2.000	2.000	2.000	4.000
3.000	0	0	0	0
3.000	2.000	2.000	2.000	4.000
<b>1.604.900</b>	<b>1.503.700</b>	<b>1.603.700</b>	<b>1.603.700</b>	<b>3.107.400</b>
200.000	150.000	150.000	150.000	300.000
<b>200.000</b>	<b>150.000</b>	<b>150.000</b>	<b>150.000</b>	<b>300.000</b>

COP 6 budget	COP 7 budget			
	2004	2005	2006	Total
3.286.400	3.327.300	3.427.300	6.754.600	
50.000	10.000	10.000	20.000	
50.000	10.000	10.000	20.000	
50.000	10.000	10.000	20.000	
-	0	0	0	
	62.000	0	62.000	
	0	62.000	62.000	
175.000	0	0	0	
51.555	43.400	43.400	86.800	
0	31.000	31.000	62.000	
226.555	136.400	136.400	272.800	
226.555	136.400	136.400	272.800	
24.500	24.500	24.500	49.000	
24.500	24.500	24.500	49.000	
28.000	14.000	14.000	28.000	
28.000	14.000	14.000	28.000	

1999 TOTAL STAFF COMPONENT

20 SUB-CONTRACT COMPONENT

2100 Sub-contracts Component

2101 Information System

2199 Sub-total sub-contracts, non-commercial

2999 TOTAL SUB-CONTRACT COMPONENT

30 MEETINGS AND CONFERENCES

3300 Travel and DSA Costs of Participants

3301 Conference of the Parties

3302 Open-ended Working Group 4 (20 travels)

3303 Open-ended Working Group 5 (20 travels)

3304 Open-ended Working Group (50 travels)

3305 Expanded Bureau (some 14 travels)

3306 Mechanism for Implementation and Compliance (English only) - Two meetings over the biennium (10 travels/meeting)

3399 Sub-total Meetings and Conferences

3999 TOTAL MEETINGS AND CONFERENCES

40 EQUIPMENT AND PREMISES COMPONENT

4100 Expendable Equipment

4101 Office Supplies, library acquisitions and computer software

4199 Sub-total, Expendable Equipment

4200 Non-expandable equipment

4201 Computer Equipment, printers, furniture, multimedia and others

	COP 6 budget			COP 7 budget		
	2004	2005	2006	2005	2006	Total
	60.000	75.000	80.000			155.000
	<b>60.000</b>	<b>75.000</b>	<b>80.000</b>			<b>155.000</b>
	<b>112.500</b>	<b>113.500</b>	<b>118.500</b>			<b>232.000</b>
	51.300	71.300	71.300			142.600
	<b>51.300</b>	<b>71.300</b>	<b>71.300</b>			<b>142.600</b>
	55.000	55.000	55.000			110.000
	<b>55.000</b>	<b>55.000</b>	<b>55.000</b>			<b>110.000</b>
	67.500	70.000	70.000			140.000
	<b>67.500</b>	<b>70.000</b>	<b>70.000</b>			<b>140.000</b>
	9.500	9.500	9.500			19.000
	<b>9.500</b>	<b>9.500</b>	<b>9.500</b>			<b>19.000</b>
	<b>183.300</b>	<b>205.800</b>	<b>205.800</b>			<b>411.600</b>
	3.858.755	3.793.000	3.898.000			7.691.000
	-137.300					
	480.399	493.090	506.740			999.830
	<b>4.201.854</b>	<b>4.286.090</b>	<b>4.404.740</b>			<b>8.690.830</b>
	<b>1.200.000</b>	<b>1.000.000</b>	<b>600.000</b>			<b>1.600.000</b>

4300	Premises	
4301	Office space fees, building maintenance, security, utilities and insurance	
4399	<b>Total, Premises</b>	
4999	<b>TOTAL, EQUIPMENT AND PREMISES COMPONENT</b>	
50	<b>MISCELLANEOUS COMPONENT</b>	
5100	<i>Operation and Maintenance of Equipment</i>	
5101	Computers, Printers, photocopiers and other	
5199	<b>Sub-total, Maintenance of Equipment</b>	
5200	<i>Reporting costs</i>	
5201	Newsletters, publications and other media	
5299	<b>Sub-total, Reporting costs</b>	
5300	<i>Sundry</i>	
5301	Communications, freight and other (with carry over to COP year)	
5399	<b>Sub-total Sundry</b>	
5400	<i>Hospitality</i>	
5401	Hospitality	
5499	<b>Sub-total Hospitality</b>	
5999	<b>TOTAL, MISCELLANEOUS COMPONENT</b>	
99	<b>TOTAL OPERATIONAL COSTS</b>	
	Less UNEP Contribution	
	13% Programme Support Costs	
	<b>TOTAL BUDGET OF THE TRUST FUND</b>	
	Percentage increase from year to year	
	<b>Deduction from the Reserve and Fund Balance****</b>	

**TO BE COVERED BY PARTIES**

Percentage increase from year to year

Percentage increase from biennium 2003 -2004 to biennium 2005 - 2006

**Required working capital reserve (15 %)**

18.1%

COP 6 budget	COP 7 budget		
2004	2005	2006	Total
3.001.854	3.286.090	3.804.740	7.090.830
	9.5%	15.8%	

642.914

660.711

Reserve projection

2.268.210

Draw down of reserve

1.600.000

Working capital reserve (15 % of average budget)

668.210

\* Post proposed for reclassification due to changes in functions.

\*\* Post funded from 13 per cent Programme Support Costs

\*\*\* Standard salary costs (Rev.12) of United Nations for 2005 are used.

\*\*\*\* The deduction may be reduced due to interest income and contributions from others than Parties.

## Annex II

### Budget

#### Technical Cooperation Trust Fund

#### Years 2005–2006

	COP 6 budget		COP 7 budget	
	2004	2005	2005	2006
	-	173.600		173.600
	-	<b>173.600</b>		<b>173.600</b>
	25.000	30.000		60.000
	<b>25.000</b>	<b>30.000</b>		<b>60.000</b>
	10.000	20.000		30.000
	<b>10.000</b>	<b>20.000</b>		<b>30.000</b>
	<b>35.000</b>	<b>223.600</b>		<b>263.600</b>

#### 10 PERSONNEL COMPONENT

1100 Professional Staff (Title & Grade)

1111 Senior Programme Officer - Resource Mobilization / Partnerships (P5)

**1199 Sub-total, Professional Staff**

#### Consultants

1201 Compliance mechanism - Experts and advisers

**Sub-total, Consultants**

1600 Travel on Official Business

1601 Official Travel - Compliance mechanism, Information gathering missions

**1699 Total, Travel On Official Business**

**1999 TOTAL STAFF COMPONENT**



	COP 6 budget		COP 7 budget	
	2004	2005	2006	
	100.000	57.000	17.000	
	200.000	50.000	20.000	
	250.000	8.492.102	3.930.179	
	-	1.000.000	1.000.000	
	500.000	500.000	500.000	
	<b>1.050.000</b>	<b>10.099.102</b>	<b>5.467.179</b>	
	<b>1.050.000</b>	<b>10.099.102</b>	<b>5.467.179</b>	
	375.000	1.370.285	644.361	
	935.000	2.750.255	2.217.171	
	<b>1.310.000</b>	<b>4.120.540</b>	<b>2.861.532</b>	
	250.000	250.000	250.000	
	485.000	485.000	485.000	
	-	-	-	
	340.000	400.000	400.000	
	<b>1.075.000</b>	<b>1.135.000</b>	<b>1.135.000</b>	

## 20 SUB-CONTRACT COMPONENT

### 2100 Sub-contracts Component

- 2101 *Development and maintenance of web portals for information system of BCRC's*
- 2102 *Web access to national reporting database. (Previously: Assistance in Development of Information Systems for national reporting and HW management (40 Countries))*
- 2103 *Projects for the implementation of the Strategic Plan*
- 2104 *Projects for the Partnership Programme \**
- 2150 *Interim financial mechanism for the liability and compensation*

### 2199 Sub-total sub-contracts

### 2999 TOTAL SUB-CONTRACT COMPONENT

### 3100 Training

- 3101 *Technical Assistance and Technical Matters (Inputs from BCRC business plans) (In 2002 budget B/L called: Technical assistance to 10 Countries)*
- 3102 *Capacity Building (Inputs from BCRC business plans)*
- 3199 **Sub-total training**

### 3200 Group training

- 3201 *Regional / Sub-Regional Workshops and Seminars on Implementation of the Strategic Plan (5 meetings per biennium, 80 participants)*
- 3202 *Basel Convention Regional Centres (Inventories and National Legislations (13 Centres))*
- 3203 *(Assistance to Developing Countries in Development of Information System - please refer to B/L 2102)*
- 3204 *Workshops for Customs and Enforcement Officers on Prevention of Illegal Traffic, implementation plans of HW management.*

### 3299 Sub-total Group training

	COP 6 budget		COP 7 budget	
	2004	2005	2005	2006
<b>3300 Meetings &amp; Conferences</b>				
3301 Conference of Parties (1 meeting per biennium)	770.000	-		770.000
3302 Open-ended Working Group 4	-	220.500		-
3303 Open-ended Working Group 5	-	-		371.000
3304 Open-ended Working Group	371.000	-		-
3307 Committee on Compliance Mechanism (budgeted in BC trust fund)	107.000	-		-
3308 Partnerships (Previously: Partnership with industry) (1 meeting per annum, 4 travels per meeting)	14.000	14.000		14.000
<b>3399 Sub-total meetings and conferences</b>	<b>1.262.000</b>	<b>234.500</b>		<b>1.155.000</b>
<b>3999 TOTAL MEETINGS AND CONFERENCES COMPONENT</b>	<b>3.647.000</b>	<b>5.490.040</b>		<b>5.151.532</b>
<b>99 TOTAL OPERATIONAL COSTS</b>	<b>4.732.000</b>	<b>15.812.742</b>		<b>10.882.311</b>
13% Programme Support Costs	615.160	2.055.656		1.414.700
<b>TOTAL BUDGET OF THE TRUST FUND</b>	<b>5.347.160</b>	<b>17.868.398</b>		<b>12.297.011</b>

\* To provide for regional pilot projects funded by private sector and other stakeholders. Amounts are indicative only.

## Annex III

### Trust Fund for the Basel Convention on Transboundary Movements on Hazardous Wastes and Their Disposal

Scale of Contribution for the biennium 2005 - 2006 in United States dollars (USD)  
based on proposed budget

A No.	B Parties	C United Nations scale of assessments 2005 - 2006 *	Adjusted scale of contribution with 22 % ceiling and no LDC paying more than 0.01 per cent.	E Annual contributions as per 2005 (USD)	F Annual contributions as per 2006 (USD)
		(per cent)			
1	Albania	0.005	0.00646	212	246
2	Algeria	0.076	0.09819	3.227	3.736
3	Andorra	0.005	0.00646	212	246
4	Antigua and Barbuda	0.003	0.00388	127	147
5	Argentina	0.956	1.23513	40.587	46.993
6	Armenia	0.002	0.00258	85	98
7	Australia	1.592	2.05682	67.589	78.257
8	Austria	0.859	1.10981	36.469	42.225
9	Azerbaijan	0.005	0.00646	212	246
10	Bahamas	0.013	0.01680	552	639
11	Bahrain	0.030	0.03876	1.274	1.475
12	Bangladesh	0.010	0.01000	329	380
13	Barbados	0.010	0.01292	425	492
14	Belarus	0.018	0.02326	764	885
15	Belgium	1.069	1.38112	45.385	52.548
16	Belize	0.001	0.00129	42	49
17	Benin	0.002	0.00258	85	98
18	Bhutan	0.001	0.00129	42	49
19	Bolivia	0.009	0.01163	382	442
20	Bosnia and Herzegovina	0.003	0.00388	127	147
21	Botswana	0.012	0.01550	509	590
22	Brazil	1.523	1.96768	64.660	74.865
23	Brunei Darussalam	0.034	0.04393	1.443	1.671
24	Bulgaria	0.017	0.02196	722	836
25	Burkina Faso	0.002	0.00258	85	98
26	Burundi	0.001	0.00129	42	49
27	Cambodia	0.002	0.00258	85	98
28	Cameroon	0.008	0.01034	340	393
29	Canada	2.813	3.63432	119.427	138.276
30	Cape Verde	0.001	0.00129	42	49
31	Chad	0.001	0.00129	42	49
32	Chile	0.223	0.28811	9.468	10.962
33	China	2.053	2.65242	87.161	100.918
34	Colombia	0.155	0.20026	6.581	7.619
35	Comoros	0.001	0.00129	42	49
36	Cook Islands	0.001	0.00129	42	49

<b>A</b>	<b>B</b>	<b>C</b>		<b>E</b>	<b>F</b>
<b>No.</b>	<b>Parties</b>	<b>United Nations scale of assessments 2005 - 2006 *</b>	<b>Adjusted scale of contribution with 22 % ceiling and no LDC paying more than 0.01 per cent.</b>	<b>Annual contributions as per 2005 (USD)</b>	<b>Annual contributions as per 2006 (USD)</b>
		(per cent)			
37	Costa Rica	0.030	0.03876	1.274	1.475
38	Cote d'Ivoire	0.010	0.01292	425	492
39	Croatia	0.037	0.04780	1.571	1.819
40	Cuba	0.043	0.05555	1.826	2.114
41	Cyprus	0.039	0.05039	1.656	1.917
42	Czech Republic	0.183	0.23643	7.769	8.996
43	Democratic Republic of the Congo	0.003	0.00388	127	147
44	Denmark	0.718	0.92764	30.483	35.294
45	Djibouti	0.001	0.00129	42	49
46	Dominica	0.001	0.00129	42	49
47	Dominican Republic	0.035	0.04522	1.486	1.720
48	Ecuador	0.019	0.02455	807	934
49	Egypt	0.120	0.15504	5.095	5.899
50	El Salvador	0.022	0.02842	934	1.081
51	Equatorial Guinea	0.002	0.00258	85	98
52	Estonia	0.012	0.01550	509	590
53	Ethiopia	0.004	0.00517	170	197
54	Finland	0.533	0.68862	22.629	26.200
55	France	6.030	7.79060	256.006	296.412
56	Gambia	0.001	0.00129	42	49
57	Georgia	0.003	0.00388	127	147
58	Germany	8.662	11.19107	367.749	425.791
59	Ghana	0.004	0.00517	170	197
60	Greece	0.530	0.68475	22.501	26.053
61	Guatemala	0.030	0.03876	1.274	1.475
62	Guinea	0.003	0.00388	127	147
63	Guyana	0.001	0.00129	42	49
64	Honduras	0.005	0.00646	212	246
65	Hungary	0.126	0.16279	5.349	6.194
66	Iceland	0.034	0.04393	1.443	1.671
67	India	0.421	0.54392	17.874	20.695
68	Indonesia	0.142	0.18346	6.029	6.980
69	Iran (Islamic Republic of)	0.157	0.20284	6.665	7.718
70	Ireland	0.350	0.45219	14.859	17.205
71	Israel	0.467	0.60335	19.827	22.956
72	Italy	4.885	6.31129	207.395	240.128
73	Jamaica	0.008	0.01034	340	393
74	Japan	19.468	22.00000	722.940	837.043
75	Jordan	0.011	0.01421	467	541
76	Kazakhstan	0.025	0.03230	1.061	1.229
77	Kenya	0.009	0.01163	382	442
78	Kiribati	0.001	0.00129	42	49
79	Kuwait	0.162	0.20930	6.878	7.963
80	Kyrgyzstan	0.001	0.00129	42	49
81	Latvia	0.015	0.01938	637	737
82	Lebanon	0.024	0.03101	1.019	1.180

A No.	B Parties	C United Nations scale of assessments 2005 - 2006 *	Adjusted scale of contribution with 22 % ceiling and no LDC paying more than 0.01 per cent.	E Annual contributions as per 2005 (USD)	F Annual contributions as per 2006 (USD)
		(per cent)			
83	Lesotho	0.001	0.00129	42	49
84	Libyan Arab Jamahiriya	0.132	0.17054	5.604	6.489
85	Liechtenstein	0.005	0.00646	212	246
86	Lithuania	0.024	0.03101	1.019	1.180
87	Luxembourg	0.077	0.09948	3.269	3.785
88	Madagascar	0.003	0.00388	127	147
89	Malawi	0.001	0.00129	42	49
90	Malaysia	0.203	0.26227	8.618	9.979
91	Maldives	0.001	0.00129	42	49
92	Mali	0.002	0.00258	85	98
93	Malta	0.014	0.01809	594	688
94	Marshall Islands	0.001	0.00129	42	49
95	Mauritania	0.001	0.00129	42	49
96	Mauritius	0.011	0.01421	467	541
97	Mexico	1.883	2.43279	79.944	92.561
98	Micronesia (Federated States of )	0.001	0.00129	42	49
99	Monaco	0.003	0.00388	127	147
100	Mongolia	0.001	0.00129	42	49
101	Morocco	0.047	0.06072	1.995	2.310
102	Mozambique	0.001	0.00129	42	49
103	Namibia	0.006	0.00775	255	295
104	Nauru	0.001	0.00129	42	49
105	Nepal	0.004	0.00517	170	197
106	Netherlands	1.690	2.18343	71.750	83.074
107	New Zealand	0.221	0.28553	9.383	10.864
108	Nicaragua	0.001	0.00129	42	49
109	Niger	0.001	0.00129	42	49
110	Nigeria	0.042	0.05426	1.783	2.065
111	Norway	0.679	0.87725	28.827	33.377
112	Oman	0.070	0.09044	2.972	3.441
113	Pakistan	0.055	0.07106	2.335	2.704
114	Panama	0.019	0.02455	807	934
115	Papua New Guinea	0.003	0.00388	127	147
116	Paraguay	0.012	0.01550	509	590
117	Peru	0.092	0.11886	3.906	4.522
118	Philippines	0.095	0.12274	4.033	4.670
119	Poland	0.461	0.59560	19.572	22.661
120	Portugal	0.470	0.60723	19.954	23.103
121	Qatar	0.064	0.08269	2.717	3.146
122	Republic of Korea	1.796	2.32038	76.250	88.285
123	Republic of Moldova	0.001	0.00129	42	49
124	Romania	0.060	0.07752	2.547	2.949
125	Russian Federation	1.100	1.42117	46.701	54.072
126	Rwanda	0.001	0.00129	42	49
127	Saint Kitts and Nevis	0.001	0.00129	42	49
128	Saint Lucia	0.002	0.00258	85	98

<b>A</b>	<b>B</b>	<b>C</b>		<b>E</b>	<b>F</b>
<b>No.</b>	<b>Parties</b>	<b>United Nations scale of assessments 2005 - 2006 *</b>	<b>Adjusted scale of contribution with 22 % ceiling and no LDC paying more than 0.01 per cent.</b>	<b>Annual contributions as per 2005 (USD)</b>	<b>Annual contributions as per 2006 (USD)</b>
		(per cent)			
129	Saint Vincent and the Grenadines	0.001	0.00129	42	49
130	Saudi Arabia	0.713	0.92118	30.271	35.048
131	Samoa	0.001	0.00129	42	49
132	Senegal	0.005	0.00646	212	246
133	Serbia and Montenegro	0.019	0.02455	807	934
134	Seychelles	0.002	0.00258	85	98
135	Singapore	0.388	0.50129	16.473	19.073
136	Slovakia	0.051	0.06589	2.165	2.507
137	Slovenia	0.082	0.10594	3.481	4.031
138	South Africa	0.292	0.37726	12.397	14.354
139	Spain	2.520	3.25577	106.988	123.874
140	Sri Lanka	0.017	0.02196	722	836
141	Sweden	0.998	1.28939	42.370	49.058
142	Switzerland	1.197	1.54649	50.819	58.840
143	Syrian Arab Republic	0.038	0.04909	1.613	1.868
144	Thailand	0.209	0.27002	8.873	10.274
145	The former Yugoslav Republic of Macedonia	0.006	0.00775	255	295
146	Togo	0.001	0.00129	42	49
147	Trinidad and Tobago	0.022	0.02842	934	1.081
148	Tunisia	0.032	0.04134	1.359	1.573
149	Turkey	0.372	0.48061	15.793	18.286
150	Turkmenistan	0.005	0.00646	212	246
151	Uganda	0.006	0.00775	255	295
152	Ukraine	0.039	0.05039	1.656	1.917
153	United Arab Emirates	0.235	0.30361	9.977	11.552
154	United Kingdom of Great Britain and Northern Ireland	6.127	7.91592	260.124	301.180
155	United Republic of Tanzania	0.006	0.00775	255	295
156	Uruguay	0.048	0.06201	2.038	2.359
157	Uzbekistan	0.014	0.01809	594	688
158	Venezuela (Bolivarian Republic of)	0.171	0.22093	7.260	8.406
159	Viet Nam	0.021	0.02713	892	1.032
160	Yemen	0.006	0.00775	255	295
161	Zambia	0.002	0.00258	85	98
162	European Community	2.500	2.50000	82.152	95.119
	<b>Subtotal</b>	80.408	100.00000	<b>3.286.077</b>	<b>3.804.735</b>
	<b>Rounding error</b>			<b>13</b>	<b>5</b>
	<b>TOTAL</b>			<b>3.286.090</b>	<b>3.804.740</b>

## VII/42. Date and venue of the eighth meeting of the Conference of the Parties

*The Conference of the Parties,*

*Recalling* article 15 of the Basel Convention, which states that “ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting”,

*Recalling also* decision I/1, in which the Conference adopted the rules of procedure for meetings of the Conference of the Parties, rule 4 of which provides that “[o]rdinary meetings of the Conference of the Parties shall be held every other year, unless the Parties decide otherwise” and that “[a]t each ordinary meeting, the Conference shall decide on the date and duration of the next ordinary meeting”,

*Recognizing* the benefits that may accrue to the Convention and to Parties, particularly those with developing economies, that host meetings of the Conference of the Parties in different regions of the world,

1. *Notes* with appreciation the interest of the Government of Kenya in hosting the eighth meeting of the Conference of the Parties to the Convention;

2. *Requests* the Executive Secretary to enter into consultations with the Government of Kenya with a view to agreeing on satisfactory arrangements and concluding a host country agreement for hosting the eighth meeting of the Conference of the Parties;

3. *Decides* that, subject to the satisfactory conclusion of consultations between the Government of Kenya and the Executive Secretary on arrangements for the eighth meeting of the Conference of the Parties, the eighth meeting shall be held in Kenya from 27 November to 1 December 2006.

## Statements by Australia and Canada on analysis of issues related to Annex VII

### Statement by Australia

Parties will be aware of Australia’s longstanding concerns about Annex VII, which we have put forward often both at meetings and in written comments.

At the heart of Australia’s concerns is the arbitrary nature of Annex VII membership, which is currently decided by membership of the OECD or EU, and we note that membership of the Annex has grown by 10 since adoption of decision III/1 without any oversight or decision by the Committee.

Annex VII was first established as a group of countries that could be relied on to manage hazardous waste in an environmentally sound manner. To my delegation, only criteria that relate directly to such objectives make any sense. The current criteria, such as they are, seem arbitrary and discriminatory. While they remain, Australia will not consider ratification of the Ban Amendment.

Despite these concerns, and despite our strong dissatisfaction with the incomplete and inadequate nature of the analysis, we have reluctantly accepted that no further progress is likely to be made by the Parties, and that no further analysis of the Annex VII issues should be undertaken.

We ask that these comments are annexed to the decision.

### Statement by Canada

Canada recognizes that the adoption of the decision regarding the study of Annex VII marks the end of a process that Canada supported. While the study is insufficient/incomplete in providing the necessary information for countries to make an informed decision on whether they should ratify the instrument, Canada does not object to the adoption of the decision. We are of the view that some information for Parties is a starting point.

Canada has not ratified the amendment. Canada has not opposed the adoption of the decision to impose a ban amendment but made a statement to the effect that it considers it inappropriate for the Conference

of the Parties to require OECD states to impose an export ban on trade with all non-OECD States in the absence of a specific request from each developing State affected by the decision. Canada continues to believe that the Ban Amendment does not make any distinction between wastes destined for final disposal and those destined for legitimate recycling operations, including those recycling operations that can lead to both environmental and economic benefit.

Mr. President, since the amendment was first negotiated, circumstances in many countries have changed. As noted in the 2001 OECD Environmental Outlook for the Chemicals Industry, a number of developing countries have demonstrated a high standard of environmental performance through the adoption of environmentally sound management (ESM) practices. Advancing work on ESM practices in the context of the Basel Convention can only assist countries to implement the provisions contained within the Ban Amendment. It is critical to the success of meeting the Basel Convention objectives that work continue on ESM in order to encourage Parties to implement recovery facilities to ensure that they meet high environmental standards irrespective of the country. Some developing countries have already demonstrated a high standard of environmental performance through the adoption of ESM practices. We think that it is important to recognize the efforts undertaken by these countries.

In this regard, regardless of the country, we think that the Ban Amendment should also take into account the availability of state-of-the-art facilities, facilities that can manage wastes in an environmentally sound manner. A developing country investing in a capital project to build a state-of-the-art facility, consistent with the principles of environmentally sound management, should be entitled to have access to global feedstocks in order to remain competitive within the lucrative recycling market.

Mr. President, we are asking that our statement be attached to the decision and reflected in the report of the meeting. We hope that delegations will reflect on our statement once they return to their capitals with a view to incorporating this type of work in the programme of activities of the Open-ended Working Group. We think that it would be important for the Convention to look at these issues, in particular, to assist countries in their pursuit of funding from global financial institutions to invest in new technologies. As everyone knows, financial institutions not only require certain written guarantees that the technology meets international standards but also that the country has access to a supply of materials in order to make the recycling operations environmentally sound and economically viable.

## **Message from the Secretary-General to the Conference of the Parties of the Basel Convention on the occasion of its seventh meeting**

The Basel Convention, adopted fifteen years ago, establishes an international regime regulating transboundary movements of hazardous and other wastes. That regime is operating successfully worldwide, reinforced by a unique compliance mechanism and a protocol on liability and compensation. I commend all Parties to the Convention for their efforts to make it a truly effective instrument.

While regulating waste movement is vital, our world must also tackle the production of hazardous and other wastes at their source. Parties to the Convention report that over 300 million tons are generated each year. The actual global total is probably much higher. Our world is generating more and more hazardous and other waste each year, and it is increasingly intermingled with municipal and household wastes. Waste generation has therefore become a global challenge.

We can only address that challenge through partnerships, innovative thinking and cooperation at all levels. We must shift from “end-of-pipe” solutions to an integrated life-cycle approach – one that encompasses generation, storage, transport, treatment, recycling, recovery and final disposal. The 1999 Basel Ministerial Declaration on environmentally sound management and the 2002 Strategic Plan for the Implementation of the Basel Convention provide a global platform for such an approach. All should make full use of them.

If the world is to ensure environmental sustainability, as envisaged in the Millennium Development Goals, multilateral environmental agreements such as the Basel Convention must be implemented. I therefore call on all States to work together, and to provide the necessary resources, to strengthen the capacity of developing countries and those with economies in transition, and to support the 13 Basel Convention regional centres. And I assure you that the United Nations will continue to play its part in meeting the global waste challenge.

In that spirit, I wish you a very successful meeting.



## Ministerial statement on partnerships for meeting the global waste challenge

We, the ministers and heads of delegations from the Parties to the Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal and other States present on the occasion of the seventh meeting of the Conference of the Parties to the Convention, share concerns and a sense of urgency regarding the unprecedented growth in the generation of hazardous wastes and the challenge posed to countries and regions in managing these wastes in an environmentally sound manner. Bearing this mind, we have discussed and exchanged views on the issue of building partnerships for meeting the global waste challenge.

Experience with the Basel Convention suggests that today's global waste challenge is shaped in large part by several interrelated issues, namely: (a) the rapid accumulation of hazardous wastes and other wastes and the lack of their environmentally sound management in urban settlements, which represent growing concerns for human health and the environment (b) the particular vulnerability of the poor, including children; (c) the sheer volume of wastes and the lack of segregation of hazardous from non-hazardous wastes, which is overwhelming national capacities to cope; (d) the siting of new facilities for hazardous waste and other waste disposal, which is becoming difficult and expensive; (e) the rise of end-of-life equipment as the fastest growing waste stream worldwide.

The achievement of the goals set forth in the Basel Convention and the enhancement of its role will help to deliver significant benefits with global reach:

- (a) The reduction of detrimental impacts on human health, in particular on the poor;
- (b) A lower risk of diseases, injuries and work-related accidents;
- (c) A direct positive impact on reducing levels of land and air pollution, as well as of water contamination;
- (d) A direct effect on the reduction or prevention of the degradation of fisheries in rivers and oceans resulting from the discharge of pesticides, industrial pollution or leachate of hazardous substances;
- (e) A lower risk of food contamination by persistent organic pollutants and heavy metals;
- (f) In the case of the sound management of biomedical or healthcare wastes, an important contribution to the fight against diseases;
- (g) A general improvement in the quality of life of vulnerable sectors of the population, especially in developing countries.

Action at source is the most effective means of protecting our environment from the generation of wastes and their mismanagement, eliminating costly waste disposal, reducing transboundary movements and promoting sustainable development. That is why we choose waste minimizations as the focus for the 2005–2006.

The challenge is to promote a fundamental shift in emphasis from remedial measures to preventive measures such as reduction at source, reuse, recycling and recovery. This new emphasis not only supports demands for a changing world, it is the most promising way forward to deal with hazardous and other wastes in an environmentally sound manner. It is also good for business.

We recognize the need to promote actively sustainable patterns of consumption and production, including through corporate responsibility and accountability, based on the Rio principles and in accordance the Plan of Implementation of the World Summit on Sustainable Development.

We also recognize the need for close cooperation with other relevant international organizations and conventions in the field of chemicals and waste, in particular the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants, bearing in mind the importance of the life-cycle approach.

We renew our commitment to enhance and strengthen our efforts to further reduce the amount of transboundary movements of hazardous and other waste.

We must not lose the forward momentum gained during 2000–2004 in implementing the Basel Declaration on Environmentally Sound Management and the Strategic Plan for the Implementation of the Basel Convention.

We agree that Parties and other States present, working in close cooperation with their existing and new partners, need to take the following course of action:

1. To endeavour to reduce the generation of hazardous waste, including to reduce the quantity of hazardous and other waste going to final disposal;
2. To consider setting their own targets for waste minimization, individually or in collaboration with others within a specific region, and to report on progress to the Conference of the Parties through the Secretariat;
3. To adopt a partnership approach when dealing with priority waste streams such as persistent organic pollutant wastes, electrical and electronic wastes, household wastes mixed with hazardous wastes, biomedical and healthcare wastes and lead acid batteries;
4. To encourage North-South cooperation, based on the Rio principles, and South-South and private-public coalition as key elements of partnership for meeting the global waste challenge;
5. To review waste streams of concern in their countries and regions and identify priority waste streams for reduction initiatives in the context of the Basel Convention, in partnership with stakeholders and Basel Convention regional centres;
6. To devote more efforts to:
  - (a) Building sustainable partnerships between Parties and all stakeholders;
  - (b) Networking among Parties and Basel Convention regional centres for information exchange and information clearing house functions;
  - (c) Strengthening and promoting the active involvement of the Basel Convention regional centres;
  - (d) Strengthening national capacities to segregate hazardous from non-hazardous wastes;
  - (e) Identifying cleaner production methods that reduce or eliminate the generation of hazardous wastes;
  - (f) Promoting the development of environmentally sound technologies and their transfer to developing countries;
  - (g) Mobilizing new and additional financial resources, including by using existing multilateral financial institutions and mechanisms.

We believe that building partnerships for meeting the global waste challenge will contribute to the implementation of Agenda 21 and the Johannesburg Plan of Implementation. Partnerships will bring benefits for all. We reaffirm our commitment to engage in them. We, therefore, encourage Parties and other stakeholders, particularly multilateral financial institutions, to mobilize additional financial resources that are predictable and sustainable for the implementation of this statement.



# **BASEL CONVENTION**

## COMPILATION OF DECISIONS

Decisions adopted by the Conference of the Parties to  
the Basel Convention at its eighth meeting

Nairobi, 27 November – 1 December 2006



## VIII/1: Côte d'Ivoire

*The Conference of the Parties,*

*Strongly condemning* the dumping of hazardous wastes in Abidjan, Côte d'Ivoire, in August 2006,

*Deeply saddened* by the tragic events in Abidjan, Côte d'Ivoire,

*Noting* the limited international response to date to the call for urgent assistance and support made by the Government of Côte d'Ivoire and the enormous financial burden placed on Côte d'Ivoire,

*Calling* for robust support from the international community to provide appropriate funding for remediation activities,

*Grateful* for the contributions made to date by some Parties to the Basel Convention and encouraging others to contribute as well,

*Emphasizing* the importance of fully investigating and identifying the causes of the incident and ensuring that those found responsible through such investigations are held accountable for their actions and that appropriate compensation is made to the innocent victims and for the damage to the environment in the spirit of the polluter pays principle,

*Conscious* of the need for urgent action to put into place effective measures to deal with the tragic events in Côte d'Ivoire,

1. *Calls upon* Parties, countries and other stakeholders to the Basel Convention who are in a position to do so to offer technical and financial assistance to Côte d'Ivoire to support the implementation of the emergency plan that the Government of Côte d'Ivoire has developed, including carrying out the following actions:

- (a) Immediate action on clean-up of the toxic wastes and contaminated soils and materials;
- (b) Comprehensive assessment of the levels of contamination in various ecosystems and humans and the related impacts of such contamination;
- (c) Full investigation to establish responsibilities;
- (d) Follow-up activities, especially monitoring of long-term effects of the toxic wastes;

2. *Invites* the Executive Director of the United Nations Environment Programme to assist in the mobilization of the resources required to support Côte d'Ivoire in the actions referred to in paragraph 1 above;

3. *Also invites* the Executive Director of the United Nations Environment Programme to keep Parties informed of progress in the mobilization of resources.

## VIII/2: Creating innovative solutions through the Basel Convention for the environmentally sound management of electrical and electronic wastes

*The Conference of the Parties,*

*Having considered* the issue of electrical and electronic waste at the World Forum on E-waste that took place on 30 November 2006 on the occasion of the high-level segment of the eighth meeting of the Conference of the Parties,

*Considering* the Basel Declaration on Environmentally Sound Management and the Ministerial Statement on Partnerships for Meeting the Global Waste Challenge,

*Taking into account* the importance of waste minimization, product stewardship, extended producer responsibility, reduction of transboundary movements and the environmentally sound management of electrical and electronic waste (e-waste),

*Welcoming* the Nairobi Declaration on the Environmentally Sound Management of Electrical and Electronic Waste adopted on the occasion of the eighth meeting of the Conference of the Parties,

1. *Decides* to strengthen the Basel Convention regional and coordinating centres to allow them to fulfil their intended role as instruments for international cooperation;

2. *Urges* Parties and other stakeholders to increase financial support for work on e-waste issues;

3. *Mandates* the Open-ended Working Group, beginning at its sixth meeting, to develop a work plan for consideration by the Conference of the Parties at its ninth meeting on the environmentally sound management of e-waste focusing on the needs of developing countries and countries with economies in transition, which should include:

(a) The preparation of technical guidelines for the environmentally sound management of e-waste through the involvement of all stakeholders;

(b) Monitoring of developments in the environmentally sound management of e-waste;

4. *Strongly encourages* Parties to develop further strategic partnerships targeting e-waste;

5. *Strongly encourages* the development of pilot projects on take-back systems, including the environmentally sound collection, reuse, refurbishment and recycling of e-waste, in particular in developing countries and countries with economies in transition;

6. *Urges* Parties to collaborate in the prevention and combating of illegal traffic of e-waste through information exchange; tracking and early warning systems; capacity-building, particularly the strengthening of institutional mechanisms; legal frameworks; and control activities;

7. *Recommends* that Parties phase out technologies which are not environmentally sound and that they promote the development and introduction of innovative, safe and sound technologies for the treatment, recycling or recovery of e-waste and that they establish national policies and legislation and provide for their diligent enforcement;

8. *Encourages* Parties to take a life-cycle approach and promote clean technology and green design for electrical and electronic products, including the phase-out of hazardous substances used in production and included in components;

9. *Requests* Parties to ensure that donated electrical and electronic equipment that is the subject of transboundary movement is not end-of-life equipment;

10. *Agrees* to review progress at the next meeting of the Conference of the Parties to guide future work for the environmentally sound management of e-waste;

11. *Requests* the Secretariat to initiate work on relevant activities above for consideration by the Open-ended Working Group at its sixth session;

12. *Also requests* the Secretariat to report on progress at the ninth meeting of the Conference of the Parties.

### **VIII/3: Establishment of the Basel Convention Regional Centre for South Asia at the SACEP secretariat in Colombo, Sri Lanka**

*The Conference of the Parties,*

*Recalling* paragraph 3 of its decision III/19,

*Recalling* also its decision VII/10,

*Taking into account* the proposal for the establishment of a centre that will provide benefits to the countries of the South Asia region and serve the objectives of the Basel Convention in the best possible way and that the countries of that region have agreed to the proposal to establish a regional centre in the intergovernmental institution the South Asia Cooperative Environment Programme in Colombo, Sri Lanka,

1. *Mandates* the Open-ended Working Group at its next meeting to consider in detail the proposal for the establishment of the regional centre for South Asia in the South Asia Cooperative Environment Programme based on the feasibility study for the establishment of the centre, consulting with relevant Parties;

2. *Requests* the Secretariat to submit the recommendations of the Open-ended Working Group to the Conference of the Parties at its ninth meeting for its consideration and appropriate action.

## VIII/4: Basel Convention Regional and Coordinating Centres

*The Conference of the Parties,*

*Recalling* Article 14 of the Convention, by which Parties agreed that, according to the specific needs of different regions and subregions, regional or subregional centres for training and technology transfers regarding the management of hazardous wastes and other wastes and the minimization of their generation should be established and, further, that the Parties shall decide on the establishment of appropriate funding mechanisms of a voluntary nature,

*Also recalling* its decision VI/3 on the establishment and functioning of the Basel Convention regional centres on training and technology transfer,

*Recognizing* the importance and usefulness of coordinating and enhancing the effectiveness of the work of Basel Convention regional and coordinating centres among themselves and with the Secretariat in assisting Parties in the implementation of the Basel Convention, including developing and executing projects in the context of the Strategic Plan for the Implementation of the Basel Convention to 2010, particularly with respect to regional facilitation and capacity-building programmes,

*Concerned* by the difficulties experienced by Basel Convention regional and coordinating centres owing to a lack of sustainable funding,

*Committed* to improving cooperation and coordination between the Basel Convention, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants and other relevant instruments and programmes through the work of the Basel Convention regional and coordinating centres and recognizing the need for coordination between the Secretariat and the Basel Convention regional and coordinating centres in that regard,

1. *Invites* Parties, especially donor countries, to support and utilize the Basel Convention regional and coordinating centres in contributing to the implementation of the Strategic Plan, including for projects in support of training and technology transfer on the environmentally sound management of hazardous and other wastes, taking into account a life-cycle approach to such wastes;
2. *Requests* the Secretariat to continue, as appropriate, to guide and assist the Basel Convention regional and coordinating centres in the development of projects to assist Parties in the implementation of the Strategic Plan focus areas, building on the existing work on resource mobilization under the Basel Convention;
3. *Requests* the Secretariat and Basel Convention regional and coordinating centres, subject to the availability of voluntary contributions and in consultation with relevant international organizations such as the Global Environment Facility, to conduct training activities in the regional centres and with countries within the regions to enhance their capacity to gain access to the Global Environment Facility and other financing mechanisms;
4. *Encourages* Parties and others to provide support, financial or in-kind, including through the Trust Fund to Assist Developing and Other Countries in Need of Assistance in the Implementation of the Basel Convention, to enable the Basel Convention regional and coordinating centres to support the implementation of the Strategic Plan;
5. *Encourages* Parties and other entities in a position to do so to consider collaborating with the host Governments with a view to increasing contributions to the Basel Convention regional and coordinating centres;
6. *Requests* the Basel Convention regional and coordinating centres to use the guidance materials prepared by the Secretariat for improving the administration, governance and operational effectiveness of the centres and to report thereon, through the Secretariat, to the Open-ended Working Group at its next session;
7. *Requests* the Open Ended Working Group to initiate at its sixth session a review of the operation of the Basel Convention regional and coordinating centres, including their relationship with Convention bodies, including the Secretariat, and other stakeholders, in order to enhance the combined effectiveness and capacity of the centres and the Secretariat;
8. *Invites* Parties to submit views on the objectives and scope of the review for consideration and action at the sixth session of the Open-ended Working Group;
9. *Requests* the Secretariat to prepare a report for the sixth session of the Open-ended Working Group on the review and, in the light of the discussion at that meeting, to prepare a similar report for the Conference of the Parties at its ninth meeting;
10. *Urges* Parties, relevant global and regional agreements and programmes to make full use of the Basel Convention regional and coordinating centres to enhance international and regional

cooperation and coordination on relevant issues and to explore mutually cost-effective approaches to promoting their respective goals and objectives.

## **VIII/5: Basel Convention Partnership Programme**

*The Conference of the Parties,*

*Recalling* its decision VII/3, the Ministerial Statement on Partnerships for Meeting the Global Waste Challenge adopted by the Conference of the Parties at its seventh meeting and decision OEWG-V/2 of the Open-ended Working Group,

*Welcoming* the progress made under the Partnership Programme and its support for environmentally sound management, including through the building on a step-by-step basis of sustainable partnerships between Parties and other stakeholders at the global, regional and local levels,

*Welcoming* the funding provided by Australia, Japan, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America to support the Basel Convention Partnership Programme,

1. *Adopts* the workplan of the Basel Convention Partnership Programme for 2007–2008 as contained in the annex to the present decision;
2. *Requests* the Secretariat, in cooperation with all relevant and interested partners, to continue to implement the Partnership Programme actively as an important mechanism for supporting the implementation of the Strategic Plan for the Implementation of the Basel Convention to 2010;
3. *Also requests* the Secretariat to keep the Open-ended Working Group and the Conference of the Parties informed on progress on the implementation of the workplan for 2007–2008 and to submit a draft workplan for the next budget cycle to the Conference of the Parties at its ninth meeting for its consideration;
4. *Encourages* Parties and signatories to the Convention to provide funding to the Basel Convention Partnership Programme and to become actively involved in partnerships established under the Programme;
5. *Calls on* Parties to facilitate the broader participation of civil society, including environmental non-governmental organizations, the private sector and, in particular, industry, in the provision of technical and financial support for the Basel Convention Partnership Programme and to become involved in specific activities at the regional, national and international levels.

### **Annex to decision VIII/5**

#### **Basel Convention Partnership Programme: 2007–2008 work plan**

##### **I. Programme scope**

1. The implementation of the Strategic Plan and the aims of the Basel Declaration on Environmentally Sound Management necessitate:
  - (a) Training;
  - (b) Information collection and dissemination;
  - (c) Active communication;
  - (d) The development and utilization of practical tools;
  - (e) Capacity-building; and
  - (f) The transfer of know-how as a means to assist in the concrete implementation of the Basel Declaration.
2. Involving all stakeholders in these activities is important for engaging them in a concerted effort towards the achievement of the aims of the Basel Declaration, the Strategic Plan and the ministerial statement on partnerships for meeting the global waste challenge.
3. Decision OEWG V/2 of the Open-ended Working Group of the Basel Convention requests the Secretariat to submit a work plan for 2007–2008. The present annex outlines a work plan that responds to that decision. In particular, it:



Seeks to broaden the resource base of the Convention by:

- Using the experience and expertise of a multitude of stakeholders;
- Widening support and resources from local, regional and international partners in order to work together to build capacity and expand the knowledge base;
- Promoting waste minimization across the life cycle;
- Working together towards mutual solutions; and
- Developing new guidelines, principles and practices, including voluntary measures and agreements;

Takes into account activities for 2007–2008 under the Strategic Plan for the Implementation of the Basel Convention;

Supports the aims of the Basel Declaration on Environmentally Sound Management;

Recognizes and provides a complement to existing initiatives and projects; and

Encourages the Basel Convention regional coordinating centres to undertake public-private partnerships, and partnerships with governments they serve, to address special circumstances, conditions and needs of the region, and helps to strengthen their role, build national and regional capacities and address priorities as determined by the Conference of the Parties.

## II. Strategic Plan focus areas

4. The ministerial statement on partnerships for meeting the global waste challenge, adopted by the Conference of the Parties to the Basel Convention at its seventh meeting, confirms the importance of the following Strategic Plan focus areas: persistent organic pollutant wastes, electrical and electronic wastes, household wastes mixed with hazardous wastes, biomedical and healthcare wastes, and used lead acid batteries. The ministerial statement also encourages North–South and South–South cooperation, which should continue to be viewed as an important element of the programme.

## III. Stakeholders

5. The engagement of civil society is a priority of the Partnership Programme. Partnership initiatives should fully involve environmental and other non-governmental organizations, universities, experts, business and industry leaders. Stakeholders will vary according to the topic or particular initiative. The involvement of partners will be on a voluntary basis at all times.

6. In order to effectively build new strategic alliances with development-based organizations and to strengthen links with the Millennium Development Goals, partnerships may need to be extended to include cooperation with a wider variety of international bodies, non-governmental organizations (working in the areas of environment, labour, trade and agriculture), development agencies and programmes and other philanthropic foundations and bodies.

7. Future partnership work will seek to integrate more fully those Basel Convention regional and coordinating centres for which the particular topic addressed by the partnership is a priority. The centres can provide an important mechanism to address priority issues of a region and to build capacity in the countries they serve.

## Partnership Programme work plan for 2007–2008

### Element I: Address Strategic Plan focus areas

#### 1. Objective

The objective of element I is to initiate activities in areas identified as requiring priority attention under the ministerial statement on partnerships, Basel Declaration on Environmentally Sound Management and the Strategic Plan.

#### 2. Programme measures

- (a) Strengthen cooperative activities to address a partnership topic or priority area;
- (b) Broaden awareness-raising and increase advocacy activities;

- (c) Build and extend stakeholder participation, including of developing countries and countries with economies in transition;
- (d) Cooperative project development and implementation.

### **3. Specific Partnership Programme activities planned for 2007–2008**

#### **(a) Mobile Phone Partnership Initiative**

Widely disseminate the Mobile Phone Partnership Initiative (MPPI) guidelines, including holding workshops for awareness-raising and training on the guidelines;

Finalize pilot projects on refurbishment of used mobile phones and report on results;

Initiate pilot projects to test the guidelines on collection and report on results;

Collect data on transboundary movements of used and end-of-life mobile phones based on information received through voluntary approaches;

Collect information on the transboundary movements of used phones and review the voluntary notification process set out in the overall guidance document;

Refine guidelines according to the outcomes of the pilot projects and voluntary reporting.

#### **(b) Global partnership on used and end-of-life computing equipment**

Define the scope of the partnership, specific issues to be addressed and stakeholders;

Develop a results-based work programme;

Develop terms of reference for the partnership, including procedures for membership and dispute resolution;

Set up the partnership body, including all stakeholders and Basel Convention regional centres;

Develop a focused needs assessment for the partnership with stakeholders;

Initiate projects on a global and regional basis.

#### **(c) Partnership on the environmentally sound management of electrical and electronic wastes for the Asia-Pacific Region**

Develop and oversee implementation of all memoranda of understanding for projects initiated;

Identify and engage a broad range of stakeholders in the partnership;

Based on information collected, conduct pilot projects on the environmentally sound management of E-waste using the regional technical guidelines developed;

Resource mobilization and fund-raising activities;

Implement projects according to results from inventories and other activities in accordance with available funding.

#### **(d) E-wastes in South America (2006–2007)**

The project on E-wastes in South America aims at assisting the participant countries in South America to prepare, draft and update national inventories of E-wastes and at establishing technical directives to deal with E-waste in order to achieve international standards of environmentally sound management;

As part of the project, a desk study would be conducted to review and compare existing practices for dealing with E-waste at the national level;

A regional approach on E-waste that is consistent with the environmentally sound management of waste will be proposed with the involvement of the participating countries;

Based on the inputs of the participating countries, a national framework for the environmentally sound management of E-wastes will be developed for participating countries, including the most appropriate policies and strategies to deal with E-waste in the region;

Conduct a pilot study in one participating country for the collection and segregation of E-wastes with a view to their sound re-use, repair, refurbishment, and/or recycling for material recovery.

#### **(e) Used Oils in Africa and the Caribbean**

##### **Africa**

The project on assessment and recycling of used oils in Africa carried out by BCCC-Nigeria under the Strategic Plan was completed in November 2005.

This pilot project produced the following:

Pilot study on used oils in Nigeria;

Feasibility study;

National plan for environmentally sound management of used oils in Nigeria;

Organization of two technical workshops on management practices for used oils, the establishment of a template for a regional used oils partnership for Africa, and the development of a regional action plan for the management of used oils in Africa;

Next steps will focus on activities listed in the workshop communiqué and on the recommendations of the final technical workshop, which will assist Nigeria and countries in Africa to deal with used oils in an environmentally sound manner.

### **Caribbean region**

Follow-up to meeting held in March 2006 with the aim of identifying issues and actions for a used oils partnership and stakeholders who will actively participate in the partnership;

Develop terms of reference for the partnership (process and rules of procedure based on the Mobile Phone Partnership Initiative);

Engage partners from all stakeholder groups, in conjunction with BCRC-Trinidad and Tobago. In particular, it will be necessary to contact and involve industry partners (and NGOs), to create a network of partners for used oils and to keep the list updated;

Prepare, in cooperation with the regional coordinators and BCRC, a draft regional strategy for the environmentally sound management of used oils in the region;

Follow-up on the national reports developed by each country involved in the partnership in the wider Caribbean region;

Develop a guidance document (template, content, manual) for the preparation of a national profile and national action plan for the environmentally sound management of used oils in each country. National country profiles would include an overview of national legislation, a cost estimate to establish a used oils environmentally sound management system, estimate of necessary infrastructure, public awareness-raising campaign, etc. The guidance document shall reflect the guidelines of the Basel Convention Secretariat on the environmentally sound management of used oils;

Based on the regional strategy, carry out one or two pilot projects on the collection, safe storage and management of used oils.

### **(f) Household wastes mixed with hazardous waste**

The project on the new partnership with local authorities for the environmentally sound management of hazardous and other wastes in the context of the Basel Convention in South America, is a local government partnership with Holcim (cement manufacturer), GTZ, and the Municipality of Guayaquil, Ecuador (2005–2007);

Results of the feasibility studies carried out in 2005–2006 will be used as the basis for establishing, operating and maintaining a comprehensive system for the environmentally sound collection, testing and final disposal of oily waste, including the co-processing of oily waste in cement kilns in an environmentally sound manner;

Involve and coordinate with a broad range of stakeholders, including local authorities in Guayaquil, the Ministry of Environment of Ecuador, the Basel Convention Coordinating Centre for Training and Technology Transfer for Latin America and the Caribbean region located in Uruguay (BCCC-Uruguay), United Nations Institute for Training and Research (UNITAR) and HOLCIM as well as the University of Quito and the University of Guayaquil, local industry and civil society, in order to develop a national plan to reprocess used oil in Ecuador;

Develop a pilot project that can be replicated with moderate adaptations for other cities;

Disseminate results.

#### **4. Potential new partnership activities 2007–2008**

##### **(a) Develop a partnership on asbestos waste**

Hold an initial scoping meeting on the topic and on the benefits of a partnership;  
Identify partners and roles;  
Set up a working programme of activities;  
Coordinate the implementation of practical activities to address the issue of asbestos.

##### **(b) Coordinate with the United Nations Environment Programme in a partnership on mercury waste**

Initiate discussions on the partnership with UNEP Chemicals;  
Participate and engage parties and other stakeholders involved in the environmentally sound management aspects of mercury-containing products;  
Coordinate and implement activities accordingly with partners.

##### **(c) Consider other partnerships on heavy metals as waste to address strategic plan focus areas**

Explore potential for initiating a partnership on heavy mechanisms such as cadmium and lead.

#### **5. Performance indicators**

Establish effective partnerships according to the priorities of the Conference of the Parties;  
Provide added value to Parties and relevant stakeholders;  
Support and contribute to environmentally sound management activities for Strategic Plan focus areas identified in the partnership ministerial statement;  
Effective partnerships established with relevant stakeholders to support environmentally sound management activities for priority waste streams identified in the Strategic Plan;  
Increased project work at the regional and national levels to implement the Basel Convention, its protocols, amendments and decisions via partnerships with governments and public–private partnerships.

### **Element II: Engage broad and active stakeholder participation**

#### **Objective**

The objective of element II is to increase and strengthen stakeholder participation and communication between all stakeholders.

#### **Programme measures**

Broad and appropriate stakeholder participation;  
Wide dissemination of results and strong communications, awareness-raising and public affairs activities;  
Cooperative project development and implementation.

#### **Partnership Programme activity**

Establish a Basel Convention partnership forum with the aim of formalizing more systematic interaction and discussion between non-governmental organization partners of the Convention;  
Broaden communication efforts, enhance network and build a stable foundation for partnerships that will be geared towards accomplishing the priorities set out by the Conference of the Parties and linkages to building capacity of stakeholders to meet the aims of environmentally sound management and the relevant Millennium Development Goals.

#### **Performance indicators**

Increased involvement support from key industry and non-governmental organization leaders for the aims of the Basel Convention;  
Increased resource contributions, both human and financial, from stakeholders for partnership activities;

- Improved participation and support from Parties;
- Increased participation and support from Basel Convention regional centres;
- Enhance awareness on partnerships and their efforts globally, regionally and locally.

### **Element III: Structure and arrangements for partnerships**

#### **1. Objective**

The objective of element III is to create a framework structure for establishing public-private partnerships under the Basel Convention.

#### **2. Programme measures**

Create a structure on which to base future public-private partnerships that will:

- Provide clear expectations for stakeholders planning to join a public-private partnership under the Basel Convention;
- Promote a structure under which issues can be handled through the established procedures and resolutions can be achieved expediently.

#### **3. Partnership Programme activity**

Develop a framework terms of reference for partnerships that can be adapted to individual cases;

Create a lessons learned document based on the experiences of the MPPI partnership to date, indicating the most important principles for success;

Develop a guide for memberships and procedures for partnerships that can be adapted to each partnership.

#### **4. Performance indicators**

Increased participation by all stakeholders, including developing countries and countries with economies in transition;

More expedient activity and results;

Increased resource contributions, both human capital and financial, from Parties and stakeholders;

Increased coherency and reduced discord as roles and expectations would be clearly defined.

## **VIII/6: Mobile Phone Partnership Initiative**

*The Conference of the Parties,*

*Welcoming* the work of the Mobile Phone Working Group and its project groups,

*Acknowledging* that the outputs of partnerships with environmental and other non-governmental organizations and with the industry and business sectors contribute to the environmentally sound management of used and end-of-life mobile phones,

1. *Provisionally adopts*, without prejudice to national legislation, the guidance document on environmentally sound management of used and end-of-life mobile phones<sup>1</sup> as a voluntary document and takes note of the recommendations contained therein;

2. *Invites* Parties and Signatories to use and test the guidance document and the five guidelines produced by the project groups under the Mobile Phone Partnership Initiative;

3. *Requests* the Open-ended Working Group at its next session to review the guidance document further, based on Parties' experience and needs, and to present it to the Conference of the Parties at its ninth meeting for consideration and final adoption;

4. *Decides* that the Mobile Phone Working Group shall continue to work under the guidance of the Open-ended Working Group and ensure participation by developing countries and countries with economies in transition;

5. *Encourages* the Mobile Phone Working Group and other interested groups to initiate pilot projects, in cooperation with Parties to the Basel Convention, the Basel Convention regional and

1 UNEP/CHW.8/2/Add.3\*, annex.

coordinating centres and other stakeholders, to test the guidelines and guidance document and refine them further based on any additional information provided;

6. *Requests* the Basel Convention regional and coordinating centres to disseminate the guidance document and guidelines approved by the Mobile Phone Working Group and to initiate training and outreach workshops using funds provided by donors;

7. *Invites* developing countries and countries with economies in transition to participate in the activities of the Mobile Phone Partnership;

8. *Encourages* Parties, Signatories, members of industry and international governmental and non-governmental organizations to make financial or in-kind contributions or both:

(a) To facilitate the participation of developing countries and countries with economies in transition;

(b) To facilitate the implementation of pilot projects on collection and treatment schemes;

9. *Requests* that progress and activities undertaken by the Mobile Phone Partnership Initiative be reported to the Conference of the Parties for consideration at its ninth meeting.

## **VIII/7: International cooperation and coordination**

### *The Conference of the Parties*

1. *Requests* the Secretariat to strengthen further cooperation and coordination with other international and regional organizations and multilateral environmental agreements in areas of relevance to the Basel Convention, including in the areas and with the organizations listed in annex I of document UNEP/CHW.8/3/Rev.1, to the extent possible with the available resources;

2. *Also requests* the Secretariat to seek observer status in the Committee on Trade and Environment of the World Trade Organization and to advise the Parties to the Basel Convention when a request to obtain such status has been submitted to and granted by the World Trade Organization;

3. *Further requests* the Secretariat to report on the implementation of the present decision to the Conference of the Parties at its ninth meeting;

4. *Requests* Parties to coordinate at the national and regional levels with a view to supporting the efforts of the Secretariat to enhance cooperation and coordination.

## **VIII/8: Cooperation and coordination between the Basel, Rotterdam and Stockholm Conventions**

### *The Conference of the Parties,*

*Recalling* decision SC-2/15 of the second meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants and noting that the President of the Conference at that meeting was requested, in consultation and cooperation with the Presidents and the secretariats of the Basel Convention and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, to ensure the preparation of a supplementary report on cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions, and recalling further that such a report was subsequently prepared,<sup>2</sup>

*Recalling* also decision RC-3/8 adopted by the Conference of the Parties to the Rotterdam Convention at its third meeting on cooperation and coordination between the Rotterdam, Basel and Stockholm Conventions,<sup>3</sup>

*Agreeing* with the call for improved cooperation and coordination between the Basel, Stockholm and Rotterdam Conventions,

*Mindful* of the recent adoption of the Strategic Approach to International Chemicals Management and the ongoing reform process in the United Nations,

*Believing* that the issue of improved cooperation and coordination should be subject to a process that is efficient, transparent and inclusive and recognizes the autonomy of the conferences of the Parties to the three conventions,

*Having considered* the terms of decision SC-2/15,

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2 UNEP/CHW.8/INF/31.

3 UNEP/CHW.8/INF/11.

1. *Agrees* to participate in the process specified in decision SC-2/15, including the establishment of an ad hoc joint working group, acknowledging that it is highly desirable that all three conventions be fully involved in the process in order to ensure further improved cooperation and coordination;
2. *Notes* that the ad hoc joint working group will make joint recommendations to the conferences of the Parties of all three conventions, including the Conference of the Parties to the Basel Convention at its ninth meeting;
3. *Requests* the secretariat to invite Parties and observers to the Convention to submit their views on the supplementary report through the secretariat to the ad hoc joint working group by 31 January 2007;
4. *Decides* to nominate, through the Bureau, three representatives of Parties from each of the five United Nations regions by 31 January 2007 to participate in the ad hoc joint working group of the three Conventions;
5. *Invites* Parties and others to make contributions to the Trust Fund to Assist Developing and Other Countries in Need of Assistance in the Implementation of the Basel Convention in order to ensure the participation of representatives of the Basel Convention from developing countries and countries with economies in transition in the meetings of the ad hoc joint working group.

### **VIII/9: Cooperation between the Basel Convention and the International Maritime Organization**

*The Conference of the Parties,*

*Bearing in mind* recent events that resulted in harm to human health and the environment,

*Mindful* of the need to reinforce the cooperation between the Basel Convention and the International Maritime Organization with regard to the latter's regulations on prevention of pollution from ships,

1. *Requests* Parties and invites the secretariat of the International Maritime Organization to provide information and views to the Secretariat of the Basel Convention on:
  - (a) The respective competencies of the Basel Convention and the International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 related thereto (MARPOL 73/78) in respect of hazardous wastes and other wastes;
  - (b) Any gaps between those instruments;
  - (c) Any option for addressing those gaps;
2. *Requests* the Secretariat to compile information received and add any relevant supplementary elements for submission to and consideration by the Open-ended Working Group at its next session.

### **VIII/10: Work programme of the Open-ended Working Group for 2007–2008**

*The Conference of the Parties*

*Adopts* the work programme of the Open-ended Working Group for 2007–2008 contained in the annex to the present decision.

#### **Annex to decision VIII/10**

#### **Work programme of the Open-ended Working Group for 2007–2008**

<b>I. Strategic Plan for the Implementation of the Basel Convention (to 2010)</b>			
<b>Topics</b>	<b>Activities</b>	<b>Decisions of the Conference of the Parties at its eighth meeting</b>	<b>Priority</b>
A. Strategic Plan	Consider developments and obstacles in the implementation of the Strategic Plan.	Report of the Committee of the	High

		Whole (UNEP/CHW.8/16, annex II), para. 15	
B. Basel Convention regional centres	<ol style="list-style-type: none"> <li>1. Provide guidance to the Secretariat and to the centres on the improvement of the centres' administration, governance and operational effectiveness.</li> <li>2. Review the operation of the centres.</li> <li>3. Consider the proposal on the establishment of a regional centre for South Asia.</li> </ol>	VIII/3 VIII/4	High
C. Basel Convention Partnership Programme	<ol style="list-style-type: none"> <li>1. Review the work undertaken by the Secretariat and by the Basel Convention regional centres to implement the relevant parts of the work plan of the Basel Convention Partnership Programme for 2007–2008.</li> <li>2. Consider the guidance document on ESM of used and end of life mobile phones.</li> <li>3. Provide guidance to MPPI.</li> </ol>	VIII/5 VIII/6	High

<b>II. Scientific and technical matters</b>			
<b>Topics</b>	<b>Activities</b>	<b>Decisions of the Conference of the Parties at its eighth meeting</b>	<b>Priority</b>
A. Harmonization and coordination	Review the outcome of the work 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.	VIII/19	Medium
B. Classification and hazard characterization of wastes	<ol style="list-style-type: none"> <li>1. Consider and review any applications for the adjustment (removal or addition) of wastes in Annexes VIII and IX and report on the matter, through the Secretariat, to the Conference of the Parties.</li> <li>2. Consider the amendment of entries relating to POPs.</li> <li>3. Carry out a technical review of the wording of entries in the different language versions of Annexes VIII and IX.</li> </ol>	VIII/15 VIII/16	High
	4. Review work on the preparation of a guidance paper on hazard characteristic H10 and the revision of H11.	VIII/21	Medium
	5. Review issues relating to national classification and control procedures for wastes.	VIII/22	Medium
	6. Review issues concerning the identification of certain categories of wastes in the Globally Harmonized System of Classification and Labelling of Chemicals of the World Customs Organization and related matters.	VIII/20	Medium
C. Technical guidelines on environmentally sound management	1. Review selected technical guidelines and initiate updating as necessary (e.g., D10, D5, Y46, used tyres).	VIII/17	High
	2. Review and update the technical guidelines on persistent organic pollutant (POP) wastes, if appropriate, and review disposal methods when the POP content in wastes is beneath low POP content.	VIII/16	High



<b>III. Dismantling of ships</b>			
<b>Topics</b>	<b>Activities</b>	<b>Decisions of the Conference of the Parties at its eighth meeting</b>	<b>Priority</b>
Environmentally sound dismantling and abandonment of ships	<ol style="list-style-type: none"> <li>1. Keep under review developments in this field in other international forums.</li> <li>2. Address issues such as roles and responsibilities in the draft ship recycling convention and those relevant to the Basel Convention.</li> <li>3. Consider the information submitted on the guidance on how best to deal with ships that are abandoned.</li> </ol>	VIII/11 VIII/12 VIII/13	High

<b>IV. Legal and compliance</b>			
<b>Topics</b>	<b>Activities</b>	<b>Decisions of the Conference of the Parties at its eighth meeting</b>	<b>Priority</b>
A. Illegal traffic	Consider the draft instruction manual for the legal profession on the prosecution of illegal traffic.	VIII/24	High
B. Implementation of decision V/32 on enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Assistance in the Implementation of the Basel Convention	Review the implementation of decision V/32 and provide guidance to the Secretariat on steps to be taken, which may include the development of a strategic plan to strengthen the capacity of countries to respond to emergencies and the transmittal of a questionnaire regarding incidents as defined under paragraph 2 (h) of article 2 of the Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal.	Report of the Committee of the Whole (UNEP/CHW.8/16, annex II), para. 63	High
C. Protocol on Liability and Compensation	Provide guidance to the Secretariat on steps to address the obstacles and difficulties faced by the Parties in the process of ratification of or accession to the Protocol, including on issues relating to insurance and other financial guarantees.	VIII/25	High
D. Interpretation of paragraph 5 of Article 17 of the Convention	Address the interpretation of paragraph 5 of Article 17 and develop a draft decision for the Conference of the Parties.	VIII/30	High

<b>V. Resource mobilization and sustainable financing</b>			
<b>Topics</b>	<b>Activities</b>	<b>Decisions of the Conference of the Parties at its eighth meeting</b>	<b>Priority</b>
Resource mobilization and sustainable financing	Monitor implementation of the decision of the Conference of the Parties on resource mobilization and sustainable financing.	VIII/34	High

<b>VI. Cooperation and coordination</b>			
<b>Topics</b>	<b>Activities</b>	<b>Decisions of the Conference of the Parties at its eighth meeting</b>	<b>Priority</b>
A. Cooperation and coordination between the Basel Convention and chemicals-related multilateral environmental agreements and programmes, with the United Nations Environment Programme (UNEP) and with intergovernmental and non-governmental organizations	Monitor, review and provide guidance to the Secretariat and Basel Convention regional centres on the development of cooperation with the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Montreal Protocol on Substances that Deplete the Ozone Layer and the Strategic Approach to International Chemicals Management and on cooperation with UNEP and intergovernmental and non-governmental organizations.	VIII/8	High
B. Cooperation between the Basel Convention and the IMO	Consider information on the respective competencies of the Basel Convention and MARPOL 73/78 in respect of hazardous wastes and other wastes, any gaps between those instruments and any options for addressing those gaps.	VIII/9	High

<b>VII. Financial matters</b>			
<b>Topics</b>	<b>Activities</b>	<b>Decisions of the Conference of the Parties at its eighth meeting</b>	<b>Priority</b>
Budget and other financial matters	<ol style="list-style-type: none"> <li>1. Provide guidance on and review the preparation of the budget and other related financial matters.</li> <li>2. Monitor the status of payments of arrears.</li> </ol>	VIII/33	High

<b>VIII. Decisions of the Conference of the Parties</b>			
<b>Topics</b>	<b>Activities</b>	<b>Decisions of the Conference of the Parties at its eighth meeting</b>	<b>Priority</b>
Draft decisions of the Conference of the Parties	Review and submit draft decisions for consideration and possible adoption by the Conference of the Parties at its ninth meeting, including on the development of a workplan on the environmentally sound management of electrical and electronic waste.	e.g., VIII/2	High

## VIII/11: Environmentally sound management of ship dismantling

*The Conference of the Parties,*

*Recalling* Decision VII/26,

*Noting* that forecasts of tonnage to be dismantled in the near future call for appropriate action from the international community, that the International Maritime Organization is developing a new legally binding instrument for the safe and environmentally sound recycling of ships (hereinafter referred to as the “draft ship recycling convention”) to be adopted at the global level, ensuring an efficient and effective solution to the problem of ship dismantling and recognizing the need for interagency cooperation between the International Labour Organization, the International Maritime Organization and the Basel Convention and that duplication of regulatory instruments that have the same objective should be avoided,

1. *Welcomes* the steps taken by the International Maritime Organization in the development of the draft ship recycling convention, intended to be adopted in the 2008–2009 biennium;
2. *Invites* the International Maritime Organization to ensure that the draft ship recycling convention to be adopted by it establishes an equivalent level of control as that established under the Basel Convention, noting that the duplication of regulatory instruments that have the same objective should be avoided;
3. *Encourages* the International Maritime Organization to promote the substitution of harmful materials in the construction and maintenance of ships by less harmful or, preferably, harmless materials, without compromising the ships’ safety and operational efficiency;
4. *Invites* the International Maritime Organization to continue to have due regard to the role, competence and expertise of the Basel Convention in matters related to ship dismantling and in particular with respect to the environmentally sound management and disposal of hazardous wastes and other wastes;
5. *Invites* the International Maritime Organization to further consider incorporating clear responsibilities of all stakeholders in ship recycling, including ship owners, ship recycling facilities, flag States and ship recycling States, also taking into account their current capacity and the common but differentiated responsibilities and sovereign rights of the Parties;
6. *Encourages* Parties to coordinate at the national level between their International Maritime Organization and Basel Convention representatives and to participate actively in the consideration of the draft ship recycling convention;
7. *Believes* that the future draft ship recycling convention should generate conditions under which end-of-life ships are dismantled that protect workers and the environment from the adverse impacts of hazardous wastes and unsafe working practices;
8. *Stresses* that appropriate standards for the safe and environmentally sound management of ship dismantling should be applied at the earliest possible opportunity;
9. *Emphasizes* that the safe and environmentally sound management of ship dismantling remains a priority for the Parties;
10. *Underlines* the importance of continued cooperation between the International Labour Organization, the International Maritime Organization and the Basel Convention in considering matters related to ship dismantling, as appropriate, and, in particular, on the development of the new draft ship recycling convention;
11. *Calls upon* ship owners and other stakeholders to take all practical steps to ensure that end-of-life ships are dismantled in an environmentally sound manner;
12. *Invites* Parties to provide comments to the Secretariat on issues such as roles and responsibilities in the draft ship recycling convention and those relevant to the Basel Convention, including:
  - (a) An assessment of the level of control and enforcement established by the Basel Convention in its entirety,
  - (b) An assessment of the expected level of control and enforcement to be provided by the draft ship recycling convention in its entirety and its comparison with (a),
  - (c) Exploring and discussing the possibilities for effective short- and medium-term measures, and requests the Open-ended Working Group to address those issues;
13. *Requests* the Secretariat to forward the report of the Open-ended Working Group to the International Maritime Organization;

14. *Requests* the Secretariat to follow the development of the draft ship recycling convention and report thereon to the Open-ended Working Group and to the Conference of the Parties at its ninth meeting;

15. *Requests* the Secretariat, subject to the availability of the necessary resources, to continue to implement activities to promote the application of the Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships, having regard to the need for short- and medium-term measures to promote the environmentally sound management of ship dismantling and with a view to complementing ongoing work by the International Labour Organization and the International Maritime Organization on the issue;

16. *Requests* the Secretariat to report on activities undertaken to promote the application of the Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships to the Open-ended Working Group and to the Conference of the Parties at its ninth meeting;

17. *Calls upon* all Parties and other stakeholders in a position to do so to make financial or in-kind contributions to the implementation of activities to promote the application of the Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships;

18. *Requests* Parties and other stakeholders to transmit to the Secretariat relevant information that may be of assistance to stakeholders in developing measures to address, in the short and medium term, the potentially harmful consequences of ship dismantling on human health and the environment, including relevant practical information and documents on the environmentally sound management of ship recycling, pre-cleaning and decontamination, and requests the Secretariat to make information received available on the Basel Convention website.

## **VIII/12: Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention on Ship Scrapping**

*The Conference of the Parties,*

*Believing* that a third session of the Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention on Ship Scrapping should be held;

*Requests* the Secretariat to report to the Open-ended Working Group and the Conference of the Parties on the outcome of the third session of the Joint Working Group.

## **VIII/13: Abandonment of ships on land or in ports**

*The Conference of the Parties*

1. *Requests* the Secretariat to forward the submissions received in response to its decision VII/27 and decision OEWG-IV/6 of the Open-ended Working Group to the relevant bodies of the International Maritime Organization and the International Labour Organization for their consideration

2. *Invites* the International Maritime Organization and the International Labour Organization to consider what action may be appropriate for them to take;

3. *Invites* Parties with cases of abandoned ships on land or in ports to consider applying, as appropriate, the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (the London Convention and its 1996 Protocol);

4. *Recognizes* the need for guidance on how best to deal with ships that are abandoned on land or in ports to be developed on the basis of the relevant information submitted by the Parties to the Secretariat;

5. *Invites* the Parties to contribute appropriately to such guidance, in particular by submitting information on best practice examples from their national experience to the Secretariat;

6. *Requests* the Secretariat to compile such information for presentation to the Open-ended Working Group;

7. *Requests* the Open-ended Working Group to consider the information submitted with a view to taking action, as deemed appropriate;

8. *Requests* the Secretariat to make the information available to the International Maritime Organization and the International Labour Organization and on the Basel Convention website.

## VIII/14: Reporting

*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 paragraph 3 of article 13 of the Convention, 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 submitted pursuant to article 13 of the Convention;
5. *Requests* the Secretariat to assist Parties to improve the comparability of their data on the transboundary movements of hazardous wastes and other wastes;
6. *Also requests* the Secretariat to prepare and publish:
  - (a) For each of the years 2004 and 2005, an annual compilation document based on the information contained in part I of the completed questionnaires on transmission of information submitted by Parties;
  - (b) For the triennium 2004–2006 and for each triennium thereafter, a summary, including graphic representations, of the data on transboundary movements of hazardous wastes and other wastes contained in part II of the completed questionnaires on transmission of information submitted by Parties;
  - (c) For the triennium 2004–2006 and for each triennium thereafter, a country fact sheet for each Party submitting completed questionnaires on transmission of information, based on the information contained in such questionnaires;
7. *Further 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;
8. *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;
9. *Also 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 the Basel Convention regional centres or by other appropriate means.

## VIII/15: Revisions to the procedure for the review or adjustment of the lists of wastes contained in Annexes VIII and IX and the status of decision VII/21

*The Conference of the Parties*

1. *Decides* to clarify the procedure for the review or adjustment of the lists of wastes contained in Annexes VIII and IX of the Basel Convention set forth in the appendix to its decision VI/35 and adopts the amended procedure set forth in the annex to the present decision;
2. *Invites* Parties and others to provide comments with regard to a technical review of the wording of the entries in each of the language versions of Annexes VIII and IX of the Basel Convention, and particularly of entry B1030, by 31 March 2007, to be compiled by the Secretariat for further consideration by the Open-ended Working Group at its sixth session.

## **Annex to decision VIII/15**

### **Procedure for the review or adjustment of lists of wastes contained in Annexes VIII and IX**

1. The review or adjustment of the lists of wastes contained in Annexes VIII and IX of the Basel Convention can entail either amendments or corrections of those annexes. There is a legal distinction between amendments, on the one hand, and corrections, on the other.
2. An amendment refers to formal changes made to the provisions of a treaty by the Parties. The procedure for amending annexes of the Convention is governed by articles 17 and 18 of the Convention. More particularly, any proposed amendment must be made by a Party and communicated by the Secretariat to all Parties at least six months before the meeting at which it is proposed for adoption. In addition, any such amendment must be adopted at a meeting of the Conference of the Parties and may become effective six months from the date of issuance of a circular notification by the Depositary.
3. Corrections to the original text of a treaty may become necessary because of:
  - (a) A physical error in typing or printing, spelling, punctuation, etc.;
  - (b) A lack of conformity of the original of the treaty with the official records of the diplomatic conference which adopted the treaty;
  - (c) A lack of concordance between the different authentic texts constituting the original of the treaty.
4. The procedures for correcting the original text of a treaty are governed by Depositary practice.

#### **I. Procedure for changes to the text of Annexes VIII and IX**

##### **A. Applications**

5. Applications for any changes to the text of Annexes VIII or IX must be submitted to the secretariat using the form below. Any Party, observer State, non-governmental organization, private company or individual has the right to fill out the application form with the proposed placement of wastes under Annex VIII or Annex IX or with a proposal for removing wastes from Annex VIII, Annex IX or working list C. Any application submitted to the secretariat shall be by or through a Party or observer State.
6. A Party submitting an application shall clearly state whether or not the application is also intended to serve as a formal proposal for amendment of the annexes to the Basel Convention in accordance with articles 17 and 18 of the Convention.
7. Competent authorities and focal points are requested to make available any information in addition to the form to all focal points of the Basel Convention and to advise the Secretariat that this has been done. If a competent authority or focal point is unable to make available any annexes or attachments to all focal points of the Basel Convention, it may request the Secretariat to undertake that function.

##### **B. Procedure for transmission of the form**

8. The applicant must present the application form with any additional information to a national authority for the Basel Convention.
9. The competent authority and/or focal point should consider the application form with any additional information and only forward it to the Secretariat of the Basel Convention if it is properly completed and if the completed application provides sufficient information for the Open-ended Working Group to reach a decision.
10. The Open-ended Working Group will consider the application at its following meeting, provided it is received by the Secretariat within the time frame stipulated in paragraph 11 (a) below.

##### **C. Time frame for application**

11. Paragraph 2 of article 17 of the Basel Convention requires that the text of any proposed amendment to the Convention be communicated to the Parties by the Secretariat at least six months before the meeting of the Conference of the Parties at which it is proposed for adoption. To this end, the following conditions must be met:
  - (a) The application form for placement or removal of wastes must be submitted to the Secretariat of the Basel Convention at least three months prior to the meeting of the Open-ended

Working Group. Any information in addition to the form should also be submitted within that time frame;

(b) In exceptional circumstances, a Party may submit the application form for placement or removal of wastes two months before the meeting of the Open-ended Working Group if such proposal(s) cannot be sent to the Secretariat within the three-month deadline. The Open-ended Working Group will endeavour to consider such application(s) at its following meeting.

#### **D. Procedure before consideration in the Open-ended Working Group**

12. After receiving an application, the Secretariat will place the application on the Internet website of the Basel Convention ([www.basel.int](http://www.basel.int)) within 30 days.

13. The Secretariat will send an e-mail to all focal points announcing that the application is available. Those Parties which have no access to Internet or e-mail facilities will be sent the application by mail or facsimile.

14. The Secretariat will invite the Parties to comment on the application within 20 days directly to the applicant (by mail, facsimile or e-mail).

15. The applicant will make, as necessary, an addendum to the application containing answers to the questions within 20 days.

16. The Secretariat will make the addendum available to the Parties at least 20 days before the meeting.

17. In the exceptional cases mentioned in paragraph 11 (b) above, the time frames stipulated in paragraphs 12 and 15 above are reduced to 10 days.

#### **E. Action by the Open-ended Working Group**

18. The Open-ended Working Group will consider and review the applications for placement or removal of wastes in Annexes VIII and IX. The applications must be based on sound scientific assessment in accordance with paragraph 1 (a) of article 1 of the Basel Convention.

19. The Open-ended Working Group should arrive at a decision by consensus.

20. The decisions of the Open-ended Working Group on the placement or removal of wastes on the lists contained in Annexes VIII and IX shall be transmitted in a report of the Open-ended Working Group through the secretariat to the following meeting of the Conference of the Parties. In cases where no formal proposal for amendment to the annexes to the Basel Convention has been made by a Party when submitting an application, the Open-ended Working Group should invite other Parties to submit such a formal proposal to the Conference of the Parties in accordance with articles 17 and 18 of the Convention.

#### **F. Effective review procedure**

21. Costs of review should be kept to a minimum. Restricting the summary of cases to eight additional pages would help save costs, although a Party wishing to provide more information could do so at its own cost.

#### **G. Role of the Secretariat**

22. The Secretariat of the Basel Convention will assist the Parties by acting as liaison with the Depositary with a view to facilitating the implementation of the amendment procedure, as necessary.

#### **H. Reporting**

23. The Secretariat of the Basel Convention should provide a report to Parties on the status of the lists of wastes in Annexes VIII and IX of the Basel Convention on a regular basis and when changes have entered into force.

### **II. Procedure for corrections**

24. Parties, the Open-ended Working Group or the Conference of the Parties may inform the Depositary on corrections of Annexes VIII and IX of the Basel Convention. In the case of a correction to Annex VIII and/or Annex IX of the Basel Convention, the Depositary initiates the formal correction procedure by notifying the Parties and signatories of the error and the proposed correction.

25. The Depositary has the responsibility to scrutinize each apparent error in order to determine that it falls into one of the above categories and that it does not have the effect of modifying the meaning or

substance of the text of the treaty. In case of doubt, the Depositary will seek to resolve it in consultation with the Party that proposed the correction. The Secretariat of the Basel Convention will assist the Parties by acting as liaison with the Depositary, with a view to facilitating the implementation of the correction, as necessary.

26. If, on the expiry of a specified time limit, no signatory or Party objects, the Depositary circulates a procès-verbal of rectification to Parties and signatories and causes the corrections to be effected in the authentic text(s) ab initio. States have 90 days to object to a proposed correction; this period can be shortened if necessary.

### APPLICATION FORM FOR THE PLACEMENT OR REMOVAL OF WASTES ON ANNEXES VIII AND IX

#### A. WASTE IDENTIFICATION

**Proposed wording for the placement (or replacement wording for an existing category)**

1. Name of the waste: \_\_\_\_\_
2. Origin of the waste: \_\_\_\_\_
3. Physical form: \_\_\_\_\_
4. Major constituents: \_\_\_\_\_
5. Typical contaminants: \_\_\_\_\_
  
6. Waste Code:   UN Class    \_\_\_\_\_                   UN number    \_\_\_\_\_
 

IWIC		OECD	
EWC		Others (e.g. Harmonized System Code, BIR, ISRI, IPMI, etc.)	
  
7. Enter all relevant Y numbers
  
8. Hazardous characteristics
 

<input type="checkbox"/> H1	<input type="checkbox"/> H4.3	<input type="checkbox"/> H6.2	<input type="checkbox"/> H12
<input type="checkbox"/> H3	<input type="checkbox"/> H5.1	<input type="checkbox"/> H8	<input type="checkbox"/> H13
<input type="checkbox"/> H4.1	<input type="checkbox"/> H5.2	<input type="checkbox"/> H10	
<input type="checkbox"/> H4.2	<input type="checkbox"/> H6.1	<input type="checkbox"/> H11	

#### B. PROPOSED PLACEMENT

- List A of Annex VIII
- List B of Annex IX

#### PROPOSED REMOVAL

- From list A of Annex VIII
- From list B of Annex IX

#### C. NATIONAL DEFINITION

Is the waste legally defined as or considered to be hazardous in the country submitting the application?

Yes                       No

#### D. COMMERCIAL CLASSIFICATION

Is the waste routinely traded through established channels and is that evidenced by commercial classifications?

Yes                       No

#### SUMMARY OF REASONS FOR PROPOSED PLACEMENT

NB: A detailed case study (no more than eight additional pages) should be attached, taking into consideration the category(ies) in Annex I to the Basel Convention under which the waste falls and with evidence demonstrating that the waste does or does not exhibit any of the hazardous characteristics in Annex III to the Convention (guidance document to be drafted). Additional material may be submitted



in the form of annexes or attachments. All such annexes or attachments must be listed in the application form, together with instructions on how to obtain the documents.

**E. NAME OF APPLICANT**

Name:	_____	Party	<input type="checkbox"/>
Address:	_____	Observer State	<input type="checkbox"/>
	_____	NGO	<input type="checkbox"/>
Tel:	_____	Company	<input type="checkbox"/>
Fax:	_____	Individual	<input type="checkbox"/>
E-mail:	_____		

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Stamp)

**F. AUTHORITY TRANSMITTING APPLICATION**

Name:	_____	
Address:	_____	_____ (Signature)
	_____	
Tel:	_____	
Fax:	_____	
E-mail:	_____	_____ (Stamp)

Date of transmission: \_\_\_\_\_

This application form may include up to 8 additional pages.

## VIII/16: Technical guidelines on persistent organic pollutants

*The Conference of the Parties,*

*Recalling* its decision VII/13 on technical guidelines on persistent organic pollutants as wastes,

*Noting* with appreciation the roles played by Parties and others, especially the lead countries, in the preparation of the technical guidelines,

1. *Adopts* the technical guidelines for the environmentally sound management of:
  - (a) Wastes consisting of, containing or contaminated with the pesticides aldrin, chlordane, dieldrin, endrin, heptachlor, hexachlorobenzene (HCB), mirex or toxaphene or with HCB as an industrial chemical;<sup>4</sup>
  - (b) Wastes consisting of, containing or contaminated with 1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane (DDT);<sup>5</sup>
  - (c) Wastes containing or contaminated with unintentionally produced polychlorinated dibenzo-p-dioxins (PCDDs), polychlorinated dibenzofurans (PCDFs), hexachlorobenzene (HCB) or polychlorinated biphenyls (PCBs);<sup>6</sup>
2. *Adopts* the updated general technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants (POPs) and updated guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs);<sup>7</sup>
3. *Requests* the Secretariat to disseminate the technical guidelines referred to in paragraphs 1 and 2 of the present decision to Parties, signatories, intergovernmental organizations, environmental non-governmental organizations and industry in the six official languages of the United Nations;
4. *Also requests* the Secretariat to submit the present decision and the technical guidelines to the Conference of the Parties of the Stockholm Convention on Persistent Organic Pollutants at its third meeting through the Secretariat of the Stockholm Convention and invites the Conference of the Parties of the Stockholm Convention on Persistent Organic Pollutants to consider them;
5. *Invites* Parties and others to use the technical guidelines and to submit, not later than two months before the ninth meeting of the Conference of the Parties, reports to the Conference of the Parties, through the Secretariat, on their experience in the application of the guidelines, including on the definition of low persistent organic pollutant content and on levels of destruction and irreversible transformation and any difficulties or obstacles encountered, with a view to improving them as necessary;
6. *Notes* that having considered, among other things, comments compiled by the Secretariat,<sup>8</sup> it is not practical or feasible for the time being to consider further, at the level of the Basel Convention, a methodology for the further definition of low persistent organic pollutant content and of levels of destruction and irreversible transformation and that the concerns expressed in the discussion on this issue to date may better be addressed through the further work referred to in paragraph 7 of the present decision;
7. *Agrees* that the following should be included in the work programme of the Open-ended Working Group for 2007–2008:
  - (a) Review and updating of the technical guidelines on persistent organic pollutants, including the definitions of low persistent organic pollutant content and of levels of destruction and irreversible transformation, if appropriate;
  - (b) Consideration of further guidance on other disposal methods when persistent organic pollutant content is less than low persistent organic pollutant content in areas where there may be a high risk for human health and the environment, inter alia, through the food chain and for the soil;
  - (c) Consideration of the amendment of entry A4110 in Annex VIII of the Basel Convention, relating to PCDDs and PCDFs, and other relevant entries relating to pesticide persistent organic pollutants and DDT, in order to include a concentration level for those persistent organic pollutants;

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4 UNEP/CHW.8/5/Add.1\*.

5 UNEP/CHW.8/5/Add.2\*; lead country: Mexico.

6 UNEP/CHW.8/5/Add.3\*; lead country: Australia.

7 UNEP/CHW.8/5/Add.4, Add.4 /Corr.1 and Add.5.

8 UNEP/CHW/OEWG/5/INF/21.

8. *Invites* Parties and others to submit comments to the secretariat by 31 March 2007 on the issues referred to in paragraphs 7 (b) and 7 (c) above;

9. *Decides* to extend the mandate of the small intersessional working group established by decision OEWG I/4, paragraph 9, to continue to monitor and assist in the review and updating, as appropriate, of technical guidelines regarding persistent organic pollutants, working in particular by electronic means;

10. *Requests* the small intersessional working group to consider the comments referred to in paragraph 8 above and to report on the results of its work, through the Secretariat, to the Open-ended working Group for its consideration;

11. *Welcomes* the fact that the bodies of the Stockholm Convention are considering best available techniques and best environmental practices with respect to unintentionally produced persistent organic pollutants, including the more recent technologies for destruction and irreversible transformation listed in the general technical guidelines, and invites experts of the Basel Convention to contribute to that work.

## **VIII/17: 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/18: Harmonization of forms for notification and movement documents and related instructions**

*The Conference of the Parties,*

*Recalling* its decisions IV/14 and VII/22 on the instruction manual on the control system for transboundary movements of hazardous and other wastes and on harmonization of lists of wastes and procedures, respectively,

*Recognizing* the need for globally harmonized forms for the notification and movement documents,

*Noting* with appreciation the roles played by Parties and others, especially Germany as lead country, in developing and revising the notification and movement documents,

1. *Adopts* the revised versions of the forms for the notification and movement documents, including the instructions for completing those forms;<sup>9</sup>
2. *Requests* the Secretariat to disseminate the forms for the notification and movement documents, including the instructions for completing those forms, to Parties, signatories, intergovernmental organizations, environmental non-governmental organizations and industry;
3. *Invites* Parties to use the notification and movement documents and the instructions on their use.

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9 UNEP/CHW.8/5/Add.6/Rev.2.

## **VIII/19: 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/20: 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 the 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/21: Classification and hazard characterization of wastes**

### *The Conference of the Parties*

1. *Invites* Parties in a 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, including 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/22: 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 the Convention 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/23: 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/24: Illegal traffic: Outline of an instruction manual for the legal profession**

*The Conference of the Parties*

1. *Requests* Parties and others to submit by 31 March 2007 proposals for items and the specific content pertaining to such items that could be addressed in an instruction manual for the legal profession on the prosecution of illegal traffic, taking into account the draft outline set out in the annex to the present decision;
2. *Also requests* Parties and others to provide to the Secretariat by the same date information regarding concrete experiences and cases relevant to the proposed instruction manual;
3. *Requests* the Secretariat to prepare, subject to the availability of funding, a draft detailed outline for an instruction manual for the legal profession on the prosecution of illegal traffic based on the proposals and comments provided in accordance with paragraphs 1 and 2 above and to submit the draft to the Open-ended Working Group for its consideration;
4. *Calls on* Parties and others to make voluntary contributions for the preparation of the draft detailed outline for an instruction manual;
5. *Requests* the Open-ended Working Group to consider the draft detailed outline for an instruction manual and make appropriate recommendations to the Secretariat for the preparation of a draft instruction manual for the consideration of the Conference of the Parties at its next meeting;
6. *Requests* the Secretariat, in collaboration with the Basel Convention regional centres, to continue to assist Parties, particularly developing countries and countries with economies in transition, in implementing the guidance elements at the national level, including the development of national contingency plans;
7. *Also requests* the Secretariat to continue its efforts to organize further training seminars in cooperation, where feasible, with other international organizations, agencies or programmes to assist Parties, particularly developing countries and countries with economies in transition, in implementing the guidance elements;
8. *Calls upon* all Parties and organizations in a position to do so to make financial or in-kind contributions toward the organization of such training seminars.

### **Annex to decision VIII/24**

#### **Manual on illegal traffic for the legal profession: draft outline of sections and contents<sup>10</sup>**

1. What environmental principles and concepts could be applied to the enforcement of the Basel Convention?
2. What do judges, prosecutors, and other legal officers need to know about the Basel Convention? *This section will include general background information on the Convention and its procedures and, in particular, the legal requirements flowing from the Convention's obligations.*

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<sup>10</sup> The present manual is intended to supplement, among other things, the Training Manual on Illegal Traffic that was adopted at the fifth meeting of the Open-ended Working Group of the Basel Convention in decision OEWG-V/9. As a result, where issues that are discussed in the Training Manual on Illegal Traffic are described, cross-reference will be made to the relevant sections of that manual to avoid duplication.

3. Illegal traffic of hazardous wastes and other wastes. *This section will include a description of what constitutes illegal traffic of hazardous wastes as defined under the Basel Convention and of the most common infractions.*
4. Investigating and prosecuting a suspected case of illegal traffic of hazardous wastes or other wastes. *This section will include a description of the steps to be followed by prosecutors and other enforcement officers in building a case to address an alleged offence of illegal trafficking, including, among other things, investigation; the task force approach; evidence gathering, handling and storage; and required safety measures. It will be noted that different legal systems may impose different obligations; accordingly, examples of national laws and procedures giving effect to those obligations will be included to highlight the different approaches.*
5. Judging a case of alleged illegal traffic of hazardous wastes or other wastes. *This section will include a description of the special issues that environmental cases present, including, among other things, types of action (civil, administrative, criminal); locus standi; timeliness of action; burden and standard of proof, expertise required; scientific uncertainty. It will be noted that different legal systems may impose different obligations; accordingly, examples of national laws and procedures giving effect to those obligations will be included to highlight the different approaches.*
6. Remedies and enforcement of judicial decisions. *This section will include a description of potential penalties for illegal traffic of wastes including sanctions, penalties, restitution and remediation and quantification or valuation of damage, as well as potential mechanisms to ensure compliance with judicial decisions at the national level. It will be noted that different legal systems may impose different obligations; accordingly, examples of national laws and procedures giving effect to those obligations will be included to highlight the different approaches.*
7. Appendix: Legislative, administrative and other measures required for implementing and enforcing the obligations established by the Basel Convention. *The appendix will include a checklist for the preparation of national legislation for the implementation of the Basel Convention developed by the Secretariat, in consultation with the Implementation and Compliance Committee of the Basel Convention, pursuant to decision VII/32 on the guidelines for the preparation of national legislation for implementation of the Basel Convention, adopted at the seventh meeting of the Conference of the Parties to the Basel Convention.*

## **VIII/25: Protocol on liability and compensation**

### *The Conference of the Parties*

1. *Calls upon* all Parties and organizations that are in a position to do so to make financial or in-kind contributions for the organization of workshops for addressing various aspects of and obstacles to the process of ratification of or accession to the Basel Convention Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal and the wider dissemination of the instruction manual on the implementation of the Protocol;<sup>11</sup>
2. *Requests* the Secretariat to continue its work on organizing workshops to address aspects of and obstacles to the process of ratification of or accession to the Protocol should funding be forthcoming;
3. *Requests* the Secretariat to publish the instruction manual on implementation of the Protocol in the six official United Nations languages and to disseminate it widely, subject to the availability of funds;
4. *Further requests* the Secretariat to update the instruction manual on a regular basis by the addition, as annexes to the instruction manual, of copies of domestic law and case studies relating to the implementation of the Protocol submitted by Parties;
5. *Invites* Parties and others to submit comments to the Secretariat, by 31 March 2007, on specific concerns and considerations relating to the definition of States of transit in annex A of the Protocol, the difficulties in proving illegal traffic for the purposes of the Protocol and the adequacy of the financial limits laid down in annex B of the Protocol;
6. *Requests* the Secretariat, based on consultations with relevant institutions, to elaborate further on three of the options that may be available with respect to the requirement of insurance, bonds or other financial guarantees as presented in its note,<sup>12</sup> ensuring that at least one option explored provides guidance on steps that could be taken at the national level, that another explores steps that could be taken at the international level and that a third explores steps that could be taken at the regional level, and to report to the Open-ended Working Group on its findings;

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11 UNEP/CHW/OEWG/4/8\*.

12 UNEP/CHW/OEWG/5/2/Add.7.

7. *Also requests* the Secretariat, subject to receipt of voluntary contributions for the purpose, to arrange a meeting to facilitate consultations on mechanisms to meet the requirement of insurance, bonds or other financial guarantees, to be attended by 12 representatives from industry and relevant international or regional organizations and two representatives from each United Nations regional group, with a view to considering the feasibility of such mechanisms to meet the requirements of article 14 of the Protocol

8. *Further requests* the Secretariat to report to the Conference of the Parties at its ninth meeting on the outcome of the consultations referred to in paragraph 7 of the present decision;

9. *Calls upon* States to provide voluntary funding for the organization of the consultations referred to in paragraph 7 above;

10. *Calls upon* Parties to continue to consult at the national and regional levels with a view to determining suitable mechanisms for providing insurance, bonds or other financial guarantees, with particular reference to the differing needs of different regions and industries.

## **VIII/26: 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 paragraph 4 of article 4 and paragraph 5 of article 9 of the Convention such measures include appropriate national and domestic legislation to prevent and punish illegal traffic;

2. *Urges* Parties to fulfil their obligations under paragraph 5 of article 9 of the 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;

5. *Urges* all Parties and organizations that are in a position to do so to make financial or in-kind contributions toward 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.

## **VIII/27: 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/28: 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 them 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/29: Designation of competent authorities and focal points**

*The Conference of the Parties,*

*Recalling* decision VII/11 on competent authorities and focal points,

1. *Calls on* Parties to designate competent authorities and focal points for the Convention, if they have not done so, and to submit formal designations to the Secretariat by fax or post, including any modifications or additions as they occur;

2. *Urges* Parties to provide up-to-date contact details of competent authorities and focal points to the Secretariat to ensure the efficient transmission of information;

3. *Requests* Parties that have designated multiple competent authorities to make sufficient information available regarding the functions and geographical area covered by each of its competent authorities;

4. *Invites* non-Parties and interested organizations to identify contact persons for the Convention, if they have not done so, and to submit the relevant information to the Secretariat, including any modifications or additions as they occur;

5. *Requests* the Secretariat to continue to maintain the list of competent authorities and focal points and to post it on the Convention website to facilitate communications concerning matters related to the Convention.

## **VIII/30: Addressing the interpretation of paragraph 5 of article 17 of the Basel Convention**

*The Conference of the Parties,*

*Acknowledging* that there is a difference of views concerning interpretation of the expression “who accepted them” in paragraph 5 of article 17 of the Basel Convention and recognizing that many Parties consider the expression to be ambiguous,

*Recalling* article 31 of the Vienna Convention on the Law of Treaties regarding the interpretation of a treaty or the application of its provisions,

*Noting* that some Parties are of the opinion that all Parties must agree to any decision interpreting provisions of the Convention,

*Recognizing* that 11 years have elapsed since the adoption of the amendment contained in decision III/1 relating to the export of hazardous wastes to developing countries;

*Noting* the strong concerns expressed in that respect by many Parties following the tragic events in Abidjan, including African countries in particular;

*Aware* that many parties have stressed that an agreed interpretation of paragraph 5 of article 17 of the Convention could facilitate the early entry into force of the amendment contained in decision III/1 and that, together with strengthened enforcement measures, that could deter the further occurrence of such tragic events,



*Recalling* the decisions of the Conference of the Parties strongly appealing to Parties to expedite the process of ratification with respect to the amendment contained in decision III/1 to facilitate its entry into force at the earliest opportunity and recognizing that many Parties have stressed the need to agree to make every effort to facilitate early entry into force of decision III/1 among Parties having ratified it, by all possible means, including through agreement on an interpretation of the expression “who accepted them” in paragraph 5 of article 17 in a manner that is favourable to that objective,

*Emphasizing* that the Parties to the Convention have the ultimate power to agree on the interpretation of the Convention,

1. *Urges* all Parties to make every effort to facilitate the early resolution of an interpretation of the expression “who accepted them” in paragraph 5 of article 17 of the Basel Convention;
2. *Requests* the Open-ended Working Group to address further the issue of interpretation taking account of the perception of ambiguity held by many Parties, with a view to resolving it at the earliest opportunity, and to develop a draft decision to reach an agreed interpretation of paragraph 5 of article 17 of the Basel Convention by the Parties in accordance with international law for consideration at the next meeting of the Conference of the Parties;
3. *Invites* all Parties and others to submit comments to the Secretariat by 31 March 2007 for compilation and the further consideration by the Open-ended Working Group and the Conference of the Parties on matters which may facilitate agreement on entry into force of the amendment.

### **VIII/31: Mechanism for promoting implementation and compliance: election of members**

*The Conference of the Parties*

*Elects*, in accordance with the terms of reference contained in the annex to its decision VI/12, the following members to serve on the Committee for Administering the Mechanism for Promoting Implementation and Compliance:

From the African region: Ms. Farah Bougartacha (Morocco) and Mr. Larsey Mensah (Ghana);

From the Asian region: Mr. Chung Suh-yong (Republic of Korea) and Mr. Ras io Ridho Sani (Indonesia);

From the Central and Eastern European region: Ms. Krystina Panek-Gondek (Poland) and Ms. Gordana Petkovic (Serbia);

From the Latin American and Caribbean region: Ms. Gillian Guthrie (Jamaica) and Mr. Oswaldo Alvarez (Chile);

From the Western European and other countries: Mr. Damien Hall (Australia) and Mr. Martin Widstam (Sweden).

### **VIII/32: Mechanism for promoting implementation and compliance: work programme for 2007–2008**

*The Conference of the Parties,*

*Noting* the report of the committee on its work during the period 2005–2006 and the recommendations contained therein,

1. *Approves* the work programme of the Committee for Administering the Mechanism for Promoting Implementation and Compliance for 2007–2008 contained in the annex to the present decision;
2. *Requests* the Committee to establish priorities and work methods and schedules regarding the issues identified in the work programme and to coordinate with the Open-ended Working Group, the secretariat and the Basel Convention regional centres so as to avoid duplication of activities;
3. *Recognizes* the need to provide the Committee with sufficient funding in order to enable it to function effectively and to carry out its work programme;
4. *Calls upon* all Parties that are in a position to do so to make financial or in-kind contributions to assist the Committee to carry out its work programme;

5. *Requests* the Committee to report to the Conference of the Parties at its ninth meeting on the work it has carried out to fulfil its functions in accordance with paragraphs 23 and 24 of the terms of reference for the Mechanism for Promoting Implementation and Compliance;

6. *Calls upon* Parties to make use of the Mechanism for Promoting Implementation and Compliance.

## **Annex to decision VIII/32**

### **Work programme for 2007–2008 of the Committee for Administering the Mechanism for Promoting Implementation and Compliance**

1. During the biennium 2007–2008, the Committee for Administering the Mechanism for Promoting Implementation and Compliance shall review the following general issues in accordance with paragraph 21 of the terms of reference for the mechanism contained in the annex to decision VI/12 of the Conference of the Parties and in accordance with the priorities and budget decided by the Conference of the Parties:

(a) The Committee shall further develop its understanding of national reporting issues by building on the work undertaken pursuant to its work programme for 2005–2006, with a view to providing guidance on how national reporting could be improved, given that it underpins the operation of the Convention;

(b) The Committee shall undertake work on the issue of illegal traffic, which could include identifying available existing resources from a number of institutions, working in collaboration with such institutions and the Basel Convention regional centres, and assisting Parties through training, taking into account that such work would assist in ensuring the environmentally sound management of wastes.

2. In undertaking its work, the Committee shall take full account of the previous discussions and decisions by Basel Convention bodies on the relevant issues and shall also take account of its mandate to complement the work performed by other bodies of the Basel Convention and by the Basel Convention regional centres.

3. The Committee shall also continue to monitor any developments on the other issues addressed under its work programme for 2005–2006.

4. When the Committee receives specific submissions in accordance with paragraph 9 of the terms of reference, it shall give priority to dealing with such submissions.

## **VIII/33: Programme and budget for the biennium 2007–2008**

*The Conference of the Parties,*

*Recalling* its decision VII/41 and decision OEWG-IV/10 of the Open-ended Working Group, on financial matters,

*Recalling* also paragraph 136 of the report of the Conference of the Parties on its seventh meeting,<sup>13</sup>

*Expressing* appreciation to the newly assessed Parties which have made timely payment of their contributions for 2005 and 2006,

*Noting* the financial reports on the Basel Convention trust funds for 2005 and 2006,<sup>14</sup>

1. *Welcomes* the new programme budget format proposed by the secretariat as set out in table 1 of the present decision;

2. *Encourages* the Secretariat to continue its efforts in the presentation of the core programme, particularly with respect to strategic indicators, in order to make it easier for the Parties to have an overview of Secretariat activities, to identify priorities and to evaluate the work of the Secretariat. In doing so, the Secretariat is encouraged to monitor United Nations best practices and to exchange information with the secretariats of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants. The Secretariat is asked to report on its efforts at the next session of the Open-ended Working Group and the ninth meeting of the Conference of the Parties;

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13 UNEP/CHW.7/33.

14 UNEP/CHW.8/INF/23.

3. *Approves* the programme budget for the Trust Fund for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention Trust Fund) in the amount of \$3,975,397 for 2007 and \$4,282,677 for 2008, for the purposes set out in table 2 of the present decision;
4. *Authorizes* the Executive Secretary to utilize an amount not exceeding \$170,000 in 2007 and \$315,000 in 2008, respectively, from the reserve and fund balance of the Basel Convention Trust Fund to meet expenditures in the approved budget;
5. *Approves* the staffing of the Convention secretariat for the programme budget as set out in table 3 of the present decision;
6. *Decides* that the total amount of the contributions to be paid by the Parties is \$3,805,397 for 2007 and \$3,967,677 for 2008, as set forth in table 4 of the present decision;
7. *Also decides* that the contributions of individual Parties shall be as listed in table 4 of the present decision, which is based on the current United Nations General Assembly scale of assessments, modified so that no Party contributes less than 0.001 per cent of the total, no Party's contribution exceeds 22 per cent of the total and no contribution from a least developed country Party exceeds 0.01 per cent of the total;
8. *Decides further* to set the level of the working capital reserve at 15 per cent of the average biennial operational budgets for the biennium 2007–2008;
9. *Decides* that the Executive Secretary may make transfers of up to 20 per cent from one main appropriation line of the approved budget to other main appropriation lines;
10. *Expresses* its concern over delays in payment of agreed contributions by Parties contrary to the provisions set forth in paragraph 8 of the terms of reference for the administration of the Basel Convention Trust Fund;
11. *Urges* all Parties to pay their contributions promptly and in full and further urges Parties that have not done so to pay their contributions for prior years as soon as possible and in this context welcomes the monthly publication by the secretariat on the Convention website of all contributions received;
12. *Invites* the President of the Conference of the Parties and the Executive Director of the United Nations Environment Programme to write to the relevant Parties impressing on them the importance of paying their respective arrears for 2005 and previous years;
13. *Requests* the Open-ended Working Group to monitor the status of payment of arrears and, if sufficient payments are received to cover it, to allow an increase of up to \$75,000, in total, for temporary staff, staff travel and consultancy budget lines;
14. *Requests* the Executive Secretary to continue to consult with Parties in arrears requesting payment of the arrears, to invite such Parties, if necessary, to agree on payment plans and to report to the Conference of the Parties at its ninth meeting on such efforts;
15. *Welcomes* the programme budget for the Trust Fund to Assist Developing and Other Countries in Need of Assistance in the Implementation of the Basel Convention (the Technical Cooperation Trust Fund) in the amount of \$4,226,855 for 2007 and \$3,683,800 for 2008, as set forth in table 5 of the present decision;
16. *Invites* voluntary contributions to the Technical Cooperation Trust Fund and to the Basel Convention Trust Fund from Parties, non-Parties and other sources;
17. *Invites* Parties, non-Parties and other stakeholders to contribute financially and with other means to the implementation of the activities prepared for the Strategic Plan focus areas and related projects and encourages Parties and non-Parties to submit such projects for consideration by appropriate funding agencies;
18. *Requests* Parties to notify the secretariat of the Convention of all contributions made to the Basel Convention Trust Fund and the Technical Cooperation Trust Fund at the time such payments are made;
19. *Requests* the Executive Secretary to enter into dialogue with the Executive Director of the United Nations Environment Programme regarding the use of the 13 per cent programme support costs charged by the Programme under the Technical Cooperation Trust Fund in order to better facilitate the implementation of the activities financed by that Trust Fund.
20. *Decides* that the Basel Convention Trust Fund and the Technical Cooperation Trust Fund shall be further continued until 31 December 2010 and requests the Executive Director of the United Nations Environment Programme to extend them to 2009–2010, subject to the approval of the Governing Council of the United Nations Environment Programme;

21. *Requests* the secretariat to report annually to the Open-ended Working Group and to the Expanded Bureau on all sources of income received, including the reserve and fund balances and interest, together with actual, provisional and projected expenditures and commitments, and requests the Executive Secretary to report on all expenditures against the agreed budget lines;

22. *Requests* the Executive Secretary to prepare a budget for the biennium 2009–2010 for consideration by the Conference of the Parties at its ninth meeting and to explain the key principles and assumptions on which the budget is based;

23. *Notes* the need to facilitate priority-setting by providing Parties with timely information on the financial consequences of different options and to that end requests the Executive Secretary to include in the proposed programme budget for the biennium 2009–2010 three alternatives based on:

- (a) The Executive-Secretary's assessment of the required rate of growth of the programme budget;
- (b) Maintaining the operational budget at the 2007–2008 level in nominal terms;
- (c) Increasing the operational budget from the 2007–2008 level by 10 per cent in nominal terms;

24. *Requests* the Open-ended Working Group and the Expanded Bureau to keep under review the financial information provided by the secretariat, including the timeliness and transparency of that information.

## Table 1

### **Basel Convention Trust Fund programme and budget for the biennium 2007–2008**

The functions of the secretariat are defined in the provisions of the Convention and include tasks required by the Conference of the Parties and its subsidiary bodies. Those functions, according to which the programme and budget is organized, are as follows:

1. Conferences and meetings.
2. Executive direction, management and strategic planning:
  - a. Budget and contract management;
  - b. Personnel administration;
  - c. International cooperation and synergies, including representation.
3. Programme and cross-cutting support:
  - a. Support for Strategic Plan implementation;
  - b. Support to Basel Convention regional and coordinating centres for their operational activities;
  - c. Legal support;
  - d. Scientific support;
  - e. Public-private partnerships;
  - f. Resource mobilization.
4. Knowledge management and outreach:
  - a. Management and circulation of information submitted by Parties in accordance with their obligations under the Convention;
  - b. Publications, public information and outreach.
5. Office equipment and services.

## Basel Convention Trust Fund programme and budget for the biennium 2007–2008

### 1. Conferences and meetings

<b>Meeting costs and services:</b>		
(a)	Costs of the meetings of the Conference of the Parties, the Open-ended Working Group, the Expanded Bureau and the Compliance Committee as well as of other consultations required by the Parties and the provision of secretariat services including organization and conduct of the meetings	
(b)	Organization for the provision of translation, interpretation and document preparation; temporary assistance for conferences and meetings such as report writing, editing, overnight translations, etc.	
(c)	Secretariat preparation of documents for the meetings, i.e., pre-session, in-session and post-session documents, including technical reports, documents, guidelines and updates on technical aspects to assist Parties in their deliberations and negotiations	
(d)	Drafting and negotiation of agreements for the organization of meetings of the Conference of the Parties, the Open-ended Working Group and other bodies, as required	
(e)	Preparation of publications and audiovisual materials; organization of special events and media activities	
(f)	Preparation of a list of participants and registration of representatives and credentials	
(g)	Travel arrangements for participation of representatives from developing countries and countries with economies in transition and processing of their daily subsistence allowance	
	<b>Results:</b> Conferences and meetings are prepared efficiently and in such a way as to facilitate the conduct of business and to ensure the effective consideration of items on their agendas, sharing of information and reporting on budget and programme activities in a manner satisfactory to the Parties and other stakeholders.	
	<b>Programmes providing services:</b> Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships and resource mobilization; and outreach	
	Budget estimate/projection	2007 2008
	Basel Convention Trust Fund: 1 COP, 1 OEWG (with 2 meetings of Compliance Committee and 2 meetings of Expanded Bureau in the biennium)	856,716 1,075,774

#### Indicators:

All meetings are prepared in a timely manner with high quality inputs from the secretariat, including the conclusion of host country agreements, where applicable, early dispatch of invitation letters, securing of adequate meeting facilities and services, submission of working documents to the Parties six weeks in advance of meetings, where feasible, and provision of technical and substantive support for the conduct of the meetings.

## 2. Executive direction, management and strategic planning

### Services provided:

#### Executive direction: oversight, monitoring and execution of:

(a) (i) **Budget and contract management:** Monitoring and control of budget and expenditures, ensuring compliance with the financial and administrative rules of the United Nations and the directions of the Conference of the Parties, taking all appropriate steps to improve collection of contributions; provision of substantive support and training to the Basel Convention regional and coordinating centres (BCRCs) in establishing proper budgetary and financial management systems according to UNEP financial regulations to ensure that planning, processing of financial actions and regular reporting of income and expenditures are achieved; guidance on financial management of SBC projects implemented by BCRCs

(a) (ii) **Management of efficiency:** Improving efficiency and effectiveness in the management of the secretariat

(a) (iii) **Public-private partnerships:** Provision of guidance and direction in the development and implementation of the partnership programme

(a) (iii) **Resource mobilization:** Provision of guidance and direction in developing strategy for resource mobilization activities and consultations with donors and international financial institutions, including official visits to donors

(b) **Personnel administration:** Recruitment and administration of contracts for staff and external experts; monitoring of staff performance; record-keeping relating to staff time and attendance, etc., in accordance with the relevant United Nations rules and regulations; and resolution of staff disputes

(c) **International cooperation and synergies, including representation:** Participation in meetings of relevant bodies (such as meetings of related global and regional agreements, the Governing Council of UNEP, the Global Environment Facility, etc.); conduct of bilateral and multilateral consultations at such meetings and the presentation of the programme and priorities identified by the Parties to such meetings; conclusion of cooperation agreements with other multilateral environmental agreements, intergovernmental organizations and other institutions; cooperation with international bodies on programmes relating to hazardous and other waste issues, including with other multilateral environmental agreements and specialized agencies, on legal, technical and scientific matters

**Results:** Effective and efficient delivery by the secretariat of the services mentioned above, policy and programme framework adopted by the Parties transposed into secretariat action, including in secretariat's guidance to BCRCs. Effective and collaborative working relationships are established with other institutions and outputs from cooperative activities provide added value.

**Programmes providing services:** Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships, resource mobilization and outreach

Budget estimate/projection	2007	2008
Basel Convention Trust Fund	384,374	330,847

### Indicators:

(a) The secretariat provides regularly updated reporting on all sources of income received and expenditure and commitments, as well as any efficiency measures taken to improve the cost-effectiveness of its operation. The Resource Mobilization Strategy and the Partnership Programme are carried out and further developed in accordance with the decisions of the Parties.

(b) The secretariat is operating with full capacity and delivering services according to the agreed budget.

(c) Visibility and convergence of the Basel Convention in other intergovernmental forums is increased, with increased development of cooperative activities and arrangements between the Basel Convention and other international organizations. Parties are kept abreast by the secretariat, at regular intervals, of any developments relating to synergies and cooperation. Parties are thus well-informed and able to participate as equal partners in discussions with other multilateral environmental agreements.

### 3. Programme and cross-cutting support

#### Services provided:

- (a) **Support for Strategic Plan implementation:**<sup>15</sup> Project planning, administration, monitoring and closure; preparation of project submissions to donors, follow-up with prospective donors; assistance to Parties, BCRCs, other stakeholders in the development and implementation of the Strategic Plan focus areas; consultations with stakeholders; catalyzing co-financing and in-kind support; coordination with Parties, Signatories, intergovernmental organizations (IGOs) and non-governmental organizations (NGOs); reporting to the Conference of the Parties and its subsidiary bodies as appropriate
- (b) **BCRC operational support:**<sup>16</sup> Provision of scientific, technical and legal guidance and advice on work and operation; assistance in ensuring effective implementation of project proposals and capacity-building activities contained in the centres' respective business plans; work, carried out jointly with the centres, on the development of fundraising strategies; assistance to the centres in carrying out an evaluation of technology transferred to date; conclusion of negotiations on the signing of framework agreements, monitoring of implementation of such agreements; consultations with BCRCs; contribution to the preparation of and participation in steering committee meetings, workshops, training seminars and meetings organized by or with the centres, as appropriate; regional networking of BCRCs and relevant institutions for international chemical waste management; initiation, development and monitoring of regional programmes for the environmentally sound management of hazardous and other wastes
- (c) **Legal support:** Communications and consultations with the Convention Depository concerning the Convention and its related instruments and, where necessary, consultations with Parties concerning treaty ratifications, amendments, etc.; addressing queries from Parties, multilateral environmental agreements and intergovernmental and non-governmental organizations and private entities concerning the Convention; provision of support to the Compliance Committee, including meeting administration, and preparation of background papers; provision of advice, on request, to individual Parties on the drafting or implementation of national legislation and specific cases of illegal traffic and the provision of good offices; participation as a partner of the Green Customs Initiative and in collaboration with the World Customs Organization; provision of guidance and technical support to the Parties on emergencies and assessment of capacity of the Convention to respond from a legal perspective to emerging issues such as synergies and cooperation among the chemicals and waste conventions and the reform of international environmental governance; collection of national legislation implementing the Convention to provide an information resource for Parties; administration of decision V/32 on the enlargement on an interim basis of the Technical Cooperation Trust Fund
- (d) **Scientific support:** Facilitating the development of guidelines, information and tools to the Parties and other relevant bodies on technical aspects of the environmentally sound management of hazardous and other wastes, including advice on technologies and environmental impacts; supporting the development of regional and national technical projects, taking into account the views of relevant stakeholders, including projects aimed at building the capacity of Parties to meet their obligations under the Convention and its related instruments; provision of guidance and technical support to the Parties on emerging issues, e.g., end-of-life products and equipment, ship dismantling, etc.
- (e) **Public-private partnerships:** Assistance to Parties and BCRCs in implementing the work plan of the Partnership Programme, including overall support and guidance, assessment of prospects for new public-private partnerships and cooperation in support of the implementation of the Strategic Plan focus areas and of efforts to improve synergies among chemicals and wastes conventions, initiatives or programmes.
- (f) **Resource mobilization:** Development of a network of donors and donor institutions for projects proposed at the international, regional and national levels; launching of a funding campaign for approaching donors, developing documentation on fundraising and resource mobilization activities, including visits to donors; preparing, with legal and technical support, project papers and facts sheets and formulating project concepts for funding by donors and funding institutions, using a project status tracking system for the purpose of maintaining updated records of resource mobilization activities; provision of training to BCRCs and Parties to improve their access to funding sources.

**Results:** Secretariat's substantive services provided to Parties and other stakeholders in a timely and informed manner. Sound programmatic, operational, legal and scientific support provided in an effective way as per decisions of Parties and their requirements. Effective and collaborative working relationships are established with other institutions and outputs from cooperative activities provide added value.

<b>Programmes providing services:</b> Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships and resource mobilization; and outreach		
Budget estimate/projection	2007	2008
Basel Convention Trust Fund	1,511,609	1,596,635

15 These activities were requested by the Conference of the Parties in decision VII/1.

16 These activities were requested by the Conference of the Parties in decision VII/9.

**Indicators:**

- (a) Programme design is comprehensive and objectives set are clear, workable and achievable. Use of SBC database for locating best technical and legal expertise; Early involvement and cooperation with stakeholders is sought. Analysis of complementarities and synergies with other programmes, initiatives and institutions is carried out. Countries' needs are properly assessed.
- (b) Solid and clear guidance materials are prepared for improving the administration and operational effectiveness of each centre. Programmatic framework is developed as a base for the activities of the Basel Convention operational network (BCON). Fundraising targets are set out. Centres are engaged in the development of mid- to large-scale projects. Negotiations leading to the signature by host countries of framework agreements are facilitated, including through the provision of technical and legal support.
- (c) Accurate and timely responses are provided to queries from Parties on legal matters relating to the Convention, including on matters of treaty law and national legislation. Efficient and effective assistance are provided to Parties in resolving cases of illegal traffic. Substantive support is provided to the Compliance Committee in the implementation of its work programme. Extensive archive of national legislation implementing the Convention is maintained and upgraded as a resource for Parties. Decision V/32 is administered in an efficacious manner which responds to the pressing needs of Parties. Involvement in emerging issues relevant to the Convention and transmittal of information and advice on such issues to Parties is increased.
- (d) Accurate and timely responses are provided to queries from Parties, signatories and others on scientific and technical matters pertaining to the implementation of the Basel Convention. Active participation in and substantive contribution to working groups preparing technical guidelines and other tools is undertaken. Skills are acquired in the development of regional programme concepts and project documents based on verified needs of Parties and partners. Early consultation with other institutions and partners in the development of activities are undertaken. Forecast analyses are carried out on a regular basis to identify trends and emerging issues.
- (e) Involvement in and support of the Partnership Programme from key industry and NGO leaders for the aims of the Basel Convention increases. Resource contributions, both human and financial, from stakeholders and partnership activities increase. Involvement in development of partnerships by Basel Convention regional centres increases. Number of partnership arrangements to expedite activity and results relating to key priority areas increases.
- (f) Visibility of the Convention and knowledge by donor and financial bodies about the Convention and its benefits increases as a result of the fund-raising and information campaign. Contributions to the work of the centres and SBC and Party work on the priority waste streams identified under the Strategic Plan increase. Funding of projects through innovative and creative methods to leverage new resources and through the distribution of information about the donor community to Parties increases.



#### 4. Knowledge management and outreach

##### Services provided:

##### (a) Management and circulation of information submitted by Parties in accordance with their obligations under the Convention:

**National reporting:** Collection, quality control, organization and follow-up to the information transmitted to the secretariat by Parties pursuant to their annual reporting obligations; entry of information in database and placement of information received on the Basel Convention website; management of the database; contacts with other multilateral environmental agreements and intergovernmental organizations also involved in relevant aspects of data collection.

**Article 3 national definitions:** Collection, quality control, organization and follow-up of the information transmitted to the secretariat by Parties pursuant to article 3 of the Convention; transmittal of communications to Parties advising of notifications of national definitions received; placement of information on Basel Convention website.

**Article 11 agreements and arrangements:** Collection of relevant agreements and arrangements entered into by Parties and, as appropriate, placement of information on such agreements on the Basel Convention website.

**(b) (i) Publications and public information:** Preparation, production (including editing, translation and printing) and dissemination of Basel Convention publications (e.g., technical guidelines, guidance documents). Includes production of electronic versions of Basel Convention publications and management of publications page on website. Preparation (writing, editing, layout and printing) and dissemination of information material (posters, brochures, information leaflets, newsletters, exhibition stands) about the Basel Convention and its work and work undertaken at the regional and national levels, including website management and corporate identity development of Basel Convention and related information products. Media relations and organization of exhibitions and special events.

##### (b) (ii) Outreach:

Development of projects with partner organizations (e.g., governmental, NGOs or private sector) to promote the Basel Convention to various target audiences, including the Basel Convention Operational Network (BCON). This includes development of corporate identity, production of information material and dissemination via various platforms.

Development of specific projects with partners such as the United Nations Environment Programme Division of Environmental Conventions (UNEP/DEC) to increase NGO involvement and interest in Basel Convention and synergy issues with the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

Production of specific information products such as the publication "Vital Waste Graphics" volumes I and II with partner organizations such as UNEP/GRID Arendal and UNEP/DEC with special focus on raising awareness of general public.

*Results: Information collected is processed in an effective and timely manner to benefit Parties' implementation of the Convention; corporate image is clear and goal sets are understandable and coherent; better understanding among Parties and other stakeholders of the role and potential of the Basel Convention's operational dimension.*

**Programmes providing services:** Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships and resource mobilization; and outreach.

Budget estimate/projection	2007	2008
Basel Convention Trust Fund	420,006	439,150

##### Indicators:

(a) Access to data and information transmitted by Parties, pursuant to articles 13 (3), 3 and 11 is maintained in user-friendly manner and is updated regularly.

(b) (i) From biennium to biennium, the number of publications and the amount of other public information material produced increases, the number of hits to the website steadily increases and the number of requests for publications and public information material increases so as to show an overall increase in the number of people aware of and requiring information about the Basel Convention. The number of articles about the Basel Convention and related subject matter increases. The number of requests for interviews from media representatives increases. Positive feedback collected about publications and public information material increases from biennium to biennium, indicating customer satisfaction and further needs.

(b) (ii) The number of stakeholders increases, as evidenced by the number of information requests and participation in public relations activities about the Basel Convention. The number of civil society organizations participating in Basel Convention meetings and workshops increases. Demand for special publications such as Vital Waste Graphics and quotes from them in the media and other forums increase. Positive feedback about projects and special publications increases from biennium to biennium, indicating customer satisfaction and further needs.

## 5. Office equipment and services

### Costs and services provided:

- (a) **Office equipment:** Procurement of office equipment including computer software and hardware, required licenses, furniture and supplies; rental and maintenance of equipment, including photocopiers and communications equipment.
- (b) **Services and Costs:** Administrative tasks relating to provision of services by UNON, UNOG and others, including shuttle, security, mail etc.; costs of office rental, building maintenance, electricity, cleaning, communications, freight.

*Results: Logistical and administrative support for the Secretariat's effectiveness in delivery is guaranteed and sustained.*

**Programmes providing services:** Executive direction; resource management and conference services.

Budget estimate/projection	2007	2008
Basel Convention Trust Fund	345,345	347,575

### Indicators:

The secretariat is provided with sufficient office space for its approved staff and functions; office equipment including computer software and hardware as well as required licenses are purchased or rented in accordance with the needs of the secretariat and standard United Nations requirements and maintained operational at all times. Provision of services by UNON/UNOG and others is assessed and negotiated at regular intervals to meet the requirements of the secretariat.

## Basel Convention Trust Fund

### Summary table of costs and requirements by activity

Activity	2007	2008	Biennium
1. Conferences and meetings	856,716	1,075,774	1,932,490
2. Executive direction, management and strategic planning	384,374	330,847	715,221
3. Programme support	1,511,609	1,596,635	3,108,244
4. Knowledge management and outreach	420,006	439,150	859,156
5. Office equipment and services	345,345	347,575	692,920
<b>Total operational costs</b>	<b>3,518,050</b>	<b>3,789,980</b>	<b>7,308,031</b>
13 % programme support costs	457,347	492,697	950,044
<b>Total budget for the Trust Fund</b>	<b>3,975,397</b>	<b>4,282,677</b>	<b>8,258,074</b>

Table 2

Basel Convention Trust Fund		Budget approved by COP 7			Programme budget approved at COP 8		
		2005	2006	biennium	2007	2008	biennium
<b>10</b>	<b>PERSONNEL COMPONENT</b>						
1100	Professional staff (title & grade) ****						
1101	Executive Secretary (D2)	211,000	211,000	422,000	75,167	0	75,167
1102	Deputy Executive Secretary (D1) *	200,000	200,000	400,000	214,300	223,944	438,244
1103	Senior Programme Officer - Technical and Capacity Building (P5)	173,600	173,600	347,200	188,500	196,983	385,483
1104	Senior Legal Officer (P5)	173,600	173,600	347,200	188,500	196,983	385,483
1105	Senior Programme Officer - Project Development and Monitoring (P5)				62,833	196,983	259,816
1106	Programme Officer - Scientific and Technical (P4)	150,200	150,200	300,400	163,100	170,440	333,540
1107	Programme Officer - Project Development (P4)	150,200	150,200	300,400	163,100	170,440	333,540
1108	Administrative Officer (UNEP) **	-	-	-	-	-	-
1109	Programme Officer - National Reporting (P3)	124,400	124,400	248,800	135,300	141,389	276,689
1110	Information Officer (P3)	124,400	124,400	248,800	135,300	141,389	276,689
1111	Programme Officer - Project Development (P3)	-	-	-	67,650	141,389	209,039
1112	Associate Programme Officer - Computer Systems (P2)	96,200	96,200	192,400	108,400	113,278	221,678
1120	Temporary posts for conference servicing (relates to COP9 together with line 1321)	10,000	10,000	20,000	3,000	10,000	13,000
	Professional Staff	1,413,600	1,413,600	2,827,200	1,505,150	1,703,218	3,208,368
1200	Consultants						
1201	Programme legal support	100,000	100,000	200,000	140,000	100,000	240,000
1202	Programme BCRC operational support and scientific support	100,000	100,000	200,000	100,000	100,000	200,000
1203	Public/private partnerships and resource mobilization Consultants	60,000	60,000	120,000	60,000	60,000	120,000
		260,000	260,000	520,000	300,000	260,000	560,000
1300	Administrative support (title & grade)						
1301	Administrative Assistant (G6) **	-	-	-	-	-	-
1302	Personal Assistant to the Executive Secretary (G6)	118,400	118,400	236,800	95,100	99,380	194,480
1303	Meetings / Documents Assistant (G6)	118,400	118,400	236,800	95,100	99,380	194,480
1304	Personnel Assistant (G5)	92,100	92,100	184,200	95,100	99,380	194,480
1305	Information Assistant (G5)	92,100	92,100	184,200	95,100	99,380	194,480
1306	Programme Assistant (G5)	92,100	92,100	184,200	95,100	99,380	194,480
1307	Programme Assistant (G5)	92,100	92,100	184,200	95,100	8,282	103,382
1308	Reproduction & Registry Clerk (G4) ***	92,100	92,100	184,200	-	-	-
1309	Legal Assistant (G5)	92,100	92,100	184,200	95,100	99,380	194,480
1310	Finance and Budget Assistant (G6) **	-	-	-	-	-	-
1320	Temporary assistance posts (short term)	10,300	10,300	20,600	30,300	30,300	60,600

Basel Convention Trust Fund		Budget approved by COP 7			Programme budget approved at COP 8		
		2005	2006	biennium	2007	2008	biennium
Administrative support		799,700	799,700	1,599,400	696,000	634,862	1,330,862
Conference servicing costs							
1321	Conference of the Parties: Conference servicing not including translation (one meeting per biennium; interpretation up to 18.00 hours; \$10,000 pa charged against B/L 1120, total \$620,000).	171,875	240,625	412,500		412,500	412,500
1322	Open-ended Working Group: Conference servicing not including translation (one meeting per biennium; interpretation up to 18.00 hours)	325,000	325,000	650,000	275,000		275,000
1325	Expanded Bureau (English only; two meetings per biennium)	2,000	2,000	4,000	2,000	2,000	4,000
1327	Committee for administering the Mechanism for Implementation and Compliance (English only; two meetings per biennium)	2,000	2,000	4,000	2,000	2,000	4,000
	Conference of the Parties: Translation (six United Nations languages; costed at 300 pages for translation).	78,125	109,375	187,500		187,500	187,500
	Open-ended Working Group: Translation (six United Nations languages; costed at 200 pages or less per meeting)	125,000	125,000	250,000	125,000		125,000
Conference servicing		704,000	804,000	1,508,000	404,000	604,000	1,008,000
<b>1399</b>	<b>Sub-total administrative support and conference servicing costs</b>	<b>1,503,700</b>	<b>1,603,700</b>	<b>3,107,400</b>	<b>1,100,000</b>	<b>1,238,862</b>	<b>2,338,862</b>
1600	Travel on official business						
1601	Official travel	150,000	150,000	300,000	175,000	150,000	325,000
	Travel on official business	150,000	150,000	300,000	175,000	150,000	325,000
<b>TOTAL PERSONNEL COMPONENT</b>		<b>3,327,300</b>	<b>3,427,300</b>	<b>6,754,600</b>	<b>3,080,150</b>	<b>3,352,080</b>	<b>6,432,230</b>
<b>20</b>	<b>SUB-CONTRACT COMPONENT</b>						
2100	Sub-contracts component						
2101	Information system	10,000	10,000	20,000	20,000	20,000	40,000
<b>2199</b>	<b>Sub-total sub-contracts, non-commercial</b>	<b>10,000</b>	<b>10,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>	<b>40,000</b>
<b>SUB-CONTRACT COMPONENT</b>		<b>10,000</b>	<b>10,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>	<b>40,000</b>
<b>30</b>	<b>MEETINGS AND CONFERENCES</b>						
3300	Travel and DSA costs of participants						
3301	Conference of the Parties	-	-	-	-	-	-
3302	Open-ended Working Group (one meeting per biennium; 20 travels per meeting)*****	62,000	62,000	124,000	-		0
3303	Expanded Bureau (two meetings per biennium; 9 travels per meeting)	43,400	43,400	86,800	32,400	32,400	64,800
3304	Committee for administering the Mechanism for Implementation and Compliance (two meetings per biennium; 7 travels per meeting)	31,000	31,000	62,000	25,200	25,200	50,400
<b>3399</b>	<b>Sub-total meetings and conferences</b>	<b>136,400</b>	<b>136,400</b>	<b>272,800</b>	<b>57,600</b>	<b>57,600</b>	<b>115,200</b>
<b>MEETINGS AND CONFERENCES COMPONENT</b>		<b>136,400</b>	<b>136,400</b>	<b>272,800</b>	<b>57,600</b>	<b>57,600</b>	<b>115,200</b>
<b>40</b>	<b>EQUIPMENT AND PREMISES COMPONENT</b>						
4100	Expendable equipment						
4101	Office Supplies, library acquisitions and computer software	24,500	24,500	49,000	24,500	24,500	49,000
<b>4199</b>	<b>Sub-total, expendable equipment</b>	<b>24,500</b>	<b>24,500</b>	<b>49,000</b>	<b>24,500</b>	<b>24,500</b>	<b>49,000</b>

Basel Convention Trust Fund		Budget approved by COP 7			Programme budget approved at COP 8		
		2005	2006	biennium	2007	2008	biennium
4200	Non-expendable equipment						
4201	Computer equipment, printers, furniture, multimedia and others	14,000	14,000	28,000	20,000	20,000	40,000
<b>4299</b>	<b>Sub-total, non-expendable equipment</b>	<b>14,000</b>	<b>14,000</b>	<b>28,000</b>	<b>20,000</b>	<b>20,000</b>	<b>40,000</b>
4300	Premises						
4301	Office space fees, building maintenance, security, utilities and insurance	75,000	80,000	155,000	110,000	110,000	220,000
<b>4399</b>	<b>Total, premises</b>	<b>75,000</b>	<b>80,000</b>	<b>155,000</b>	<b>110,000</b>	<b>110,000</b>	<b>220,000</b>
	<b>EQUIPMENT AND PREMISES COMPONENT</b>	<b>13,500</b>	<b>118,500</b>	<b>232,000</b>	<b>154,500</b>	<b>154,500</b>	<b>309,000</b>
<b>50</b>	<b>MISCELLANEOUS COMPONENT</b>						
5100	Operation and maintenance of equipment						
5101	Computers, printers, photocopiers and other	71,300	71,300	142,600	71,300	71,300	142,600
<b>5101</b>	<b>Sub-total, maintenance of equipment</b>	<b>71,300</b>	<b>71,300</b>	<b>142,600</b>	<b>71,300</b>	<b>71,300</b>	<b>142,600</b>
5200	Reporting costs						
5201	Newsletters, publications and other media	55,000	55,000	110,000	55,000	55,000	110,000
<b>5299</b>	<b>Sub-total, reporting costs</b>	<b>55,000</b>	<b>55,000</b>	<b>110,000</b>	<b>55,000</b>	<b>55,000</b>	<b>110,000</b>
5300	Sundry						
5301	Communications, freight and other	70,000	70,000	140,000	70,000	70,000	140,000
<b>5399</b>	<b>Sub-total sundry</b>	<b>70,000</b>	<b>70,000</b>	<b>140,000</b>	<b>70,000</b>	<b>70,000</b>	<b>140,000</b>
5400	Hospitality						
5401	Hospitality	9,500	9,500	19,000	9,500	9,500	19,000
<b>5499</b>	<b>Sub-total hospitality</b>	<b>9,500</b>	<b>9,500</b>	<b>19,000</b>	<b>9,500</b>	<b>9,500</b>	<b>19,000</b>
	<b>MISCELLANEOUS COMPONENT</b>	<b>205,800</b>	<b>205,800</b>	<b>411,600</b>	<b>205,800</b>	<b>205,800</b>	<b>411,600</b>
	<b>TOTAL OPERATIONAL COSTS</b>	<b>3,793,000</b>	<b>3,898,000</b>	<b>7,691,000</b>	<b>3,518,050</b>	<b>3,789,980</b>	<b>7,308,030</b>
	13% Programme support costs	493,090	506,740	999,830	457,347	492,697	950,044
	<b>TOTAL BUDGET OF THE TRUST FUND</b>	<b>4,286,090</b>	<b>4,404,740</b>	<b>8,690,830</b>	<b>3,975,397</b>	<b>4,282,677</b>	<b>8,258,074</b>
	Percentage increase from year to year	2.0%	2.8 %	3.4%	-9.7 %	7.7 %	-5.0 %
	<b>Deduction from the Reserve and Fund Balance *****</b>				<b>170,000</b>	<b>315,000</b>	<b>485,000</b>
	<b>TO BE COVERED BY PARTIES</b>	<b>3,286,090</b>	<b>3,804,740</b>	<b>7,090,830</b>	<b>3,805,397</b>	<b>3,967,677</b>	<b>7,773,074</b>
	Percentage increase from year to year	9.5%	15.8 %	18.1%	0.0 %	4.3 %	9.6 %
	<b>Working capital reserve (15 %)</b>	<b>642,914</b>	<b>660,711</b>				
	<b>Working capital reserve 2007-2008 (15 %), based on average budgets 2007-2008</b>				<b>619,356</b>		

\* Post proposed for reclassification due to changes in functions.

\*\* Post funded from 13 per cent programme support costs (PSC).

\*\*\* Reproduction Clerk services to be funded from line 1320 as required

\*\*\*\* Standard Salary costs (Rev.7) of United Nations for 2005 are used

\*\*\*\*\* Item to be funded through the Basel Convention Technical Cooperation Trust Fund

\*\*\*\*\* The deduction may be reduced due to interest income and contributions from other than Parties.

**Table 3****Basel Convention Trust Fund (BCTF)****Programme staff**

Staff category and level	Biennium 2005–2006		Biennium 2007–2008	
	Budget approved for 2005	Budget approved for 2006	Budget approved for 2007	Budget approved for 2008
<b>A.</b> Professional and above categories				
D-2 level	1.00	1.00	0.33	0.00
D-1 level	1.00	1.00	1.00	1.00
P-5 level	2.00	2.00	2.33	3.00
P-4 level *	3.00	3.00	3.00	3.00
P-3 level	2.00	2.00	2.50	3.00
P-2 level	1.00	1.00	1.00	1.00
Subtotal	10.00	10.00	10.17	11.00
<b>B.</b> General Service category				
GS **	10.00	10.00	9.00	8.08
Total (A+B)	20.00	20.00	19.17	19.08

\* one post funded from 13 per cent programme support costs

\*\* two posts funded from 13 per cent programme support costs

**Standard staff costs \*\*\***

Staff category and level	Budget approved for 2005	Budget approved for 2006	Budget approved for 2007	Budget approved for 2008
<b>A.</b> Professional and above categories				
D-2 level	211,000	211,000	225,500	235,648
D-1 level	200,000	200,000	214,300	223,944
P-5 level	173,600	173,600	188,500	196,983
P-4 level	150,200	150,200	163,100	170,440
P-3 level	124,200	124,200	135,300	141,389
P-2 level	96,200	96,200	108,400	113,278
<b>B.</b> General Service category				
GS ****	118,400 / 92,100	118,400 / 92,100	95100	99,380

\*\*\* Based on United Nations standard salary costs for 2007 for Geneva, version 7

\*\*\*\* \$118,400 used for posts at the level G-6 and \$92,100 for posts at the level G-5 and G-4

**Table 4****Trust Fund for the Basel Convention on Transboundary Movements of Hazardous Wastes and Their Disposal**

Scale of contribution for the biennium 2007–2008 in United States dollars (US\$) based on the approved programme and budget

No.	Parties	United Nations scale of assessments 2006 *	Adjusted scale of contribution with 22 % ceiling and no LDC paying more than 0.01 per cent.	Annual contributions as per 2007 (US\$)	Annual contributions as per 2008 (US\$)
		(per cent)			
1	Albania	0.005	0.00646	246	256
2	Algeria	0.076	0.09817	3,736	3,895
3	Andorra	0.005	0.00646	246	256
4	Antigua and Barbuda	0.003	0.00387	147	154
5	Argentina	0.956	1.23483	46,990	48,994
6	Armenia	0.002	0.00258	98	102
7	Australia	1.592	2.05633	78,251	81,588
8	Austria	0.859	1.10954	42,222	44,023
9	Azerbaijan	0.005	0.00646	246	256
10	Bahamas	0.013	0.01679	639	666
11	Bahrain	0.030	0.03875	1,475	1,537
12	Bangladesh	0.010	0.01000	381	397
13	Barbados	0.010	0.01292	492	512
14	Belarus	0.018	0.02325	885	922
15	Belgium	1.069	1.38079	52,544	54,785
16	Belize	0.001	0.00129	49	51
17	Benin	0.002	0.00258	98	102
18	Bhutan	0.001	0.00129	49	51
19	Bolivia	0.009	0.01162	442	461
20	Bosnia and Herzegovina	0.003	0.00387	147	154
21	Botswana	0.012	0.01550	590	615
22	Brazil	1.523	1.96720	74,860	78,052
23	Brunei Darussalam	0.034	0.04392	1,671	1,742
24	Bulgaria	0.017	0.02196	836	871
25	Burkina Faso	0.002	0.00258	98	102
26	Burundi	0.001	0.00129	49	51
27	Cambodia	0.002	0.00258	98	102
28	Cameroon	0.008	0.01033	393	410
29	Canada	2.813	3.63345	138,267	144,164
30	Cape Verde	0.001	0.00129	49	51
31	Chad	0.001	0.00129	49	51
32	Central African Republic	0.001	0.00129	49	51
33	Chile	0.223	0.28804	10,961	11,429
34	China	2.053	2.65179	100,911	105,214
35	Colombia	0.155	0.20021	7,619	7,944
36	Comoros	0.001	0.00129	49	51
37	Cook Islands	0.001	0.00129	49	51
38	Costa Rica	0.030	0.03875	1,475	1,537
39	Côte d'Ivoire	0.010	0.01292	492	512
40	Croatia	0.037	0.04779	1,819	1,896
41	Cuba	0.043	0.05554	2,114	2,204

No.	Parties	United Nations scale of assessments 2006 *	Adjusted scale of contribution with 22 % ceiling and no LDC paying more than 0.01 per cent.	Annual contributions as per 2007 (US\$)	Annual contributions as per 2008 (US\$)
42	Cyprus	0.039	0.05037	1,917	1,999
43	Czech Republic	0.183	0.23637	8,995	9,379
44	Democratic Republic of the Congo	0.003	0.00387	147	154
45	Denmark	0.718	0.92741	35,292	36,797
46	Djibouti	0.001	0.00129	49	51
47	Dominica	0.001	0.00129	49	51
48	Dominican Republic	0.035	0.04521	1,720	1,794
49	Ecuador	0.019	0.02454	934	974
50	Egypt	0.120	0.15500	5,898	6,150
51	El Salvador	0.022	0.02842	1,081	1,127
52	Equatorial Guinea	0.002	0.00258	98	102
53	Eritrea	0.001	0.00129	49	51
54	Estonia	0.012	0.01550	590	615
55	Ethiopia	0.004	0.00517	197	205
56	Finland	0.533	0.68846	26,199	27,316
57	France	6.030	7.78873	296,392	309,032
58	Gambia	0.001	0.00129	49	51
59	Georgia	0.003	0.00387	147	154
60	Germany	8.662	11.18839	425,763	443,919
61	Ghana	0.004	0.00517	197	205
62	Greece	0.530	0.68458	26,051	27,162
63	Guatemala	0.030	0.03875	1,475	1,537
64	Guinea	0.003	0.00387	147	154
65	Guinea-Bissau	0.001	0.00129	49	51
66	Guyana	0.001	0.00129	49	51
67	Honduras	0.005	0.00646	246	256
68	Hungary	0.126	0.16275	6,193	6,457
69	Iceland	0.034	0.04392	1,671	1,742
70	India	0.421	0.54379	20,693	21,576
71	Indonesia	0.142	0.18342	6,980	7,277
72	Iran (Islamic Republic of)	0.157	0.20279	7,717	8,046
73	Ireland	0.350	0.45208	17,204	17,937
74	Israel	0.467	0.60321	22,954	23,933
75	Italy	4.885	6.30978	240,112	250,352
76	Jamaica	0.008	0.01033	393	410
77	Japan	19.468	22.00000	837,187	872,889
78	Jordan	0.011	0.01421	541	564
79	Kazakhstan	0.025	0.03229	1,229	1,281
80	Kenya	0.009	0.01162	442	461
81	Kiribati	0.001	0.00129	49	51
82	Kuwait	0.162	0.20925	7,963	8,302
83	Kyrgyzstan	0.001	0.00129	49	51
84	Latvia	0.015	0.01937	737	769
85	Lebanon	0.024	0.03100	1,180	1,230
86	Lesotho	0.001	0.00129	49	51
87	Liberia	0.001	0.00129	49	51
88	Libyan Arab Jamahiriya	0.132	0.17050	6,488	6,765
89	Liechtenstein	0.005	0.00646	246	256
90	Lithuania	0.024	0.03100	1,180	1,230
91	Luxembourg	0.077	0.09946	3,785	3,946



No.	Parties	United Nations scale of assessments 2006 *	Adjusted scale of contribution with 22 % ceiling and no LDC paying more than 0.01 per cent.	Annual contributions as per 2007 (US\$)	Annual contributions as per 2008 (US\$)
92	Madagascar	0.003	0.00387	147	154
93	Malawi	0.001	0.00129	49	51
94	Malaysia	0.203	0.26221	9,978	10,404
95	Maldives	0.001	0.00129	49	51
96	Mali	0.002	0.00258	98	102
97	Malta	0.014	0.01808	688	717
98	Marshall Islands	0.001	0.00129	49	51
99	Mauritania	0.001	0.00129	49	51
100	Mauritius	0.011	0.01421	541	564
101	Mexico	1.883	2.43220	92,555	96,502
102	Micronesia (Federated States of )	0.001	0.00129	49	51
103	Monaco	0.003	0.00387	147	154
104	Mongolia	0.001	0.00129	49	51
105	Morocco	0.047	0.06071	2,310	2,409
106	Mozambique	0.001	0.00129	49	51
107	Namibia	0.006	0.00775	295	307
108	Nauru	0.001	0.00129	49	51
109	Nepal	0.004	0.00517	197	205
110	Netherlands	1.690	2.18291	83,068	86,611
111	New Zealand	0.221	0.28546	10,863	11,326
112	Nicaragua	0.001	0.00129	49	51
113	Niger	0.001	0.00129	49	51
114	Nigeria	0.042	0.05425	2,064	2,152
115	Norway	0.679	0.87704	33,375	34,798
116	Oman	0.070	0.09042	3,441	3,587
117	Pakistan	0.055	0.07104	2,703	2,819
118	Panama	0.019	0.02454	934	974
119	Papua New Guinea	0.003	0.00387	147	154
120	Paraguay	0.012	0.01550	590	615
121	Peru	0.092	0.11883	4,522	4,715
122	Philippines	0.095	0.12271	4,670	4,869
123	Poland	0.461	0.59546	22,660	23,626
124	Portugal	0.470	0.60708	23,102	24,087
125	Qatar	0.064	0.08267	3,146	3,280
126	Republic of Korea	1.796	2.31983	88,279	92,043
127	Republic of Moldova	0.001	0.00129	49	51
128	Romania	0.060	0.07750	2,949	3,075
129	Russian Federation	1.100	1.42083	54,068	56,374
130	Rwanda	0.001	0.00129	49	51
131	Saint Kitts and Nevis	0.001	0.00129	49	51
132	Saint Lucia	0.002	0.00258	98	102
133	Saint Vincent and the Grenadines	0.001	0.00129	49	51
134	Saudi Arabia	0.713	0.92096	35,046	36,541
135	Samoa	0.001	0.00129	49	51
136	Senegal	0.005	0.00646	246	256
137	Serbia and Montenegro**	0.019	0.02454	934	974
138	Seychelles	0.002	0.00258	98	102
139	Singapore	0.388	0.50117	19,071	19,885
140	Slovakia	0.051	0.06587	2,507	2,614
141	Slovenia	0.082	0.10592	4,031	4,202

No.	Parties	United Nations scale of assessments 2006 *	Adjusted scale of contribution with 22 % ceiling and no LDC paying more than 0.01 per cent.	Annual contributions as per 2007 (US\$)	Annual contributions as per 2008 (US\$)
142	South Africa	0.292	0.37717	14,353	14,965
143	Spain	2.520	3.25499	123,865	129,148
144	Sri Lanka	0.017	0.02196	836	871
145	Sudan	0.008	0.01033	393	410
146	Swaziland	0.002	0.00258	98	102
147	Sweden	0.998	1.28908	49,055	51,147
148	Switzerland	1.197	1.54612	58,836	61,345
149	Syrian Arab Republic	0.038	0.04908	1,868	1,947
150	Thailand	0.209	0.26996	10,273	10,711
151	The former Yugoslav Republic of Macedonia	0.006	0.00775	295	307
152	Togo	0.001	0.00129	49	51
153	Trinidad and Tobago	0.022	0.02842	1,081	1,127
154	Tunisia	0.032	0.04133	1,573	1,640
155	Turkey	0.372	0.48050	18,285	19,065
156	Turkmenistan	0.005	0.00646	246	256
157	Uganda	0.006	0.00775	295	307
158	Ukraine	0.039	0.05037	1,917	1,999
159	United Arab Emirates	0.235	0.30354	11,551	12,044
160	United Kingdom of Great Britain and Northern Ireland	6.127	7.91402	301,160	314,003
161	United Republic of Tanzania	0.006	0.00775	295	307
162	Uruguay	0.048	0.06200	2,359	2,460
163	Uzbekistan	0.014	0.01808	688	717
164	Venezuela	0.171	0.22087	8,405	8,764
165	Viet Nam	0.021	0.02712	1,032	1,076
166	Yemen	0.006	0.00775	295	307
167	Zambia	0.002	0.00258	98	102
168	European Community	2.500	2.50000	95,135	99,192
	<b>TOTAL</b>	80.422	100.00000	<b>3,805,391</b>	<b>3,967,660</b>
	<b>Rounding error</b>			<b>6</b>	<b>17</b>
	<b>TOTAL</b>			<b>3,805,397</b>	<b>3,967,677</b>

\* United Nations General Assembly Fifty-eighth session, Agenda item 124, Document symbol: A/RES/58/1 B

\*\* At its sixty-first session, the United Nations General Assembly adopted resolution A/RES/61/237 of 22 December 2006 in which the Assembly, among other things, assesses the contributions of the two States Serbia and Montenegro.

**Table 5**

**Basel Convention Technical Cooperation Trust Fund  
Programme and budget for  
the biennium 2007–2008**

1. The proposed Programme and budget components are as follows:
  - A. Global programme
  - B. Programme to support the implementation of the Strategic Plan focus areas
- A. Global**
  - A1. Conferences and meetings
  - A2. Partnership programme/resource mobilization/sustainable financing
  - A3. Legal support.
  - A4. Knowledge management and outreach
- B. Programme to support the implementation of the Strategic Plan focus areas**
  - B1. Electrical and electronic wastes in Africa, Asia & the Pacific, Latin America
  - B2. POPs wastes in Africa, Asia, Caribbean, Central and Eastern Europe
  - B3. Obsolete stocks of pesticides in Africa, Asia and the Caribbean
  - B4. Biomedical and healthcare wastes in Africa and Eastern and Central Europe
  - B5. Used lead-acid batteries in the Caribbean and Latin America and Central and Eastern Europe
  - B6. Used oils in Africa, the Caribbean and Central and Eastern Europe
  - B7. Assistance in the implementation of the Technical guidelines on the environmentally sound dismantling of ships
  - B8. Cooperation with municipalities in Latin America and the Mediterranean
  - B9. Asbestos wastes and mercury wastes
2. The budget estimate for the biennium 2007–2008 or triennium 2007–2009 is presented in three categories, namely:
  - Funding required for development of activities or projects
  - Funding pledged or received
  - Funding sought from other sources

The category “Funding required for development of activities or projects” corresponds to the reasonable level of funding required to initiate, develop and implement the activities listed.

The category “Funding sought from other sources” includes funding to replicate activities, to expand ongoing ones or to prepare for a next phase of implementation. Details will be provided as necessary.

**Basel Convention Technical Cooperation Trust Fund  
Programme and budget for the biennium 2007–2008  
(amounts expressed in United States dollars)**

**A. Global  
A1. Conferences and meetings**

<b>Services provided:</b>		
a.	Raise funds to promote the universal participation of Parties in meetings of the Conference of the Parties and its subsidiary bodies (\$262,000 for the sixth session of the Open-ended Working Group in 2007 and \$250,000 for the ninth meeting of the Conference of the Parties of the Basel Convention in 2008). Money raised for this purpose is deposited into the BDTF.	
b.	Facilitate meetings of joint working group on synergies between Basel, Rotterdam and Stockholm Conventions, one meeting in 2007 and one in 2008, 15 participants from each Convention, including travel of participants representing Basel Convention (\$50,000 required for each meeting).	
c.	Facilitate annual meetings of the directors of the Basel Convention regional and coordinating centres to review work and prepare for further action on improving operational effectiveness of the centres (\$60,000 required for one meeting, two meetings in the biennium), including services outsourced.	
	<i>Expected results: Support to Parties and other stakeholders to participate in conferences and meetings is provided efficiently and in such a way as to facilitate the conduct of business and to ensure effective consideration of items, sharing of information and reporting on budget and programme activities in a manner satisfactory to the Parties and other stakeholders.</i>	
	<b>Programmes providing services:</b> Executive direction; resource management and conference services.	
	<b>Budget estimate for the biennium 2007–2008</b>	<b>2007</b> <b>2008</b>
	Funding required for development of activities or projects	372,000      360,000
	Funding pledged or received	
	Funding sought from other sources	

A2.

**Partnership programme/resource mobilization/sustainable financing**

**Services provided:**

**Partnership Programme:**

- a. **Mobile Phone Partnership Initiative (MPPPI):** Widely disseminate through awareness raising and training workshops the guidelines developed under the MPPPI on the environmental management of used and end-of-life mobile phones globally (\$75,000).  
*Expected results: Provide information directly to regions and Parties on the guidelines prepared under the partnership to raise awareness and knowledge about implementing programmes on the environmentally sound management of used and end-of-life mobile phones.*
- b. **Partnership on the environmentally sound management of electronic waste** (both regional and global partnerships): Continue activity under the Asia-Pacific partnership on electronic waste. As a first step in a global e-waste programme, a partnership initiative on recycling, refurbishment and reuse of personal computers and all attachments is under way, at this moment in the initial stages (\$50,000). It is anticipated that a global partnership will be initiated on other electronic wastes according to the priorities of the Conference of the Parties.  
*Expected results: Create a global and a subregional forum for the exchange of information between all stakeholders, members, regions and the public. Develop an agreed work programme and begin to undertake work to investigate barriers to the development of and investment in environmentally sound management facilities at the regional level and the role of transboundary movements. Develop guidelines on refurbishment of used and end-of-life computers.*

**Resource mobilization:**

- c. **Resource mobilization:** Complete the work undertaken regarding the development of a resource mobilization strategy and to implement projects and activities in connection with the strategy and decision OEWG-IV/15, including consideration of work towards more sustainable funding in the context of the implementation of the Basel Convention. Develop an active database of donor organizations and potential co-financing bodies, provide fact sheets on funding sources and continue a funding campaign in accordance with decision OEWG-V/4.
- d. **Resource mobilization workshop for BCRC directors and national governmental representatives:** Hold a pilot training course to describe linkages between resource mobilization and management and to elaborate on a resource mobilization strategy at the country and regional levels to provide specific training on project development and management. This will include the development of training curricula and organization of a workshop for BCRC directors and national governmental representatives in 2007/2008. Pilot training to be held in cooperation with the Basel Convention Regional Centre for English-speaking African countries. Once this pilot is completed, it is expected that the course will be refined and then replicated globally with adaptations to the conditions and circumstances of each region (\$120,000 for one workshop, \$1.2 million for global projects).  
*Expected results: Enhanced capacity to develop and implement projects. Improved fund-raising techniques for the BCRCs.*

**Sustainable financing:**

- e. **Oversee** the preparation of reports on potential financing mechanisms for the Parties to the Convention. Preparation of documentation describing the linkages to the Millennium Development Goals, global impacts of hazardous wastes and the rationale for funding Basel Convention projects, including global benefits of the Convention. Assess financing mechanisms internationally to identify appropriate and potentially sustainable financing for developing countries and economies in transition to assist them in implementing the provisions of the Convention. Development of concrete activities to enhance access to more sustainable funding sources.  
*Expected results: Prepare documents to enhance the understanding of donors on the links between the Basel Convention and the Millennium Development Goals and poverty reduction strategy papers and illustrate through fund-raising and other documents the global benefits of implementation of the Basel Convention.*

**Programmes providing services:** Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships, resource mobilization and outreach.

<b>Budget estimate for the biennium 2007–2008</b>	<b>2007</b>	<b>2008</b>
Funding required for development of activities or projects	310,000 <sup>17</sup>	370,000 <sup>2</sup>
Funding pledged or received	115,044 <sup>18</sup>	
Funding sought from other sources	250,000	125,000

<sup>17</sup> \$220,000 for the Partnership Programme/Resource mobilization, including funding of the Senior Programme Officer post.

<sup>18</sup> Includes the remaining balance of the United Kingdom's contribution of \$61,947.

### A3. Legal support

#### Services provided:

a. **Basel Convention Committee for Administering the Mechanism for Promoting Implementation and Compliance (Compliance Committee):** Facilitate the activities to be undertaken by the Compliance Committee in the implementation of its work programme for 2007–2008 as approved at the Eighth Meeting of the Conference of the Parties (\$200,000 over 24 months).

*Expected results: Carry out activities mandated by the Conference of the Parties as 2007–2008 work programme of the Compliance Committee.*

b. **Instruction manual for the legal profession on prosecution of illegal traffic:** Prepare an instruction manual for legal personnel on prosecution of criminal illegal traffic to supplement the training manual for customs officers and enforcement agencies. The two manuals will be developed into interactive training programmes distributed on CD-ROM (\$767,000 over 18 months).

*Expected results: Development of an instruction manual designed to assist members of the legal profession in understanding the provisions of the Basel Convention and the nature of the crime of illegal traffic.*

c. **Project aimed at strengthening the legislative, regulatory and enforcement capacity of Central and Eastern European countries:** The project is aimed at strengthening the legislative, regulatory and enforcement capacity of Central and Eastern European countries for the environmentally sound management of hazardous wastes and the prevention and control of illegal traffic of such wastes. The project involves two clusters of countries: 1) European Union member States and candidate States; and 2) CIS States and other Southeastern European States (Albania, Bosnia and Herzegovina, Montenegro and Serbia) (\$500,000 for the time frame 2007-2008).

*Expected results: Studies to identify lacunae in existing legislation and regulatory measures and conflicts with requirements of conventions in Central and Eastern Europe. Development of guidance and tools for strengthening legislative and regulatory measures for the environmentally sound management of wastes. Development of training materials for agencies engaged in implementation and enforcement of the Basel Convention.*

d. **Project aimed at strengthening the legislative, regulatory and enforcement capacity of least developed countries, landlocked developing countries and small island developing States:** The project is aimed at strengthening the legislative, regulatory and enforcement capacity of small island developing States, least developed countries and landlocked developing countries, with sensitivity to the particular difficulties and needs of such countries. The project seeks to enhance the capacity of countries to adopt and implement legislation to regulate hazardous and other wastes in compliance with international obligations under the Basel Convention (\$1,171,811 over 30 months).

*Expected results: Studies to identify lacunae in existing legislation and regulatory measures and conflicts with requirements of conventions in least developed countries, landlocked developing countries and small island developing States. Development of guidance and tools for strengthening legislative and regulatory measures for the environmentally sound management of wastes. Development of training materials for agencies engaged in implementation and enforcement of the Basel Convention.*

e. **Workshop on illegal traffic for the ASEAN countries:** Organize a workshop on illegal traffic for countries in the ASEAN region in order to improve their capacity to effectively detect, prevent and control illegal traffic in hazardous wastes in Brunei Darussalam, Cambodia, Indonesia, Lao Democratic People's Republic, Malaysia, Myanmar, Philippines, Singapore and Viet Nam (\$51,000; It is anticipated that the workshop will be organized by mid-2007).

*Expected results: Workshop attended by two representatives from each participating country, resulting in enhanced inspection and detection capacity at the country level. Effective presentation materials based on the newly adopted manual, which will serve as learning tools, developed with an eye to replicability in future workshops on illegal traffic in other regions.*

<b>Services provided:</b>		
<p>f. <b>Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Waste and their Disposal - regional workshops:</b> Undertake a workshop in each of the French-speaking Africa, Caribbean and South Pacific regions, in cooperation with BCRCs, as a means of promoting the exchange of information on the difficulties faced by Parties with respect to ratification of and accession to the Basel Protocol on Liability and Compensation, with a view to enhancing such ratification and accession in French-speaking Africa and the Caribbean and South Pacific regions (\$250,000); workshops to be conducted as funds become available).</p> <p><b>Expected results:</b> <i>Identification of obstacles to ratification of and accession to the Basel Protocol on Liability and Compensation and encouragement of inter-agency cooperation at the national level on Basel Convention matters.</i></p> <p><b>Programmes providing services:</b> Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; resource mobilization and outreach.</p>		
<b>Budget estimate for the biennium 2007–2008</b>	<b>2007</b>	<b>2008</b>
Funding required for development of activities or projects	350,000	350,000
Funding pledged or received	19	
Funding sought from other sources	1,835,000	882,500

<sup>19</sup> Remaining balances of the United Kingdom's contribution of \$52,824 for compliance committee's 2005–2006 work programme and Sweden's contribution of SEK 500,000 for the project aimed at strengthening legislative, regulatory and enforcement capacity for hazardous wastes and other wastes.

#### A4. Knowledge management and outreach

##### Services provided:

##### a. Management and circulation of information submitted by Parties in accordance with their obligations under the Convention:

(i) **National reporting:** Project to facilitate wider access to and dissemination of information contained in the national reports transmitted by Parties. This would involve translation of the contents of the national reports into English, if transmitted in any official language of the United Nations other than English, and entering these translated texts into the reporting database of the Convention (\$50,000).

**Expected results:** *Development of an information resource of national reports and access to information in these reports through the reporting database.*

(ii) **Article 3 national definitions:** Project to facilitate implementation of the Convention, including observance of national definitions, by making national definitions received available in the six official United Nations languages on the Basel Convention website. This would involve the translation of information already retained in only one language (\$70,000).

**Expected results:** *Development of an information resource of national definitions received by the secretariat for publication on the website and translation into the six United Nations languages.*

(iii) **Article 11 agreements and arrangements:** Project aimed at improving information held by the secretariat on agreements and arrangements entered into under article 11 of the Convention with a view to providing an information resource for Parties and other stakeholders including, as appropriate, placement of such agreements and arrangements on the website of the Basel Convention in the six official United Nations languages (consultancy support, translation) (\$20,000).

**Expected results:** *Development of an information resource for article 11 agreements received by the secretariat for publication on the website and translation into the six official languages of the United Nations.*

##### b. Publications and public information:

(i) Promote public and stakeholder support for implementing the global chemicals and waste agenda, aiming to promote synergistic outreach for support for implementation of the Basel, Stockholm and Rotterdam Conventions, following production of information tool kit in 2006 and first rollout of project through three regional workshops at selected BCRCs on joint outreach by Basel, Stockholm and Rotterdam Conventions (\$40,000).

(ii) Produce follow-up publication entitled “Waste Essential Graphics-2” in 2008, after publication of “Vital Waste Graphics” in 2004 and “Waste Essential Graphics” in 2006 (\$80,000).

**Expected results:** *Increased awareness among stakeholders, civil society and the general public of the Basel Convention and related multilateral environmental agreements and activities. Publication of “Vital Essential Graphics 2”, will inform readers about the Basel Convention and waste issues in general.*

##### c. Regional integrated information network on chemicals and wastes in Arabic speaking countries in Africa in the context of the NEPAD environment initiative:

(i) Build capacity in and through the Basel Convention regional centre in Cairo by contributing to the implementation in a coordinated manner of the chemicals and waste related MEAs under the NEPAD Environment Initiative in the Arabic speaking African countries (\$410,000)

**Expected results:** *Establishment of a regional integrated information network on chemicals and wastes, development of guidelines for the development of integrated policies on the environmentally sound management of chemicals and wastes and action plans in two pilot countries on the development of national integrated chemicals and waste policies developed.*



**Services provided:**

- d. **Monitoring tool for the environmentally sound management of PCBs and PCB-containing equipment:** Enhance the capacity of Parties to both the Basel and Stockholm Conventions to monitor the management of PCB-containing equipment and PCB wastes within their life spans. Provide Parties with a tool (software) to compile, administer and update easily all relevant data on polychlorinated biphenyl-containing equipment and materials in order to prepare and frequently update their national PCB inventories. Make the PCB monitoring tool available in all six United Nations languages in order to facilitate its use at the global level (\$121,475 over eight months).

**Expected results:** *Tool (software) available (in all six United Nations languages) to compile, administer and easily update all relevant data on PCB-containing equipment and materials in order to prepare and frequently update national PCB inventories.*

**Programmes providing services:** Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships; resource mobilization and outreach.

	2007	2008
<b>Budget estimate for the biennium 2007–2008</b>		
Funding required for development of activities or projects	210,000	240,000
Funding pledged or received		
Funding sought from other sources	250,000 <sup>20</sup>	110,000

<sup>20</sup> Includes funding from the UNEP/DEC for a pilot project to promote public and stakeholder support for implementing the global chemicals and waste agenda. The project is to be financed also by the Basel, Stockholm and Rotterdam Conventions.

**B. Regional**  
**B1. Electrical and electronic wastes in Africa, Asia-Pacific and Latin America**

<b>Services provided:</b>		
a.	<b>Basel Convention partnership on the environmentally sound management of electrical and electronic wastes for the Asia-Pacific region:</b> Promote environmentally sound management of e-waste in the Asia-Pacific region, which will be coordinated among Parties and stakeholders in the region, by increasing the data and information base, promoting public awareness, developing guidelines for a detailed inventory of e-waste and the flows in and out of countries, e-waste equipment recyclers and refurbishers (\$3,366,500).	
	<b>Expected results:</b> <i>E-wastes are subject to environmentally sound management and the adverse impacts of improper handling and disposal are avoided. E-wastes are managed in a transparent manner consistent with Basel Convention requirements and valuable resources are conserved.</i>	
b.	<b>Pilot projects on e-waste in South America:</b> Based on the work carried out by BCRC-Argentina, conduct five pilot projects on the environmentally sound management of e-waste in South America (\$120,000).	
	<b>Expected results:</b> <i>National inventories of e-waste, a regional approach and a national framework for the environmentally sound management of e-waste, in at least two countries of the region.</i>	
c.	<b>E-waste in Africa:</b> Assess and develop a public/private partnership with e-waste manufacturers/major distributors/vendors, including telecommunications operators, on environmentally sound refurbishment of used and end-of-life computers and accessories towards promoting the environmentally sound management of electronic waste in Africa, carried out by the BCCC in Nigeria and the BCRCs in South Africa, Senegal and Egypt (\$692,560)	
	<b>Expected results:</b> <i>To address the problem of the import of huge volumes of e-waste in Africa.</i>	
<b>Programmes providing services:</b> Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships; resource mobilization and outreach.		
<b>Budget estimate for the biennium 2007–2008</b>		
	Funding required for development of activities or projects	2007 2008
	Funding pledged or received	650, 000 500,000
	Funding sought from other sources	447,837 <sup>21</sup> 800,000 2,229,060

<sup>21</sup> Contributions provided by Japan for 2006–2007, this amount may be utilized partially in 2006.



**B3. Obsolete stocks of pesticides in Africa, Asia, the Caribbean and Central and Eastern Europe**

**Services provided:**

- a. **Obsolete stocks of pesticides in Africa.** Support BCRCs in Africa to promote the environmentally sound management of obsolete stocks of pesticides in cooperation with the Africa Stockpiles Programme (technical support; training; workshops; publications; awareness raising) (\$100,000).
- b. **Regional project for the final disposal of existing waste pesticides and selected POPs in the Caribbean and the prevention of future accumulation.** Support BCRC-Trinidad and Tobago in developing a regional project, to be funded by GEF or other financial institutions, in cooperation with UNEP, the Stockholm Convention secretariat, FAO and regional institutions. The project should include the inventory, collection, transport and safe disposal of obsolete stocks of pesticides as well as preventive measures (establishment of steering committee for the project; regional workshops; resource mobilization; development of strategic partnerships similar to Africa Stockpiles Programme; awareness raising; project development and monitoring) (\$70,000).

*Expected results: A full-scale project document developed for GEF or other funding.*

- c. **Complete survey of capacity for the destruction of obsolete pesticides and inventory.** Work in cooperation with BCRC-Indonesia, FAO, UNEP and Stockholm Convention secretariat in Asia to assist countries in completing/enhancing surveys of their capacity for the disposal of obsolete stocks of pesticides (\$50,000)

*Expected results: Identification of the capacity for the destruction of obsolete pesticides and the remediation of contaminated sites in countries covered by BCRC-Indonesia.*

- d. **Develop national inventories of pesticide POPs or improve existing inventories of obsolete stockpiles of pesticides.** Develop national action plans for the environmentally sound management of pesticide POPs, including first investigations on which technologies are available and could be chosen for the economical and environmentally sound transport, storage and destruction of POPs waste, and develop a regional strategy for the environmentally sound management of pesticide POPs in the Balkan states (\$465,560).

*Expected results: Inventory of national stockpiles of waste pesticide POPs and a regional strategy for the elimination of pesticide POPs.*

- e. **Remove stockpiles of obsolete pesticides and enhance collective capacity in planning and implementing national policies and prevent future accumulation of pesticides in the greater Caribbean region (\$100,000, full scale project \$4.4 million).**

*Expected results: Phase 1: National action plans elaborated, inventories of obsolete pesticides and obsolete PCBs developed, project document for full-size project finalized; Phase 2 (full-size project): Obsolete stocks of pesticides eliminated, regional mechanism for the environmentally sound management of pesticides in the Caribbean and the prevention of future accumulation of obsolete stocks of pesticides implemented.*

**Programmes providing services:** Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships; resource mobilization and outreach.

**Budget estimate for the biennium 2007–2008**

	2007	2008
Funding required for development of activities or projects	200,000	200,000
Funding pledged or received	17,699 <sup>24</sup>	
Funding sought from other sources	300,000	700,000

<sup>24</sup> Contributions provided by Japan for 2006–2007, this amount may be utilized partially in 2006.

**B4. Biomedical and health care waste in Africa and Central and Eastern Europe**

<b>Services provided:</b>		
a.	Support BCRC-Nigeria in developing a regional programme on the environmentally sound management of biomedical and healthcare wastes based on Basel Convention technical guidelines and work done in Nigeria in cooperation with WHO, UNICEF and regional organizations; support BCRC-South Africa with a pilot regional activity on biomedical and health care waste management (\$120,000). <i>Expected results: Enhancement of the national capacity to handle and manage biomedical and healthcare wastes in at least two countries (Democratic Republic of the Congo and Ghana).</i>	
b.	Build on the results of the pilot project by BCRC-Slovakia on biomedical and healthcare wastes (consultant support; countries visits; publication of regional plan; regional workshops; awareness raising; resource mobilization) (\$100,000). <i>Expected results: Promotion of environmentally sound management of healthcare waste and preparation of a strategy for environmentally sound management in Serbia and Montenegro, based on the results of the project in the Former Yugoslav Republic of Macedonia.</i>	
<b>Programmes providing services:</b> Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships; resource mobilization and outreach.		
<b>Budget estimate for the biennium 2007–2008</b>		<b>2007</b>
Funding required for development of activities or projects		150,000
Funding pledged or received		
Funding sought from other sources		300,000
		<b>2008</b>
		70,000
		500,000

**B5. Used lead-acid batteries in Asia, the Caribbean, Central and South America and Central and Eastern Europe**

<b>Services provided:</b>		
a.	Support BCRC-El Salvador and BCRC-Trinidad and Tobago in steering the preparation of a subregional strategy based on work done so far (i.e., inventories and national pilot projects). The project should lead to the implementation of a subregional integrated strategy that will include upgrading of recycling facilities. The strategy should address collection, transportation, recycling, enforcement, legislation and economic instruments (consultant support; training and awareness; subregional technical workshops; preparation of the subregional strategy and its publication in English, French and Spanish; resource mobilization; public-private partnerships; cooperation with UNEP, the United Nations Conference on Trade and Development (UNCTAD) and regional institutions; economic analysis) (\$100,000). <i>Expected outcomes: Pilot projects on the environmentally sound management of used lead-acid batteries in the wider Caribbean region finalized, regional strategy for the environmentally sound management of used lead-acid batteries developed and approved.</i>	
b.	Build on the used lead-acid batteries project in Cambodia as a base for a regional approach for Asia in cooperation with BCRC-Indonesia (\$250,000).	
c.	Develop a project on the environmentally sound management of used lead-acid batteries in Central and Eastern Europe (\$120,000). <i>Expected results: Inventories of used lead-acid batteries in the region and strategy to address the problem.</i>	
<b>Programmes providing services:</b> Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships; resource mobilization and outreach.		
<b>Budget estimate for the biennium 2007–2008</b>		<b>2007</b>
Funding required for development of activities or projects		200,000
Funding pledged or received		
Funding sought from other sources		1,200,000

**B6. Used oils in Africa, the Caribbean and Central and Eastern Europe**

<b>Services provided:</b>		
<p><b>a. Used oils in Africa: Support BCRC-Nigeria in undertaking the development of pilot projects, based on the assessment made by the Centre, on the treatment and recycling of used oils in Africa (consultant support; resource mobilization; development of partnerships; concrete pilot projects) (\$200,000).</b></p> <p><i>Expected results: Development of a feasibility study and a national plan for the environmentally sound management of used oils in two countries, in order to start the implementation of the partnership for the environmentally sound management of used oils in Africa.</i></p> <p><b>b. Used oils in the Caribbean. Support BCRC-Trinidad and Tobago in the launch of a regional programme in cooperation with UNEP and other regional institutions for the collection, storage and treatment of used oils (consultant support; regional workshops; resource mobilization; development of partnerships; awareness raising; training on collection, storage and treatment of pilot projects). To ensure environmentally sound management of used oils in the Caribbean region, to ensure sustainable capacity at the national regional level and to expand environmentally sound management of used oils to the greater Caribbean region (\$100,000, global programme estimated at \$5,000,000 over 24 months)</b></p> <p><i>Expected results: Development and establishment of a regional system for the environmentally sound management of used oils in the Caribbean region, choosing a partnership approach.</i></p> <p><b>c. BCRC-Slovakia. Continuation of cooperation with countries, regional institutions, the private sector and others in the development of activities for the sound collection, recovery and disposal of used oils in Central and Eastern Europe (\$80,000).</b></p> <p><i>Expected results: Inventories of local manufacturers, distributors and users and development of national management plans in two countries.</i></p> <p><b>Programmes providing services:</b> Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships; resource mobilization and outreach.</p>	<p><b>2007</b></p>	<p><b>2008</b></p>
<b>Budget estimate for the biennium 2007–2008</b>		
Funding required for development of activities or projects	150,000	230,000
Funding pledged or received		
Funding sought from other sources		800,000

**B7. Dismantling of ships**

<b>Services provided:</b>			
<p><b>Support ship dismantling countries in Asia to implement the Basel Convention technical guidelines:</b> This will require technical support by BCRC-China and coordination with the International Maritime Organization, the International Labour Organization and regional organizations (consultant support; training; resource mobilization; national workshops; development of pilot projects; publication of technical documents in local languages, etc). The project will complement current discussions at the international level on the development of a new legally-binding instrument on standards for ship dismantling. It will serve to promote best practices and aim to improve conditions in the industry in the short, medium and long term (\$200,000).</p> <p><b>Expected results:</b> Published versions of the technical guidelines in Bengali, Hindi, Urdu. Generic information material for promoting the implementation of the guidelines; feasibility study; work programme (including timelines and cost estimates); specific information materials for use in pilot training initiative developed and training activity(ies) provided; final report with recommendations for future work.</p> <p><b>Programmes providing services:</b> Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships; resource mobilization and outreach.</p>			
<b>Budget estimate for the biennium 2007–2008</b>		<b>2007</b>	<b>2008</b>
Funding required for development of activities or projects		100,000	100,000
Funding pledged or received		25	
Funding sought from other sources		200,000	1,200,000

**B8. Cooperation with municipalities in Latin America and the Mediterranean**<sup>26</sup>

<b>Services provided:</b>			
<p>Provision of technical support and guidance in the development of public-private partnerships. In particular, steer the process leading to the formalization and implementation of the partnership with the municipality of Guayaquil for the environmentally sound management of oily waste (partners are the Government of Ecuador, the municipality of Guayaquil and Holcim). Initiate similar cooperation with municipalities in other regions, especially in the Mediterranean region in cooperation with UNEP Regional Seas Programme (consultant support; on-site visits; resource mobilization; awareness raising; partnership development; national workshops), involving relevant BCRCs (\$200,000).</p> <p><b>Expected results:</b> <i>To extend the results of the projects in the municipalities in Guayaquil to interested municipalities in Central America and South America.</i></p> <p><b>Programmes providing services:</b> Executive direction; resource management and conference services; technical and capacity-building; legal and compliance; partnerships; resource mobilization and outreach</p>			
<b>Budget estimate for the biennium 2007–2008</b>		<b>2007</b>	<b>2008</b>
Funding required for development of activities or projects		100,000	100,000
Funding pledged or received			
Funding sought from other sources		200,000	200,000

<sup>25</sup> Remaining balances of the United Kingdom's contribution of \$110,000 received in 2006 and the Netherlands's contribution of \$7,000 received in December 2004.

<sup>26</sup> The potential for the development of cooperation is being explored in Central and Eastern Europe as well as in Africa.

**B9. Asbestos wastes and mercury wastes**

<b>Services provided:</b>		
a.	<b>Asbestos wastes:</b> <sup>27</sup> Develop guidelines and training materials for the sound management of asbestos wastes with emphasis on measures to be taken in disaster-prone areas. BCRCs to promote awareness among local residents and of municipalities on the issue and to develop pilot activities in the future (\$200,000).	
b.	<b>Mercury wastes:</b> In cooperation with UNEP, develop partnerships around the theme of environmentally friendly technologies and awareness raising regarding avoidance, use and disposal of mercury wastes; develop capacity-building and technical assistance programmes to reduce and prevent pollution from mercury; develop guidelines on environmentally sound management of mercury wastes with emphasis on the development of sound disposal and remediation practices (\$150,000).	
<i>Expected results: Improved public awareness; increased national capacity to manage mercury wastes properly; development of international or regional cooperation; development of pilot projects.</i>		
<b>Programmes providing services:</b> Executive direction; partnerships; technical and capacity-building; resource mobilization and outreach.		
<b>Budget estimate for the biennium 2007–2008</b>		
	Funding required for development of activities or projects	2007 180,000
	Funding pledged or received	2008 170,000
	Funding sought from other sources	



## Basel Convention Technical Cooperation Trust Fund: summary table of total costs and requirements by activity for the biennium 2007–2008

Activity	2007 (Funding for development of activities or projects)	2007 (Funding pledged or received)	2008 (Funding for development of activities or projects)	2008 (Funding pledged or received)
<b>A. Global</b>				
1. Conferences and meetings	310,000		360,000	
2. Partnership Programme/resource mobilization/sustainable financing	310,000	115,044	370,000	
3. Legal support	350,000		350,000	
4. Knowledge management and outreach	210,000		240,000	
<b>B. Regional</b>				
B1. Electrical and electronic wastes in Africa, Asia-Pacific, Latin America	650,000	447,837	500,000	
B2. POPs wastes in Africa, Asia, Caribbean, Central and Eastern Europe	250,000		300,000	
B3. Obsolete stocks of pesticides in Africa, Asia, Caribbean and Central and Eastern Europe	200,000	17,699	200,000	
B4. Biomedical and health care waste in Africa and Central and Eastern Europe	150,000		70,000	
B5. Used lead-acid batteries in Asia, Caribbean, Central and South America and Central and Eastern Europe	200,000		270,000	
B6. Used oils in Africa, Caribbean and Central and Eastern Europe	150,000		230,000	
B7. Dismantling of ships	100,000		100,000	
B8. Cooperation with municipalities in Latin America and the Mediterranean	100,000		100,000	
B9. Proposed new Strategic Plan focus areas regarding the environmentally sound management of asbestos wastes and mercury wastes	180,000		170,000	
<b>Subtotal</b>	<b>3,160,000</b>	<b>580,580</b>	<b>3,260,000</b>	
<b>Total operational costs</b>	<b>3,740,580</b>		<b>3,260,000</b>	
13 % programme support cost	486,275		423,800	
<b>Total budget for the trust fund</b>	<b>4,226,855</b>		<b>3,683,800</b>	

## VIII/34: Resource mobilization and sustainable financing

*The Conference of the Parties,*

*Welcoming* the progress made in mobilizing resources, both human and financial, over the past year,

*Recognizing* that voluntary contributions are an essential complement for the effective implementation of the Basel Convention,

*Recognizing* the need to secure sustainable financing to assist Parties in implementing the Convention,

*Acknowledging* that resource mobilization is a step-wise process that should include the development of systematic fund-raising efforts, broadening of the donor network, consistent identification of changing donor priorities and the provision of assistance to developing countries and countries with economies in transition to engage in the process,

*Recalling* decision OEWG-IV/15 of the Open-ended Working Group on resource mobilization,

*Further* recalling its decision VII/40 calling for an examination of article 14 of the Convention to determine the legal and institutional feasibility of appropriate and predictable financial mechanisms of the Convention,

*Taking note* of the article 14 study carried out in response to decision VII/40,

*Highlighting* the importance of strengthening linkages with, building on and coordinating with resource mobilization strategies of other relevant multilateral agreements, approaches and processes, including the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Strategic Approach to International Chemicals Management, including its Quick Start Programme, and the Montreal Protocol on Substances that Deplete the Ozone Layer of the Vienna Convention for the Protection of the Ozone Layer,

*Expressing support* for the implementation of the Bali Strategic Plan for Technology Support and Capacity-building and other ongoing similar activities,

*Taking note* of the notes by the Secretariat on the resource mobilization<sup>28</sup> programme and on sustainable financing,<sup>29</sup>

*Recognizing* the challenges of mainstreaming hazardous wastes into development processes in developing countries and the need to develop relevant capacities,

### **Resource mobilization**

1. *Commends* the progress on resource mobilization described in annex I to the note by the secretariat on resource mobilization;

2. *Encourages* Parties and other stakeholders to participate in the Basel Convention Partnership Programme as a means to help leverage resources to address the implementation of the focus areas of the Strategic Plan for the Implementation of the Basel Convention to 2010 and promote the transfer of technology to and the building of capacities of developing countries and countries with economies in transition;

3. *Invites* Parties and other stakeholders who are in a position to do so to contribute to the funding of the post of Senior Programme Officer for Partnerships and Resource Mobilization as a means to support resource mobilization and the Partnership Programme of the Basel Convention;

4. *Invites* the developing country Parties and Parties with economies in transition:

(a) To identify the need for, and incorporate, as necessary, environmentally sound management of hazardous and other wastes into national development plans in order, among other things, to advance multilateral and bilateral financing;

(b) To include capacity-building and technology transfer for the implementation of the Basel Convention, including their maintenance, in the regional elaboration of the Bali Strategic Plan;

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28 UNEP/CHW.8/9\*.

29 UNEP/CHW.8/10.

5. *Encourages* individual developing country Parties and Parties with economies in transition which are Parties to the Kyoto Protocol to the United Nations Framework Convention on Climate Change as well as Parties to the Basel Convention to prepare proposals under the Kyoto Protocol's Clean Development Mechanism or Joint Implementation mechanism, which both contribute to climate protection and the environmentally sound management of wastes, particularly in reducing methane emissions from landfills;

6. *Recommends* that individual developing countries and Countries with economies in transition that are Parties to both the Stockholm and Basel Conventions:

(a) Use their national implementation plans under the Stockholm Convention as a basis for managing wastes consisting of, containing or contaminated with persistent organic pollutants;

(b) Propose projects to the Global Environment Facility within its mandate that may contribute to implementation of the Stockholm Convention as well as contribute indirectly to the implementation of the Basel Convention by building capacity;

7. *Also recommends* that individual developing country Parties and Parties with economies in transition propose projects to the Strategic Approach to International Chemicals Management Quick Start Programme that relate to chemical wastes and wastes consisting of, containing or contaminated with persistent organic pollutants;

8. *Requests* the Secretariat to consult with the Stockholm Convention secretariat, the Rotterdam Convention secretariat, the Strategic Approach to International Chemicals Management secretariat and other appropriate entities to help identify ways in which the Secretariat might, as part of a multi-faceted approach to mobilizing financial resources, assist Basel Convention developing country Parties and Parties with economies in transition in their efforts to integrate objectives of sound management of chemical wastes and wastes consisting of, containing or contaminated with persistent organic pollutants into their national development assistance requests;

9. *Also requests* the Secretariat, in a facilitative role, to work closely with the relevant implementing, executing, and finance agencies (including the World Bank, the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and others) and the Global Environment Facility to enhance their understanding of, and support for, the aims and objectives of the present decision;

#### **Sustainable financing**

10. *Agrees* to supplement current and ongoing resource mobilization activities under the Convention by:

(a) Requesting the Open-ended Working Group to initiate a review of the Trust Fund to Assist Developing Countries and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention for purposes of better aligning voluntary earmarked contributions to the fund with a short list of strategic priorities identified by the Conference of the Parties on a biennial basis and drawn from the Basel Convention Strategic Plan focus areas;

(b) Requesting the Executive Secretary to enhance efforts to explore and pursue opportunities for activities associated with implementation of the Strategic Plan for the Implementation of the Basel Convention to be funded by the Global Environment Facility, consistent with the Facility's mandate, focal area operational programmes and strategic priorities;

11. *Requests* the Executive Secretary to consult with the secretariats of the Stockholm Convention, the Rotterdam Convention and the Strategic Approach, to explore ways to make more effective use of and build upon existing sources of relevant global funding by inviting the Global Environment Facility and the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, within their mandates, and the Parties to the Montreal Protocol to identify areas that can support implementation of appropriate and relevant objectives of the Convention and to report on the results of its efforts;

12. *Invites* Parties, for the longer term, to consider the need for the Global Environment Facility to broaden its programming activities, with a view to targeted and sustainable funding of priority needs within developing countries for the implementation of those objectives of the Convention that may relate to the incremental costs of achieving global environmental benefits;

13. *Requests* the Secretariat, as part of its activities in the context of paragraphs 10 and 11 of the present decision, to continue exploring, as appropriate, possibilities for new sources of funding to support the implementation of the Basel Convention;

14. *Requests* the Secretariat and the Basel Convention regional centres, subject to the availability of voluntary contributions and in consultation with relevant international organizations such as the Global Environment Facility, to conduct training activities in the regional centres and with countries within the regions to enhance their capacity to gain access to the Global Environment Facility and other financing mechanisms;

15. *Encourages* competent authorities and focal points of the Basel Convention to pursue opportunities for coordination at the national level regarding other chemical and waste management activities, including those advanced under other multilateral environmental agreements;

#### **General**

16. *Also encourages* developed country parties and others to increase voluntary contributions to the Trust Fund to Assist Developing Countries and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention;

17. *Requests* the Open-ended Working Group to monitor implementation of the present decision and report to the Conference of the Parties on the implementation thereof.

### **VIII/35: Dates and venue of the ninth meeting of the Conference of the Parties**

*The Conference of the Parties,*

*Recalling* article 15 of the Basel Convention, which states that “ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting”,

*Recalling* also its decision I/1, in which the Conference of the Parties adopted the rules of procedure for its meetings, rule 4 of which provides that “[o]rdinary meetings of the Conference of the Parties shall be held every other year, unless the Parties decide otherwise” and that “[a]t each ordinary meeting, the Conference shall decide on the date and duration of the next ordinary meeting”,

1. *Notes* with appreciation the interest of the Government of Indonesia in hosting the ninth meeting of the Conference of the Parties to the Convention;

2. *Requests* the Executive Secretary to enter into consultations with the Government of Indonesia with a view to agreeing on satisfactory arrangements and concluding a host country agreement for hosting the ninth meeting of the Conference of the Parties;

3. *Decides* that, subject to the satisfactory conclusion of consultations between the Government of Indonesia and the Executive Secretary on arrangements for the ninth meeting of the Conference of the Parties, the ninth meeting shall be held in Indonesia in 2008, on dates to be proposed by the Secretariat.

### **Resolution expressing gratitude to the Government of Kenya**

*The Conference of the Parties,*

*Having met* in Nairobi from 27 November to 1 December 2006 at the invitation of the Government of Kenya on the occasion of its eighth meeting,

1. *Expresses* its profound gratitude to the Government of Kenya for making it possible for the meeting to be held in Nairobi;

2. *Requests* the Government of Kenya to convey to the city and the people of Nairobi the gratitude of the Conference of the Parties for the hospitality and warmth extended to the meeting participants.

## Statement by the President of the Conference of the Parties on the dumping of toxic wastes in Abidjan, Côte d'Ivoire, in August 2006

The Conference expresses its deepest sympathy for the loss of innocent lives and commends the efforts of the Government of Côte d'Ivoire to address the grave consequences of the tragic incident of dumping of toxic wastes that happened in Abidjan, Côte d'Ivoire, in August 2006.

The Conference overwhelmingly condemns any illegal dumping that contravenes the provisions of the Basel Convention on the Transboundary Movement of Hazardous Wastes and Their Disposal.

The Conference, noting the limited international response so far to the call for urgent assistance and support made by the Government of Côte d'Ivoire and the enormous financial burden placed on Côte d'Ivoire calls for robust support from the international community to provide appropriate funding for remediation activities, monitoring and other measures necessary to safeguard public health and the environment, which have been badly affected.

The Conference emphasizes the importance of fully investigating and identifying the causes of the incident and ensuring that those found responsible by such investigations are held accountable for their acts and that appropriate compensation is made to the innocent victims in the spirit of the polluter pays principle.

The Conference recognizes that the incident in Côte d'Ivoire is a wake-up call to all Parties to the Convention and reiterates the need for increased commitment by the international community taking appropriate action to minimize and prevent similar incidences occurring in developing countries and ensuring strict compliance with and rigorous enforcement of multilateral environmental agreements and other international laws.

The Conference stresses the need to put in place stringent measures and to reinforce existing measures to protect, by strict control, human health and the environment against the adverse effects which may result from the generation and management of hazardous wastes and other wastes.

The Conference observes that there is an urgent need for close coordination among Parties to the Convention to ensure that these measures are effective and expresses its collective resolve to prevent incidents like the dumping of waste in Côte d'Ivoire from occurring in the future.

The Conference stresses the need for appropriate instruments of the Basel Convention, including the amendment contained in its decision III/1 and the Protocol on Liability and Compensation, to enter into force. Furthermore, the Conference underscores the need to strengthen regional instruments such as the Bamako Convention on the Ban of the Import Into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa and calls on those States that have not yet ratified the Basel Convention to do so as soon as possible.

The Conference underscores the need for the international community:

- (a) To support Côte d'Ivoire in the expeditious conclusion of ongoing investigations in order to establish the culpability of those responsible for the illegal dumping of toxic wastes;
- (b) To support the clean-up activities being undertaken by Côte d'Ivoire, as well as the follow-up activities aimed at monitoring and addressing the long-term effects of the toxic wastes;
- (c) To consider the international legal regimes established under the Basel Convention and the instruments of the International Maritime Organization, with a view to identifying and addressing any gaps.

# Nairobi declaration on the environmentally sound management of electrical and electronic waste

*We, the Ministers and other heads of delegation from States,*

*Having met* in Nairobi, Kenya, from 27 November to 1 December 2006, on the occasion of the eighth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, and in particular during the World Forum on E-Waste,

*Acknowledging* that all countries benefit from increasing access to electrical and electronic products (e-products), including modern information and communications technologies and recognizing the importance of exploiting know-how and experience from different areas of the world regarding the recycling of electrical and electronic waste (e-waste),

*Noting* that the rapid expansion of the production and use of e-products results in an increase in the generation of used and end-of-life e-products and a rapid expansion in the transboundary movements of e-waste worldwide,

*Underlining* the fact that the Basel Convention provides an effective framework for developing strategic partnerships to continue discussing and exchanging views and experiences with a view to continuing to improve the environmentally sound management of e-waste worldwide,

*Concerned* about the risk to the environment and human health arising from international traffic in e-waste to countries, in particular developing countries that do not possess the capacity for the environmentally sound management of such wastes,

*Conscious* of the importance of minimizing the generation of e-waste and reducing transboundary movements of such waste,

*Mindful* of the opportunities, from an economic and social perspective, that recycling and recovery of used and end-of-life e-products can bring when properly managed in an environmentally sound manner throughout the life-cycle of such products,

*Recognizing* the importance of encouraging green design and extended producer responsibility in the life-cycle of electrical and electronic products,

*Fully aware* of the urgent need to strengthen enforcement and take further actions to prevent and combat illegal traffic in e-waste,

*Declare:*

1. That we shall promote awareness at all levels on the issue of e-waste challenges and solutions;
2. That we shall encourage and promote the exchange of information and the transfer of best available technologies for the environmentally sound management of e-waste from developed countries to developing countries and countries with economies in transition;
3. That we shall promote clean technology and green design for e-products, including the phase-out of hazardous substances used in production and included in components and shall promote product stewardship and extended producer responsibilities in the life-cycle management of electrical and electronic products;
4. That the Basel Convention is the main global instrument for guiding the environmentally sound management of hazardous e-waste and that its provisions need to be fully respected;
5. That illegal traffic in e-waste is a serious concern that requires urgent action in the context of the implementation of the Basel Convention;

6. That we shall encourage national, regional and global comprehensive actions for the environmentally sound management of e-waste and end-of-life equipment through shared responsibilities and commitments from all concerned stakeholders;

7. That we shall promote integrated waste management in order to reduce the harm caused by the hazardous components contained in e-waste by ensuring proper collection of end-of-life equipment and its separation from household or municipal waste, achieving this through cooperation with municipalities and non-governmental organizations and the full participation of the general public;

8. That we shall improve waste management controls through the establishment of robust national policies, legislation and diligent enforcement, including producers' and traders' responsibilities as well as take-back and recycling schemes and their targets;

9. That we shall prevent and combat illegal traffic of e-wastes, taking into account the benefits accrued through harmonization of national laws at the regional level;

10. That we shall encourage and support strategic partnerships initiated within the context of the Basel Convention targeting e-waste with a view to improving the environmentally sound management of e-products worldwide;

11. That we shall develop and consolidate national, regional, and international cooperation and programmes or initiatives to support the implementation of activities aimed at the environmentally sound management of e-waste utilizing, as appropriate, the Basel Convention regional centres;

12. That we welcome the Conference of the Parties' decision VIII/2 on the environmentally sound management of electrical and electronic waste.

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# **BASEL CONVENTION**

COMPILATION OF DECISIONS

Decisions adopted by the Conference of the Parties to  
the Basel Convention at its ninth meeting

Bali, 23–27 June 2008



## **IX/1: Membership of the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention**

*The Conference of the Parties*

*Elects*, in accordance with the terms of reference contained in the annex to decision VI/12, the following members to serve on the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention:

From the African group: Mr. Dessalegne Mesfin Fanta, Ethiopia

From the Asian group: Ms. Leela Padmini Batuwitige, Sri Lanka

From the Central and Eastern European group: Ms. Zdenka Bubenikova, Czech Republic

From the Latin American and Caribbean group: Ms. Jacqueline Alvarez, Uruguay

From the Western European and other countries group: Mr. Roy Watkinson, United Kingdom of Great Britain and Northern Ireland

## **IX/2: Work programme for the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention for the period 2009–2011**

*The Conference of the Parties,*

*Noting* the report of the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention on its work and the recommendations contained therein,

*Recognizing* the need to provide the Committee with sufficient funding in order to enable it to function effectively and to carry out its work programme,

1. *Approves* the work programme of the Committee for 2009–2011 set out in the annex to the present decision;
2. *Requests* the Committee to establish priorities, work methods and schedules with regard to the issues identified in the work programme and to coordinate with the Open-ended Working Group, the Secretariat and the Basel Convention regional centres in order to avoid duplication of activities;
3. *Calls upon* all Parties that are in a position to do so to make financial or in-kind contributions to enable the Committee to carry out its work programme;
4. *Requests* the Committee to report to the Conference of the Parties at its tenth meeting on the work it has carried out to fulfil its functions in accordance with paragraphs 23 and 24 of the terms of reference for the Mechanism for Promoting Implementation and Compliance of the Basel Convention;
5. *Calls upon* Parties to make use of the Mechanism for Promoting Implementation and Compliance of the Basel Convention;
6. *Decides* to enlarge 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 on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Technical Cooperation Trust Fund) to establish an implementation fund to assist any Party that is a developing country or country with an economy in transition and is the subject of a submission made in accordance with paragraph 9 of the terms of reference of the Committee;
7. *Authorizes* the Committee to recommend use of the implementation fund referred to in paragraph 6 above, subject to the availability of resources, to assist Parties in the context of the facilitation procedure established under paragraph 20 of the Committee's terms of reference;
8. *Urges* Parties that are in a position to do so to provide contributions to the implementation fund referred to in paragraph 6 above to support the activities referred to in paragraph 7 above.

## Annex to decision IX/2

### Work programme for 2009–2011 of the Committee for Administering the Mechanism for Promoting Implementation and Compliance

#### I. Review of general issues of compliance and implementation under the Convention

1. During the biennium 2009–2011 the Committee for Administering the Mechanism for Promoting Implementation and Compliance shall review the general issues identified in tables 1 and 2 below in accordance with paragraph 21 of the terms of reference for the mechanism contained in the annex to decision VI/12 of the Conference of the Parties and in accordance with the priorities and budget decided by the Conference of the Parties at its ninth meeting.
2. In doing so the Committee shall take full account of previous discussions and decisions by Basel Convention bodies on relevant issues and shall also take account of its mandate to complement the work performed by other bodies of the Basel Convention and by the Basel Convention regional centres.
3. The Committee shall also continue to monitor any developments on other issues addressed under its earlier work programmes.
4. In undertaking the review of general issues of compliance, the Committee may refer to, and cooperate with, all sources of information and expertise set forth in paragraph 22 of the terms of reference, including through collaboration with regional and international bodies with monitoring and enforcement responsibilities in respect of hazardous wastes.

**Table 1: Monitoring, assessing and facilitating reporting under article 13 of the Basel Convention**

Objective	Activity
Ensure and improve effective and complete national reporting.	<ol style="list-style-type: none"><li>(a) Review information held by the Secretariat under article 13 of the Convention.</li><li>(b) Compile:<ol style="list-style-type: none"><li>(i) A list of Parties which have submitted annual reports;</li><li>(ii) A list of Parties which have not submitted annual reports;</li><li>(iii) A list of Parties which have submitted complete reports;</li><li>(iv) A list of Parties which have submitted reports that are obviously only partially complete.</li></ol></li><li>(c) Assess the status of reporting, identifying the difficulties faced by Parties in fulfilling their national annual reporting obligations and their needs for assistance with respect to reporting.</li><li>(d) Classify and publish Parties' compliance performance with respect to the annual national reporting obligations.</li><li>(e) Develop further guidance documents on best practices in national reporting, including mechanisms for coordination among relevant governmental and other entities, procedures for the collection and exchange of information, data collection techniques and technical resources and relevant methods necessary to optimize the completion of national reports.</li><li>(f) Promote and facilitate the exchange of information on best available practices and best available techniques between developed countries and developing countries, including countries with economies in transition, on development of national reporting.</li></ol>

**Table 2: Implementation of, and compliance with, specified obligations under the Basel Convention**

Objective	Activity
Ensure and improve implementation of, and compliance with, specified obligations under articles 3, 4, 5 and 6 of the Convention.	<p>(a) Review notifications transmitted by Parties to the Secretariat on national definitions of hazardous waste under Article 3 of the Convention.</p> <p>(b) Review notifications transmitted by Parties which prohibit the import of hazardous wastes or other wastes for disposal, and those which prohibit or do not permit the export of hazardous wastes and other wastes, under paragraphs 1 (a) and (b) of article 4 of the Convention.</p> <p>(c) Review Parties' compliance with the duty to designate competent authorities and focal points under article 5 of the Convention.</p> <p>(d) Compile:</p> <p>(i) A list of Parties which have designated competent authorities and focal points;</p> <p>(ii) A list of Parties which have not designated competent authorities or focal points.</p> <p>(e) Identify difficulties faced by Parties in designating competent authorities and focal points and their needs for assistance to meet this requirement.</p> <p>(f) Review and assess the application of the control system for the transboundary movement of wastes (notification document and movement document) and the difficulties that Parties face in implementing the system.</p> <p>(g) Review the status of existing national legislation and other legal or administrative measures, including implementation regulations, and identify needs for assistance.</p> <p>(h) Assess the compliance and implementation status of specified obligations of the Parties under articles 3, 4, 5 and 6 of the Basel Convention and publish the conclusions resulting from such assessment.</p> <p>(i) Provide general information and guidance on the Basel Convention website, or through publications, to facilitate, promote, and aim to secure the implementation of Parties' obligations under articles 3, 4, 5 and 6 of the Convention. The Secretariat may identify to the Committee those difficulties in implementation that Parties have frequently identified in their communications with the Secretariat.</p>

## II. Specific submissions regarding Party implementation and compliance

5. The Committee shall give priority to dealing with specific submissions regarding Party implementation and compliance received in accordance with paragraph 9 of the terms of reference.

6. At the time of the convening of the sixth session of the Committee on 28 February 2008, the Committee had not received any specific submissions from Parties. In the light of this fact the Committee shall address existing shortcomings and limitations in relation to the lack of specific submissions to the Committee, as described in the Committee's report for the ninth meeting of the Conference of the Parties, with a view to developing recommendations for the consideration of the Conference of the Parties at its tenth meeting on appropriate actions to address those shortcomings and limitations. In undertaking this element of its work programme, the Committee may refer to the sources of information set forth in paragraph 22 of its terms of reference.

### IX/3: Strategic Plan and new strategic framework

*The Conference of the Parties,*

*Recalling* its decision VIII/10 and decision VI/28 of the Open-ended Working Group,

*Also recalling* paragraph 7 of Article 15 of the Convention,

*Recognizing* that the preparation of a new strategic framework for the implementation of the Basel Convention would benefit from an effectiveness evaluation of the implementation of the Convention,

*Re-emphasizing* the critical importance of the Strategic Plan for the Implementation of the Basel Convention for Parties and others,

*Noting* the concerted efforts undertaken by Parties in implementing the Strategic Plan and by the Basel Convention regional and coordinating centres, the Secretariat and other stakeholders in supporting their implementation,

*Taking into consideration* the ongoing review of the implementation of the Strategic Plan for the 2002–2010 period, the reports by the Secretariat on the implementation of the Strategic Plan<sup>1</sup> and the comments received from Parties to date on the developments and obstacles in the implementation of the Strategic Plan,

*Recognizing* the need for a new strategic framework for a ten-year period from the tenth meeting of the Conference of the Parties in the light of the evolving needs of the Parties to the Convention,

*Considering* the changing scientific, environmental, technical and economic circumstances under which the Convention is working; the challenges faced by Parties in implementation and by the Basel Convention regional and coordinating centres, the Secretariat and others in supporting their implementation; and the need to ensure that appropriate and innovative approaches are used to meet the objectives of the Convention,

*Noting* that the Conference of the Parties can further consider the effectiveness of the implementation of the Convention,

*Recognizing also* the importance of gathering and analysing data and information required to provide an evaluation of the effectiveness of the implementation of the Convention as a basis for the preparation of a new strategic framework,

1. *Decides* that a new strategic framework for the implementation of the Basel Convention is required for a ten-year period so that the Basel Convention will promote the environmentally sound management of waste and will play a decisive role in highlighting the links between waste management and the achievement of the Millennium Development Goals and human health and livelihood;

2. *Decides* that the current Strategic Plan should continue to be implemented until a new strategic framework is adopted by the Conference of the Parties at its tenth meeting;

3. *Invites* Parties, non-Parties, intergovernmental organizations, members of the industry and business sectors and non-governmental organizations to provide financial resources or in-kind assistance to countries that need support in implementing the current Strategic Plan and developing a new strategic framework;

4. *Further decides* that a new strategic framework should:

(a) Be based on the objectives of article 4 of the Convention;

(b) Be based, among other things, on;

(i) Best possible knowledge on levels and trends of transboundary waste streams and the environmentally sound management of wastes;

(ii) Assessment of capacities of developing countries and countries with economies in transition;

(iii) Acknowledgement of specific challenges being faced by small island developing States and least developed countries in the environmentally sound management of wastes;

(c) Consider the enhanced cooperation and coordination among the Basel, Stockholm and Rotterdam conventions;

(d) Make full use of the Basel Convention regional and coordinating centres and take account of the capacities and role of the centres;

(e) Acknowledge that resource mobilization should be seen as a very important element in consideration of the Basel Convention's new strategic framework and reinforce commitment to taking an active and comprehensive approach to resource mobilization, as set out in decision VIII/34;

(f) Be attractive to partners beyond the Basel Convention, including the United Nations Environment Programme, the United Nations Development Programme, the United Nations Institute for

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1 UNEP/CHW.7/3, UNEP/CHW.7/4, UNEP/CHW.8/2Add.1 and Add.2 and UNEP/CHW.9/4.

Training and Research, the Global Environment Facility, the World Bank and donors, civil society and the private sector;

(g) Continue collaboration with intergovernmental organizations;

(h) Benefit from an understanding of the lessons learned from the previous Strategic Plan in meeting the objectives of the Convention and from other assessments on experiences of the Convention;

5. *Welcomes* the medium-term strategy of the United Nations Environment Programme, including the thematic priority areas related to harmful substances and hazardous waste and resource efficiency, sustainable consumption and production, and considers that there should be a close relationship between the new strategic framework and the medium-term strategy;

6. *Urges* Parties, signatories, the regional and coordinating centres and others to submit further comments on the developments and obstacles in the implementation of the current Strategic Plan to the Secretariat by 30 November 2008 and also requests the secretariat to develop further options to engage better all Parties in this consultation process;

7. *Invites* each Party to nominate a contact person to facilitate liaison with the Secretariat in the review of the Strategic Plan, in the facilitation of the effectiveness evaluation and the development of a new strategic framework;

8. *Directs* the Secretariat to consult with the designated contacts at the key stages in the review of the Strategic Plan, in the facilitation of the effectiveness evaluation and in the development of a new strategic framework;

9. *Requests* the Secretariat to prepare a report, taking into account information gathered from consultations as described in paragraphs 6, 7 and 8 above, containing information and conclusions on the review of the implementation of the Strategic Plan and, among other things, a comparative assessment of the Plan and the results of the implementation of the Plan, with a view to its publication on the Basel Convention Secretariat website by 30 March 2009;

10. *Invites* Parties, signatories, the regional and coordinating centres and others to submit to the Secretariat by 30 June 2009, taking into account the report referred to in paragraph 9 above.:

(a) Data and information required to facilitate an evaluation of the effectiveness of the implementation of the Convention as a basis for the preparation of a new strategic framework;

(b) Views on a new strategic framework for the implementation of the Basel Convention, in particular with regard to potential elements of the framework, including indicators of achievement and performance, and also the respective roles of the Secretariat, the Basel Convention regional and coordinating centres and other partners in its future implementation;

11. *Requests* the Secretariat to prepare, based on the comments received, a first draft of a new strategic framework for publication on the Basel Convention website by 31 January 2010 and for consideration by the Open-ended Working Group at its seventh meeting;

12. *Invites* Parties, signatories, the regional and coordinating centres and others to submit comments on the first draft of a new strategic framework to the Secretariat by 30 April 2010;

13. *Decides* to establish an open-ended coordination group operating within the framework of and meeting back-to-back preceding the Open-ended Working Group and reporting to the Open-ended Working Group, in order to scrutinize the draft strategic framework prepared by the Secretariat and advise on and prepare elements for a new strategic framework, based on the work of the Secretariat and the consultative process outlined above in the present decision;

14. *Requests* the Open-ended Working Group, based on its consideration of the draft referred to in paragraphs 11, 12 and 13 above and the outputs of the coordination group referred to in paragraph 13 above, to prepare a draft strategic framework for the implementation of the Basel Convention for adoption by the Conference of the Parties at its tenth meeting.

## IX/4: Review of the operation of the Basel Convention regional and coordinating centres

*The Conference of the Parties,*

*Recalling* paragraph 1 of article 14 of the Convention,

*Recognizing* the role of the Basel Convention regional and coordinating centres in the implementation of the Basel Convention and its Strategic Plan,

*Considering* the conclusions and recommendations of the report by the Secretariat on the operation of the Basel Convention regional and coordinating centres,<sup>2</sup>

*Recalling* paragraph 4 of decision VI/4 of the Conference,

*Considering* the recommendation of the ad hoc joint working group on enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions with regard to the coordinated use of regional offices and centres,<sup>3</sup>

*Noting* with appreciation the precedent set by the Global Environment Facility in deciding to designate a Basel Convention regional centre as an executing agency for activities funded by the Facility,

*Mindful* that several Basel Convention regional and coordinating centres have applied to serve as Stockholm Convention regional or subregional centres for capacity-building and the transfer of environmentally sound technology,

*Mindful also* that, at its sixth session, the Open-ended Working Group of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal was requested to initiate the review of the operation of the Basel Convention regional and coordinating centres, including their relationship with Convention bodies, including the Secretariat, and other stakeholders, in order to enhance the combined effectiveness and capacity of the centres and the Secretariat,

1. *Concludes*, in consideration of the conclusions and recommendations set out in the report by the Secretariat:

(a) That it is necessary to ensure the performance of the core functions of the Basel Convention regional and coordinating centres identified in appendices I and II to decision VI/3 of the Conference of the Parties and to encourage the exchange of information and expertise between the various centres;

(b) That, in relation to the Basel Convention regional and coordinating centres, the Secretariat, pursuant to the provisions of the Basel Convention, plays, inter alia, an important facilitative and catalytic role in mobilizing financial resources and technical assistance for programmes delivered through regional centres and in providing guidance on effective governance and administration arrangements, subject to the availability of resources;

(c) That it is necessary to ensure adequate training for the centres' staff in fund-raising and project management and to set in place effective governance arrangements, with the aim of having Basel Convention regional and coordinating centres that are capable of effectively and efficiently supporting Parties in the implementation of the Convention in a sustainable manner;

(d) That the regional nature of the Basel Convention regional and coordinating centres should be reinforced, including through strengthening and building on existing mechanisms and through the full and active engagement of all countries in the activities of the centres, without prejudice to existing framework agreements;

(e) That the Basel Convention regional and coordinating centres could play an important role in implementing activities related to chemical and waste instruments, including the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants and the Strategic Approach to International Chemicals Management, while acknowledging that some centres already play that role;

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2 UNEP/CHW.9/INF/6.

3 UNEP/CHW.9/14.



2. *Encourages* the Basel Convention regional and coordinating centres to revise their business plans to follow up relevant recommendations in the report by the Secretariat on their operation;
3. *Requests* the Secretariat, subject to the availability of funds, to prepare the following documents to be published on the Basel Convention website by 30 November 2009 and to be submitted to the Open-ended Working Group at its next session with a view to developing further the conclusions and recommendations set out in the report by the Secretariat on the operation of the Basel Convention regional and coordinating centres and to addressing the recommendations of the ad hoc joint working group on enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions:
  - (a) Draft workplan for the strengthening of the Basel Convention regional and coordinating centres, taking into account the catalogue of actions set out in section 3 of the report by the Secretariat;
  - (b) Detailed list of the necessary elements for the performance of the core functions based on appendices I and II to decision VI/3;
  - (c) Draft strategic framework for the financial sustainability of the centres that would assist the Basel Convention regional and coordinating centres in developing strategies for their financial sustainability, including exploring the use of the Trust Fund to Assist Developing Countries and other Countries in Need of Technical Assistance in the Implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Technical Cooperation Trust Fund);
  - (d) Set of indicators to measure performance and impediments in relation to the functions and impacts of the Basel Convention regional and coordinating centres;
4. *Invites* Parties, signatories and others to submit comments on the documents referred to in paragraph 3, above, to the Secretariat by 30 April 2010;
5. *Mandates* the Open-ended Working Group, in finalizing the workplan for strengthening the Basel Convention regional and coordinating centres, based on the draft to be prepared by the Secretariat pursuant to paragraph 3 (a) above, to consider the actions proposed in the workplan and to submit the final workplan to the Conference of the Parties at its tenth meeting for consideration and adoption;
6. *Urges* Parties and signatories, especially donor countries, and invites other constituents in a position to do so and, where appropriate, multilateral donors to provide necessary financial support, including to the Technical Cooperation Trust Fund, for the strengthening of the Basel Convention regional and coordinating centres in order to enable the centres to operate in accordance with their core functions and regional roles;
7. *Requests* the Secretariat to report to the Conference of the Parties at its tenth meeting on developments in the operation of the Basel Convention regional and coordinating centres.

## **IX/5: Proposal for the establishment of a regional centre for South Asia in the South Asia Cooperative Environment Programme**

*The Conference of the Parties,*

*Recalling* its decisions III/19 and VIII/3,

*Taking note* of the proposal submitted by the South Asia Cooperative Environment Programme for the establishment in the Programme of a regional centre for South Asia, to be located in Colombo, Sri Lanka,

*Taking note* of the ongoing review of the operation of the Basel Convention regional and coordinating centres,

*Taking note* of decision 9.3.5 taken by the Governing Council of the South Asia Cooperative Environment Programme at its tenth meeting,

*Expresses* its appreciation for the efforts undertaken by the South Asia Cooperative Environment Programme;

*Invites* the South Asia Cooperative Environment Programme to enter into consultations with the host countries of the Basel Convention regional and coordinating centres in China, Indonesia, the Islamic Republic of Iran and the Russian Federation, and also with the related members served by the centres, in order to define the relationship of the proposed centre with the others and its comparative

advantage;

*Invites* the South Asia Cooperative Environment Programme to update the proposal in the light of the outcome of these consultations and of new information provided in relation to the outstanding issues identified by the Secretariat in the original review of the proposal;

*Requests* the South Asia Cooperative Environment Programme to submit to the Open-ended Working Group an updated proposal for the establishment in the Programme of a regional centre for South Asia, to be located in Colombo, Sri Lanka.

## **IX/6: Nairobi Declaration on the Environmentally Sound Management of Electrical and Electronic Waste**

*The Conference of the Parties,*

*Welcoming* the progress made in the management of electrical and electronic waste (e-waste) through the development of global partnerships and regional programmes of activities,

*Welcoming also* the financial support provided to date by Parties to the Basel Convention for e-waste programmes,

1. *Adopts* the workplan of the Basel Convention for the environmentally sound management of e-waste set out in the annex to the present decision, contingent on the availability of funds;
2. *Encourages* Parties and signatories to the Convention to provide voluntary contributions to the Basel Convention programmes on e-waste and to become actively involved in partnerships and regional programmes of activities established under the programme;
3. *Invites* countries in a position to do so to contribute extrabudgetary financial or in-kind resources toward the preparation of technical guidelines for the environmentally sound management of e-waste;
4. *Invites* Parties, the Basel Convention regional centres and relevant stakeholders to continue work on the development of pilot projects in support of the Nairobi Declaration on the Environmentally Sound Management of Electrical and Electronic Waste, for example on collection and take-back systems and the environmentally sound reuse, refurbishment and recycling of e-waste, in particular in developing countries and countries with economies in transition;
5. *Requests* the Secretariat to continue to facilitate work and activities on the environmentally sound management of e-waste;
6. *Further requests* the Secretariat to report on progress to the Conference of the Parties at its tenth meeting.

### **Annex to decision IX/6**

#### **Workplan on the environmentally sound management of e-waste, focusing on the needs of developing countries and countries with economies in transition<sup>4</sup>**

<b>Title</b>	<b>Mandate and supervision</b>
Partnership for Action on Computing Equipment	Decision VIII/2 Nairobi Declaration Decision OEWG-VI/22
Mobile Phone Partnership Initiative activities on awareness-raising	Decision VI/31 Open-ended Working

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<sup>4</sup> These proposed initiatives are contingent on the availability of voluntary funds and human resources from the Secretariat to facilitate the work.

	Group
Preparation of technical guidelines on transboundary movements of e-waste, in particular regarding the distinction between waste and non waste	Decision VIII/2, para 3 (a) Open-ended Working Group
Programme of activities for the environmentally sound management of e-waste in the Asia-Pacific region	Nairobi Declaration
Programme of activities for the environmentally sound management of e-waste in Africa	Decision VIII/2 Nairobi Declaration
Programme of activities for the environmentally sound management of e-waste in South America	Nairobi Declaration

## IX/7:Convention Partnership Programme workplan for 2009–2011

*The Conference of the Parties,*

*Recalling* decision VIII/5 on the Basel Convention Partnership Programme,

*Welcoming* the progress made in developing partnerships and programmes of activities on the environmentally sound management of waste,

*Welcoming also* the financial support provided to date by Parties and others to the Partnership Programme,

1. *Takes note* of progress made under the Partnership Programme;
2. *Adopts* the Partnership Programme workplan for 2009–2011 set out in the annex to the present decision;
3. *Requests* the Secretariat to facilitate the partnership activities contained in the workplan subject to the availability of financial resources;
4. *Also requests* the Secretariat:
  - (a) To continue, subject to the availability of financial resources, to implement actively the Partnership Programme as a key instrument for supporting the implementation of the Strategic Plan for the Implementation of the Basel Convention in conjunction with all relevant and interested partners;
  - (b) To provide information to the Open-ended Working Group at its seventh session on progress and on initiatives to include new projects or activities;
  - (c) To submit a progress report and a draft workplan for 2012–2013 to the Conference of the Parties at its tenth meeting;
5. *Further requests* the Basel Convention regional and coordinating centres to engage in the work of the Partnership Programme, as appropriate, and to develop thematic multi-stakeholder partnerships for their regions to help in undertaking capacity-building efforts;
6. *Urges* Parties, signatories and all stakeholders in a position to do so to provide financial and in-kind support for the work of the Partnership Programme and to contribute to the post of Senior Programme Officer of the Partnership Programme;
7. *Encourages* Parties and signatories to the Convention to become actively involved in global and regional partnerships;
8. *Calls on* Parties to facilitate broader participation by civil society, including environmental non-governmental organizations, the private sector and, in particular, industry, to provide technical and financial support for the Partnership Programme and to become involved in specific activities at the regional, national and international levels.

## Basel Convention Partnership Programme: proposed 2009–2011 workplan

Basel Convention Partnership Programme proposed workplan			
I. Partnerships workplan 2009–2011			
	Partnership	Global/Regional	Plan
<b>Global partnerships</b>			
Indicators from the 2007–2008 workplan would be applied as appropriate (decision VIII/5, annex)			
1.	<b>Ad hoc follow-up group on mobile phones</b>	Global	(a) Facilitate finalization of pilot projects and outreach activities under MPPI, including training. (b) Raise awareness and actively disseminate guidelines.
2.	<b>Partnership for Action on Computing Equipment (PACE)</b>	Global	(a) Establish partnership body. (b) Facilitate development of detailed results-oriented work programme. (c) Assist in creating project groups. (d) Initiate work as per the workplan. (e) Report to the Open-ended Working Group on progress. (f) Secretariat to carry out functions as per terms of reference. (g) Outreach and awareness-raising.
3.	<b>United Nations Framework Convention on Climate Change – Clean Development Mechanism Partnership</b>	Global	Explore the potential for raising resources for the implementation of the Basel Convention and initiate a partnership with the United Nations Framework Convention on Climate Change and the Clean Development Mechanism and/or other funding organizations, including venture capitalists, technology providers, together with other entities or bodies.
4.	<b>Mercury Partnership</b>	Global	(a) Explore linkages to activities and mechanisms under development as part of the UNEP Global Mercury Partnership. (b) Investigate with Parties the role of the Secretariat and Parties under the Partnership. (c) Continue participating in the United Nations Environment Programme Global Mercury Partnership and carrying out capacity-building projects, as funding permits.
5.	<b>Partnership toolkit</b>	Global	Develop toolkit consisting of guides, lessons learned and other information to facilitate the development of multi-stakeholder partnerships.

## IX/8: Mobile Phone Partnership Initiative

*The Conference of the Parties,*

*Recalling* its decisions VI/31, VII/4 and VIII/6,

*Noting* the report on progress made by the Mobile Phone Partnership Initiative, as presented by the Chair of the Mobile Phone Working Group established by decision VI/31 of the Conference of the Parties,<sup>5</sup>

*Also noting* with appreciation the financial and in-kind contributions made towards the Mobile Phone Partnership Initiative by Parties, in particular by Switzerland, and by signatories, industry, non-governmental organizations and other stakeholders,

*Further noting* the significant efforts made by Parties, signatories, industry, non-governmental organizations and other stakeholders to prepare project guidelines and an overall guidance document on environmentally sound management of used and end-of-life mobile phones,

*Recognizing* the significant role of the Mobile Phone Partnership Initiative as a public-private partnership within the framework of the Basel Convention in reaching successful outputs on environmentally sound management of used and end-of-life mobile phones,

*Noting* the compilation of comments received concerning the paper on issues raised during the discussion of the guideline on transboundary movement of used and end-of-life mobile phones, as presented by the Secretariat,<sup>6</sup>

1. *Adopts*, without prejudice to national legislation, sections 1–3 and 5 of the guidance document on environmentally sound management of used and end-of-life mobile phones,<sup>7</sup> as a voluntary document, and takes note of the recommendations set forth therein;
2. *Invites* Parties, signatories and other interested stakeholders to submit comments on section 4<sup>8</sup> as amended<sup>9</sup> to the Secretariat;
3. *Invites* Parties and signatories to use and continue to test the guidance document and the five guidelines produced by the project groups under the Mobile Phone Partnership Initiative;
4. *Requests* the Open-ended Working Group to continue to review the guidance document further, based on Parties' experience and needs;
5. *Also requests* the Open-ended Working Group to review the issues raised during the discussion of the guideline on transboundary movement of used and end-of-life mobile phones;<sup>10</sup>
6. *Decides* that the Mobile Phone Working Group has successfully completed its mandate, as outlined in decision VI/31 and its appendix, and is hereby disbanded. Any follow-up tasks that may be required will be carried out by an ad hoc follow-up group, with the participation of interested Parties, signatories, industry, non-governmental organizations and other stakeholders;
7. *Encourages* the follow-up group to complete any outstanding tasks and revise the guidance document based on the results of evaluation studies and any additional information provided;
8. *Requests* the Basel Convention regional and coordinating centres to disseminate the guidance document and guidelines approved by the Mobile Phone Working Group and to initiate training and outreach workshops, subject to availability of funding;
9. *Invites* developing countries and countries with economies in transition to participate in the activities of the follow-up group;
10. *Encourages* Parties, signatories, industry, non-governmental organizations and other stakeholders to make financial or in-kind contributions or both:
  - (a) To facilitate the participation of developing countries and countries with economies in transition;

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5 UNEP/CHW.9/INF/16.

6 UNEP/CHW.9/INF/13.

7 UNEP/CHW.8/2/Add.3\*, annex.

8 Ibid.

9 UNEP/CHW.9/11\*.

10 UNEP/CHW.8/INF/6, annex, appendix 1.

- (b) To facilitate the implementation of pilot projects on collection and treatment schemes;
- (c) To initiate and facilitate training and outreach workshops.

## **IX/9: Partnership for Action on Computing Equipment**

*The Conference of the Parties,*

*Recalling* its decisions VI/32, VII/3, VIII/2 and VIII/5,

*Having regard* to the Basel Declaration on Environmentally Sound Management and the Nairobi Declaration on the Environmentally Sound Management of Electrical and Electronic Waste,

*Noting* the rapid increase in the amount of electrical and electronic equipment used and purchased globally, which has led to an increasing volume of used and end-of-life electrical and electronic equipment, including computing equipment, which in many instances is not being managed in an environmentally sound manner,

*Noting also* the potential life-cycle benefits of reusing and recycling used and end-of-life electronics in an environmentally sound manner, such as reducing greenhouse-gas emissions, conserving natural resources and providing sustainable economic and social development opportunities in developing countries and countries with economies in transition,

*Noting further* the importance of the Basel Convention transboundary movement controls to the achievement of environmental protection,

*Welcoming* the work of the interim group on the Partnership for Action on Computing Equipment (hereinafter “the Partnership”),

*Acknowledging* that awareness raising and information sharing on green design and environmentally sound management of used and end-of-life computing equipment are of particular importance to Parties, including developing countries and countries with economies in transition,

*Welcoming* the voluntary financial contributions made by Chile and the United Kingdom of Great Britain and Northern Ireland to the Partnership,

1. *Agrees* with the mission, scope, working principles and activities of the Partnership, as developed by the interim group and set out in annex I to the present decision;
2. *Further agrees* that the Partnership cannot create or abrogate rights or responsibilities of Parties under the Basel Convention;
3. *Takes note* of the funding proposals for the Partnership set out in annex II to the present decision;
4. *Also takes note* of the draft terms of reference for the Partnership set out in annex IV to the report of the interim group on the Partnerships;<sup>11</sup>
5. *Agrees* to establish a working group that will operate under the guidance of the Open-ended Working Group as the operating mechanism for the Partnership and other organizational matters;
6. *Invites* Parties, signatories and all stakeholders, including manufacturers, recyclers, refurbishers, academia, non-governmental organizations and intergovernmental organizations, to indicate interest in participating in the working group on the Partnership to the Secretariat no later than 30 September 2008, having regard to the specific expertise and experience required for the activities of this group;
7. *Requests* the Partnership to develop and implement a more detailed workplan consistent with the interim group’s discussions, with particular emphasis on the needs of developing countries and countries with economies in transition, to adopt a funding method based on the proposals in annex II to the present decision and to finalize the terms of reference, all of which should be submitted to the Open-ended Working Group at its seventh session for its consideration;

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11 UNEP/CHW.9/INF/12.

8. *Requests* the working group of the Partnership to coordinate and collaborate, as appropriate, on activities with other organizations and initiatives to establish synergies and prevent duplication;
9. *Requests* the Secretariat:
  - (a) To facilitate and provide expertise to the Partnership;
  - (b) To develop an electronic catalogue of information on initiatives and associated tools and activities under way or completed on the environmentally sound management of computing equipment, building on existing information, and provide support through an information technology officer;
  - (c) To collaborate with the Secretariat of the “Solving the E-Waste Problem” (StEP) Initiative hosted by the United Nations University in building synergies and fostering closer cooperation between the two, in particular through the increased impact and effectiveness of their respective programmes and the faster attainment of their complementary objectives;
10. *Encourages* the Partnership to ensure that it has a sustainable funding mechanism;
11. *Encourages* Parties, signatories and members of industry and international governmental and non-governmental organizations to participate actively in the Partnership and to make financial or in-kind contributions or both:
  - (a) To facilitate the participation of developing countries and countries with economies in transition;
  - (b) To facilitate the implementation of tools and activities.

## Annex I to decision IX/9

### Partnership for Action on Computing Equipment (PACE)

1. The following elements of the Partnership for Action on Computing Equipment (PACE) were agreed upon by the interim group on PACE.

#### A. Mission statement

2. To increase the environmentally sound management of used and end-of-life computing equipment, taking into account social responsibility and the concept of sustainable development, and promoting the sharing of information on life-cycle thinking.

#### B. Scope

3. The scope of the partnership will cover personal computers (PCs) and associated displays, printers and peripherals.<sup>12</sup>

#### C. Working principles

4. The group reviewed the working principles set out in document UNEP/SBC/PACE/2 and agreed to the following three working principles:

1. To promote dialogue among Governments, industries, non-governmental organizations and academia on initiatives that could be carried out in various United Nations regions;
2. To seek innovative solutions showing specific and practical results consistent with the Basel Convention and make recommendations;
3. To coordinate and cooperate, as appropriate, with other bodies involved in electrical and electronic waste activities.

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<sup>12</sup> Personal desktop computer, including the central processing unit and all other parts contained in the computer. Personal notebook and laptop computer, including the docking station, central processing unit and all other parts contained in the computer. Computer monitor, including the following types of computer monitor: (a) cathode ray tube; (b) liquid crystal display; (c) plasma. Computer keyboard, mouse and cables. Computer printer: (a) including the following types of computer printer: (i) dot matrix; (ii) inkjet; (iii) laser; (iv) thermal and (b) including any computer printer with scanning or facsimile capabilities, or both.

## **D. Activities**

5. A set of activities has been identified that would assist countries, in particular developing countries and countries with economies in transition, to manage used and end-of-life computing equipment in an environmentally sound manner:

- (a) To develop tools (such as guidelines) and activities on environmentally sound refurbishment and repair, including criteria for testing, certification and labelling;
- (b) To develop tools (such as guidelines) and activities on environmentally sound recycling and material recovery, including facility certification;
- (c) To develop and promote pilot schemes for the environmentally sound management of used and end-of-life computing equipment towards the attainment of the Millennium Development Goals;
- (d) To develop awareness-raising and training programme activities.

## **Annex II to decision IX/9**

### **Funding proposals for the Partnership for Action on Computing Equipment (PACE)**

- 1. With the assistance of a sub-group of members, the Interim Group on PACE has developed a model sustainable funding mechanism for the Partnership, encompassing prospective funding needs.
- 2. Partnership funding needs were categorized into four areas as stated below. The proposal is to have a mixture of funding proposals – including modest membership fees and voluntary and in-kind contributions.

#### **A. Partnership funding requirements**

##### **1. Operation of the Partnership and its activities (e.g., development of guidelines)**

- 3. This figure covers administrative costs, in-kind contributions, consultancy support work, translation and publication, advertising, meeting arrangements, communication, etc.
- 4. The estimated budget is \$50,000–\$100,000 per annum.

##### **2. Country participation**

###### **(a) Developing countries**

- 5. This figure includes financial support for attending meetings and participating in teleconferences.
- 6. An estimate of \$3,500 per representative per meeting was used to calculate the cost of funding representatives from five developing countries each to attend two meetings.
- 7. The estimated budget is \$35,000 per annum.

###### **(b) Developing country non-governmental organizations**

- 8. This figure covers the estimated costs of four developing country non-governmental organizations each to attend two meetings.
- 9. The estimated budget is \$28,000 per annum.

##### **3. Core projects under the Partnership**

- 10. The budget for this item is to be reviewed after the first year of PACE, but is calculated to be \$100,000, mostly in the second year.



## **B. Explanatory note**

11. At the ninth meeting of the Conference of the Parties, Parties will be considering the provision of resources for one post on partnerships and resource mobilization within the Secretariat of the Basel Convention, under either the Basel Convention Trust Fund or the Trust Fund to Assist Developing Countries and other Countries in Need of Technical Assistance in the Implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Technical Cooperation Trust Fund). This post is therefore not covered in item 1. In the event that the post remains on voluntary contributions only, then an additional \$215,000 per annum would be needed.

12. An annual fixed contribution of \$10,000 from a minimum of five trade associations for original equipment manufacturers and the recycling industry is proposed in addition to in-kind technical support from associations and member companies. Funding and in-kind support would go to the development of the guidelines, with any remaining funds allocated to the development and implementation of projects under item 3. Developing guidelines could cost between \$30,000 and \$80,000, potentially including consultancy support. These costs are subsumed under item 1.

13. Item 3 (projects) will depend on their type, but should in any case fit in with the agreed mission and scope of the Partnership. Pilot project costs vary. A basic collection project could be as low as \$20,000, but a larger project could be \$50,000. Pilot projects in developing countries are anticipated in the second year to test guidelines developed in the first year under item 3. The conceptual development of projects should begin at the start of the Partnership to help direct guideline preparation and prepare for second year activities, participants and locations. The estimate of \$100,000 is based on two projects. Additional projects can be put forward. Possible support for these additional projects could come from: first, industry (e.g., original equipment manufacturer and recycling trade associations, companies); second, Governments; third, non-governmental organizations; fourth, international organizations (e.g., UNESCO, STEP); and, fifth, international financial institutions (e.g., World Bank), or a combination of these.

14. The total estimated budget is as follows:

First year: \$163,000–\$213,000

Second year: \$213,000–\$263,000

## **C. Mechanism for PACE contributions**

15. In order that PACE can begin and operate on a reliable basis, it is essential to have predictable funding. All partners involved in PACE should be prepared to provide funds to enable a successful start to the Partnership. The knowledge that funding is expected should make it easier for organizations to secure the necessary internal agreements for those allocations to be made.

16. The total for funding requirements under items 1, 2 (a) and 2 (b) (operating costs, developing country and non-governmental organization participation) would be between \$113,000 and \$163,000. It is suggested that the funding for these items could be provided by Parties and signatories through voluntary contributions.

17. Industry, industry associations and green non-governmental organization could provide funds through a membership fee that would be based on sliding scales of assessment. The membership fees could be set for the first year at a moderate level and could then be again discussed once the specific work programme was defined. Industry members would be expected to provide an annual membership fee to support project work under item 1. Non-governmental organization observers (including non-governmental organizations from developing countries) could participate at no charge.

18. Parties, signatories, industry and all non-governmental organizations could provide funding for projects. Funding participation for projects should be discussed at a very early stage of their development. Since Parties and signatories would be the major contributors for the operating costs of PACE, it should be the industry's challenge to be the main contributor of funds for projects.

19. Any additional projects agreed by the Partnership to be identified under the PACE umbrella ought to fit in with the agreed mission and scope of the Partnership. Parties and signatories could make voluntary contributions to the Technical Cooperation Trust Fund, target them towards specific projects and agree to them being identified as contributions to PACE; industry could make financial arrangements with specific developing countries on a bilateral basis and identify such projects as being

contributions to the PACE. Projects could be funded through collaboration or partnership with international organizations such as the United Nations Education, Scientific and Cultural Organization, the World Bank or StEP.

## **IX/10: Cooperation and coordination among the Basel, Rotterdam and Stockholm conventions**

*The Conference of the Parties,*

*Recalling* decision SC-2/15 adopted by the Conference of the Parties of the Stockholm Convention on Persistent Organic Pollutants at its second meeting, decision RC-3/8 adopted by the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade at its third meeting and decision VIII/8 adopted by the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal at its eighth meeting, by which the conferences of the Parties established the ad hoc joint working group on enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions and mandated it to prepare joint recommendations on enhancing cooperation and coordination among the three conventions at the administrative and programmatic levels,

*Mindful* of the legal autonomy of each of the three conventions,

*Recognizing* the broad scope of the Basel Convention,

*Welcoming* the ongoing commitment of all Parties to ensuring the implementation of the full breadth of the Basel Convention,

*Looking forward* to the follow-up on the development of managerial issues arising through closer cooperation between the three conventions,

*Noting* decision SS.VII/1 of the Governing Council of the United Nations Environment Programme on international environmental governance, the Informal Consultative Process on the Institutional Framework for the United Nations' Environmental Activities and the 2005 World Summit Outcome calling for reduced fragmentation on environmental issues,

*Recognizing* that the overarching goal of the three conventions is the protection of human health and the environment for the promotion of sustainable development and that the objective of enhanced coordination and cooperation among the three conventions is to contribute to the achievement of that goal,

*Convinced* that actions taken to enhance coordination and cooperation should be aimed at strengthening implementation of the three conventions at the national, regional and global levels, promoting coherent policy guidance, enhancing efficiency in the provision of support to Parties with a view to reducing their administrative burden and maximizing the effective and efficient use of resources at all levels,

*Noting* that processes for enhancing cooperation and coordination are driven by Parties, should take into account global concerns and should respond to the specific needs of developing countries and countries with economies in transition,

*Believing* that institutional structures should be defined by functions that are identified before such structures are established,

*Welcoming* the recommendation of the ad hoc joint working group on enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions,

1. *Invites* the Conference of the Parties to the Rotterdam Convention at its fourth meeting and the Conference of the Parties to the Stockholm Convention at its fourth meeting to adopt the recommendation of the ad hoc joint working group on enhancing coordination and cooperation among the Basel, Rotterdam and Stockholm conventions;

2. *Adopts* the recommendation of the ad hoc joint working group and, subject to the recommendation being adopted by the conferences of the Parties to the Rotterdam and Stockholm conventions, thereby:

## **I. Organizational issues in the field**

### **A. Coordination at the national level**

1. *Invites* Parties to establish or strengthen, as necessary, national processes or mechanisms for coordinating:

(a) Activities to implement the Basel, Rotterdam and Stockholm conventions, in particular, activities of the focal points and designated national authorities for the three conventions, the Strategic Approach to International Chemicals Management and other relevant policy frameworks, as appropriate;

(b) Preparation for convention meetings;

2. *Invites* Parties to provide, through the joint information service referred to in section II, paragraph 4, below, models of such coordination mechanisms, as well as examples of good coordination practices from countries;

3. *Recommends* that Parties, when implementing the three conventions, including through capacity-building and technical assistance, ensure close cooperation and coordination among relevant sectors, ministries or programmes at the national level with respect to, among other things, the following:

(a) Protection of human health and the environment from the harmful impacts or adverse effects of hazardous chemicals and wastes;

(b) Prevention of accidents and emergency response in case of accidents;

(c) Combating illegal traffic and trade in hazardous chemicals and wastes;

(d) Information generation and access;

(e) Technology transfer and transfer of know-how;

(f) Preparation of national positions for meetings of the conferences of the Parties and other bodies of the Basel, Rotterdam and Stockholm conventions;

(g) Development cooperation;

4. *Requests* the secretariats of the Basel, Rotterdam and Stockholm conventions, in cooperation with relevant intergovernmental bodies such as the member organizations of the Intergovernmental Organization for the Sound Management of Chemicals and regional centres, to collaborate on the dissemination of good practices and, if necessary, the elaboration of guidance and training in the areas referred to in the preceding paragraph;

5. *Invites* United Nations Environment Programme-United Nations Industrial Development Organization cleaner production centres to contribute to the national implementation of the three conventions;

### **B. Programmatic cooperation in the field**

6. *Invites* Parties to promote cooperative activities at the national and regional levels as far as possible;

7. *Invites* the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations, working together with other bodies of the United Nations, in particular the United Nations Development Programme, multilateral environmental agreements, and other international bodies, to develop programmatic cooperation in the field that would support implementation of the three conventions in areas of common concern such as sustainable development, trade, customs (for example through the Green Customs Initiative), transport, public health, labour, environment, agriculture and industry;

8. *Invites* the United Nations Environment Programme, the United Nations Development Programme and the Food and Agriculture Organization to include such cooperation in their biennial work programmes;

9. *Recommends* that Parties incorporate in their national development plans and strategies measures to implement the Basel, Rotterdam and Stockholm conventions in order to ensure coherence

in their national priority setting and to facilitate the provision of aid by donors in accordance with the Paris Declaration on Aid Effectiveness and in response to country and regional demand;

10. *Requests* the secretariats of the three conventions, in the context of the Bali Strategic Plan for Technology Support and Capacity-building, and taking into account the Strategic Approach to International Chemicals Management, to initiate joint collaboration to promote the effective implementation of the decisions of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions and their work programmes in the area of technology transfer and capacity-building;

11. *Encourages* Parties to strengthen capacity-building and technical support to developing countries and countries with economies in transition for coordinated national implementation;

12. *Encourages* Parties to promote coordination between bilateral and multilateral donors to ensure consistent and non-duplicative assistance to Parties in their implementation of the Basel, Rotterdam and Stockholm conventions;

13. *Requests* the secretariats of the Basel, Rotterdam and Stockholm conventions to promote programmatic cooperation on cross-cutting issues, including in the area of technology transfer and capacity-building, in the development of their respective work programmes and to report thereon to the conferences of the Parties to the three conventions;

## **C. Coordinated use of regional offices and centres**

14. *Acknowledges* the role of the regional centres of the Basel and Stockholm conventions in supporting Parties;

15. *Invites* Parties and other stakeholders to promote the full and coordinated use of regional centres to strengthen the regional delivery of technical assistance under all three conventions and to promote coherent chemicals and waste management, bearing in mind the existing and ongoing work of other multilateral environmental agreements and institutions. This work should promote the sound management of chemicals throughout their life cycles and of hazardous wastes for sustainable development as well as for the protection of human health and the environment;

16. *Recommends* that a limited number of regional focal centres, with the responsibility to facilitate coordinated activities in the regions covering both chemicals and waste management, be selected from among the existing regional centres of the Basel and Stockholm conventions. These focal centres will be designated following regional agreement and in accordance with the relevant procedural provisions of the respective conventions. These focal centres should:

(a) Ensure that the regional centres deliver their work in accordance with defined priorities and serve as an entry point for countries needing assistance or guidance on which centre in a region could provide assistance for a specific purpose;

(b) Strengthen regional centres to enable them to exercise a more synergistic approach as delivery mechanisms under the Basel, Rotterdam and Stockholm conventions;

(c) Play a special role in providing an overview of their activities and results to the conferences of the Parties of the Basel, Rotterdam and Stockholm conventions as examples of lessons learned on enhanced practical implementation of the conventions;

17. *Requests* the secretariats of the Basel, Rotterdam and Stockholm conventions to initiate pilot projects on the coordinated use of regional centres, such projects to be undertaken by the regional centres and build on lessons learned;

18. *Requests* the secretariats of the Basel, Rotterdam and Stockholm conventions and the regional centres to exchange information about their capacities and work programmes;

19. *Invites* the Global Environment Facility, within its mandate, other relevant international financial institutions and instruments, the regional centre host countries and others from the donor community to provide financial support necessary for the regional centres to carry out projects aimed at cooperation and coordination in support of implementation of the three conventions;

## **II. Technical issues**

### **A. National reporting**

1. *Requests* the secretariats of the Basel and Stockholm conventions to prepare, for consideration by their respective conferences of the Parties, proposals:

(a) To synchronize the submission of Party reports under the two conventions in those years when the Parties to both conventions are to submit such reports;

(b) To develop joint capacity-building activities to assist Parties in coordinated data and information collection and management at the national level, including quality control, to enable them to fulfil their reporting obligations;

(c) To streamline their respective reporting formats and processes with a view to alleviating the burden of reporting, taking into account relevant activities by other bodies, including the United Nations Environment Programme;

## **B. Compliance/Non-compliance mechanisms**

2. *Requests* the secretariats of the Basel, Rotterdam and Stockholm conventions, once compliance/non-compliance mechanisms are established under all three conventions, to prepare proposals for consideration by the conferences of the Parties to the three conventions exploring the possibilities for enhancing coordination among the agreed mechanisms to facilitate compliance by, for example, provision of joint secretariat support for the committees, the attendance of the chairs of the three committees at each others' meetings or encouraging the appointment of members to the committees who have experience with other compliance mechanisms;

3. *Requests* the secretariats of the Basel, Rotterdam and Stockholm conventions to exchange information on progress made on the operation or establishment of the compliance/non-compliance mechanisms established or under negotiation under the three conventions;

## **C. Cooperation on technical and scientific issues**

4. *Requests* the secretariats of the Basel, Rotterdam and Stockholm conventions to facilitate the exchange of relevant information between the technical and scientific bodies of the three conventions through the sharing of information with one another, with the secretariat of the Strategic Approach to International Chemicals Management and with other relevant intergovernmental bodies concerning the procedures developed and the chemicals being discussed under the three conventions;

5. *Requests* the secretariats of the Basel, Rotterdam and Stockholm conventions to maintain or establish cooperation on technical issues that relate to more than one of the three conventions, involving other bodies and institutions beyond the three conventions as appropriate;

## **III. Information management and public awareness issues**

### **A. Joint outreach and public awareness**

1. *Requests* the secretariats of the Basel, Rotterdam and Stockholm conventions to develop a common approach to awareness-raising and outreach activities among the three conventions;

2. *Also requests* the secretariats of the Basel, Rotterdam and Stockholm conventions to make full use of and build on existing information and outreach mechanisms and tools;

### **B. Information exchange/clearing-house mechanism on health and environmental impacts**

3. *Invites* Parties to consider establishing common websites and documentation centres at the national and, where appropriate, regional levels, containing available information on human health and environmental impacts relevant to the three conventions;

4. *Requests* the secretariats of the Basel, Rotterdam and Stockholm conventions to develop systems of information exchange on health and environmental impacts, including a clearing-house mechanism, with the aim of these systems serving all three conventions;

### **C. Joint input into other processes**

5. *Requests* the secretariats of the Basel, Rotterdam and Stockholm conventions, whenever feasible, to act jointly in participating in other related processes and in providing information to other related bodies, organizations, institutions and processes;

## **IV. Administrative issues**

1. *Recommends* that possible cost savings gained through these more efficient administrative arrangements be used to support implementation of the three conventions;

## **A. Joint managerial functions**

2. *Invites* the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization, to establish joint management involving the executive secretaries of the Basel, Rotterdam and Stockholm conventions for joint services and joint activities through, for example, a system of rotating management or the assignment of individual joint services to a particular convention;

3. *Invites* the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization, to explore and assess the feasibility and cost implications of establishing joint coordination or a joint head of the secretariats of the Basel, Rotterdam and Stockholm conventions for consideration at the extraordinary meetings of the conferences of the Parties referred to in section V, paragraph 3, below;

## **B. Resource mobilization**

4. *Invites* the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization, in providing the secretariat functions of the Basel, Rotterdam and Stockholm conventions, to establish, on an interim basis, through the executive secretaries of the three conventions, a joint resource mobilization service within the secretariats in Geneva. The service should support the implementation of the three conventions beyond that achievable through separate action by:

(a) Strengthening mobilization of resources through the development of a joint resource mobilization strategy for the short, medium and long term;

(b) Avoiding competitive and uncoordinated resource demands to donors;

(c) Prioritizing coordinated efforts to explore new, innovative and adequate sources of funding, including for national implementation;

(d) Promoting resource mobilization for a life-cycle approach to chemicals and waste management;

(e) Mobilizing financial resources and technical assistance for programmes delivered through regional centres;

(f) Developing joint strategy options on what countries can do at the national level to generate funds and better to gain access to international and bilateral financing;

(g) Facilitating the exchange of experiences in mobilizing resources for national implementation;

(h) Building on available methodologies, guidance and case studies that have been developed by other institutions;

5. *Decides* that the final decision regarding the above-named joint service shall be taken at the extraordinary meetings of the conferences of the Parties;

6. *Encourages* representatives of Parties to support the delivery of coherent and coordinated messages from the conferences of the Parties of each convention to the Global Environment Facility and other relevant international financial institutions/instruments on funding for the sound management of chemicals and wastes for the implementation of the conventions;

## **C. Financial management and audit functions**

7. *Invites* the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization, in providing the secretariat functions of the Basel, Rotterdam and Stockholm conventions, to establish, on an interim basis, through the executive secretaries of the three conventions, a joint financial and administrative support service, within the secretariats in Geneva, taking into account relevant support services provided by the United Nations Environment Programme and the Food and Agriculture Organization;

8. *Requests* the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization, in providing the secretariat functions of the Basel, Rotterdam and Stockholm conventions, to prepare a proposal for joint audits of the accounts of the secretariats of the three conventions;

## **D. Joint services**

9. *Welcomes* the support provided by both the United Nations Environment Programme and the Food and Agriculture Organization to the work of the secretariats of the Basel, Rotterdam and Stockholm conventions and encourages the continuation of such support;

10. *Invites* the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization, in providing the secretariat functions of the Basel, Rotterdam and Stockholm conventions, in addition to the joint resource mobilization service and the joint financial and administrative support service referred to in section IV, paragraphs 4 and 7, above, respectively, to establish through the executive secretaries of the three conventions, within the secretariats in Geneva and with the aim of improving the level and efficiency of delivery of services, on an interim basis:

- (a) A joint legal service;
- (b) A joint information technology service;
- (c) A joint information service;

11. *Decides* that a final decision regarding the joint services referred to in the preceding paragraph shall be taken at the extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions referred to in section V, paragraph 3, below;

12. *Invites* the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization, to provide further information on the costs and organizational implications of establishing the joint services identified in section IV, paragraph 10, above, to be presented prior to the extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions referred to in section V, paragraph 3, below;

## **V. Decision-making**

### **A. Coordinated meetings**

1. *Decides* that the meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions should be held in a coordinated manner and requests the executive secretaries of the three conventions to schedule such meetings in a way that facilitates such coordination;

2. *Requests* the executive secretaries to schedule joint meetings of the bureaux of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions, as appropriate;

### **B. Extraordinary meetings of the conferences of the Parties**

3. *Decides* to convene simultaneous extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions, requests the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization, to organize the meetings in coordination with the eleventh special session of the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme. At these simultaneous meetings, which are aimed at giving high-level political support to the process of enhancing cooperation and coordination among the three conventions, the conferences of the Parties would consider:

- (a) Decisions on joint activities;
- (b) Decisions on joint managerial functions;
- (c) Final decisions on joint services established on an interim basis;
- (d) Decisions on synchronization of the budget cycles of the three conventions;
- (e) Decisions on joint audits of the accounts of the secretariats of the three conventions;
- (f) Decisions on a review mechanism and follow up of the work on enhancing coordination and cooperation processes between the three conventions;

(g) Reports or information received from the Executive Director of the United Nations Environment Programme and the secretariats of the three conventions on any other activity or proposed joint institution resulting from the present decision;

4. *Requests* the executive secretaries of the Basel, Rotterdam and Stockholm conventions, in consultation with the Executive Director of the United Nations Environment Programme and the Director-General of the Food and Agriculture Organization, to prepare proposals for the extraordinary meetings referred to in the preceding paragraph on:

(a) A common arrangement for staffing and financing joint services of the three conventions, including financing shared posts;

(b) Synchronizing the budget cycles of the three conventions as soon as possible to facilitate coordinated activities and joint services, bearing in mind the implications for the timing of future meetings of the conferences of the Parties of the three conventions and for facilitating auditing;

5. *Invites* Parties and others in a position to do so to provide financing to support the extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions referred to section V, paragraph 3, above;

6. *Requests* the executive secretaries of the Basel, Rotterdam and Stockholm conventions to prepare proposals for financing the extraordinary meetings of the conferences of the Parties referred to in section V, paragraph 3, above with a view to decisions being taken by the Conference of the Parties of the Basel Convention at its ninth meeting, by the Conference of the Parties to the Rotterdam Convention at its fourth meeting and by the Conference of the Parties to the Stockholm Convention at its fourth meeting;

### **C. Review arrangement**

7. *Decides* that a mechanism and timetable for reviewing the arrangements adopted pursuant to the present decision shall be determined by the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions at the extraordinary meetings of the conferences of the Parties referred to in section V, paragraph 3, above;

8. *Requests* Parties and secretariats and other bodies, as appropriate and within available resources, to take such actions as are necessary to implement the present decision.

## **IX/11: International cooperation and coordination**

### *The Conference of the Parties*

1. *Requests* the Secretariat to strengthen further cooperation and coordination with other international and regional organizations and multilateral environmental agreements in areas of relevance to the Basel Convention, including in the areas and with the organizations listed in the annex to document UNEP/CHW.9/15;

2. *Also requests* the Secretariat to continue efforts to seek observer status in the Committee on Trade and Environment of the World Trade Organization and to advise the Parties to the Basel Convention when its request is granted by the World Trade Organization;

3. *Further requests* the Secretariat to report on the implementation of the present decision to the Conference of the Parties at its tenth meeting;

4. *Requests* Parties to coordinate at the national and regional levels with a view to supporting the Secretariat's efforts to enhance international cooperation.

## **IX/12: Cooperation between the Basel Convention and the International Maritime Organization**

### *The Conference of the Parties,*

*Recalling* its decision VIII/9 which, among other things, invited information and views on the respective competencies of the Basel Convention and the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 related thereto (MARPOL 73/78),

1. *Reiterates* its invitation to Parties to the Basel Convention and others to continue to provide information and views to the Secretariat on:

(a) The respective competencies of the Basel Convention and MARPOL 73/78 in respect of



hazardous wastes and other wastes and harmful substances;

- (b) Any gaps between those instruments;
- (c) Any options for addressing those gaps, if any; and
- (d) Any other relevant information;

2. *Requests* the Secretariat to compile any information received in response to paragraph 1 of the present decision for consideration by the Open-ended Working Group at its next session and to place such information on the website of the Basel Convention as it is received;

3. *Requests* the Open-ended Working Group to consider the information provided in response to paragraph 1 of the present decision, to develop specific recommendations on options that might exist for addressing any gaps between the Basel Convention and MARPOL 73/78 in respect of hazardous and other wastes and to transmit such recommendations to the Conference of the Parties for its consideration at its tenth meeting;

4. *Requests* the Secretariat to keep the International Maritime Organization informed, as appropriate, of any developments on the subject of the present decision arising in the context of the Basel Convention;

5. *Encourages* the Secretariat of the Basel Convention to continue to strengthen its cooperation with the Secretariat of the International Maritime Organization in relation to MARPOL 73/78 and other relevant International Maritime Organization instruments and activities;

6. *Encourages* Parties to organize internal coordination between their International Maritime Organization and Basel Convention representatives and to participate actively in any consideration of industrial production processes on board ships at sea or any consideration of the respective competencies of the Basel Convention and MARPOL 73/78;

7. *Requests* the Secretariat to monitor any consideration by the Marine Environment Protection Committee of the International Maritime Organization on industrial production processes on board ships at sea, or any consideration of the respective competencies of the Basel Convention and MARPOL 73/78, and to report thereon to the Open-ended Working Group at its next session and the Conference of the Parties at its tenth meeting.

## **IX/13: National reporting**

*The Conference of the Parties,*

*Recalling* its decision VIII/14,

1. *Urges* Parties that have not yet done so to transmit to the Secretariat their completed questionnaires on transmission of information for the year 2006 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 and bearing in mind that, in accordance with the provisions of paragraph 3 of article 13 of the Convention, Parties must 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 2007 before the end of calendar year 2008, if possible in electronic form;

3. *Invites* Parties to fill in any data gaps that 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 submitted pursuant to article 13 of the Convention;

5. *Requests* the Secretariat to assist Parties in improving the comparability of their data on the transboundary movements of hazardous wastes and other wastes;

6. *Also requests* the Secretariat to prepare and publish:

(a) For each of the years 2006 and 2007, an annual compilation document based on the information contained in part I of the completed questionnaires on transmission of information submitted by Parties;

(b) For the triennium 2007–2009 and for each triennium thereafter, a summary, including graphic representations, of the data on transboundary movements of hazardous wastes and other wastes contained in part II of the completed questionnaires on transmission of information submitted by Parties;

(c) For the triennium 2007–2009 and for each triennium thereafter, a country fact sheet for each Party submitting completed questionnaires on transmission of information, based on the information contained in such questionnaires;

7. *Further requests* the Secretariat, within available resources, to translate into English any information submitted by Parties in part I of their questionnaires, on transmission of information, in any official language of the United Nations other than English prior to incorporating such information into the reporting database;

8. *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 tenth meeting;

9. *Also 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 the Basel Convention regional centres or by other appropriate means, subject to the availability of resources.

## **IX/14: Environmentally sound management of used tyres<sup>13</sup>**

*The Conference of the Parties,*

*Recalling* its decision VIII/17,

*Noting* with appreciation the role played by the small intersessional working group on used tyres, especially Brazil as lead country, in the preparation of the revised technical guidelines on the environmentally sound management of used tyres,

1. *Takes note* of the revised technical guidelines on the environmentally sound management of used tyres;<sup>14</sup>

2. *Extends* the mandate of the small intersessional working group on used tyres established by decision OEWG VI/3, which will work in particular by electronic means;

3. *Invites* countries and others to participate in the work of the small intersessional working group;

4. *Requests* Brazil to provide by 31 July 2008 a format for comments to be agreed upon by the members of the small intersessional working group;

5. *Also requests* Brazil, in consultation with the small intersessional working group, to prepare a revised version of the technical guidelines by 30 November 2008, taking into account the table of contents set out in the annex to the present decision and the comments received to date, for publication on the Basel Convention website;

6. *Invites* comments on the revised technical guidelines by 31 March 2009, for publication on the Basel Convention website;

7. *Requests* Brazil to prepare a revised version of the guidelines based on the comments submitted pursuant to paragraph 6, above, three months before the seventh session of the Open-ended Working Group, to be presented at that session for consideration;

8. *Requests* the Secretariat to report to the Conference of the Parties at its tenth meeting on progress in the development of the technical guidelines on the environmentally sound management of used tyres for its consideration and possible adoption.

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13 The European Community and its 27 member States propose that the title and content of the guidelines should read: "Guidelines on the environmentally sound management of waste pneumatic tyres" in accordance with entry B 3140 in Annex IX to the Basel Convention. The final title will be agreed by the small intersessional working group on used tyres and proposed for consideration at the seventh session of the Open-ended Working Group and adoption at the tenth meeting of the Conference of the Parties.

14 UNEP/CHW.9/18.

## Guidelines on the environmentally sound management of used tyres

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### Bibliography

**Annex:** Recovery and disposal of waste pneumatic tyres: benefits and disadvantages

## IX/15: Technical guidelines on the environmentally sound management of mercury wastes

*The Conference of the Parties,*

*Recognizing* the important contribution of technical guidelines on the environmentally sound management of mercury wastes to the work on mercury being conducted under the auspices of the United Nations Environment Programme,

*Welcoming* the contributions by the Chemicals Branch of the Division of Technology, Industry and Economics of the United Nations Environment Programme, Norway and the United States of America to capacity-building pilot projects in which the draft technical guidelines on the environmentally sound management of mercury wastes will be tested,

1. *Takes note* of the draft technical guidelines on the environmentally sound management of mercury wastes;<sup>15</sup>
2. *Agrees* that the further development of the technical guidelines should be included in the work programme of the Open-ended Working Group for 2009–2011;
3. *Invites* Parties and others to submit further comments on the draft technical guidelines to the Secretariat by 30 November 2008;
4. *Also invites* Parties to consider serving as lead country for developing the technical guidelines;
5. *Agrees* to establish a small intersessional working group, to be led by the lead country, if one is identified, or to be coordinated by the Secretariat, on the development of the technical guidelines, which shall work in particular by electronic means;
6. *Invites* countries and others to participate in the work of the small intersessional working group on the development of the technical guidelines and to inform the Secretariat of their participation by 30 October 2008;
7. *Requests* the lead country, if one is identified, or the Secretariat, subject to the availability of voluntary funding, in consultation with the small intersessional working group, to prepare a revised version of the technical guidelines, taking into account the comments received, by 30 April 2009 for publication on the Basel Convention website;
8. *Invites* Parties and others to submit comments on the revised draft technical guidelines to the Secretariat by 30 September 2009;
9. *Requests* the lead country, if one is identified, or the Secretariat, subject to the availability of voluntary funding, in consultation with the small intersessional working group, to prepare a revised version of the technical guidelines, taking into account the comments received, by 31 January 2010, for publication on the Basel Convention website and for consideration at the seventh meeting of the Open-ended Working Group;
10. *Invites* Parties and others to submit comments on the revised draft technical guidelines to the Secretariat by 30 April 2010;
11. *Also invites* Parties and others to contribute financially and in kind towards the further development of the technical guidelines;

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15 UNEP/CHW.9/INF/24.

12. *Requests* the Secretariat to report to the Conference of the Parties at its next meeting on progress in developing the draft technical guidelines on the environmentally sound management of mercury wastes.

## IX/16: Persistent organic pollutants

*The Conference of the Parties,*

*Recalling* its decision VIII/16, by which it adopted several guidelines on the environmentally sound management of persistent organic pollutants,<sup>16</sup>

1. *Invites* Parties and others to submit, not later than two months before the tenth meeting of the Conference of the Parties, reports to the Conference of the Parties, through the Secretariat, on their experience in applying the technical guidelines on environmentally sound management of persistent organic pollutants, including on the definition of low persistent organic pollutant content and on levels of destruction and irreversible transformation and any difficulties or obstacles encountered, with a view to improving them as necessary;
2. *Agrees* that the following should be included in the work programme of the Open-ended Working Group for 2009–2011:
  - (a) Consideration of further guidance on other disposal methods when persistent organic pollutant content is less than low persistent organic pollutant content in areas where there may be a high risk for human health and the environment through, among other means, the food chain and the soil;
  - (b) Review and updating of the technical guidelines on persistent organic pollutants, including the definitions of low persistent organic pollutant content and of levels of destruction and irreversible transformation, if appropriate;
  - (c) Consideration of the amendment to entry A4110 in Annex VIII to the Basel Convention relating to polychlorinated dibenzo-furan and polychlorinated dibenzo-dioxin and other relevant entries relating to pesticide persistent organic pollutants and DDT in order to include a concentration level for those persistent organic pollutants;
3. *Invites* Parties and others to submit comments to the Secretariat by 15 December 2008 on the issues referred to in paragraphs 2 (a) and 2 (c) above;
4. *Welcomes* decision SC-3/7 of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants on measures to reduce or eliminate releases of persistent organic pollutants from wastes;
5. *Welcomes* the transmission of annex II to the report of the Expert Group on Best Available Techniques and Best Environmental Practices of the Stockholm Convention on the work of its second meeting to the appropriate bodies of the Basel Convention in response to decision VII/13;<sup>17</sup>
6. *Welcomes* the invitation extended by the Conference of the Parties to the Stockholm Convention, in its decision SC-3/5, to the appropriate bodies of the Basel Convention to consider the waste-related contents of the revised Stockholm Convention guidelines on best available techniques and provisional guidance on best environmental practices;<sup>18</sup>
7. *Invites* the appropriate bodies of the Stockholm Convention, at the time that a further revision of the revised guidelines on best available techniques and provisional guidance on best environmental practices is prepared:
  - (a) To involve experts of the Basel Convention in work related to waste-related matters;
  - (b) To encourage improved national coordination on such waste-related matters;

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16 UNEP/CHW.8/5/Add.1\*, UNEP/CHW.8/5/Add.2\*, UNEP/CHW.8/5/Add.3\*, UNEP/CHW.8/5/Add.4\*, UNEP/CHW.8/5/Add.4/Corr.1 and UNEP/CHW.8/5/Add.5.

17 UNEP/CHW/OEWG/6/INF/26.

18 UNEP/POPS/COP.3/INF/4

(c) To take into account, in relation to waste-related matters, the technical guidelines on persistent organic pollutants adopted by the Conference of the Parties to the Basel Convention at its eighth meeting;<sup>19</sup>

(d) To encourage experts of the Basel Convention to contribute to waste-related guidance produced by the Stockholm Convention;

8. *Decides* to extend the mandate of the small intersessional working group established pursuant to paragraph 9 of decision OEWG-I/4 to continue to monitor and assist in the review and updating, as appropriate, of the technical guidelines on persistent organic pollutants, working in particular by electronic means;

9. *Requests* the small intersessional working group to consider the comments referred to in paragraph 3 above and to report on the results of its work, through the Secretariat, to the Open-ended Working Group and to the Conference of the Parties at its tenth meeting for its consideration.

### **IX/17: Review of other selected technical guidelines pursuant to decision VIII/17, e.g., on incineration on land (D10), specially engineered landfill (D5) and wastes collected from households (Y46)**

*The Conference of the Parties,*

*Recalling* decision VIII/17 of the Conference of the Parties on technical guidelines on environmentally sound management,

1. *Invites* countries in a position to do so to take the lead in the review and updating of technical guidelines or to contribute financially to the process;

2. *Reiterates* the invitation in decision VIII/17 to countries and other stakeholders to provide comments regarding the review and updating of technical guidelines and on their experiences implementing the existing technical guidelines on the environmentally sound management of hazardous wastes by 31 December 2008;

3. *Requests* the Secretariat to prepare a compilation of comments received pursuant to the preceding paragraph and to transmit that compilation to the Conference of the Parties at its tenth meeting for its consideration.

### **IX/18: Review of work on the guidance papers on H10 and H11 pursuant to decision VIII/21**

*The Conference of the Parties,*

*Welcoming* the work of the United States of America on hazard characteristic H11,

1. *Invites* Parties in a position to do so to take the lead in the finalization of work on the guidance papers on H10 and H11 or to contribute financially to the process;

2. *Also invites* Parties and other stakeholders, by 31 January 2009, to provide comments to the Secretariat on the guidance paper on H11 and, in particular, the proposal by the United States of America for a framework for developing de minimis values for hazard characteristic H11;<sup>20</sup>

3. *Requests* the Secretariat to prepare a compilation of comments received pursuant to the invitation in paragraph 2 above and to transmit that compilation to the Open-ended Working Group at its seventh meeting for its consideration;

4. *Also requests* the Secretariat to prepare a revised version of the guidance paper on H11 and to transmit it to the Conference of the Parties at its tenth meeting for its consideration.

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19 UNEP/CHW.8/5/Add.1\*, UNEP/CHW.8/5/Add.2\*, UNEP/CHW.8/5/Add.3\*, UNEP/CHW.8/5/Add.4\*, UNEP/CHW.8/5/Add.4/Corr.1 and UNEP/CHW.8/5/Add.5.

20 UNEP/CHW/OEWG/6/INF/5.

## **IX/19: Review of cooperation with the World Customs Organization and its Harmonized System Committee pursuant to decision VIII/20**

*The Conference of the Parties,*

*Taking note* of the progress of work on separate identification in the Harmonized System of certain wastes in Annexes VIII and IX to the Basel Convention,

1. *Requests* the Secretariat to pursue its cooperation with the World Customs Organization 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 the 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.
3. *Further requests* the Secretariat to compile an analysis of the work it has undertaken on this subject and prepare a report for submission to the Open-ended Working Group at its seventh session for its consideration.

## **IX/20: Harmonization and coordination**

*The Conference of the Parties*

1. *Invites* the Joint Correspondence Group established pursuant to decision OEWG-IV/13 to fulfil its mandate as soon as possible;
2. *Invites*, as a first step to fulfilling its mandate, the nomination by interested Parties and the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals of individuals to assume the chair of the Joint Correspondence Group by 30 November 2008;
3. *Requests* the Secretariat to report on the outcome of the work of the Joint Correspondence Group to the Conference of the Parties at its tenth meeting.

## **IX/21: National classification and control procedures for the import of wastes contained in Annex IX**

*The Conference of the Parties,*

*Recalling* its decisions VI/19, VII/20 and VIII/22 on national classification and control procedures for the import of wastes contained in Annex IX to the Basel Convention,

1. *Encourages* those Parties experiencing difficulties with national classification or control procedures relating to the import of wastes contained in Annex IX that have not provided the Secretariat with information on those difficulties to complete the questionnaire developed for reporting such difficulties and return it to the Secretariat, if possible by 31 December 2008;
2. *Requests* the Secretariat to prepare a compilation of the information received from Parties on their difficulties with national classification or control procedures relating to the import of wastes contained in Annex IX and to post that information on the website of the Basel Convention (<http://www.basel.int>) and update it on a continuous basis;
3. *Also requests* the Secretariat to prepare a consolidated report based on any such information received and to transmit that report to the Conference of the Parties for consideration at its tenth meeting.

## **IX/22: Implementation of decision V/32 on enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Assistance in the Implementation of the Basel Convention**

### *The Conference of the Parties*

1. *Requests* the Open-ended Working Group to review the implementation of decision V/32 and to develop recommendations addressing the expediency of the procedures under the mechanism for emergency assistance adopted therein, the adequacy of resources available for use under the mechanism and cooperation with other international organizations and agencies in responding to emergency situations and to transmit those recommendations to the Conference of the Parties for consideration at its tenth meeting;
2. *Adopts* the standard form set out in the annex to the present decision for requests for emergency assistance from the Trust Fund to Assist Developing Countries and other Countries in Need of Technical Assistance in the Implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Technical Cooperation Trust Fund) by developing and other countries;
3. *Requests* the Secretariat to place the standard form for requests for emergency assistance, in all six official United Nations languages, on the Basel Convention website;
4. *Urges* Parties that are in a position to do so to provide contributions to the Technical Cooperation Trust Fund to support the activities referred to in parts 1 and 3 of the Interim Guidelines for the Implementation of Decision V/32, Enlargement of the scope of the Technical Cooperation Trust Fund.<sup>21</sup>

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21 UNEP/CHW.6/40, annex.



## Annex to decision IX/22

### Standard form for request for emergency assistance from the Technical Cooperation Trust Fund by developing and other countries

Details of the State requesting assistance	
Name of country requesting assistance:	
Name and address of requesting authority including details of the Basel Convention focal point and a contact point for this request: <i>(Please include full name, address, telephone and fax numbers and e-mail address)</i>	
Name and contact points of any other United Nations organizations or other bodies contacted in connection with this incident:	
Technical details of the incident and those involved	
Date and location of the incident: <i>(Please attach a map and/or other means of identifying where the incident occurred, and/or sketch of the incident or other material, e.g., photographs of the pollution or damage caused)</i>	
Information that defines the material involved as waste (e.g., especially where there is no accompanying documentation stating as such with the shipment):	
Specific details on the incident, including: <ul style="list-style-type: none"> <li>(i) a description of how the incident occurred and who was involved;</li> <li>(ii) when it was discovered and by whom;</li> <li>(iii) whether the waste involved was subject to written consent under the Basel Convention notification procedure;</li> <li>(iv) any data from samples taken.</li> </ul>	
Description of hazardous wastes or other wastes involved (name, origin, physical form, major constituents, typical contaminants, volume/quantity, waste code) and how it was packaged and labelled; <sup>22</sup> <i>(Please supply photographs)</i>	
Type and extent of damage that has occurred and is likely to occur (e.g., dilution factors, dispersion problems, rate of spread): <i>(If trajectory models are used please give brief details)</i>	

22 Further to paragraph 7 (b) of article 4 of the Basel Convention.

Names and roles of other States involved in the transboundary movements in question (e.g., state of origin, transit or destination) and the names of relevant competent authorities:  <i>(Please include full names, addresses, telephone and fax numbers and e-mail addresses)</i>	
Names and addresses of persons involved in the transboundary movements in question (e.g., exporter, importer, notifier, carrier, disposer):  <i>(Please include full names, addresses, telephone and fax numbers and e-mail addresses)</i>	
Names and addresses of insurers, <sup>23</sup> if any:  <i>(Please include full name, address, telephone and fax numbers and e-mail address)</i>	

<b>Actions required to be undertaken for which assistance is requested</b>	
Measures taken in response to the incident:	
Requests for assistance from other countries involved in the incident:	
Any legal or other relevant information, for example if there is an ongoing investigation into illegal traffic in respect of the incident that may include gathering or use of this information as evidence:	
Preventive measures that are necessary to mitigate damage:	
Breakdown of costs for the preventive and other measures:	
Type of emergency assistance required, such as financial assistance, materials, equipment, expertise or other resources (please indicate priority and timing if possible):	

Signed: .....

Position (e.g., Director, Minister, etc.): .....

On behalf of (Government name): .....

Date: .....

Please submit this request to:

UNEP-SBC  
15, chemin des Anémones  
1219 Châtelaine (Geneva)  
Switzerland  
Tel: + 41 22 917 82 18  
Fax: + 41 22 797 34 54  
Email: sbc@unep.ch

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23 Further to paragraph 11 of article 6 of the Basel Convention.

## **IX/23: Enforcement: national legislation and other measures adopted by Parties to implement the Basel Convention and to combat illegal traffic**

### *The Conference of the Parties*

1. *Urges* Parties to fulfil their obligations under paragraph 4 of article 4 and paragraph 5 of article 9 of the 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;
2. *Requests* the Secretariat, subject to availability of funding, to organize enforcement training activities, in collaboration with the Basel Convention regional centres, the secretariats of other multilateral environmental agreements and other international organizations, agencies or programmes, to assist Parties, particularly developing countries and countries with economies in transition, to develop national legislation and other measures to implement and enforce the Convention and to prevent and punish illegal traffic;
3. *Encourages* Parties to continue to provide the Secretariat with the texts of national legislation and other measures adopted by them to implement and enforce the Basel Convention;
4. *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;
5. *Requests* the Secretariat to prepare, subject to the receipt of voluntary contributions for this purpose, a draft instruction manual for the legal profession on the prosecution of illegal traffic based upon the draft detailed outline prepared by the Secretariat,<sup>24</sup> as well as any proposals and comments provided in accordance with the present decision, and to submit the draft to the Open-ended Working Group for its consideration and possible approval;
6. *Requests* Parties and others to provide to the Secretariat by 28 February 2009 proposals and comments on the detailed draft outline referred to in paragraph 5 above and information regarding specific experiences and cases relevant to the instruction manual;
7. *Requests* the Open-ended Working Group to consider and approve the draft instruction manual;
8. *Calls upon* Parties and others in a position to do so to make financial or in-kind contributions toward the conduct of enforcement training activities and the preparation of the draft instruction manual for the legal profession on the prosecution of illegal traffic;
9. *Requests* the Secretariat to continue to provide advice and assistance on matters related to implementation and enforcement of the Convention, including on the development of national legislation, to Parties upon request.

## **IX/24: Protocol on liability and compensation**

### *The Conference of the Parties*

1. *Appeals* to Parties to the Convention to expedite the process of ratifying the Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal to facilitate its entry into force at the earliest opportunity;
2. *Calls upon* Parties to continue to consult at the national and regional levels with a view to determining possible means of overcoming perceived obstacles to ratification of the Protocol, including in respect of the requirement for insurance, bonds or other financial guarantees under article 14 of the Protocol.

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24 UNEP/CHW/OEWG/6/12, annex.

## IX/25: Addressing the interpretation of paragraph 5 of article 17 of the Basel Convention

*The Conference of the Parties,*

*Recalling* decision VIII/30 addressing the interpretation of paragraph 5 of article 17 of the Basel Convention,

*Requests* the Open-ended Working Group to continue at its seventh session the development of a draft decision to reach an agreed interpretation of paragraph 5 of Article 17 of the Basel Convention in accordance with international law, taking into account the work of the Conference of the Parties on the matter at its ninth meeting and the non-exhaustive list of possible elements for a draft decision set out in the annex to the present decision.

### Annex to decision IX/25

#### **Non-exhaustive list of possible elements for a draft decision to reach an agreed interpretation of paragraph 5 of Article 17 of the Basel Convention for consideration by the Open-ended Working Group at its seventh meeting**

*[The Conference of the Parties,*

1. <sup>25</sup> [*Desiring* to clarify the requirements for the entry into force of amendments to the Convention in paragraph 5 of article 17 of the Basel Convention to facilitate their entry into force;]
2. <sup>26</sup> [*Agrees*] [*affirms*] that matters of substance relating to interpretation of treaties should be resolved in accordance with established practices of international law, including article 31 of the Vienna Convention on the Law of Treaties;]
3. <sup>27</sup> [*Agrees* that paragraph 5 of article 17 of the Basel Convention [may] present[s] some ambiguities as to the requirements for entry into force of amendments to the Convention [to some Parties];]
4. <sup>28</sup> \*\* [*Emphasizes* that the Parties to the Convention have the ultimate power to agree on the interpretation [and application] of the Convention;]
5. <sup>29</sup> \*\* [*Agrees* that any decision adopted by a Conference of the Parties would need to be adopted

**Alternative 1:** [in accordance with rule 40 of the rules of procedure of the Basel Convention

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25 *Desiring* to clarify the requirements for the entry into force of amendments to the Convention in paragraph 5 of article 17 of the Basel Convention [to facilitate their entry into force];

26 *Affirms* that matters relating to interpretation of treaties should be resolved in accordance with general principles of international law, including article 31 of the Vienna Convention on the Law of Treaties;

27 [*Agrees* that paragraph 5 of article 17 of the Basel Convention [may] present[s] some ambiguities as to the requirements for entry into force of amendments to the Convention [to some Parties];]

28 *Emphasizes* that the Parties to the Convention have the ultimate power to agree on the interpretation of the Convention or the application of paragraph 5 of Article 17 of the Convention in accordance with article 31 of the Vienna Convention on the Law of Treaties;

29 [*Agrees* that any decision adopted by a Conference of the Parties pursuant to paragraph 4 of this decision [in respect to article 17, paragraph 5,] would need to be adopted by consensus [if in the event it constitutes][if only it constitutes] a subsequent agreement in the sense used in article 31, paragraph 3(a), of the Vienna Convention on the Law of Treaties.];

[*Recognises* that according to the advice given by the Secretary General of the United Nations, as the Depositary to the Convention, any decision, if it is a subsequent agreement in the sense used in article 31 paragraph 3(a) of the Vienna Convention on the Law of Treaties, adopted by consensus by the Conference of the Parties pursuant to paragraph 4 in this decision would be definitive, binding and authoritative.];

[*Recognises* that according to the advice given by the Secretary General of the United Nations, as the Depositary to the Convention, any decision pursuant to paragraph 4 above, would be a subsequent agreement in the sense used in article 31 paragraph 3(a) of the Vienna Convention on the Law of Treaties, and the same adopted by consensus by the Conference of the Parties would be definitive, binding and authoritative]

**Alternative 2:** [by consensus ]

**Alternative 3:** [without opposition ]

in order to validly serve as an aid to the interpretation of paragraph 5 of article 17 of the Basel Convention;]

6. [Option 1: *Resolves* that the conditions for the entry into force of an amendment to the Convention, as set out in paragraph 5 of article 17 of the Basel Convention, shall be deemed to have been satisfied upon the ninetieth day after the receipt by the Depositary of the instruments of ratification, approval, formal confirmation or acceptance from:

**Alternative 1:** [at least three-fourths of the current Parties to the Convention]

**Alternative 2:** [at least three-fourths of the States and political and/or economic integration organizations that were party to the Convention on the date upon which the amendment was adopted]

**Alternative 3:** [a number of Parties equivalent to at least three-fourths of the number of States and political and/or economic integration organizations that were party to the Convention on the date upon which the amendment was adopted]]

7. [Option 2: *Agrees* that in the application of paragraph 5 of article 17 of the Basel Convention, three fourth of the Parties shall be calculated on the basis of those States and political and/or economic integration organizations that were party to the Convention on the date upon which the amendments was adopted;]

8. [Option 3: *Agrees* that in the application of paragraph 5 of article 17 of the Basel Convention, three fourths of the Parties shall be calculated on the basis of the number of Parties at the time of deposit of each instrument of ratification, approval, formal confirmation or acceptance of amendments;]

9. <sup>30</sup> \*\* [*Determines* that the present decision shall constitute a subsequent agreement in the sense used in article 31, paragraph 3 (a), of the Vienna Convention on the Law of Treaties;]

10. [*Resolves* that this subsequent agreement shall enter into force ... [*Parties may wish to consider how and when such a subsequent agreement might enter into force*]]]

## **IX/26: President's statement on the possible way forward on the Ban Amendment**

*The Conference of the Parties,*

*Acknowledging* the "President's statement on the possible way forward on the Ban Amendment" set out in the annex to the present decision,

*Invites* Parties to take into consideration, wherever possible, the proposed way forward set out in the President's statement.

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The Parties may wish to consider these alternatives and their definitions further, in the light of the previous discussions and work on this issue, as reflected in the annex.

\*\* The Parties may wish to note that the proposed alternatives contained in the footnotes of paragraphs 4 and 5 are interrelated, with paragraph 9 being deleted due to its proposed integration into paragraph 5.

30 [to delete]

### President's statement on the possible way forward on the Ban Amendment

1. Thirteen years ago, the Conference of the Parties adopted an amendment to the Convention which was devised to prohibit the transboundary movement of hazardous wastes from the so-called Annex VII countries, namely, "members of OECD, EC, Liechtenstein", to other countries. This prohibition was to apply to shipments of hazardous waste for resource recovery and recycling, as well as for final disposal.
2. At the time of adoption, it was perceived that "transboundary movements of hazardous waste, especially to developing countries, have a high risk of not constituting environmentally sound management of hazardous wastes as required" under the Basel Convention and, thus, that an export prohibition would protect such countries. Furthermore, in 1998, the fourth meeting of the Conference of the Parties took decision IV/8 that the content of Annex VII would not be re-opened until the Ban Amendment had entered into force.
3. The President strongly believes that it is important to have in place a mechanism which will safeguard vulnerable countries and ensure environmentally sound management, taking into account recent global trends, including developments in technologies for resource recovery and recycling.
4. The President notes that there is no consensus among Parties as to the interpretation of the provision regulating the number of ratifications required for entry into force of an amendment under the Convention. The President commends the considerable efforts that have been made, and that continue to be made, by Parties to consider the interpretation of the amendment procedure under the Convention.
5. Given the length of time that has elapsed since the adoption of the Ban Amendment and that some time may still be needed to address the interpretation of the amendments procedure, the President seeks to launch a process, on the august occasion of the ninth meeting of the Conference of the Parties, which will reaffirm the objectives of the Ban Amendment and explore means by which these objectives might be achieved. The President stresses that this initiative should serve to complement, and most certainly should be without prejudice to, the continuing efforts by Parties to ensure the entry into force of the Ban Amendment.
6. To this end, the President calls upon all Parties to the Convention to expedite ratification of the Ban Amendment, so as to facilitate its entry into force, which will allow the achievement of the objectives of the Amendment, namely to protect those vulnerable countries without adequate capacity to manage hazardous wastes in an environmentally sound manner, and to ensure the environmentally sound management of hazardous wastes.
7. The President further calls upon all Parties to create enabling conditions, through, among other measures, country-led initiatives conducive to attainment of the objectives of the Amendment. Examples of such initiatives might include activities to address national enforcement capacity to monitor, detect and control illegal traffic, through such means as establishing criteria for clear characterization of such wastes; in case of doubt as to the hazardousness of certain materials, provisions requiring the application of the prior informed consent procedure and the use of precise custom codes; efforts to address their capacity to monitor and trace shipments of hazardous wastes; and the transposition of the objectives of the Ban Amendment into national legislation. Such country-led initiatives will serve to contribute to gathering momentum to encourage ratification of the Amendment and to expedite its entry into force.
8. The President stresses, however, that in order for the objectives of the Ban Amendment to be achieved worldwide, capacity-building activities and global partnerships are vital.
9. The President invites all Parties to join this initiative, which seeks to launch a process by which Parties are encouraged to work together to bring the Convention closer to achieving the objectives of the Amendment. The President thus invites Parties to exchange experiences and best practices on steps taken to achieve the objectives of the Ban Amendment, and in particular encourages Parties to share information on such progress on the occasion of the next meeting of the Conference of the Parties.

## **IX/27: National definitions of hazardous wastes**

### *The Conference of the Parties*

1. *Requests* Parties that 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 Parties' 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 tenth meeting on the implementation of the present decision.

## **IX/28: Article 11 agreements and arrangements**

### *The Conference of the Parties*

1. *Calls upon* Parties to continue to notify the Secretariat of bilateral, multilateral or regional agreements or arrangements that 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 continue 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

## **IX/29: Designation of competent authorities and focal points**

### *The Conference of the Parties,*

#### *Recalling decision VIII/29 on competent authorities and focal points,*

1. *Calls on Parties* to designate competent authorities and focal points for the Convention, if they have not done so, and to submit formal designations to the Secretariat by fax or post using the form set out in the annex to the present decision, including any modifications or additions as they occur;
2. *Urges* Parties to provide the Secretariat with up-to-date contact details of competent authorities and focal points to ensure the efficient transmission of information;
3. *Requests* Parties that have designated multiple competent authorities to make sufficient information available regarding the functions and geographical area covered by each of them;
4. *Invites* non-Parties and interested organizations to identify contact persons for the Convention, if they have not done so, and to submit the relevant information to the Secretariat, including any modifications or additions as they occur;
5. *Requests* the Secretariat to continue to maintain the list of competent authorities and focal points and to post it on the Convention website to facilitate communications concerning matters related to the Convention.

**Annex to decision IX/29**

**Designation of Competent Authority<sup>31</sup> and Focal Point<sup>32</sup> in accordance with Article 5 of the Basel Convention**

The present form is intended to assist Parties in notifying the Secretariat of new designations of Competent Authorities or Focal Points. Parties may, however, continue to transmit such designations by fax or letter, if they wish to do so.

**Please send this form duly completed to the Executive Secretary of the Secretariat of the Basel Convention by fax (+41-22-797 34 54). Kindly note that self-nominations will not be considered.**

The form must be completed by an entity duly authorized by your Government to communicate such information to the Secretariat, and the information transmitted shall be included in the official records of the Secretariat as the officially designated Competent Authorities and/or Focal Points for the purposes of Article 5 of the Convention.

**Country name:**

<p><b>Nomination transmitted by:</b></p> <p>First and last name:</p> <p>Function:</p> <p>Government of:</p> <p>Signature and official seal:</p> <p>Telephone number:</p> <p>Fax number:</p> <p>E-Mail address:</p> <p>Date:</p>
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**Attached is the contact information, transmitted pursuant to Article 5 of the Basel Convention, of the newly designated**

**Competent Authority(ies)  
Focal Point**

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31 “Competent authority” means one governmental authority designated by a Party to be responsible, within such geographical areas as the Party may think fit, for receiving the notification of a transboundary movement of hazardous wastes or other wastes, and any information related to it, and for responding to such a notification, as provided in Article 6.

32 “Focal point” means the entity of a Party referred to in Article 5 responsible for receiving and submitting information as provided for in Articles 13 and 16.



**COMPETENT AUTHORITY\***

Functional title: \_\_\_\_\_  
Department: \_\_\_\_\_  
Organization: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
Country: \_\_\_\_\_  
Telephone number: \_\_\_\_\_  
Fax number: \_\_\_\_\_  
E-Mail address: \_\_\_\_\_  
Contact person: \_\_\_\_\_  
Other information: \_\_\_\_\_

\* In the case of multiple competent authorities, please include list in an attachment.

**FOCAL POINT**

Functional title: \_\_\_\_\_  
Department: \_\_\_\_\_  
Organization: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
Country: \_\_\_\_\_  
Telephone number: \_\_\_\_\_  
Fax number: \_\_\_\_\_  
E-Mail address: \_\_\_\_\_  
Contact person: \_\_\_\_\_  
Other information: \_\_\_\_\_

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**The Secretariat will acknowledge receipt of the information transmitted, and will make it publicly available on the website of the Basel Convention (<http://www.basel.int>).**

## IX/30: Dismantling of ships

*The Conference of the Parties,*

*Recalling* its decision VIII/11 on environmentally sound ship dismantling,

*Recalling also* its invitation at its eighth meeting to the International Maritime Organization to ensure that the international convention on safe and environmentally sound recycling of ships to be adopted by it establishes an equivalent level of control as that established under the Basel Convention, noting that the duplication of regulatory instruments that have the same objective should be avoided,

*Further recalling* the principles of the Basel Convention, in particular to minimize the generation and transboundary movement of hazardous wastes, to ensure the environmentally sound management of such wastes and to prevent the export of hazardous wastes to countries without their prior informed consent,

*Recalling also* the encouragement to the International Maritime Organization to promote the substitution of harmful materials in the construction and maintenance of ships by less harmful or, preferably, harmless materials, without compromising the ships' safety and operational efficiency,

*Further recalling* the encouragement to Parties to coordinate at the national level between their International Maritime Organization and Basel Convention representatives and to participate actively in the consideration of the draft ship recycling convention,

*Acknowledging* work carried out to develop programmes for sustainable ship recycling in collaboration with the International Maritime Organization and the International Labour Organization,

### **I. Draft international convention on the safe and environmentally sound recycling of ships**

1. *Welcomes* the progress made in the development of an international convention on the safe and environmentally sound recycling of ships ("the ship recycling convention") by the International Maritime Organization;

2. *Invites* the International Maritime Organization to continue to have due regard to the role, competence and expertise of the Basel Convention in matters related to ship dismantling and in particular with regard to the environmentally sound management and disposal of hazardous and other wastes;

3. *Also invites* the International Maritime Organization to continue to incorporate clear responsibilities of all stakeholders in ship recycling, including ship owners, ship recycling facilities, flag States and ship recycling States, with a view to achieving the safe and environmentally sound management of ship recycling, also taking into account the current capacity and the common but differentiated responsibilities and sovereign rights of the Parties;

4. *Requests* the Open-ended Working Group:

(a) To carry out a preliminary assessment on whether the ship recycling convention, as adopted, establishes an equivalent level of control and enforcement as that established under the Basel Convention, in their entirety, after having developed the criteria necessary for such assessment, and, in doing so, to take into account:

(i) The special characteristics of ships and international shipping;

(ii) The principles of the Basel Convention and the relevant decisions of the Conference of the Parties;

(iii) The comments submitted by Parties and other relevant stakeholders, as appropriate;

(b) To transmit the results of the assessment to the Conference of the Parties at its tenth meeting for consideration and action, as appropriate;

5. *Invites* Parties to that end, to provide comments on appropriate criteria to be used to the Secretariat, by 31 January 2009;

6. *Requests* the Secretariat to continue to follow the development of the ship recycling convention and to report thereon to the Open-ended Working Group at its seventh session and to the Conference of the Parties at its tenth meeting;

7. *Also requests* the Secretariat to transmit this decision for submission to the International Maritime Organization for consideration by the Marine Environment Protection Committee at its fifty-eighth session;

## II. International cooperation and technical assistance activities on the environmentally sound management of ship dismantling

8. *Invites* Parties and others to continue to transmit to the Secretariat relevant information that may assist stakeholders in developing measures to address, in the short and medium term, the potentially harmful consequences of ship dismantling on human health and the environment and requests the Secretariat to continue to make any such information received available on the Basel Convention website;

9. *Underlines* the importance of continued inter-agency cooperation between the International Labour Organization, the International Maritime Organization and the Basel Convention on issues related to ship dismantling, as appropriate;

10. *Welcomes* the development of implementation programmes relating to sustainable ship recycling and requests the Secretariat, subject to the availability of funding, to continue its work and to develop further the programmes for sustainable ship recycling in conjunction with other bodies, in particular the International Maritime Organization and the International Labour Organization, and to report thereon to the Open-ended Working Group at its seventh session for its consideration and for the Open-ended Working Group to report thereon to the Conference of the Parties at its tenth meeting;

11. *Calls upon* all Parties and other stakeholders in a position to do so to make financial or in-kind contributions to the implementation of activities under the relevant programmes;

12. *Requests* the Secretariat to report to the Open-ended Working Group and the Conference of the Parties on the outcome of the third session of the Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention on Ship Scrapping.

## IX/31: Programme budget for the period 2009–2011

*The Conference of the Parties,*

*Recalling* its decision VIII/33 and decision OEWG-VI/25 of the Open-ended Working Group on financial matters,

*Taking note* of the report on the 2007 income and expenditures of the Trust Fund for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention Trust Fund) and the Trust Fund to Assist Developing Countries and other Countries in Need of Technical Assistance in the Implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Technical Cooperation Trust Fund) and on projected 2008 expenditures of the Basel Convention Trust Fund,<sup>33</sup>

1. *Decides*, notwithstanding paragraphs 3 and 23 of appendix I of decision VI/41 setting a biennial financial period for the Basel Convention, to adopt, as an extraordinary one-time measure, a three-year budget cycle for the period 2009–2011 in order to facilitate synchronization of the budget cycle of the Basel Convention with the budget cycles of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants in accordance with the recommendation on coordination and cooperation adopted in decision IX/11 and in the light of decision IX/34 on the date and venue of the tenth meeting of the Conference of the Parties;

2. *Approves* the programme activities set out in table 1 of the present decision and the programme budget for the Basel Convention Trust Fund in the amount of \$4,169,474 for 2009, \$4,399,203 for 2010 and \$4,680,112 for 2011 for the purposes set out in table 2 of the present decision;

3. *Approves* the staffing of the Convention Secretariat for the period 2009–2011 as set out in table 3 of the present decision;

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33 UNEP/CHW.9/INF/31/Rev.1.

4. *Decides* that the total amount of the contributions to be paid by the Parties is \$4,188,999 for 2009, \$4,399,203 for 2010 and \$4,680,112 for 2011, apportioned as set out in table 4 of the present decision;
5. *Authorizes* the Executive Secretary to enter into commitments up to the level of the approved budget, drawing on available cash resources, including unspent balances, contributions from previous financial periods and miscellaneous income;
6. *Requests* the Executive Secretary to maintain the level of the working capital reserve at 15 per cent of the average annual operational budgets for 2009–2011;
7. *Decides* that the Executive Secretary may make transfers of up to 20 per cent from one main appropriation line of the approved budget to other main appropriation lines except that expenditure on the Open-ended Working Group and related meetings shall not be increased;
8. *Expresses* its deep concern over delays in payment of agreed contributions by Parties contrary to the provisions set out in paragraph 8 of the terms of reference for the administration of the Basel Convention Trust Fund;
9. *Urges* all Parties to pay their contributions promptly and in full and further urges Parties that have not done so to pay their contributions for prior years as soon as possible and in this context welcomes the monthly publication by the Secretariat on the Convention website of all contributions received;
10. *Invites* the President of the Conference of the Parties and the Executive Director of the United Nations Environment Programme to write to Parties whose contributions are overdue, impressing on them the importance of paying their arrears for 2007 and previous years;
11. *Authorizes* the Executive Secretary to agree with any Party whose contributions are in arrears for two or more years to implement a schedule of payments to permit such Party to clear all outstanding arrears, within six years depending on the financial circumstances of the Party, and to pay its future contributions by their due dates, and requests the Executive Secretary to report on the implementation of any such agreement to the Expanded Bureau and to the Conference of the Parties at their next meetings;
12. *Decides*, with regard to contributions due from 1 January 2001 onwards:
  - (a) That any Party whose contributions are in arrears for two or more years shall not be eligible to become a member of any bureau of the Conference of the Parties or its subsidiary bodies;
  - (b) That any Party whose contributions are in arrears for four or more years shall not be entitled to vote at any meeting of the Conference of the Parties unless the Conference decides otherwise;
  - (c) That subparagraphs (a) and (b) above shall not apply to Parties that are least developed countries or small island developing countries or to Parties that have agreed on and are respecting a schedule of payments implemented in accordance with paragraph 11 above;
13. *Requests* the Executive Secretary to continue to report to the Open-ended Working Group and to the Expanded Bureau, in a timely and transparent manner, on all sources of income received, including the reserve and fund balances and interest, together with actual, provisional and projected expenditures and commitments, and requests the Executive Secretary to report on all expenditures against agreed budget lines;
14. *Requests* the Executive Secretary to prepare for consideration by the Open-ended Working Group at its seventh meeting, if appropriate, a proposal for using any increase in the reserves and fund balance of the Basel Convention Trust Fund which may arise due to payments by 1 October 2008 of arrears of contributions for the period up to 1 January 2008 to increase the operational budget for 2011;
15. *Takes note* of the programme budget for the Technical Cooperation Trust Fund in the amount of \$4,379,000 for 2009, \$4,525,000 for 2010 and \$1,390,000 for 2011 as set out in table 5 of the present decision and mandates the Open-ended Working Group at its seventh meeting to finalize the programme activities for 2011 in lines 1 to 58 of table 1 and, if appropriate, take note of any changes in the funding required from the Technical Cooperation Trust Fund,
16. *Requests* the Executive Secretary to present at the next meeting of the Conference of the Parties a report on the challenges, constraints and obstacles that led to the Basel Convention's current financial situation, with a view to avoiding a recurrence of a similar situation in the future;

17. *Invites* Parties, non-Parties and others to increase in a stable and predictable manner their voluntary contributions to the Technical Cooperation Trust Fund and to the Basel Convention Trust Fund;
18. *Invites* Parties, non-Parties and other stakeholders to contribute financially and with other means to the implementation of the activities prepared for the focus areas of the Strategic Plan for the Implementation of the Basel Convention and related projects and encourages Parties and non-Parties to submit such projects for consideration by appropriate funding agencies;
19. *Reiterates* that partnerships should remain self-sustainable dependant upon voluntary contributions and should serve as an additional means of assisting parties to implement the Basel Convention;
20. *Requests* Parties to notify the Secretariat of the Basel Convention of all contributions made to the Basel Convention Trust Fund and the Technical Cooperation Trust Fund at the time that such payments are made;
21. *Decides* that the Basel Convention Trust Fund and the Technical Cooperation Trust Fund shall be continued until 31 December 2013 and requests the Executive Director of the United Nations Environment Programme to extend them for the period 2011–2013, subject to the approval of the Governing Council of the United Nations Environment Programme;
22. *Requests* the Executive Secretary to continue her dialogue with the Executive Director of the United Nations Environment Programme regarding the support given to the Secretariat in exchange for the 13 percent programme support payments made by the Convention to the United Nations Environment Programme and to report to the Conference of the Parties at its tenth meeting on the outcome of such dialogue;
23. *Requests* the Executive Secretary to prepare a budget for the biennium 2012–2013 for consideration by the Conference of the Parties at its tenth meeting and to explain the key principles and assumptions on which the budget is based;
24. *Notes* the need to facilitate priority-setting by providing Parties with timely information on the financial consequences of various options and to that end requests the Executive Secretary to include in the proposed programme budget for the biennium 2012–2013 two alternatives based on:
- (a) The Executive Secretary's assessment of the required rate of growth of the programme budget;
  - (b) Maintaining the average annual operational budget at the 2009–2011 level in real terms;
25. *Welcomes* the indicators provided in the current work programme and recognizes that measurable indicators of achievement and performance are needed to enable the assessment of the implementation of the work programme and to facilitate the preparation of the programme budget for the biennium 2012–2013 and accordingly requests the Secretariat to propose measurable indicators of achievement and performance for consideration by the Open-ended Working Group at its seventh meeting and to report on those indicators in the proposed budget for the biennium 2012–2013;
26. *Requests* the Executive Secretary, drawing on, inter alia, the recommendations of the United Nations Joint Inspection Unit<sup>34</sup>, the experience of the United Nations Convention to Combat Desertification, the work done by the Secretariat of the Rotterdam Convention in response to decision RC-3/7 and paragraph 23 of RC-1/17 of that Convention's Governing Council, to assess the advantages and disadvantages of using the host country currency or the United States dollar as the currency of the accounts and budget of the Convention and to report on the outcome of its efforts to the Conference of the Parties at its tenth meeting, making such proposals as may be appropriate;
27. *Requests* the Executive Secretary, in accordance with paragraph 22 of appendix I of decision VI/41, to arrange for the conduct on a regular basis of audits by the United Nations Office of Internal Oversight Services, to request, when appropriate, reports from the United Nations Board of Auditors and to submit any such reports to the Conference of the Parties, together with the Secretariat's responses.

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34 A/45/130.

**Table 1**

**Programme budget for 2009–2011**

**Conferences and meetings**

**Mandate:**

The Secretariat's functions are mandated by article 16 of the Convention, the rules of procedure and decisions of the Conference of the Parties.

**Objectives:**

To provide appropriate facilities and logistics to ensure the effective conduct of meetings.

**Indicators of achievement:**

1. Adequate meeting facilities and services are secured.
2. Working documents are made available to Parties in all working languages within deadlines.
3. Efficient technical and substantive support are provided at meetings.
4. Adequate participation in meetings by representatives from developing countries and countries with economies in transition is ensured (subject to the availability of funding).

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009			2010			2011		
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund
1	<b>Organize and support the tenth meeting of the Conference of the Parties:</b> conclusion of host country agreement; liaison with and organization of travel of sponsored delegates; preparation, translation and publication of all related documents; support for the Chair before and during the meeting; registration of participants; all logistical support including interpretation and security; support to the Conference and its working groups during and between meetings. Duration: 5 days	A successfully organized meeting of the Conference of the Parties; Documentation for the meeting in the six official United Nations languages.	Internal (funds for salaries/travel of conference staff, translation, logistics, temporary assistance (\$705,000) and participation of sponsored delegates at COP10 (\$1,020,000)	-	-	-	175 000	175 000	-	1 520 000	500 000	1 020 000

Activity number	Activities	Expected outputs	Method of implementation Internal/external	2009			2010			2011		
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund
2	Organize and support the seventh session of the Open-ended Working Group including the meeting called for in paragraph 13 of decision IX/4; arrangement of the venue; organization of travel of sponsored delegates; preparation, translation and publication of all related documents, support for the Co-Chairs before and during the meeting; registration of participants; all logistical support including interpretation and security; support to the Open-ended Working group and its working groups during and between meetings. Duration: 5 days.	Successfully organized sessions of the Open-ended Working Group; Documentation for the meeting in the six official United Nations languages.	Internal (funds for salaries/travel of conference staff, translation, logistics, temporary assistance (\$560,000) and participation of sponsored delegates (\$501,000).	300 000	300 000	-	746 000	230 000	516 000	-	-	-
3	Organize the logistics and documentation for meetings of the Expanded Bureau; arrangement of the venue; arrangement of Bureau member travel, preparation and publication of all related documents.	Successfully organized meetings of the Expanded Bureau; Documentation for meetings in English only.	Internal (funds for logistics and travel of the members of the Expanded Bureau).	32 000	32 000	-	-	-	-	32 000	-	32 000
4	Organize the logistics and documentation for meetings of the Compliance Committee; arrangement of the venue; arrangement of Committee member travel; preparation and publication of all related documents; support for the intersessional activities of the Committee.	Successfully organized meetings of the Compliance Committee; Documentation for meetings in English only.	Internal (funds for logistics and travel of the members of the Compliance Committee (\$30,000); and implementation of the work programme, two 3-month consultancies at P-5 level for each year).	64 000	-	64 000	92 000	28 000	64 000	28 000	-	28 000
5	Organize special events in celebration of the twentieth anniversary of the adoption of the Basel Convention.	Celebration of the twentieth anniversary of the adoption of the Basel Convention.	Internal (funds required for production of film, exhibition materials, logistical support etc).	120 000	-	120 000	-	-	-	-	-	-

**Subtotal**      516 000      332 000      184 000      1 013 000      433 000      580 000      1 580 000      560 000      1 020 000

### **Programme and cross cutting-support**

#### **Legal support**

##### **Mandate:**

1. Article 16 of the Convention.
2. Decisions VIII/9, VIII/15, VIII/24, VIII/25, VIII/26, VIII/27, VIII/28, VIII/30, VII/29 and VII/9, recommendations of the Open-ended Working Group, the Expanded Bureau and the Compliance Committee and requests from Parties.

##### **Objectives:**

1. To facilitate the operation of the Basel Convention, the operation of the organs of the Convention and the operation of the Secretariat in a manner consistent with the provisions of the Convention and public international law.
2. To assist Parties to implement the Basel Convention at the national level.
3. To enhance compliance with and implementation of the Convention.

##### **Indicators of achievement:**

1. New tools to assist Parties and others to address legal aspects of Convention implementation (including on regulatory and enforcement matters) are developed, subject to availability of resources, and are approved by the Conference of the Parties at its tenth meeting or by the Open-ended Working Group if necessary, for dissemination in the working languages of the Convention.
2. The proportion of Parties that have developed and adopted national implementing legislation, subsidiary legislation and mechanisms for promoting compliance and enforcement increases over the biennium 2009-2010 (as reflected by an increase in the legislation available on the website).



Activity number	Activities	Expected outputs	Method of implementation internal/external	2009			2010			2011		
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund
6	Collect and disseminate legislative texts and other legal materials on the Basel Convention website.	Legal information provided on website, which will assist Parties in the development of their national implementing legislation; more countries have drafted and enacted legislation; advice on draft legislation is provided to Parties on request.	Internal	-	-	-	-	-	-	-	-	-
7a	Provide general and legal policy advice; respond to Parties' queries relating to the implementation of and compliance with the Convention; facilitate the resolution by the Parties of issues of interpretation of the Convention and assist Parties in implementation and review of the emergency mechanism under decision V/32.	Advice provided on general legal or policy questions.	Internal	-	-	-	-	-	-	-	-	-
7b	Assist Parties in clarifying the scope of application of the Basel Convention in relation to ship dismantling, in collaboration with the International Maritime Organization (IMO) and the International Labour Organization (ILO).	OEWG presents recommendations to COP 10 on whether the IMO Convention establishes a level of control equivalent to that of the Basel Convention and whether COP should address extent to which there is a need for enhanced applications of the Convention to ship dismantling.	Internal (funds for staff travel)	5 000	5 000	-	5 000	5 000	-	5 000	-	-
8	Assist Parties to enforce the Convention and to combat illegal traffic.	Assistance is provided at the request of Parties to address alleged cases of illegal traffic and differences between Parties are resolved; in collaboration with other MEAs and organizations (e.g., Stockholm and Rotterdam conventions, the World Customs Organization (WCO), Interpol, UNEP Division of Environmental Law and Conventions (DELC), other UNEP divisions) and through Green Customs initiative, tools and training activities are developed.	Internal (funds for consultancy and staff travel)	87 000	-	87 000	87 000	-	87 000	-	-	-
Subtotal				92 000	5 000	87 000	92 000	5 000	87 000	5 000	-	-

**Scientific and technical support**

**Mandate:**

Relevant COP decisions including decisions VIII/1, VIII/2, VIII/3, VIII/4, VIII/5, VIII/6, VIII/7, VIII/8, VIII/9, VIII/10, VIII/11, VIII/12, VIII/15, VIII/16, VIII/17, VIII/19, VIII/20, VIII/21, VIII/22, VIII/24 and VIII/33.

**Objective:**

To ensure that Parties to the Basel Convention receive capacity-building and technical and scientific information and guidance when required to allow them to deal with existing and emerging hazardous and other waste issues.

**Indicators of achievement:**

1. Parties' compliance with the provisions of the Convention is strengthened.
2. Awareness and ability of Parties to respond to existing and emerging issues are increased.
3. Technical assistance and advice are promptly provided to Parties and other stakeholders.
4. Capacity of Parties to implement the Convention is enhanced through technical guidelines, manuals and other tools.

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009			2010			2011	
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund
9	Facilitate and oversee the development of technical guidelines, manuals, tools and case studies on technical aspects of the environmentally sound management of hazardous and other wastes, as reflected in the work programme of OEWC.	Technical guidelines, tools and manuals on the environmentally sound management of hazardous and other wastes developed and disseminated.	Internal (funds for consultancy and staff travel)	75 000	75 000	-	75 000	75 000	-	75 000	-
10	Provide guidance and technical support to Parties on the technical aspects of the Convention, including technologies, illegal traffic, environmental impacts of wastes and emerging issues.	Scientific and technical advice provided.	Internal (funds for staff travel)	15 000	15 000	-	15 000	15 000	-	15 000	-
<b>Subtotal</b>				<b>90 000</b>	<b>90 000</b>	<b>-</b>	<b>90 000</b>	<b>90 000</b>	<b>-</b>	<b>90 000</b>	<b>-</b>

**Partnerships**

**Mandate:**

Decision VIII/5 and annex and decision VIII.6.

**Objectives:**

1. To establish effective partnerships that address in innovative ways emerging issues for the environmentally sound management (ESM) of waste or other stated priorities of the Conference of the Parties.

2. To establish partnerships that provide meaningful engagement of stakeholders in a forum aimed at enhancing and facilitating the sharing of experiences on emerging issues and priorities of Parties.

**Indicators of achievement:**

1. Parties' ability to use the partnership mechanism to help carry out the programme of work and to address special issues is improved.
2. Partnership-related information and products are widely distributed.
3. The number of regional and other related activities developed and funded through the partnership mechanism increases.
4. Stakeholder participation in partnership activities, including by developing countries and countries with economies in transition, increases.

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009			2010			2011		
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund
11	Facilitate the establishment and operation of a new partnership and working group on ESM of used and end-of-life computing equipment.	Partnership and working group established; guidelines developed and other outputs widely disseminated.	Internal (funds for consultancy)	35 000	35 000	-	40 000	40 000	-	40 000	40 000	-
12	Serve as secretariat to the Mobile Phone Working Group and facilitate the functioning of and activities under the Mobile Phone Partnership initiative.	Support to the Working Group provided; pilot projects implemented and products disseminated.	Internal	-	-	-	-	-	-	-	-	-
<b>Subtotal</b>				<b>35 000</b>	<b>35 000</b>	<b>-</b>	<b>40 000</b>	<b>40 000</b>	<b>-</b>	<b>40 000</b>	<b>40 000</b>	<b>-</b>

**Resource mobilization**

**Mandate:**

1. Decision VIII/34.

**Objectives:**

1. To ensure the provision of sufficient resources in the Technical Cooperation Trust Fund of the Basel Convention to support the priority focus areas of the Strategic Plan for the Implementation of the Basel Convention.
2. To assist Parties and BCRCs to increase resources needed to implement the Convention.

**Indicators of achievement:**

1. Financial resources are sufficient to carry out the programme of work approved by the Conference of the Parties at its ninth meeting.
2. The capacity of Parties and BCRCs to mobilize needed financial resources is improved.

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009			2010			2011		
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund
15	Facilitate fundraising for activities that are not funded from the Basel Convention Trust Fund (BC); provide training and develop tools and strategies on resource mobilization.	Increase in ratio of secured funding in relation to projects presented to donors; increase in ratio of sustainable funding sources in relation to ad hoc funding; four train-the-trainers' courses on resource mobilization	Internal (funds for staff travel, training courses)	170 000	30 000	140 000	170 000	30 000	140 000	170 000	30 000	140 000
18	Finalize and distribute a framework for analysing the costs and benefits of implementing the Convention.	Framework guide to assist Parties to illustrate the benefits of implementing the Convention produced and disseminated	Internal (funds for consultancy)	5 000	5 000	-	-	-	-	-	-	-
<b>Subtotal</b>				<b>175 000</b>	<b>35 000</b>	<b>140 000</b>	<b>170 000</b>	<b>30 000</b>	<b>140 000</b>	<b>170 000</b>	<b>30 000</b>	<b>140 000</b>

**Support to Basel Convention regional and coordinating centres**

**Mandate:**

1. Article 14 of the Convention.
2. Decisions VI/1, VII/2, VII/3, VII/4, VIII/1, VIII/2, VIII/8, VIII/9, VIII/4 and VIII/33.
3. Draft decision presented at the ninth meeting of the Conference of the Parties.

**Objectives:**

1. To enhance the capacity of the Basel Convention regional and coordinating centres (BCRCs) to provide necessary assistance to Parties for the effective implementation of the Basel Convention and its Strategic Plan at the regional and national levels.
2. To strengthen the ability of Parties to manage hazardous wastes and other wastes in an environmentally sound manner in order to protect human health and the environment.

**Indicators of achievement:**

1. The effectiveness and capacity of the BCRCs to serve the Parties in their regions are enhanced.
2. Priority waste streams are managed in an environmentally sound manner by an increased number of Parties.

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009			2010			2011		
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund
19	Provide continuous guidance and assistance to BCRCs in the implementation of the Strategic Plan focus areas and in the development and effective implementation of projects and capacity-building activities contained in their business plans.	Successful implementation of three pilot projects; enhanced capacity of BCRCs to prepare project proposals; implementation by seven BCRCs of mid- to large-scale projects, subject to availability of funding; reports are put on the website for dissemination and replication.	Internal/external (funds for consultancy, staff travel and projects) <b>\$450,000 has been already pledged for 2009 by Finland</b>	1 226 000	20 000	1 206 000	776 000	20 000	756 000	30 000	-	
20	Conclude negotiations on the signing of framework agreements and monitor the implementation of such agreements.	Framework Agreements signed and implemented; better service to Parties.	Internal (funds for staff travel and consultancies)	10 000	10 000	-	10 000	10 000	-	10 000	-	
21	Facilitate annual meetings of BCRD directors.	Forum for exchange of information and experiences and coordination of activities; better cooperation and coordination among the regional centres.	Internal (funds for directors' travel)	50 000	-	50 000	50 000	-	50 000	-	50 000	
22	Assist Parties in the review of the operation of the BCRCs, taking into account the work of the ad-hoc joint working group on cooperation and coordination among the Basel, Rotterdam and Stockholm conventions.	Review completed; enhanced and further programmatic cooperation and coordination with the Stockholm and Rotterdam Conventions; Regional centres are strengthened and sustainable.	Internal/external (funds for consultancy )	45 000	-	45 000	-	-	-	-	-	
<b>Subtotal</b>				<b>1 331 000</b>	<b>30 000</b>	<b>1 301 000</b>	<b>836 000</b>	<b>30 000</b>	<b>806 000</b>	<b>40 000</b>	<b>50 000</b>	

**Programme to support the implementation of the Strategic Plan focus areas**

**B1. Electrical and electronic wastes in Africa, Asia and the Pacific and Latin America**

**Mandate:**

1. Nairobi ministerial declaration on the environmentally sound management of electronic and electrical waste.
2. Decisions VIII/2, VIII/5 and VIII/33.

**Objectives:**

1. To promote the environmentally sound management of electrical and electronic waste in Africa, Asia and the Pacific and Latin America in order to protect the environment and human health, in particular vulnerable groups (women and children), and to provide economic opportunities.
2. To equip Parties with tools to enable them to address the growing problems and impacts of e-waste, including imports of hazardous e-waste.

**Indicators of achievement:**

1. Elements of the environmentally and economically sound management of e-waste developed and shared in different regions.
2. Dissemination of e-waste assessments, methodologies and experiences among participating countries and regions.
3. Increased capacity of Parties in Africa, Asia and the Pacific and Latin America to prevent illegal traffic of e-waste and benefit from economic opportunities from the environmentally sound recycling of e-waste.

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009			2010			2011	
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund
23	Develop together with participating countries and other stakeholders a detailed inventory of e-waste and flows in and out of countries; facilitate the establishment of pilot collection, repair, refurbishment and recovery systems in Asia and the Pacific.	Guidelines used, inventory reports produced and pilot projects on environmentally sound collection, storage, repair, refurbishment and disposal of used equipment and e-waste are established.	Internal/external (funds for projects)	250 000	-	250 000	250 000	-	250 000	-	-
24	Conduct with countries pilot projects on the environmentally sound management of e-waste in Latin America.	Inventory reports are produced. Pilot projects are implemented.	Internal/external (funds for projects)	100 000	-	100 000	100 000	-	100 000	-	-

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009			2010			2011		
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund
25	Implement the project entitled "Implementing the Nairobi Declaration in Africa: building local capacity to address the flow of e-wastes and e-equipment destined for reuse through the sustainable management of resources and the recovery of materials".	National and regional studies undertaken, public-private partnerships put in place, capacity for prevention of illegal traffic enhanced.	Internal/external (funds for projects)	505 000	-	505 000	505 000	5 000	500 000	5 000	5 000	-
<b>Subtotal</b>				<b>855 000</b>	<b>-</b>	<b>855 000</b>	<b>855 000</b>	<b>5 000</b>	<b>850 000</b>	<b>5 000</b>	<b>5 000</b>	<b>-</b>

**B2. POPs wastes (PCBs) West Africa, South America and the Mediterranean**

**Mandate:**

1. Decisions VI/1, VIII, VIII/3 and VIII/33.

**Objectives:**

To promote ESM of PCBs through the coordinated implementation of the Basel Convention and the Stockholm Convention with particular focus on protecting the health of vulnerable groups, including women.

**Indicators of achievement:**

1. Initiation of regional and national demonstration activities in West Africa, South America and the Mediterranean region and sharing of results with other regions.
2. Availability and use of guidance material and decision supportive tools for ESM of PCBs and diffusion to parties to the Basel and Stockholm conventions.
3. Recognition/strengthening of the role of BCRCs in the coordinated implementation of the Stockholm and Basel conventions.

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009		2010		2011		
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs
26	Collaborate with UNEP and BCRC-Dakar as executing agency for the implementation of the Project entitled "Demonstration of a regional approach in West Africa for the ESM of PCBs". Full-sized phase of a GEF co-funded project, duration 4 years, total estimated budget \$15,971,257 (including \$5,928,714 from GEF)	Economically viable, environmentally sound and socially acceptable demonstration activities for the collection, transport and decontamination of PCB-containing equipment are carried out.	Internal/external. Co-executed by BCRC-Senegal and other United Nations agencies, with technical and institutional support from SBC	5 000	-	5 000	-	5 000	-	-
27	Collaborate with UNEP and BCRC-Argentina as executing agency for the implementation of the Project entitled "Regional approaches towards best practices on PCB management in South America". Medium-sized phase of a GEF co-funded project, duration 2 years, total estimated budget \$1,600,000 (including \$685,000 from GEF).	National approaches coordinated at the sub-regional level regarding storage and transport of PCB waste. Identification of best practices on ESM in the sense of the BC and the SC and diffusion in the region and other regions.	Internal/external. Executed by BCRC-Argentina with technical and institutional support from SBC	5 000	-	5 000	-	5 000	-	-
28	Conduct training programme for ESM of POPs waste in accordance with the Basel Convention technical guidelines on POPs as waste.	Two regional training programmes are implemented and assistance is provided for the preparation of ESM plans for POPs waste. Tools and training materials are developed and disseminated to different sectors and in different regions.	Internal/external (funds for projects). Funded by the World Bank	120 000	-	120 000	-	120 000	-	-
<b>Subtotal</b>				<b>130 000</b>	<b>-</b>	<b>130 000</b>	<b>-</b>	<b>130 000</b>	<b>-</b>	<b>130 000</b>



**B3. Obsolete stocks of pesticides in the Caribbean**

**Mandate:**

1. Decisions VI/1, VII/1, VIII/3 and VIII/33.

**Objectives:**

To facilitate the implementation of the regional strategy for the final disposal of obsolete pesticides in the Caribbean and the prevention of future accumulation.

**Indicators of achievement:**

1. A stakeholder approach is developed and the regional strategy is funded and implemented.
2. All obsolete pesticides are removed and disposed of.
3. A prevention programme is put in place.

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009			2010			2011	
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund
29	Assist Parties in implementing the regional strategy for ESM of obsolete pesticides and the prevention of their future accumulation in Caribbean island States.	Training programme by BCRC-Trinidad and Tobago for the final disposal of obsolete pesticides and the prevention of future accumulation.	Internal/external (funds for staff travel, consultancy and projects)	217 000	-	217 000	217 000	-	217 000	-	-
<b>Subtotal</b>				<b>217 000</b>	<b>-</b>	<b>217 000</b>	<b>217 000</b>	<b>-</b>	<b>217 000</b>	<b>-</b>	<b>-</b>

**B4. Biomedical and healthcare waste in Africa, Asia and the Pacific, Central and Eastern Europe and Latin America and the Caribbean**

**Mandate:**

1. Decisions VI/20, VII/16 and VIII/33.

**Objectives:**

To promote the environmentally sound management of biomedical and health care wastes to protect human health, in particular of vulnerable groups, including women and children.

**Indicators of achievement:**

1. Active dissemination of the technical guidelines on ESM of biomedical and healthcare wastes, the guidance manual and relevant publications of the World Health Organization.
2. Increased capacity of Parties on the practical aspects of waste management pertaining to ESM of biomedical and health-care wastes.

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009			2010			2011		
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund
30	Carry out practical training workshops focusing on the segregation and treatment of hazardous biomedical and health-care wastes using the technical guidelines on ESM of biomedical and healthcare wastes and other relevant publications.	Five regional workshops (one in each United Nations region) are carried out in cooperation with the BCRCs and the World Health Organization (WHO); results of the pilot projects carried out in Africa and Central Europe* are disseminated.	Internal/external (funds for staff travel and workshops for 80 and 120 participants in 2009 and 2010 respectively)	280 000	-	280 000	410 000	-	410 000	-	-	-
<b>Subtotal</b>				<b>280 000</b>	<b>-</b>	<b>280 000</b>	<b>410 000</b>	<b>-</b>	<b>410 000</b>	<b>-</b>	<b>-</b>	<b>-</b>

\* Project currently being implemented with contribution of 30,000 euros from Italy.

**B5. Used lead-acid batteries (ULAB) in Asia, Latin America and the Caribbean and the Mediterranean region.**

**Mandate:**

1. Decisions VI/1, VII/1, VIII/3 and VIII/33.

**Objectives:**

To promote ESM of ULAB with particular emphasis on the protection of the health of vulnerable groups through the development of regional approaches in several parts of the world.

**Indicators of achievement:**

1. Regional strategy for ESM of ULAB in Central America, Colombia, Bolivian Republic of Venezuela and Caribbean Island States is funded and implemented through a stakeholder approach that includes industry.
2. Development and endorsement of a regional strategy for ESM of ULAB in the Mediterranean or Asia.

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009			2010			2011	
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund
31	Assist BGRCS in implementing the regional strategy for ESM of ULAB in Central America, Colombia, Bolivarian Republic of Venezuela and Caribbean island States.**	The national plans for ESM of ULAB in participating countries are implemented in the context of the regional strategy. A regional certification scheme for ESM of ULAB is developed and put in place.	Internal/external (funds for staff travel, consultancy and projects).	617 000	-	617 000	417 000	-	417 000	-	-
<b>Subtotal</b>				<b>617 000</b>	<b>-</b>	<b>617 000</b>	<b>417 000</b>	<b>-</b>	<b>417 000</b>	<b>-</b>	<b>-</b>

\*\*The non-staff costs indicated refer to those activities that would be funded under the BD Trust Fund. They do not represent the total cost of the project.

#### B7. Dismantling of ships

##### Mandate:

Decisions V/28, VI/24, VII/26, VIII/3, VIII/11; related decisions of the Open-ended Working Group.

##### Objectives:

1. To minimize the harmful consequences for human health and the environment of ship dismantling by promoting safe and environmentally sound ship dismantling practices, including the environmentally sound disposal of hazardous and other wastes generated by ship dismantling.
2. To develop clarity as to the control mechanisms applicable to ships destined for dismantling under the Basel Convention.

##### Indicators of achievement:

1. Effective and collaborative working relationships are established with IMO and ILO and outputs from cooperative activities promoting environmentally sound ship dismantling provide added value.
2. The scope of operation of the Basel Convention in relation to ship dismantling, following the anticipated adoption of the IMO International Convention on the Safe and Environmentally Sound Recycling of Ships in 2009, is clarified at COP10.

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009			2010			2011	
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund
35	Assist Parties and other stakeholders in conducting training and other activities that will promote environmentally sound ship dismantling; facilitate exchanges of expertise and experience between relevant stakeholders to promote safe and environmentally sound ship dismantling.	Technical workshops and other activities are carried out and guidance materials, including training materials, are developed; linkages are established between relevant stakeholders.	Internal/external (funds for consultancy, staff travel and projects)	183 000	20 000	163 000	183 000	20 000	163 000	20 000	20 000
<b>Subtotal</b>				<b>183 000</b>	<b>20 000</b>	<b>163 000</b>	<b>183 000</b>	<b>20 000</b>	<b>163 000</b>	<b>20 000</b>	<b>20 000</b>

**B8. Cooperation with municipalities and development of a programme for the co-processing of hazardous waste and other waste.**

**Mandate:**

1. Decisions VI/1, VIII, VIII/3, VIII/33; UNEP Governing Council decision 24/5.

**Objectives:**

1. To promote ESM of hazardous waste and other waste and the efficient use of energy in existing facilities in developing countries.
2. To promote the integrated management of hazardous waste and other waste in urban areas.

**Indicators of achievement:**

1. Criteria are developed for the environmentally sound co-processing of hazardous waste and other waste in the context of the Basel Convention.
2. A programme is developed and funded by a large array of stakeholders, including Governments, industry, non-governmental organizations and technical institutions.

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009				2010			2011
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund
36	Develop and coordinate Basel Convention programme on co-processing by following a stakeholder approach.	Demonstration activities are undertaken and can be referred to for replication. Guidance material on ESM is developed and shared with parties to the Basel Convention.	Internal/external (funds for staff travel, consultancy and project); funding expected from industries	115 000	-	115 000	115 000	-	115 000	-	-
37	Develop a programme on ESM of hazardous waste and other wastes in urban areas	Two regional training workshops are organized by the United Nations Institute for Training and Research and BCRCs	Internal/external (funds for staff travel, consultancy and project)	5 000	-	5 000	-	-	-	-	-
<b>Subtotal</b>				<b>120 000</b>	<b>-</b>	<b>120 000</b>	<b>115 000</b>	<b>-</b>	<b>115 000</b>	<b>-</b>	<b>-</b>

**B9. Asbestos wastes and mercury wastes**

**Mandate:**

Decision VIII/33 as it relates to mercury and asbestos wastes as new Strategic Plan focus areas.

**Objectives:**

1. To promote ESM of asbestos wastes and mercury wastes taking into account vulnerable populations and local needs and conditions.

**Indicators of achievement:**

1. Improved public awareness regarding the adverse effects of asbestos and mercury.
2. Increased national capacity to manage mercury and asbestos wastes in an environmentally sound manner.
3. Development of international or regional cooperation.
4. Field experience/lessons learned are considered in preparation of technical guidelines on mercury wastes.

Activity number	Activities	Expected outputs	Method of Implementation Internal/external	2009		2010		2011				
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund
39	Facilitate the implementation by BCRCs of pilot projects on ESM of mercury wastes in the health sector in several countries in Latin America and the Caribbean (3-4) and in Asia and the Pacific (3).	Country assessments are undertaken and management plans are developed. Methodology on ESM is developed with relevant stakeholders, including WHO, for possible use in other countries/regions.	Internal/external: (pilot projects in Asia and the Pacific funded by UNEP Chemicals)	130 000	-	130 000	120 000	-	-	120 000	-	-
<b>Subtotal</b>				<b>130 000</b>	<b>-</b>	<b>130 000</b>	<b>120 000</b>	<b>-</b>	<b>-</b>	<b>120 000</b>	<b>-</b>	<b>-</b>

**B10. Enforcement activities**

**Mandate:**

1. Article 16 of the Convention.
2. Decisions VIII/24 and VIII/26.

**Objectives:**

1. To enhance the capacity of the Parties to enforce the provisions of the Basel Convention on the monitoring and control of transboundary movements of hazardous waste, including through the coordinated implementation of multilateral environmental agreements on hazardous wastes and chemicals.

**Indicators of achievement:**

1. Adequate tools and methodologies tailored to the needs of developing countries are developed and tested.
2. Cases of illegal traffic decrease while sharing of information between customs authorities of Parties increases.

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009			2010			2011		
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund
40	Implement the project aimed at strengthening the legislative, regulatory and enforcement capacity of least developed countries, land-locked developing countries and small-island developing States.	Implementation of the project is initiated in specific countries/regions and may include gaps and needs analysis, strengthening of regulatory framework and legislative measures and enhancing implementation and enforcement capacity.	Internal/external (funds for consultancy and a training activity for a sub-region)	70 000	-	70 000	70 000	-	70 000	-	-	-
41	Assist in the implementation of the UNEP/SBC master plan on the follow up to the Probo Koala incident in Côte d'Ivoire and the sub-region. Project to be implemented in 2008-2010. Total estimated costs \$2,520,000 (UNEP Trust Fund for Côte d'Ivoire).	Preparation and implementation of a technical plan for ESM of ship-generated waste in the port of Abidjan. Development of an inventory of hazardous waste in Côte d'Ivoire. Implementation by BCRCs of a subregional training programme on the monitoring and control of transboundary movements of hazardous wastes.	Internal/external (funds for staff travel) Executed by UNEP Disaster Management Bureau, BCR-C-Senegal and BCR-C-Nigeria, funded through UNEP with technical and institutional support from SBC.	5 000	-	5 000	5 000	-	5 000	-	-	-
42	Assist BCRCs in developing and implementing training and enforcement activities on the control of transboundary movements of hazardous waste.	In collaboration with other MEAs and organizations (e.g., Stockholm and Rotterdam Conventions; WCO, Interpol and UNEP DELC and other UNEP divisions) and through Green Customs, tools and training activities are developed. Two training workshops are organized by BCRCs with expertise provided by SBC.	Internal/external BCRCs	230 000	-	230 000	230 000	-	230 000	-	-	-
<b>Subtotal</b>				<b>305 000</b>	<b>-</b>	<b>305 000</b>	<b>305 000</b>	<b>-</b>	<b>305 000</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Knowledge management and outreach**

**a. Management and circulation of information submitted by Parties in accordance with their obligations under the Convention**  
**(f) National reporting**

**Mandate:**

1. Articles 13 (3) and 16 (1) (b) of the Convention.
2. Decision VIII/14.

**Objective:**

To develop further and maintain the comprehensive information source on the control of transboundary movements of hazardous wastes and other wastes and their disposal.

**Indicators of achievement:**

1. Enhanced quality of data and information on the control of transboundary movements of hazardous wastes and other wastes and their disposal.
2. Increase in the number of Parties complying with reporting requirements.
3. Improved accessibility to data and information through the online reporting database of the Convention.

	Activities	Expected outputs	Method of implementation internal/external	2009			2010			2011	
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund
43	Collection, quality control, organization, follow-up and preparation of compilations of the annual data and information transmitted by Parties.	Forum for exchange of information among Parties and others. Dissemination of current information in user-friendly manner. Reports to COP.	Internal	-	-	-	-	-	-	-	-
44	Validation and entry of data and information in to the reporting database; translation of the content of national reports into English if transmitted in any official language of the United Nations other than English and entry of translated texts into the reporting database.	Up-to-date and user-friendly online reporting database on the Convention website.	Internal (funds required for translation and information systems)	65 000	20 000	45 000	65 000	20 000	45 000	65 000	20 000



	Activities	Expected outputs	Method of implementation Internal/external	2009		2010		2011						
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund		
45	Enhance Parties' ability to comply with their national reporting obligations.	Guidance is provided to Parties on reporting issues. Annual regional workshops are organized through BCRS or by other appropriate means to provide training to Parties needing assistance to meet their reporting obligations.	Internal (funds for organization of workshops)	60 000	-	60 000	60 000	-	-	-	-	-	-	-
<b>Subtotal</b>				<b>125 000</b>	<b>20 000</b>	<b>105 000</b>	<b>125 000</b>	<b>20 000</b>	<b>20 000</b>	<b>65 000</b>	<b>20 000</b>	<b>45 000</b>		

**National definitions of hazardous wastes; prohibition of imports of hazardous wastes or other wastes; bilateral, multilateral and regional agreements or arrangements regarding transboundary movement.**

**Mandate:**

1. Articles 3, 4 (1), 11 and 16 (1) (b) of the Convention.
2. Decisions VIII/27 and VIII/28.

**Objective:**

To develop further and maintain the comprehensive information source on (i) national definitions of hazardous wastes, (ii) prohibition of imports of hazardous wastes or other wastes and (iii) bilateral, multilateral and regional agreements or arrangements regarding transboundary movements hazardous wastes or other wastes.

**Indicators of achievement:**

1. Informed decisions are made by Parties concerning transboundary shipments of hazardous wastes and other wastes.
2. The number of notifications transmitted by Parties complying with the requirement of articles 3, 4 (1) and 11 increases.
3. Parties and other are provided with tools to reduce and prevent illegal traffic in hazardous wastes and other wastes.

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009		2010		2011	
				Non-staff costs	BC Trust Fund	Non-staff costs	BC Trust Fund	Non-staff costs	BC Trust Fund
46	Collection, quality control, organization and follow-up of the information transmitted by Parties pursuant to articles 3, 4 (1) and 11; preparation and transmission of communications to Parties advising of the receipt of notifications of national definitions of hazardous wastes, prohibition of hazardous or other waste imports and bilateral, multilateral and regional agreements or arrangements regarding transboundary movements of hazardous wastes or other wastes.	Dissemination of current information in user-friendly manner. Forum for exchange of information. Notifications are available on the Basel Convention website in six official languages of the United Nations, depending on the availability of resources. Reports to COP.	Internal (funds for translation)	70 000	70 000	70 000	70 000	70 000	70 000
<b>Subtotal</b>				<b>70 000</b>	<b>70 000</b>	<b>70 000</b>	<b>70 000</b>	<b>70 000</b>	<b>70 000</b>

**b. Publications, public information and outreach**

**Mandate:**

Article 16 (g) of the Convention.

**Objectives:**

1. To raise awareness and provide information about the Basel Convention so that it is understood to be the global instrument for regulating transboundary movements of hazardous and other wastes and for ensuring the environmentally sound management of hazardous and other wastes.

**Indicators of achievement:**

1. Continually increasing interest and understanding by Parties, media, non-governmental organizations and the public of the aims and programmes of the Basel Convention.
2. Quantified and qualified overall client satisfaction through feedback to the Secretariat about SBC information products.

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009			2010			2011		
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund
47	As part of communication strategy, produce and disseminate Basel Convention outreach tools (audio-visual and printed) to promote awareness and necessary information about the Basel Convention, BCRCS, activities and meetings.	Integration of the communication strategy into work done by SBC and Parties at the regional and national levels. Greater awareness of the Basel Convention among all in target audience achieved through production and dissemination of videos, posters, exhibition structures, leaflets, brochures, photo archive, SBC presentation and the Basel Convention Bulletin and joint tool kit with other MEAs.	Internal (funds required for designing, translating, producing and distributing products each year), cooperation with other MEAs and organizations	25 000	15 000	10 000	25 000	15 000	10 000	25 000	15 000	10 000
48	Produce and maintain stocks of legal and technical publications.	Availability of electronic and printed versions of SBC legal and technical publications (text of the Convention, technical guidelines) for end users.	Internal (funds required for reproduction of publications)	10 000	10 000	-	10 000	10 000	-	10 000	10 000	-
49	Operate a media query desk, produce press releases, manage press relations for major SBC meetings, monitor media coverage for increased visibility of Basel Convention among media community.	Responses provided to media queries, Press briefings and press releases.	Internal (funds for basic design and printing)	-	-	-	-	-	-	-	-	-
50	Maintenance and continuous development of SBC website with increased use of database platform, including SBC archives, official reference documents and lists, comprehensive information on all SBC programmes and activities, all legal and technical information and updates, media section and virtual library with access to publications.	A constantly improving SBC website which meets the needs of the Parties and provides useful information to other target audiences such as the media, students, industry or the general public.	Internal (funds required for basic design)	10 000	10 000	-	10 000	10 000	-	10 000	10 000	-

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009			2010			2011		
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund
51	Production of special publications to promote the issues covered by the Basel Convention. Information material for 2009 commemorative events.	Comprehensive and user-friendly information produced electronically and in printed form to illustrate Basel Convention facts and statistics for all targeted audiences. Joint project with UNEP/GRID-Arendal. Vital Waste Graphics III and regular information papers on Basel Convention issues of special interest. Special film and exhibition structure for 2009 commemorative events.	Internal (funds required for external designers, printers and staff travel)	35 000	10 000	25 000	-	-	-	75 000	-	75 000
52	Organization of non-governmental organization workshop at COP meeting in 2011.	Increase attendance at COP and increased awareness of Basel Convention by non-governmental organization community.	Internal (funds required for travel of 15 participants and production of information material)	-	-	-	-	-	-	50 000	-	50 000
<b>Subtotal</b>				<b>80 000</b>	<b>45 000</b>	<b>35 000</b>	<b>45 000</b>	<b>35 000</b>	<b>10 000</b>	<b>170 000</b>	<b>35 000</b>	<b>135 000</b>

**Executive direction, management and strategic planning**

**Mandate:**

Article 16 of the Convention.

Relevant decisions of the Conference of the Parties and its subsidiary bodies.

**Objectives:**

1. To ensure an efficient, effective and timely delivery of the programme of work of the Secretariat for 2009–2010
2. Increased amount of positive feedback from Parties, signatories and others on the substance and organizational support provided by the Secretariat.

**Indicators of achievement:**

1. Procedures are in place to ensure the implementation of the Secretariat's programme of work in a cost-efficient and timely manner.

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009			2010			2011		
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund
53	Provide overall management of the Secretariat ensuring coherence in its work and responsiveness to the needs and instructions of the Parties. Coordinate the implementation of agreed work programmes at the unit level, planning the distribution and coordination of tasks assigned with unit staff. Contribute to the development of the new strategic framework.	Effective and efficient delivery by the Secretariat of the outputs envisaged under its programme of work for 2009–2011.	Internal	-	-	-	-	-	-	-	-	-
54	Enhance cooperation and coordination with other MEAs and intergovernmental organizations on issues of common concern.	Effective and collaborative relationships are established with other institutions and outputs from cooperative activities provide added value. Delivery of technical assistance and capacity-building is coordinated and complements that of other organizations.	Internal (funds for staff travel)	40 000	40 000	-	40 000	40 000	-	40 000	40 000	-
55	Implement COP decisions based upon the recommendations of the ad hoc joint working group on enhanced cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions.	Decisions of the COP on cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions requiring action from the Secretariat are implemented.	Internal	-	-	-	-	-	-	-	-	-
56	Contribute to ongoing discussions at United Nations Headquarters and UNEP on United Nations system-wide coherence. Participate in meetings of relevant bodies such as the conferences of Parties to related MEAs and the Governing Council of UNEP.	Decisions of the Basel Convention are taken into account by the Governing Council of UNEP	Internal (funds for staff travel)	20 000	20 000	-	20 000	20 000	-	20 000	20 000	-
<b>Subtotal</b>				<b>60 000</b>	<b>60 000</b>	<b>-</b>	<b>60 000</b>	<b>60 000</b>	<b>-</b>	<b>60 000</b>	<b>60 000</b>	<b>-</b>

Office equipment and services

Activity number	Activities	Expected outputs	Method of implementation internal/external	2009		2010		2011				
				Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund
58	Procurement of office equipment including computer software and hardware; required licenses, furniture and supplies; rental and maintenance of equipment including photocopiers and communications equipment; rental of offices; use of electricity, cleaning services and communications.	Effective and efficient delivery by the Secretariat of the outputs envisaged under its programme of work for 2009-2011.	Internal/external	305 300	305 300	-	305 300	305 300	305 300	-	305 300	-
<b>Subtotal</b>				<b>305 300</b>	<b>305 300</b>	<b>-</b>	<b>305 300</b>	<b>305 300</b>	<b>305 300</b>	<b>-</b>	<b>305 300</b>	<b>-</b>

**Table 2**

**Programme budget for 2009–2011**

	Programme budget approved at COP8				Programme budget proposal for COP9			
	2007	2008	Biennium	2009	2010	2011	Triennium	
<b>Budget to be financed from the BC Trust Fund</b>								
<b>10 PERSONNEL COMPONENT</b>								
<i>1100 Professional staff</i>								
<b>1199 Subtotal Professional staff</b>	1 505 150	1 703 218	3 208 368	1 932 500	2 009 800	2 090 192	6 032 492	
<i>1200 Consultants</i>								
1201 General consultancies				100 000	100 000	100 000	300 000	
<b>1299 Subtotal consultants</b>	300 000	260 000	560 000	100 000	100 000	100 000	300 000	
<i>1300 Administrative support</i>								
1329 Subtotal, administrative support	696 000	634 862	1 330 862	780 000	810 000	841 200	2 431 200	
<i>Conference servicing costs</i>								
1321 Conference of the Parties (\$345,000 for conference servicing plus \$330,000 for translation and editing of 500 pages)	–	600 000	600 000	–	175 000	500 000	675 000	
1322 Open-ended Working Group seventh meeting (only conference servicing, not including translation)	275 000	–	275 000	300 000	32 000	–	332 000	
1325 Expanded Bureau (in English only – two meetings per triennium)	2 000	2 000	4 000	–	–	–	–	
1326 Committee for administering the mechanisms for implementation and compliance (English only; two meetings per triennium)	2 000	2 000	4 000	–	–	–	–	
1327 Open-ended Working Group seventh meeting (translation and editing of 300 pages or less)	125 000	–	125 000	–	198 000	–	198 000	
<b>1399 Subtotal administrative support and conference servicing costs</b>	1 100 000	1 238 862	2 338 862	1 080 000	1 215 000	1 341 200	3 636 200	

Budget to be financed from the BC Trust Fund

**10 PERSONNEL COMPONENT**

*1100 Professional staff*

**1199 Subtotal Professional staff**

*1200 Consultants*

1201 General consultancies

**1299 Subtotal consultants**

*1300 Administrative support*

1329 Subtotal, administrative support

*Conference servicing costs*

1321 Conference of the Parties (\$345,000 for conference servicing plus \$330,000 for translation and editing of 500 pages)

1322 Open-ended Working Group seventh meeting (only conference servicing, not including translation)

1325 Expanded Bureau (in English only – two meetings per triennium)

1326 Committee for administering the mechanisms for implementation and compliance (English only; two meetings per triennium)

1327 Open-ended Working Group seventh meeting (translation and editing of 300 pages or less)

**1399 Subtotal administrative support and conference servicing costs**

		Programme budget approved at COP8				Programme budget proposal for COP9			
1600	Travel on official business								
	1601 Official travel	175 000	150 000	325 000	175 000	180 000	190 000		545 000
1699	Total travel on official business	175 000	150 000	325 000	175 000	180 000	190 000		545 000
1999	TOTAL STAFF COMPONENT	3 080 150	3 352 080	6 432 230	3 287 500	3 504 800	3 721 392		10 513 692
20	SUBCONTRACT COMPONENT								
	2100 Subcontracts component								
	2101 Information system	20 000	20 000	40 000	20 000	20 000	20 000		60 000
2199	Subtotal subcontracts - non-commercial	20 000	20 000	40 000	20 000	20 000	20 000		60 000
2999	TOTAL SUBCONTRACT COMPONENT	20 000	20 000	40 000	20 000	20 000	20 000		60 000
30	MEETINGS AND CONFERENCES								
	3300 Travel and DSA costs of participants								
	3303 Expanded Bureau (English only) – Two meetings over the triennium (nine travels per meeting)	32 400	32 400	64 800	32 000	–	32 000		64 000
	3304 Committee for administering the mechanisms for implementation and compliance (English only) – Two meetings over the triennium (seven travels per meeting)	25 200	25 200	50 400	–	28 000	28 000		56 000
3399	Subtotal meetings and conferences	57 600	57 600	115 200	32 000	28 000	60 000		120 000
3999	TOTAL MEETINGS AND CONFERENCES	57 600	57 600	115 200	32 000	28 000	60 000		120 000
40	EQUIPMENT AND PREMISES COMPONENT								
	4100 Expendable equipment								
	4101 Office supplies, library acquisitions and computer software	24 500	24 500	49 000	24 500	24 500	24 500		73 500
4199	Subtotal expendable equipment	24 500	24 500	49 000	24 500	24 500	24 500		73 500



	Programme budget approved at COP8			Programme budget proposal for COP9		
4200 <i>Non-expendable equipment</i>						
4201 Computer equipment, printers, furniture, multimedia and others	20 000	20 000	40 000	20 000	20 000	60 000
<b>4299 Subtotal non-expendable equipment</b>	<b>20 000</b>	<b>20 000</b>	<b>40 000</b>	<b>20 000</b>	<b>20 000</b>	<b>60 000</b>
4300 <i>Premises</i>						
4301 Office space fees, building maintenance, security, utilities and insurance	110 000	110 000	220 000	110 000	110 000	330 000
<b>4399 Total premises</b>	<b>110 000</b>	<b>110 000</b>	<b>220 000</b>	<b>110 000</b>	<b>110 000</b>	<b>330 000</b>
<b>4999 TOTAL EQUIPMENT AND PREMISES COMPONENT</b>	<b>154 500</b>	<b>154 500</b>	<b>309 000</b>	<b>154 500</b>	<b>154 500</b>	<b>463 500</b>
<b>50 MISCELLANEOUS COMPONENT</b>						
5100 <i>Operation and maintenance of equipment</i>						
5101 Computers, printers, photocopiers and other	71 300	71 300	142 600	71 300	71 300	213 900
<b>5199 Subtotal maintenance of equipment</b>	<b>71 300</b>	<b>71 300</b>	<b>142 600</b>	<b>71 300</b>	<b>71 300</b>	<b>213 900</b>
5200 <i>Reporting costs</i>						
5201 Newsletters, publications and other media	55 000	55 000	110 000	45 000	35 000	115 000
<b>5299 Subtotal reporting costs</b>	<b>55 000</b>	<b>55 000</b>	<b>110 000</b>	<b>45 000</b>	<b>35 000</b>	<b>115 000</b>
5300 <i>Sundry</i>						
5301 Communications, freight and other	70 000	70 000	140 000	70 000	70 000	210 000
<b>5399 Subtotal sundry</b>	<b>70 000</b>	<b>70 000</b>	<b>140 000</b>	<b>70 000</b>	<b>70 000</b>	<b>210 000</b>
5400 <i>Hospitality</i>						
5401 Hospitality	9 500	9 500	19 000	9 500	9 500	28 500
<b>5499 Subtotal hospitality</b>	<b>9 500</b>	<b>9 500</b>	<b>19 000</b>	<b>9 500</b>	<b>9 500</b>	<b>28 500</b>

4200 *Non-expendable equipment*

4201 Computer equipment, printers, furniture, multimedia and others

**4299 Subtotal non-expendable equipment**

4300 *Premises*

4301 Office space fees, building maintenance, security, utilities and insurance

**4399 Total premises**

**4999 TOTAL EQUIPMENT AND PREMISES COMPONENT**

**50 MISCELLANEOUS COMPONENT**

5100 *Operation and maintenance of equipment*

5101 Computers, printers, photocopiers and other

**5199 Subtotal maintenance of equipment**

5200 *Reporting costs*

5201 Newsletters, publications and other media

**5299 Subtotal reporting costs**

5300 *Sundry*

5301 Communications, freight and other

**5399 Subtotal sundry**

5400 *Hospitality*

5401 Hospitality

**5499 Subtotal hospitality**

**5999 TOTAL MISCELLANEOUS COMPONENT**

**99 TOTAL OPERATIONAL COSTS**

13% programme support costs

**TOTAL BUDGET OF THE TRUST FUND**

\* Posts funded by UNEP from the 13% programme support costs

Percentage increase from year to year  
Deduction from the Reserve and Fund Balance  
Increase in working capital reserve

**COVERED BY PARTIES**

Percentage increase in contributions from year to year

Working capital reserve based on average budgets for 2007-2008 (15%)

Working capital reserve based on average operational budgets for 2009-2011 (15%)

	Programme budget approved at COP8			Programme budget proposal for COP9		
	205 800	205 800	411 600	195 800	185 800	185 800
	3 518 050	3 789 980	7 308 030	3 689 800	3 893 100	4 141 692
	457 347	492 697	950 044	479 674	506 103	538 420
	<b>3 975 397</b>	<b>4 282 677</b>	<b>8 258 074</b>	<b>4 169 474</b>	<b>4 399 203</b>	<b>4 680 112</b>

	-9.7	7.7	-5.0	-2.7	5.2	6.0
	170 000	315 000	485 000	-	-	-
	3 805 397	3 967 677	7 773 074	4 188 999	4 399 203	4 680 112
	<b>0.00</b>	<b>4.30</b>	<b>9.60</b>	<b>5.6</b>	<b>4.8</b>	<b>6.0</b>

						19 525
						<b>13 268 314</b>

**Table 3**

**Staffing table for the Basel Convention Secretariat for the triennium 2009–2011  
Basel Convention Trust Fund**

Post category and level		2009	2010	2011
A.	Professional category			
	D-1	1	1	1
	P-5	3	3	3
	P-4*	3	3	3
	P-3	3	3	3
	P-2	2	2	2
	<b>Subtotal</b>	12	12	12
B.	General Service category**	8	8	8
	<b>Total (A + B)</b>	<b>20</b>	<b>20</b>	<b>20</b>

\* One post is funded by UNEP from the 13% programme support costs.

\*\* Two posts are funded by UNEP from the 13% programme support costs.

Table 4

## Trust Fund for the Basel Convention on Transboundary Movements of Hazardous Wastes and their Disposal

Scale of contributions for 2009–2010 in United States dollars for the programme budget for the triennium 2009–2011

No.	Party	United Nations scale of assessments for 2009* (per cent)	Adjusted scale of contributions with 22 per cent ceiling and no LDC paying more than 0.01 per cent	Annual contributions for 2009	Annual contributions for 2010	Annual contributions for 2011
1	Albania	0.006	0.0075	314	330	351
2	Algeria	0.085	0.1063	4 455	4 678	4 977
3	Andorra	0.008	0.0100	419	440	468
4	Antigua and Barbuda	0.002	0.0025	105	110	117
5	Argentina	0.325	0.4066	17 032	17 887	19 029
6	Armenia	0.002	0.0025	105	110	117
7	Australia	1.787	2.2357	93 652	98 352	104 632
8	Austria	0.887	1.1097	46 485	48 818	51 935
9	Azerbaijan	0.005	0.0063	262	275	293
10	Bahamas	0.016	0.0200	839	881	937
11	Bahrain	0.033	0.0413	1 729	1 816	1 932
12	Bangladesh	0.010	0.0125	524	550	586
13	Barbados	0.009	0.0113	472	495	527
14	Belarus	0.020	0.0250	1 048	1 101	1 171
15	Belgium	1.102	1.3787	57 753	60 651	64 524
16	Belize	0.001	0.0013	52	55	59
17	Benin	0.001	0.0013	52	55	59
18	Bhutan	0.001	0.0013	52	55	59
19	Bolivia	0.006	0.0075	314	330	351
20	Bosnia and Herzegovina	0.006	0.0075	314	330	351
21	Botswana	0.014	0.0175	734	771	820
22	Brazil	0.876	1.0959	45 909	48 213	51 291
23	Brunei Darussalam	0.026	0.0325	1 363	1 431	1 522
24	Bulgaria	0.020	0.0250	1 048	1 101	1 171
25	Burkina Faso	0.002	0.0025	105	110	117

No.	Party	United Nations scale of assessments for 2009*	Adjusted scale of contributions with 22 per cent ceiling and no LDC paying more than 0.01 per cent	Annual contributions for 2009	Annual contributions for 2010	Annual contributions for 2011
26	Burundi	0.001	0.0013	52	55	59
27	Cambodia	0.001	0.0013	52	55	59
28	Cameroon	0.009	0.0113	472	495	527
29	Canada	2.977	3.7244	156 017	163 846	174 308
30	Cape Verde	0.001	0.0013	52	55	59
31	Chad	0.001	0.0013	52	55	59
32	Central African Republic	0.001	0.0013	52	55	59
33	Chile	0.161	0.2014	8 438	8 861	9 427
34	China	2.667	3.3366	139 771	146 785	156 157
35	Colombia	0.105	0.1314	5 503	5 779	6 148
36	Comoros	0.001	0.0013	52	55	59
37	Congo	0.001	0.0013	52	55	59
38	Cook Islands	0.001	0.0013	52	55	59
39	Costa Rica	0.032	0.0400	1 677	1 761	1 874
40	Côte d'Ivoire	0.009	0.0113	472	495	527
41	Croatia	0.050	0.0626	2 620	2 752	2 928
42	Cuba	0.054	0.0676	2 830	2 972	3 162
43	Cyprus	0.044	0.0550	2 306	2 422	2 576
44	Czech Republic	0.281	0.3516	14 727	15 465	16 453
45	Democratic Republic of the Congo	0.003	0.0038	157	165	176
46	Denmark	0.739	0.9245	38 729	40 673	43 270
47	Djibouti	0.001	0.0013	52	55	59
48	Dominica	0.001	0.0013	52	55	59
49	Dominican Republic	0.024	0.0300	1 258	1 321	1 405
50	Ecuador	0.021	0.0263	1 101	1 156	1 230
51	Egypt	0.088	0.1101	4 612	4 843	5 153
52	El Salvador	0.020	0.0250	1 048	1 101	1 171
53	Equatorial Guinea	0.002	0.0025	105	110	117
54	Eritrea	0.001	0.0013	52	55	59
55	Estonia	0.016	0.0200	839	881	937

No.	Party	United Nations scale of assessments for 2009*	Adjusted scale of contributions with 22 per cent ceiling and no LDC paying more than 0.01 per cent	Annual contributions for 2009	Annual contributions for 2010	Annual contributions for 2011
56	Ethiopia	0.003	0.0038	157	165	176
57	Finland	0.564	0.7056	29 558	31 041	33 023
58	France	6.301	7.8830	330 220	346 790	368 934
59	Gambia	0.001	0.0013	52	55	59
60	Georgia	0.003	0.0038	157	165	176
61	Germany	8.577	10.7305	449 499	472 055	502 198
62	Ghana	0.004	0.0050	210	220	234
63	Greece	0.596	0.7456	31 235	32 802	34 897
64	Guatemala	0.032	0.0400	1 677	1 761	1 874
65	Guinea	0.001	0.0013	52	55	59
66	Guinea-Bissau	0.001	0.0013	52	55	59
67	Guyana	0.001	0.0013	52	55	59
68	Honduras	0.005	0.0063	262	275	293
69	Hungary	0.244	0.3053	12 787	13 429	14 287
70	Iceland	0.037	0.0463	1 939	2 036	2 166
71	India	0.450	0.5630	23 583	24 767	26 348
72	Indonesia	0.161	0.2014	8 438	8 861	9 427
73	Iran (Islamic Republic of)	0.180	0.2252	9 433	9 907	10 539
74	Ireland	0.445	0.5567	23 321	24 492	26 056
75	Israel	0.419	0.5242	21 959	23 061	24 533
76	Italy	5.079	6.3542	266 178	279 535	297 384
77	Jamaica	0.010	0.0125	524	550	586
78	Japan	16.624	20.7979	871 222	914 940	973 363
79	Jordan	0.012	0.0150	629	660	703
80	Kazakhstan	0.029	0.0363	1 520	1 596	1 698
81	Kenya	0.010	0.0125	524	550	586
82	Kiribati	0.001	0.0013	52	55	59
83	Kuwait	0.182	0.2277	9 538	10 017	10 656
84	Kyrgyzstan	0.001	0.0013	52	55	59
85	Latvia	0.018	0.0225	943	991	1 054
86	Lebanon	0.034	0.0425	1 782	1 871	1 991

No.	Party	United Nations scale of assessments for 2009*	Adjusted scale of contributions with 22 per cent ceiling and no LDC paying more than 0.01 per cent	Annual contributions for 2009	Annual contributions for 2010	Annual contributions for 2011
87	Lesotho	0.001	0.0013	52	55	59
88	Liberia	0.001	0.0013	52	55	59
89	Libyan Arab Jamahiriya	0.062	0.0776	3 249	3 412	3 630
90	Liechtenstein	0.010	0.0125	524	550	586
91	Lithuania	0.031	0.0388	1 625	1 706	1 815
92	Luxembourg	0.085	0.1063	4 455	4 678	4 977
93	Madagascar	0.002	0.0025	105	110	117
94	Malawi	0.001	0.0013	52	55	59
95	Malaysia	0.190	0.2377	9 957	10 457	11 125
96	Maldives	0.001	0.0013	52	55	59
97	Mali	0.001	0.0013	52	55	59
98	Malta	0.017	0.0213	891	936	995
99	Marshall Islands	0.001	0.0013	52	55	59
100	Mauritania	0.001	0.0013	52	55	59
101	Mauritius	0.011	0.0138	576	605	644
102	Mexico	2.257	2.8237	118 284	124 219	132 151
103	Micronesia (Federated States of)	0.001	0.0013	52	55	59
104	Monaco	0.003	0.0038	157	165	176
105	Moldova	0.001	0.0013	52	55	59
106	Mongolia	0.001	0.0013	52	55	59
107	Montenegro	0.001	0.0013	52	55	59
108	Morocco	0.042	0.0525	2 201	2 312	2 459
109	Mozambique	0.001	0.0013	52	55	59
110	Namibia	0.006	0.0075	314	330	351
111	Nauru	0.001	0.0013	52	55	59
112	Nepal	0.003	0.0038	157	165	176
113	Netherlands	1.873	2.3433	98 159	103 085	109 667
114	New Zealand	0.256	0.3203	13 416	14 090	14 989
115	Nicaragua	0.002	0.0025	105	110	117
116	Niger	0.001	0.0013	52	55	59

No.	Party	United Nations scale of assessments for 2009*	Adjusted scale of contributions with 22 per cent ceiling and no LDC paying more than 0.01 per cent	Annual contributions for 2009	Annual contributions for 2010	Annual contributions for 2011
117	Nigeria	0.048	0.0601	2 516	2 642	2 810
118	Norway	0.782	0.9783	40 983	43 039	45 787
119	Oman	0.073	0.0913	3 826	4 018	4 274
120	Pakistan	0.059	0.0738	3 092	3 247	3 455
121	Panama	0.023	0.0288	1 205	1 266	1 347
122	Papua New Guinea	0.002	0.0025	105	110	117
123	Paraguay	0.005	0.0063	262	275	293
124	Peru	0.078	0.0976	4 088	4 293	4 567
125	Philippines	0.078	0.0976	4 088	4 293	4 567
126	Poland	0.501	0.6268	26 256	27 574	29 334
127	Portugal	0.527	0.6593	27 619	29 005	30 857
128	Qatar	0.085	0.1063	4 455	4 678	4 977
129	Republic of Korea	2.173	2.7186	113 882	119 596	127 233
130	Romania	0.070	0.0876	3 669	3 853	4 099
131	Russian Federation	1.200	1.5013	62 889	66 045	70 262
132	Rwanda	0.001	0.0013	52	55	59
133	Saint Kitts and Nevis	0.001	0.0013	52	55	59
134	Saint Lucia	0.001	0.0013	52	55	59
135	Saint Vincent and the Grenadines	0.001	0.0013	52	55	59
136	Saudi Arabia	0.748	0.9358	39 201	41 168	43 797
137	Samoa	0.001	0.0013	52	55	59
138	Senegal	0.004	0.0050	210	220	234
139	Serbia	0.021	0.0263	1 101	1 156	1 230
140	Seychelles	0.002	0.0025	105	110	117
141	Singapore	0.347	0.4341	18 185	19 098	20 317
142	Slovakia	0.063	0.0788	3 302	3 467	3 689
143	Slovenia	0.096	0.1201	5 031	5 284	5 621
144	South Africa	0.290	0.3628	15 198	15 961	16 980
145	Spain	2.968	3.7132	155 545	163 351	173 781
146	Sri Lanka	0.016	0.0200	839	881	937



No.	Party	United Nations scale of assessments for 2009*	Adjusted scale of contributions with 22 per cent ceiling and no LDC paying more than 0.01 per cent	Annual contributions for 2009	Annual contributions for 2010	Annual contributions for 2011
147	Sudan	0.010	0.0125	524	550	586
148	Swaziland	0.002	0.0025	105	110	117
149	Sweden	1.071	1.3399	56 128	58 945	62 709
150	Switzerland	1.216	1.5213	63 728	66 925	71 199
151	Syrian Arab Republic	0.016	0.0200	839	881	937
152	Thailand	0.186	0.2327	9 748	10 237	10 891
153	The former Yugoslav Republic of Macedonia	0.005	0.0063	262	275	293
154	Togo	0.001	0.0013	52	55	59
155	Trinidad and Tobago	0.027	0.0338	1 415	1 486	1 581
156	Tunisia	0.031	0.0388	1 625	1 706	1 815
157	Turkey	0.381	0.4767	19 967	20 969	22 308
158	Turkmenistan	0.006	0.0075	314	330	351
159	Uganda	0.003	0.0038	157	165	176
160	Ukraine	0.045	0.0563	2 358	2 477	2 635
161	United Arab Emirates	0.302	0.3778	15 827	16 621	17 683
162	United Kingdom of Great Britain and Northern Ireland	6.642	8.3096	348 091	365 558	388 900
163	United Republic of Tanzania	0.006	0.0075	314	330	351
164	Uruguay	0.027	0.0338	1 415	1 486	1 581
165	Uzbekistan	0.008	0.0100	419	440	468
166	Venezuela (Bolivarian Republic of)	0.200	0.2502	10 482	11 007	11 710
167	Viet Nam	0.024	0.0300	1 258	1 321	1 405
168	Yemen	0.007	0.0088	367	385	410
169	Zambia	0.001	0.0013	52	55	59
170	European Community	2.500	2.5000	104 725	109 980	117 003
	<b>Total</b>	80.433	100.00000	4 188 999	4 399 203	4 680 112

\*As derived from General Assembly resolution 61/237 of 22 December 2006.

**Table 5**

**Non-staff costs of activities**

Activity number	2009			2010			2011		
	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund
1	-	-	-	175 000	175 000	-	1 520 000	500 000	1 020 000
2	300 000	300 000	-	746 000	230 000	516 000	-	-	-
3	32 000	32 000	-	-	-	-	32 000	32 000	-
4	64 000	-	64 000	92 000	28 000	64 000	28 000	28 000	-
5	120 000	-	120 000	-	-	-	-	-	-
6	-	-	-	-	-	-	-	-	-
7a	-	-	-	-	-	-	-	-	-
7b	5 000	5 000	-	5 000	5 000	-	5 000	5 000	-
8	87 000	-	87 000	87 000	-	87 000	-	-	-
9	75 000	75 000	-	75 000	75 000	-	75 000	75 000	-
10	15 000	15 000	-	15 000	15 000	-	15 000	15 000	-
11	35 000	35 000	-	40 000	40 000	-	40 000	40 000	-
12	-	-	-	-	-	-	-	-	-
15	170 000	30 000	140 000	170 000	30 000	140 000	170 000	30 000	140 000
18	5 000	5 000	-	-	-	-	-	-	-
19	1 226 000	20 000	1 206 000	776 000	20 000	756 000	30 000	30 000	-
20	10 000	10 000	-	10 000	10 000	-	10 000	10 000	-
21	50 000	-	50 000	50 000	-	50 000	50 000	-	50 000
22	45 000	-	45 000	-	-	-	-	-	-
23	250 000	-	250 000	250 000	-	250 000	-	-	-
24	100 000	-	100 000	100 000	-	100 000	-	-	-
25	505 000	-	505 000	505 000	5 000	500 000	5 000	5 000	-
26	5 000	-	5 000	5 000	-	5 000	-	-	-
27	5 000	-	5 000	5 000	-	5 000	-	-	-
28	120 000	-	120 000	120 000	-	120 000	-	-	-
29	217 000	-	217 000	217 000	-	217 000	-	-	-
30	280 000	-	280 000	410 000	-	410 000	-	-	-
31	617 000	-	617 000	417 000	-	417 000	-	-	-

Activity number	2009			2010			2011		
	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund	Non-staff costs	BC Trust Fund	BD Trust Fund
35	183 000	20 000	163 000	183 000	20 000	163 000	20 000	20 000	-
36	115 000	-	115 000	115 000	-	115 000	-	-	-
37	5 000	-	5 000	-	-	-	-	-	-
39	130 000	-	130 000	120 000	-	120 000	-	-	-
40	70 000	-	70 000	70 000	-	70 000	-	-	-
41	5 000	-	5 000	5 000	-	5 000	-	-	-
42	230 000	-	230 000	230 000	-	230 000	-	-	-
43	-	-	-	-	-	-	-	-	-
44	65 000	20 000	45 000	65 000	20 000	45 000	65 000	20 000	45 000
45	60 000	-	60 000	60 000	-	60 000	-	-	-
46	70 000	-	70 000	70 000	-	70 000	-	-	-
47	25 000	15 000	10 000	25 000	15 000	10 000	25 000	15 000	10 000
48	10 000	10 000	-	10 000	10 000	-	10 000	10 000	-
49	-	-	-	-	-	-	-	-	-
50	10 000	10 000	-	10 000	10 000	-	10 000	10 000	-
51	35 000	10 000	25 000	-	-	-	75 000	-	75 000
52	-	-	-	-	-	-	50 000	-	50 000
53	-	-	-	-	-	-	-	-	-
54	40 000	40 000	-	40 000	40 000	-	40 000	40 000	-
55	-	-	-	-	-	-	-	-	-
56	20 000	20 000	-	20 000	20 000	-	20 000	20 000	-
58	305 300	305 300	-	305 300	305 300	-	305 300	305 300	-
<b>TOTAL</b>	<b>5 716 300</b>	<b>977 300</b>	<b>4 739 000</b>	<b>5 598 300</b>	<b>1 073 300</b>	<b>4 525 000</b>	<b>2 600 300</b>	<b>1 210 300</b>	<b>1 390 000</b>

## IX/32: Work programme of the Open-ended Working Group for 2009–2011

### *The Conference of the Parties*

1. *Adopts* the work programme of the Open-ended Working Group for 2009–2011 contained in the annex to the present decision;
2. *Elects* the following representatives as members of the Bureau of the Open-ended Working Group for the triennium 2009–2011:

Co-chairs: Mr. Oludayo Olusegun Dada (Nigeria) (Technical)  
 Mr. Damien Scott Hall (Australia) (Legal)

Vice-chairs: Mr. Mohammed Khashashneh (Jordan) (Technical)  
 Ms. Gillian Guthrie (Jamaica) (Legal)

Rapporteur: Ms. Sonja Radovic (Croatia).

### Annex to decision IX/32

#### Work programme of the Open-ended Working Group for 2009–2011

<b>I. Strategic Plan for the Implementation of the Basel Convention</b>			
Topics	Activities	Decisions of the Conference of the Parties at its ninth meeting	Priority
A. Strategic Plan and new strategic framework	<ol style="list-style-type: none"> <li>1. Provide guidance to the Secretariat and the Basel Convention regional centres on efforts to assist Parties in implementing the Strategic Plan.</li> <li>2. Review the implementation of the Strategic Plan and prepare a draft strategic framework (to 2020).</li> </ol>	IX/3	High
B. Basel Convention regional and coordinating centres	<ol style="list-style-type: none"> <li>1. Review the operation of the centres and prepare a workplan for strengthening the centres.</li> <li>2. Consider a proposal for the establishment of a regional centre.</li> </ol>	IX/4 IX/5	High
C. Basel Convention Partnership Programme	<ol style="list-style-type: none"> <li>1. Review the work undertaken by the Secretariat and by the Basel Convention regional centres to implement the work plan of the Basel Convention Partnership Programme for 2009–2011.</li> <li>2. Provide guidance on the implementation of the Partnership Programme, including guidance to the PACE and the MPPI, and consider amendments of section 4 of the guidance document on mobile phones.</li> </ol>	IX/7, IX/8, IX/9	High

<b>II. Scientific and technical matters</b>			
Topics	Activities	Decisions of the Conference of the Parties at its ninth meeting	Priority
A. Technical guidelines	<ol style="list-style-type: none"> <li>1. Develop technical guidelines for the environmentally sound management of mercury wastes.</li> </ol>	IX/15	High
	<ol style="list-style-type: none"> <li>2. Prepare guidelines on transboundary movements of e-waste, in particular regarding the distinction between waste and non-waste.</li> </ol>	IX/6	High
	<ol style="list-style-type: none"> <li>3. Revise the technical guidelines on the environmentally sound management of used tyres.</li> </ol>	IX/14	Medium

<b>II. Scientific and technical matters</b>			
	4. Review and update the technical guidelines on persistent organic pollutants (POPs), if appropriate, and review disposal methods when the POP content is beneath the low POP content.	IX/16	Medium
	5. Review selected technical guidelines and initiate updating as necessary on, for example, incineration on land (D10), specially engineered landfills (D5) and wastes collected from households (Y46).	IX/17	Medium
B. Classification and hazard characterization of wastes	1. Consider and review any applications for changes and any corrections of the list of wastes in Annexes VIII and IX and report on the matter, through the Secretariat, to the Conference of the Parties.	VIII/15	High
	2. Consider the amendment of entries relating to POPs.	IX/16	High
	3. Review issues concerning the identification of wastes in the World Customs Organization Harmonized Commodity Description and Coding System and related matters.	IX/19	Medium
	4. Review issues relating to harmonization and coordination as they relate to work with UNSCE/Globally Harmonized System.	IX/20	Medium
	5. Complete the work on hazard characteristic H11	IX/18	Low
C. Review issues raised under MPPI	Review issues raised during the discussion of the guidelines on transboundary movement of used and end-of-life mobile phones (Chairman's paper).	IX/8	Medium

<b>III. Legal and compliance</b>			
Topics	Activities	Decisions of the Conference of the Parties at its ninth meeting	Priority
A. Environmentally sound dismantling of ships	1. Assess preliminary whether the International Convention for the Safe and Environmentally Sound Recycling of Ships, to be adopted by the International Maritime Organization, establishes an equivalent level of control and enforcement as that established under the Basel Convention, in their entirety, after having developed criteria for this assessment.	IX/30	High
	2. Keep under review developments in this field in other international forums and provide guidance, as appropriate, to the Secretariat.	IX/30	
B. Cooperation between the Basel Convention and the International Maritime Organization	Consider the respective competencies of the Basel Convention and the International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 in respect of hazardous wastes and other wastes, taking into account deliberations on related issues in the Marine Environment Protection Committee of the International Maritime Organization, and develop recommendations.	IX/12	High
C. Implementation of decision V/32 on enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Assistance in the Implementation of the Basel Convention	Review the implementation of decision V/32 and develop recommendations addressing the expediency of the procedures under the mechanism, the adequacy of resources available for use under the mechanisms and cooperation with other international organizations and agencies in responding to an emergency situation, and transmit these recommendations to the tenth meeting of the Conference of the Parties.	IX/22	Medium

<b>III. Legal and compliance</b>			
D. Enforcement of the Convention and combating illegal traffic	1. Provide guidance to the Secretariat on activities to assist Parties to enforce the Convention and to combat illegal traffic. 2. Consider and approve the draft instruction manual.	IX/23	High
E. Legal guidance	Provide legal guidance on matters raised by the Secretariat in connection with other decisions adopted by COP9		Medium
F. Addressing the interpretation of paragraph 5 of article 17 of the Basel Convention	Continue the development of a draft decision to reach an agreed interpretation of paragraph 5 of Article 17 of the Basel Convention in accordance with international law, taking into account the work of COP9 on this matter, including a non-exhaustive list of possible elements for a draft decision.	IX/25	

<b>IV. Resource mobilization and sustainable financing</b>			
Topics	Activities	Decisions of the Conference of the Parties at its ninth meeting	Priority
Resource mobilization and sustainable financing	Monitor and provide guidance on the implementation of relevant decisions of the Conference of the Parties.	VIII/34	High

<b>V. International cooperation and coordination</b>			
Topics	Activities	Decisions of the Conference of the Parties at its ninth meeting	Priority
A. Cooperation and coordination between the Basel, Rotterdam and Stockholm conventions	Provide guidance to the Secretariat, as appropriate, on the implementation of the recommendation of the Ad Hoc Joint Working Group on Enhancing Cooperation and Coordination Among the Basel, Rotterdam and Stockholm Conventions, taking into account relevant decisions adopted by the Conferences of the Parties of the Stockholm and Rotterdam Conventions.	IX/10, IX/31	High
B. International cooperation and coordination	Provide guidance, as appropriate, to the Secretariat on means to enhance cooperation and coordination with international and regional organizations and multilateral environmental agreements in areas of relevance to the Basel Convention.	IX/11	Medium

<b>VI. Financial matters</b>			
Topics	Activities	Decisions of the Conference of the Parties at its ninth meeting	Priority
Programme budget and other financial matters	1. Provide guidance on and review the preparation of the programme budget for 2012–2013 and related financial matters. 2. Consider measurable indicators of achievement and performance. 3. Consider a proposal for using any increase in the reserves and fund balance of the Basel Convention Trust Fund, if appropriate. 4. Finalize the programme of activities for 2011 and, if appropriate, take note of changes in the funding required from the Technical Cooperation Trust Fund.	IX/31	High

## VII. Decisions of the Conference of the Parties

Topics	Activities	Decisions of the Conference of the Parties at its ninth meeting	Priority
Draft decisions of the Conference of the Parties	Review and submit draft decisions for consideration and possible adoption by the Conference of the Parties at its tenth meeting.		High

## IX/33: Date and venue of the tenth meeting of the Conference of the Parties

*The Conference of the Parties,*

*Recalling* Article 15 of the Basel Convention, which states that “ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting”;

*Recalling also* its decision I/1, in which it adopted the rules of procedure for its meetings, rule 4 of which provides that ordinary meetings of the Conference of the Parties shall be held every other year unless the Parties decide otherwise and that at each ordinary meeting the Conference shall decide on the date and duration of the next ordinary meeting,

1. *Decides* that the tenth meeting of the Conference of the Parties to the Convention shall be convened in 2011, the dates to be determined by the Secretariat in consultation with the Expanded Bureau;

2. *Mandates* the Executive Secretary, subject to the approval of the Expanded Bureau, to enter into consultations with a Party that expresses interest in hosting the tenth meeting of the Conference of the Parties with a view to agreeing on satisfactory arrangements and concluding a host country agreement for hosting the tenth meeting of the Conference of the Parties;

3. *Notes* that if no Party agrees to host the tenth meeting of the Conference of the Parties the meeting will be held at the seat of the Secretariat in Geneva.

### Resolution expressing gratitude to the Government of Indonesia

*The Conference of the Parties,*

*Having met* in Bali on the occasion of its ninth meeting from 23 to 27 June 2008 at the invitation of the Government of Indonesia,

1. *Expresses* its profound gratitude to the Government of Indonesia for making it possible for the meeting to be held in Bali;

2. *Requests* the Government of Indonesia to convey to the people of Bali the gratitude of the Conference of the Parties for the hospitality and warmth extended to the meeting participants.

## Bali Declaration on Waste Management for Human Health and Livelihood

*We, the Ministers and other heads of delegation from the Parties to the Basel Convention and from other States,*

*Having met* in Bali, Indonesia, from 23 to 27 June 2008, on the occasion of the ninth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, and in particular during the World Forum on Waste Management for Human Health and Livelihood,

*Mindful* that the conditions of life on our planet are threatened and that the challenge for Governments, civil society and the private sector is to protect and improve the environment and human health and livelihood for present and future generations,

*Declare that:*

1. We reaffirm our commitment to the principles and purposes of the Basel Convention adopted on 22 March 1989, including the fundamental objective to protect, by strict control, human health and the environment against the adverse effects resulting from the generation, transboundary movement and management of hazardous wastes and other wastes, in a spirit of solidarity and partnership, and are willing to contribute to a new momentum to achieve the Convention's objectives;
2. We also reaffirm our commitment to sustainable development, including those principles set out in Agenda 21, including chapters 20 and 21, as agreed upon at the United Nations Conference on Environment and Development in 1992;
3. We further reaffirm our commitment to the Johannesburg Declaration on Sustainable Development<sup>1</sup> and the Plan of Implementation of the World Summit on Sustainable Development,<sup>2</sup> which aimed to advance and strengthen the interdependent and mutually reinforcing pillars of sustainable development – economic development, social progress and environmental protection – at the local, national, regional and global levels;
4. We are convinced that full and effective action to implement the Basel Convention will contribute to the achievement of sustainable development, notably internationally agreed development goals, including those contained in the United Nations Millennium Declaration, through waste prevention and minimization, the control of transboundary movements of hazardous wastes and safe and environmentally sound management of waste. In this way, progress can be made in the area of poverty eradication, health, education, gender equality, environmental sustainability and the global partnership for development;
5. We are fully aware that waste, if not managed in a safe and environmentally sound manner, may have serious consequences for the environment, human health and sustainable livelihood, and we therefore reaffirm our commitment to preventing the illegal transboundary movement of hazardous wastes, to minimizing the generation of hazardous wastes and to promoting the safe and environmentally sound management of waste within each country;
6. We are convinced that if those actions are taken, there is high potential to improve the health and livelihood of all citizens and to provide economic opportunities through the safe and efficient reduction, re-use, recycling, recovery, treatment and disposal of waste. We believe that we could help to realize such potential benefits by encouraging the incorporation of sound waste management in development and sustainability strategies and through strengthened cooperation at all levels;
7. We will further promote international, regional and inter-agency cooperation, coordination and planning, including among the Basel Convention, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants, to facilitate capacity-building, information sharing and technology transfer in tackling hazardous waste issues, including through the implementation of the Bali Strategic Plan for Technology Support and Capacity-building;
8. We note that resource mobilization is an important task to be undertaken for achieving the objectives of the Basel Convention. In this context, as set out in decision VIII/34 on resource mobilization and sustainable financing, in particular its paragraph 5, which takes into account the co-benefits between the environmentally sound management of waste and climate protection, we encourage raising of such resources, including from the flexible mechanism under the United Nations Framework Convention on Climate Change and its Kyoto Protocol;
9. We call upon international and regional partners to support and enhance the implementation of the Basel Convention at the bilateral, regional and global levels by providing adequate resources and assistance for the safe and environmentally sound management of hazardous and other wastes and we believe that a public-private partnership approach could be an important way to advance activities for the environmentally sound management of waste. In this context, we also recall the importance of the role played by the Basel Convention regional centres in enhancing the implementation of the Convention and the need to support the building of their capacity to improve their effectiveness;
10. We encourage the following actions by Parties and by relevant public and private organizations, including international and regional organizations and programmes, to:

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<sup>1</sup> *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 1, annex.

<sup>2</sup> *Ibid*, chap. I, resolution 2, annex.



- (a) Promote awareness-raising of the link between waste management, health and livelihood and the environment;
- (b) Strengthen subregional and regional cooperation on waste and health issues by promoting national, regional and international human and appropriate technical capacities;
- (c) Improve waste shipment and border controls to prevent illegal movements of hazardous and other wastes, including through capacity-building, technology transfer and technical assistance;
- (d) Improve cooperation between national authorities in the waste, chemicals and health sectors and, in collaboration with other relevant authorities and stakeholders, in the development and implementation of effective and sound waste management systems;
- (e) Increase capacity-building and promote and, where possible, enhance, public and private investment for the transfer and use of appropriate technology for the safe and environmentally sound management of waste;

11. We invite the World Health Assembly to consider a resolution related to the improvement of health through safe and environmentally sound waste management.

## Statement by the Secretary-General

### **Message to the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal at the high-level segment of its ninth meeting, held in Bali on 26 and 27 June 2008**

Twenty years since the adoption of the Basel Convention, the international regime regulating transboundary movements of hazardous and other wastes, this Conference will have to grapple with a range of new challenges.

Electrical and electronic waste is emerging as a major problem. Right now, more than one in three people worldwide – 2.5 billion in total – use a mobile phone. That figure is expected to rise by up to 400 million new subscribers each year. While this trend is responsible for immeasurable advances worldwide, discarded mobile phones are posing a growing and potentially alarming environmental threat.

You have already made significant progress in responding. At the eighth meeting of the Conference of the Parties, the Basel Convention adopted the Nairobi Declaration on the environmentally sound management of electrical and electronic waste, and a related programme of activities to tackle this new challenge hands-on.

Even as the ninth meeting of the Conference of the Parties continues this important work, it must also maintain attention to longstanding concerns. Hazardous and other wastes that are improperly managed or transported continue to pose serious risks for human health and the environment.

Given the undeniable interdependence between the environmentally sound management of hazardous and other wastes and the achievement of sustainable development, I welcome the attention given by the Conference of the Parties at its ninth meeting to the critical impact of waste on human health and livelihood.

The Basel Convention, by establishing the principle of environmentally sound management of hazardous and other wastes, is a key tool in pursuing environmental sustainability and the Millennium Development Goals.

To reach these targets for a better world, all States should provide the necessary political commitment and resources to the Basel Convention, integrating efforts to carry out its provisions into the broader global campaign for sustainable development.

For our part, the United Nations will continue to take an active role in meeting the global waste challenge.

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# **BASEL CONVENTION**

COMPILATION OF DECISIONS

Omnibus decision adopted by the Conference of the Parties to the Basel Convention at the first simultaneous extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam, and Stockholm conventions

Bali, 22–24 February 2010



## **BC.Ex-1/1: Omnibus decision adopted by the Conference of the Parties to the Basel Convention**

*The Conference of the Parties,*

*Mindful* of the legal autonomy of each of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants,

*Recognizing* the broad scope of the three conventions,

*Welcoming* the ongoing commitment of all Parties to ensuring the implementation of the full breadth of the three conventions,

*Recalling* decision IX/10 of the Conference of the Parties to the Basel Convention, decision RC-4/11 of the Conference of the Parties to the Rotterdam Convention and decision SC-4/34 of the Conference of the Parties of the Stockholm Convention, hereinafter referred to as the “synergies decisions”,

*Reaffirming* that actions taken to enhance coordination and cooperation should be aimed at strengthening implementation of the three conventions at the national, regional and global levels, promoting coherent policy guidance and enhancing efficiency in the provision of support to Parties, with a view to reducing their administrative burden and maximizing the effective and efficient use of resources at all levels,

*Mindful* of the various principles recognized within the three conventions, including pertinent provisions of the Rio Declaration on Environment and Development such as principle 7,

*Bearing in mind* the potential further to enhance coordination and cooperation with other existing and newly developed instruments and frameworks in the chemicals and wastes management cluster such as the Strategic Approach to International Chemicals Management and the proposed legally binding instrument on mercury,

*In consideration of* the fact that, simultaneously with the adoption of the present decision, the conferences of the Parties to the Rotterdam and Stockholm conventions are adopting decisions that are in substance identical to the present decision,

### **I**

#### **Joint activities**

1. *Notes* with appreciation the information provided in the note by the secretariats of the Basel, Rotterdam and Stockholm conventions<sup>1</sup> on the joint activities being carried out or planned by the secretariats, which constitute an important first step in the implementation of joint activities;
2. *Encourages* Parties and other stakeholders to undertake cooperative and coordinated activities to implement the synergies decisions, including by strengthening national processes or mechanisms, as appropriate, that involve the focal points and designated national authorities for the three conventions;
3. *Urges* Parties and other stakeholders, within their capabilities, to provide resources to support implementation of joint activities in the field and to support the joint activities of the three secretariats in accordance with the synergies decisions and programmes of work of the three conventions for 2010–2011;
4. *Encourages* Parties and other stakeholders to promote the full and coordinated use of the regional centres of the Basel and Stockholm conventions to strengthen the regional delivery of assistance for the implementation of the three conventions and to

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<sup>1</sup> UNEP/FAO/CHW/RC/POPS/EXCOPS.1/2.

consider the further aim of selecting regional focal centres in accordance with paragraph 16 of section I of the synergies decisions, bearing in mind the existing work of other relevant multilateral environmental agreements and the Strategic Approach to International Chemicals Management;

5. *Invites* Parties, regional centres of the Basel and Stockholm conventions and other stakeholders to exchange experiences, in particular on examples of good coordination practices, through voluntary reports on national and regional activities planned or carried out to implement the synergies decisions, which should be submitted in due time to the secretariats of the three conventions to be synthesized for consideration by the conferences of the Parties at their ordinary meetings in 2011;

6. *Invites* the United Nations Environment Programme, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations, the World Health Organization, the World Bank, the Global Environment Facility and other relevant international organizations to report on their efforts to promote programmatic cooperation and coordination in relation to their support for the three conventions at the national level, and on activities carried out or planned to implement the synergies decisions, to the conferences of the Parties to the three conventions through the secretariats of the three conventions in time for consideration by the conferences of the Parties to the three conventions at their ordinary meetings in 2011 and in this context welcomes the synergistic approach that has been taken in the process for the fifth replenishment of the Global Environment Facility;

7. *Invites* the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations to report to the conferences of the Parties at their ordinary meetings in 2011 on progress made in the development of programmatic cooperation in the field to support implementation of the three conventions in areas of common concern and the inclusion of such cooperation in their biennial work programmes;

8. *Requests* the secretariats of the three conventions to continue their efforts to implement joint activities and report on progress thereof at the ordinary meetings of the conferences of the Parties in 2011;

9. *Also requests* the secretariats, taking into account the provisions of the present decision on review arrangements, to develop for consideration by the conferences of the Parties at their ordinary meetings in 2011 a proposal for cross-cutting and joint activities for possible inclusion in the programmes of work of the three conventions for 2012–2013, subject to the availability of financial resources, taking into account, when appropriate, implementation in collaboration with the relevant programmes of the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations, the Strategic Approach to International Chemicals Management, the Commission on Sustainable Development, the World Health Organization, the World Trade Organization, the World Customs Organization, the Green Customs Initiative and other relevant stakeholders in the chemicals and wastes field;

10. *Endorses* on a preliminary basis the joint workplan for a clearing-house mechanism as described in the note by the secretariats on a draft joint workplan;<sup>2</sup>

11. *Requests* the secretariats to prepare a report on other clearing-house mechanisms and similar mechanisms in the area of chemicals and wastes, especially the Strategic Approach clearing-house mechanism, with a description of their basic characteristics and the extent to which they contain elements that could be considered for inclusion in a clearing-house mechanism for the Basel, Rotterdam and Stockholm conventions, to avoid duplication of work, for presentation at the ordinary meetings of the conferences of the Parties in 2011;

12. *Also requests* the secretariats to prepare a revised workplan, taking into account the above-mentioned report, for adoption at the ordinary meetings of the conferences of the Parties in 2011;

13. *Invites* Parties and other stakeholders to contribute to the development of the clearing-house mechanism through voluntary means;

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<sup>2</sup> UNEP/FAO/CHW/RC/POPS/EXCOPS.1/INF/2.

## II

### Joint managerial functions

1. *Welcomes* the progress made by the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization of the United Nations, in establishing an informal joint management group involving the executive secretaries of the secretariats of the Basel, Rotterdam and Stockholm conventions;
2. *Takes note* of the study on the feasibility and cost implications of establishing joint coordination or a joint head of the secretariats of the Basel, Rotterdam and Stockholm conventions, with a view to enhancing cooperation and coordination among the three Conventions;<sup>3</sup>
3. *Decides*, after considering the views expressed by the Parties regarding the establishment of either joint coordination or a joint head function of the Basel Convention Secretariat, the Stockholm Convention Secretariat and the United Nations Environment Programme part of the Rotterdam Convention Secretariat, to establish a joint head function, which will be subject to review to determine if the function should continue;
4. *Requests* the Executive Director of the United Nations Environment Programme, after consulting the bureaux of the Basel, Rotterdam and Stockholm conventions, to proceed immediately with the recruitment of a joint head of the Basel Convention Secretariat, the Stockholm Convention Secretariat and the United Nations Environment Programme part of the Rotterdam Convention Secretariat to serve for a period of two years, noting that the continuation of the joint head will be subject to review according to paragraph 8 of the present section of the present decision;
5. *Invites* Parties and others in a position to do so to provide on a voluntary basis additional resources to support the post of joint head until a decision is taken on the future of the post or by the end of 2013, whichever is earlier;
6. *Requests* the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization of the United Nations, to develop a proposal for the modification of the organization of the Basel Convention Secretariat, the Stockholm Convention Secretariat and the United Nations Environment Programme part of the Rotterdam Convention Secretariat, including the possible continuation of the joint head function, that is cost-neutral in respect of the adopted operating budgets of the three conventions;
7. *Invites* Parties to consider the proposal referred to in the preceding paragraph on the modification of the organization of the secretariats for possible adoption by the conferences of the Parties as soon as possible, but no later than 2013, taking into account the effectiveness of the joint head in:
  - (a) Ensuring full respect for the legal autonomy of the three conventions;
  - (b) Contributing to the overarching goal of the three conventions to protect human health and the environment for the promotion of sustainable development;
  - (c) Providing equal commitment to the implementation of all three conventions, including in advocacy for the mobilization of substantially increased funding from all sources for national implementation;
  - (d) Demonstrating increased efficiency and effectiveness in the cooperation and coordination of the three secretariats;
  - (e) Reducing administrative burdens and maximizing the effective and efficient use of resources;
8. *Decides* to review the joint head function in the context of the review arrangements referred to in section VI of the present decision;

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<sup>3</sup> UNEP/FAO/CHW/RC/POPS/EXCOPS.1/3.

### III

#### Joint services

1. *Welcomes* the progress made by the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization of the United Nations and through the executive secretaries of the three conventions, in the establishment and implementation of joint services on an interim basis;

2. *Takes note* of the information provided in the note by the secretariats on joint services, including lessons learned;<sup>4</sup>

3. *Invites* the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization of the United Nations, in providing the secretariat functions of the Basel, Rotterdam and Stockholm conventions, to establish, through the executive secretaries of the three conventions, taking into account the experiences gained during the interim period, the following joint services:

- (a) Joint financial and administrative support service;
- (b) Joint legal service;
- (c) Joint information technology service;
- (d) Joint information service;
- (e) Joint resource mobilization service;

4. *Approves* the proposals on a common arrangement for staffing and financing joint services of the three conventions as they relate to existing posts, including financing shared posts for 2010–2011, as set out in table 1 of annex II to the note by the secretariats on the cost and organizational implications of establishing joint services;<sup>5</sup>

5. *Requests* the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization of the United Nations and the joint head of the Basel Convention Secretariat, the Stockholm Convention Secretariat and the United Nations Environment Programme part of the Rotterdam Convention Secretariat, to develop a proposal for the modification of the organization of the three secretariats for the biennium 2012–2013, for consideration by the conferences of the Parties at their ordinary meetings in 2011, that is cost-neutral in respect of the adopted operating budgets of the three conventions for 2010–2011, is consistent with the proposal to be made on whether to continue the function of joint head of the Basel Convention Secretariat, the Stockholm Convention Secretariat and the United Nations Environment Programme part of the Rotterdam Convention Secretariat referred to in paragraph 6 of section II of the present decision, saves costs on support services and moves resources towards assistance for the implementation of the three Conventions;

6. *Invites* Parties and others in a position to do so to provide voluntary funding of \$80,000 to cover the integration of the information technology platforms throughout the secretariats of the Basel, Rotterdam and Stockholm conventions;

7. *Requests* the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization of the United Nations and through the executive secretaries of the three conventions, to continue efforts to implement joint services and to report on progress in doing so at the ordinary meetings of the conferences of the Parties in 2011;

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<sup>4</sup> UNEP/FAO/CHW/RC/POPS/EXCOPS.1/4.

<sup>5</sup> UNEP/FAO/CHW/RC/POPS/EXCOPS.1/INF/3.



## IV

### Synchronization of budget cycles

1. *Takes note* that the synchronization of the budget cycles of the Basel and Rotterdam conventions with the budget cycles of the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations and the Stockholm Convention has been achieved;
2. *Requests* the Executive Secretaries of the Basel, Rotterdam and Stockholm conventions to continue to synchronize the budget cycles of the three conventions;

## V

### Joint audits

1. *Welcomes* the commitment by the United Nations Environment Programme to share with the conferences of the Parties the audit reports covering the trust funds of the three conventions, facilitating the ability of the conferences to follow up on those reports;
2. *Also welcomes* the request by the Executive Director of the United Nations Environment Programme to the United Nations Office of Internal Oversight Services to audit in 2010 the strategic management of the multilateral environmental agreements for which the United Nations Environment Programme provides secretariat functions, including administrative arrangements, governance, accountability and oversight;
3. *Requests* the Executive Director to present a report on the audit conducted by the Office of Internal Oversight Services of each of the Basel, Rotterdam and Stockholm conventions to the Conference of the Parties to that convention for consideration at its ordinary meeting in 2011;

## VI

### Review arrangements

1. *Decides* to review at the ordinary meetings of the conferences of the Parties in 2013, in accordance with the timetable contained in the annex to the present decision, how far the arrangements adopted pursuant to the synergies decisions, in particular on joint activities, joint managerial functions and joint services, have contributed to achieving the following objectives:
  - (a) Strengthening of the implementation of the three Conventions at the national, regional and global levels;
  - (b) Promoting coherent policy guidance;
  - (c) Reducing administrative burden;
  - (d) Maximizing the effective and efficient use of resources at all levels;
  - (e) Taking into account global concerns and the specific needs of developing countries and countries with economies in transition;
  - (f) Protecting human health and the environment for the promotion of sustainable development;
2. *Requests* the secretariats to prepare, for consideration by the conferences of the Parties at their ordinary meetings in 2011, detailed terms of reference for a report by the secretariats that will facilitate the review by the conferences of the Parties referred to in the preceding paragraph;
3. *Also requests* the secretariats to compile the report referred to in the preceding paragraph jointly and to include in the report recommendations on the review, reflecting

information collected from Parties through a questionnaire, prepared by the secretariats based on the terms of reference adopted by the conferences of the Parties and their own views;

4. *Invites* the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization of the United Nations, to prepare detailed terms of reference, including performance indicators, along with a timetable, for the review called for by the present decision, for consideration by the conferences of the Parties at their ordinary meetings in 2011;

5. *Also invites* the Executive Director of United Nations Environment Programme and the Director-General of the Food and Agriculture Organization of the United Nations to prepare a report on the review called for by the present decision, including recommendations, through a joint endeavour of their respective evaluation units, based on input from Parties and taking into account input from the secretariats of the Basel, Rotterdam and Stockholm conventions and other stakeholders.

#### **Annex to decision BC.Ex-1/1**

<b>Activity</b>	<b>Timing</b>
Development of draft terms of reference for the two reports	Finalized 90 days prior to the first meeting of a conference of the Parties to be held in 2011
Adoption of the terms of reference for the two reports	By each conference of the Parties in 2011
Publication of the two reports on the websites of the Basel, Rotterdam and Stockholm conventions	90 days before the first meeting of a conference of the Parties to be held in 2013
Adoption of decisions by the three conferences of the Parties	By each conference of the Parties in 2013

The background of the entire page is a grayscale, high-magnification microscopic image of biological cells. The cells are various shapes and sizes, some showing internal structures like nuclei and membranes. The image is slightly out of focus, creating a soft, textured effect. A dark horizontal band is positioned across the upper portion of the page, containing the title and subtitle.

# **BASEL CONVENTION**

## COMPILATION OF DECISIONS

Decisions adopted by the Conference of the Parties to  
the Basel Convention at its tenth meeting

Cartagena, 17–21 October 2011



## BC-10/1: Amendment to rule 21 of the rules of procedure

*The Conference of the Parties,*

*Recalling* its decisions I/1 and VII/37,

*Recognizing* the benefits of electing the officers of the Conference of the Parties so that it will be possible for the Secretariat, parties and other stakeholders to work during the period leading up to a meeting of the Conference of the Parties with the Bureau that will serve during that meeting,

1. *Decides*, without prejudice to its decision VI/36 on institutional arrangements, to amend rule 21 of the rules of procedure to read as follows:

### “Rule 21

1. At each ordinary meeting, a President, three Vice-Presidents and a Rapporteur are to be elected from among the representatives of the Parties present at the meeting. In conducting these elections, the Conference of the Parties shall have due regard to the principle of equitable geographical representation. The offices of President and Rapporteur shall normally be subject to rotation among the five United Nations regional groups.

2. The President, three Vice-Presidents and the Rapporteur elected at an ordinary meeting shall commence their terms of office at the closure of the meeting at which they are elected and remain in office until the closure of the next ordinary meeting of the Conference of the Parties, for which they will serve as the Bureau, including for any intervening extraordinary meeting. Exceptionally, one or more of these officers may be re-elected for one further consecutive term.

3. The President shall participate in meetings of the Conference of the Parties in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative who shall be entitled to represent the Party in the meeting and to exercise the right to vote.”;

2. *Requests* the Secretariat to issue a consolidated version of the rules of procedure indicating the above amendment.

## BC-10/2: Strategic framework for the implementation of the Basel Convention for 2012–2021

*The Conference of the Parties,*

*Recalling* the strategic plan for the implementation of the Basel Convention to 2010<sup>1</sup> and the Basel Declaration on Environmentally Sound Management<sup>2</sup> and reaffirming the objectives stated therein,

*Recalling also* its decision IX/3,

*Taking into account* that building strategic partnerships is a key element in identifying and mobilizing support for the Basel Convention,

*Welcoming* the United Nations Environment Programme consultative process on financing options for chemicals and wastes,

*Aware* of the need to take into account regional specificities, cooperation and coordination among the Basel Convention, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants and the importance of the Basel Convention regional and coordinating centres in the implementation of the strategic framework,

1. *Adopts* the *strategic* framework set out in the annex to the present decision;

2. *Encourages* parties to take specific actions to implement the strategic framework through the activities listed in the biennial programme of work;

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1 UNEP/CHW.6/3.

2 UNEP/CHW.5/29, annex, decision V/1.

3. *Decides* to take into account regional and national diversities and specificities, especially those of developing countries, countries with economies in transition and small island developing States, in the implementation of the strategic framework;
4. *Calls upon parties* and others in a position to do so to mobilize resources to implement the strategic framework;
5. *Requests* the Secretariat to facilitate actions to mobilize resources for the strategic framework, including through the United Nations Environment Programme consultative process on financing options for chemicals and wastes;
6. *Also requests* the Secretariat to cooperate closely with the parties, the Basel Convention regional and coordinating centres and other stakeholders to support the development and implementation of the activities set out in the strategic framework;
7. *Encourages* parties and other stakeholders to provide financial and other resources, including in kind support, for the implementation of the strategic framework;
8. *Also encourages* parties and other stakeholders to promote the implementation of the strategic framework and to cooperate among themselves in that regard;
9. *Requests* the Secretariat to report to the Conference of the Parties at its eleventh meeting on progress in the implementation of the strategic framework and, as appropriate, to the subsidiary bodies of the Convention on a regular basis.

## **Annex to decision BC-10/2**

### **Strategic framework for the implementation of the Basel Convention for 2012–2021**

#### **I. Vision**

1. The aim of the strategic framework is to protect human health and the environment by controlling transboundary movements of hazardous and other wastes and by ensuring and strengthening the environmentally sound management of such wastes as a contribution to promoting sustainable livelihoods and attaining the Millennium Development Goals.

#### **II. Guiding principles**

2. The principles set out below are not listed in order of importance. They can be applied proactively in response to emerging issues provided that compliance with the provisions of the Basel Convention is ensured.
3. The following guiding principles will be applied:
  - (a) Recognize the waste management hierarchy (prevention, minimization, reuse, recycling, other recovery including energy recovery, and final disposal) and, in so doing, encourage treatment options that deliver the best overall environmental outcome, taking into account life-cycle thinking;
  - (b) Use waste management policy tools, such as:
    - (i) Sustainable use of resources;
    - (ii) Recognition of wastes as a resource, where appropriate;
    - (iii) Integrated waste management;
    - (iv) Life-cycle approach;
    - (v) Polluter-pays principle;
    - (vi) Extended producer responsibility;
    - (vii) Precautionary principle;
    - (viii) Proximity principle;
    - (ix) Partnerships, cooperation and synergies;
    - (x) Sustainable consumption and production;

(c) Respect legislation governing waste management, including the principle of ensuring that every party has national legislation and regulations in place, in addition to enforcement mechanisms, to control transboundary movements of hazardous and other wastes and to prevent and combat illegal traffic;

(d) Respect each party's national legislation and regulations regarding the control of the transboundary movements of hazardous and other wastes.

### **III. Strategic goals and objectives**

4. Responsibility for the attainment of the goals and objectives within the framework of the Convention lies primarily with each party with the involvement of relevant stakeholders. The support of the Convention Secretariat and the regional and coordinating centres will be crucial in the attainment of these goals and objectives by developing countries and countries with economies in transition, in the light of their respective capacities and particular requirements. Attainment also hinges upon the availability of means of implementation. In this regard, full consideration should be given to Article 10 of the Convention.

#### **A. Goal 1: Effective implementation of parties' obligations on transboundary movements of hazardous and other wastes**

**Objective 1.1:** To reach a common understanding among parties of the definition, interpretation and terminology of wastes covered by the Convention, including the distinction between wastes and non-wastes.

**Objective 1.2:** To prevent and combat illegal traffic in hazardous and other wastes.

**Objective 1.3:** To improve performance in meeting requirements pertaining to, among other things, notifications of national definitions of hazardous and other wastes, prohibitions and other control measures.

**Objective 1.4:** To generate, provide, collect, transmit and use reliable qualitative and quantitative information and data regarding export, import and generation as required under Article 13 of the Convention.

#### **B. Goal 2: Strengthening the environmentally sound management of hazardous and other wastes**

**Objective 2.1:** To pursue the development of environmentally sound management of hazardous and other wastes, especially through the preparation of technical guidelines, and to promote its implementation in national legislation.

**Objective 2.2:** To pursue the prevention and minimization of hazardous waste and other waste generation at source, especially through supporting and promoting activities designed to reduce at the national level the generation and hazard potential of hazardous and other wastes.

**Objective 2.3:** To support and promote capacity-building for parties, including technological capability, through technology needs assessments and technology transfer, so as to reduce the generation and hazard potential of hazardous and other wastes.

**Objective 2.4:** To facilitate national, regional and international commitment with regard to the management of priority waste streams, as identified in the programme of work of the Convention, taking into consideration the priorities of developing countries and countries with economies in transition and in accordance with the requirements of the Convention.

**Objective 2.5:** To enhance and promote the sustainable use of resources by improving the management of hazardous and other wastes and to encourage the recognition of wastes as a resource, where appropriate.

#### **C. Goal 3: Promoting the implementation of the environmentally sound management of hazardous and other wastes as an essential contribution to the attainment of sustainable livelihood, the Millennium Development Goals and the protection of human health and the environment**

**Objective 3.1:** To develop national and regional capacity, particularly through the Basel Convention regional and coordinating centres, by integrating waste management issues into national sustainable development strategies and plans for sustainable livelihood.

**Objective 3.2:** To promote cooperation with national, regional and international bodies, in particular cooperation and coordination between the Basel, Rotterdam and Stockholm conventions, to improve environmental and working conditions through the environmentally sound management of hazardous and other wastes.

#### IV. Means of implementation

5. Attaining the goals and objectives of the strategic framework requires adequate capacity and resources, recognition of the needs of developing countries and countries with economies in transition and special attention to the situation of small island developing States. Implementation of the goals and objectives requires recognition of the fact that the parties to the Convention are at varying levels of development.

6. The activities to implement the strategic framework will be agreed upon at each meeting of the Conference of the Parties during the 10-year period covered by the framework. These activities must, however, be organized, streamlined and programmed. To do this, there is a need to identify the means by which to conceive, develop and execute these activities in ways that respond to parties' needs and their individual capacities to implement the work in question. The implementation of the strategic framework will require increased individual and collective efforts, including the mobilization of resources from within parties and through international cooperation.

7. The following means of implementation have been identified as some possible options for implementing the Basel Convention, in accordance with the strategic framework:

- (a) Domestic resources;
- (b) External resources and funding;
- (c) Private sector;
- (d) Regional cooperation;
- (e) Capacity-building involving human resources, organizational and institutional development;
- (f) Mechanism for promoting implementation and compliance;
- (g) Partnerships;
- (h) Financial mechanism.

These options are described in detail in document UNEP/CHW.10/INF/34.

8. Furthermore, in recognition of the increased need for sustainable, predictable, adequate and accessible financing for the chemicals and wastes cluster, the Executive Director of the United Nations Environment Programme (UNEP) launched an initiative to consider financing options for chemicals and wastes that is relevant to the implementation of the strategic framework. At the initial meeting in the process, in July 2009, participants called upon UNEP to explore the funding and support needs of developing countries and countries with economies in transition, relevant ways to support compliance with the multilateral environmental agreements related to chemicals and wastes, and capacity-building, including institutional strengthening and technical assistance for promoting the sound management of chemicals and wastes in broader terms.

9. The outcome of the fifth meeting in the consultative process (UNEP/CHW.10/INF/54) presents an integrated approach to financing the sound management of chemicals and wastes. The integrated approach is a strategic and synergistic proposal to improve the sound management of chemicals and wastes at all levels. It incorporates the key components of four tracks identified through the consultative process, namely:

- (a) Mainstreaming sound management of chemicals and hazardous wastes;
- (b) Industry involvement, including public-private partnerships and the use of economic instruments at the national and international levels;
- (c) New trust fund similar to the Multilateral Fund for the Implementation of the Montreal Protocol;
- (d) Introducing safe chemicals and wastes management as a new focal area under the Global Environment Facility (GEF), expanding the existing persistent organic pollutants GEF focal area, or establishing a new trust fund under GEF.



10. The integrated approach seeks to make the best possible use of the added value of each track and to maximize impact at all levels. It seeks to use all four tracks in a coordinated manner in contrast to the current fragmented approach in the chemicals and wastes cluster. The integrated approach further seeks to respond to the challenges posed by chemicals and waste management, including those of the Basel Convention, and build upon the opportunities for each track to respond to the varying needs under the conventions related to chemicals and wastes and relevant international policy frameworks.

11. Recognizing the ongoing nature of the consultative process, the next step is for the Executive Director, as requested in decision SS.XI/8 of the UNEP Governing Council, to submit his final report for consideration by the Governing Council/Global Ministerial Environment Forum at its twelfth special session in 2012, and of achieving possible decisions at the third session of the International Conference on Chemicals Management, in 2012, and at the twenty-seventh session of the Governing Council, in 2013.

12. All information on the consultative process can be found at: <http://www.unep.org/delc>.

13. Donors that have made contributions to the Basel Convention Technical Cooperation Trust Fund to Assist Developing Countries may wish to consider whether limited resources might be available from the carry-over from the Trust Fund.

14. The biennial programme of work should be guided by the goals and objectives of the strategic framework.

## V. Indicators for measuring achievement and performance

15. Based on the strategic goals and objectives listed in chapter III, the following are indicators for measuring achievement and performance:

### Goal 1

#### Objective 1.1

Indicator: The number of agreed technical guidelines that assist Parties in reaching a common understanding on definitions, interpretations and terminologies covered by the Basel Convention.

### Goal 1

#### Objective 1.2

Indicator: Parties have reached an adequate level of administrative and technical capacity (in the form of Customs, police, environmental enforcement and port authorities, among others) to prevent and combat illegal traffic and judicial capacity to deal with cases of illegal traffic.

Sub-indicators:

- Number of parties that develop and execute training programmes for the staff involved;
- Number of controls and inspections carried out.

### Goal 1

#### Objective 1.3

Indicator: Percentage of parties that have notified national definitions of hazardous wastes to the Secretariat in accordance with Article 3 of the Basel Convention.

## **Goal 1**

### **Objective 1.4**

Indicator: percentage of parties reporting information to the Secretariat under Article 13.

## **Goal 2**

### **Objective 2.1**

Indicator: number of parties with national hazardous waste management strategies or plans in place.

Sub-indicator:

- Number of guidelines on environmentally sound management of wastes developed.

## **Goal 2**

### **Objective 2.2**

Indicator: Number of parties that have developed and implemented national strategies, plans or programmes for reducing the generation and hazard potential of hazardous and other wastes.

Sub-indicator:

- Number of parties that have implemented systems for measuring hazardous waste generation in order to assess progress in selected hazardous waste streams and to reduce the generation and hazard potential of hazardous wastes and other wastes.

## **Goal 2**

### **Objective 2.3**

Indicator: Number of parties that have developed and implemented national strategies, plans or programmes for hazardous waste minimization.

Sub-indicator:

- Number of parties receiving capacity-building support that report reductions in hazardous waste generation;
- Number of parties receiving capacity-building support for hazardous waste minimization.

## **Goal 2**

### **Objective 2.4**

Indicator: Number of programmes, projects or activities carried out by parties, jointly with other parties or together with other stakeholders (regional and international organizations, conventions, industry bodies, etc.), aimed at the environmentally sound management of priority waste streams that have been monitored and assessed to achieve this goal.

## **Goal 2**

### **Objective 2.5**

Indicator: percentage of parties that collect information on the generation, management and disposal of hazardous and other wastes.

Sub-indicators:

- Number of training and awareness-raising activities undertaken to enhance and promote the sustainable use of resources;
- Percentage of parties that require the separation of hazardous wastes from non hazardous other wastes;
- Percentage of parties that have national inventories on the generation and disposal of hazardous wastes and other wastes;
- Percentage of selected Convention waste streams reused, recycled or recovered.

### Goal 3

#### Objective 3.1

Indicator: number of parties reporting, through the Secretariat, to the Conference of Parties on the integration of waste and hazardous waste issues into their national development plans or strategies.

#### Objective 3.2

Indicator: number of activities on common issues undertaken by the bodies under the three conventions.

## VI. Evaluation

16. The Secretariat, assisted by parties, will prepare reports on the continued relevance of and progress in relation to the strategic framework for the implementation of the Basel Convention, for the purpose of:

- (a) A mid-term evaluation of the strategic framework to be considered by the Conference of the Parties at its thirteenth meeting;
- (b) A final evaluation of the strategic framework to be considered by the Conference of the Parties at its fifteenth meeting.

17. Parties are invited to provide information relevant to the indicators contained in section V above to the Secretariat by 31 December 2012 for the year 2011 in order to create a baseline for the above-mentioned evaluations of the strategic framework.

### **BC-10/3: Indonesian-Swiss country-led initiative to improve the effectiveness of the Basel Convention**

#### **A. Addressing the entry into force of the Ban Amendment**

*The Conference of the Parties,*

*Recognizing* that there are parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, especially developing countries, that are facing specific challenges with regard to controlling imports as they are unable to manage hazardous and other wastes in an environmentally sound manner but continue to receive such wastes, which results in serious harm and needs to be addressed as a matter of urgency,

*Noting* that, while the amendment to the Basel Convention adopted by the Conference of the Parties by its decision III/1 (Ban Amendment) is one way of meeting that challenge, there are other ways of meeting it responsibly, especially through stringently applying the prior informed consent procedure, strengthening environmentally sound management and putting in place national legislation,

*Bearing in mind* decision VIII/30, by which the Conference of the Parties emphasizes that the parties to the Convention have the ultimate power to agree on the interpretation of the Convention,

*Stressing* the need for the parties to agree on an interpretation of paragraph 5 of Article 17 of the Convention as an important step in the development of the Convention,

1. *Welcomes* the practical initiative and activities that have taken place in response to the call by the President of the ninth meeting of the Conference of the Parties for parties to expedite ratification of the Ban Amendment, so as to facilitate its entry into force, and invites parties to continue to take concrete actions towards encouraging and assisting parties to ratify the Amendment, including:

- (a) Specific actions, such as the Nordic Initiative, to assist parties facing legal and technical difficulties in ratifying the Ban Amendment;
- (b) Regional meetings;
- (c) Country-specific studies of the implications of ratification and entry into force of the Amendment;

2. *Agrees*, without prejudice to any other multilateral environmental agreement, that the meaning of paragraph 5 of Article 17 of the Basel Convention should be interpreted to mean that the acceptance of three-fourths of those parties that were parties at the time of the adoption of the

amendment is required for the entry into force of such amendment, noting that such an interpretation of paragraph 5 of Article 17 does not compel any party to ratify the Ban Amendment.

## **B. Developing guidelines for environmentally sound management**

*The Conference of the Parties,*

*Recalling* subparagraphs 2 (a)–(d) of Article 4 of the Basel Convention,

*Recognizing* that harm to human health and the environment continues to be caused throughout the world by inadequate waste management procedures,

*Stressing* the critical importance of prevention and minimization of hazardous wastes and other wastes,

*Acknowledging* the existing activities undertaken by parties and others to ensure environmentally sound management of hazardous wastes and other wastes, including the development of technical guidelines, national legislation, reference documentation and other guidance, while also acknowledging that further dissemination of these activities is necessary,

*Stressing* the continuous need of parties to have access to sufficient information to ensure that hazardous waste and other wastes, including those subject to transboundary movement, are managed in an environmentally sound manner,

*Noting* that a more systematic and comprehensive effort is needed to improve guidance on environmentally sound management of wastes,

1. *Invites* the Secretariat to disseminate information that it receives on existing activities undertaken by parties and other stakeholders to ensure the environmentally sound management of hazardous wastes and other wastes;
2. *Decides* to complete the development of a framework for the environmentally sound management of hazardous wastes and other wastes, including consideration of ways in which the framework and its elements might be linked to the issue of transboundary movement of hazardous and other wastes taking into account subparagraph 2 (d) of Article 4 of the Convention;
3. *Decides* to mandate a technical expert group to undertake the work outlined in paragraph 2 of section B of the present decision, taking into account the elements listed in the annex to the present decision, and to submit a draft framework to the Open-ended Working Group at its eighth session and subsequently to the Conference of the Parties at its eleventh meeting for its consideration and possible adoption;
4. *Decides* that the above-mentioned technical expert group shall consist of members nominated by parties based on equitable geographical representation of the five regional groups of the United Nations, and will be open to observers;
5. *Requests* each regional group to nominate through its Bureau representative by 15 December 2011 six members with specific knowledge and expertise in the field. The expert group may call upon additional experts as needed;
6. *Requests* the expert group to elect its own co-chairs and organize its working modalities according to the rules of procedure of the Basel Convention.

## **C. Providing further legal clarity**

*The Conference of the Parties,*

*Noting* that a number of the provisions of the Convention are interpreted differently by parties and that the implementation and application of these provisions would benefit from additional legal clarity,

*Recognizing* that there needs to be a clear distinction between wastes and non-wastes for some used equipment and second hand goods and that imports of used and near end-of-life goods that soon become waste are a matter of serious concern in some countries,

1. *Requests* the Secretariat, assisted by legal and technical experts as appropriate,
  - (a) To prepare a study on the implementation of the Convention as it relates to the interpretation of certain terminology used in the Convention and a list of other relevant terms related to the implementation of the Convention, including:
    - (i) Waste/non-waste;

- (ii) Hazardous waste/non-hazardous waste;
  - (iii) Re-use;
  - (iv) Direct re-use;
  - (v) Refurbishment;
  - (vi) Second-hand goods;
  - (vii) Used goods;
- (b) To prepare a draft report containing the study and possible options for the interpretation of the terms listed above, which shall be made available on the Basel Convention website;
2. *Invites* parties to provide comments to the Secretariat on the above-mentioned draft report and elements therein;
  3. *Requests* the Secretariat to finalize the report in the light of the comments received and to submit it to the Open-ended Working Group at its eighth session for its consideration;
  4. *Requests* the Open-ended Working Group, taking into account the above-mentioned report, to prepare draft guidance to provide national authorities, regional centres and all other stakeholders with consistent advice on the interpretation of the terms in question, building on existing guidance and examples of good practices, for consideration by the Conference of the Parties at its eleventh meeting;
  5. *Requests* the Secretariat, assisted by legal and technical experts as appropriate and taking into account other initiatives such as the Partnership for Action on Computing Equipment, to prepare and make available on the Basel Convention website a study to identify options for dealing with the problem posed by used and end-of-life goods, which could include take-back obligations and clarification of the concept of “charitable donations”;
  6. *Invites* parties to provide comments to the Secretariat on the above-mentioned study;
  7. *Requests* the Secretariat to finalize the study in the light of the comments received and to submit it to the Open-ended Working Group at its eighth session for its consideration;
  8. *Invites* the Open-ended Working Group to report on the above-mentioned study and its deliberations thereon to the Conference of the Parties at its eleventh meeting.

#### **D. Further strengthening the Basel Convention regional and coordinating centres**

*The Conference of the Parties,*

*Recognizing* that the Basel Convention regional and coordinating centres play an important role in training, technical assistance and awareness-raising and that this role should be strengthened,

*Noting* that many of the proposals included in the recommendations of the country-led initiative ultimately involve initiatives that are best taken at the regional and subregional levels and that the Basel Convention regional and coordinating centres are ideally placed to take them forward,

*Hence identifying* the need to expedite the ongoing review and strengthening of the operation of the centres,

*Requests* parties to integrate the following activities into the plan for the development of the Basel Convention regional and coordinating centres for the implementation of the Basel Convention:

- (a) Convene regional meetings to inform parties about and assist them in ratifying the Ban Amendment or national measures to prohibit imports;
- (b) Disseminate guidance on environmentally sound management through their training, assistance and awareness-raising activities;
- (c) Develop a programme and deploy activities to bring actors together, to provide training and to coordinate joint actions to combat illegal traffic, with the support of the Secretariat and other stakeholders as appropriate;
- (d) Consult parties within their regions and identify the real needs of vulnerable countries and the difficulties that they face in relation to unwanted imports of hazardous wastes;
- (e) Take action to secure political and public engagement with the work of the Convention;

(f) Seek further collaboration with other agencies, non-governmental organizations and the private sector;

(g) Seek out and mobilize relevant expertise in other relevant international and regional organizations.

## **E. Combating illegal traffic more effectively**

*The Conference of the Parties,*

*Recognizing* the importance of preventing and combating illegal traffic in hazardous wastes and other wastes and that illegal traffic in wastes, especially hazardous wastes, constitutes one of the main challenges to be addressed by the parties to the Basel Convention in order to prevent harm to human health and the environment,

*Noting* that the provision of more legal clarity, strengthening the role of the Basel Convention regional and coordinating centres and building capacity would facilitate the work of enforcement agencies in preventing and combating illegal traffic more effectively,

*Recognizing* that coordinated action would be the most effective way of improving effectiveness in preventing and combating illegal traffic,

1. *Requests* the Secretariat to build on and enhance existing actions to stimulate cooperation between existing networks of enforcement agencies, including the International Network for Environmental Compliance and Enforcement, the European Union Network for the Implementation and Enforcement of Environmental Law, the Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes and the Green Customs Initiative;

2. *Requests* the Secretariat to stimulate the formation of new networks, in particular with other enforcement organizations or in regions where such networks currently do not exist;

3. *Requests* the Secretariat to strengthen further its collaboration with the World Customs Organization on the harmonization of Customs codes;

4. *Requests* the Secretariat to collect and disseminate examples of best practices in enforcement in addition to practical arrangements such as procedures for take-back in case of detected illegal traffic;

5. *Requests* the Basel Convention regional and coordinating centres to consult parties in their regions, with the support of the Secretariat and other stakeholders as appropriate, in order to develop programmes and to deploy activities to bring actors together, to provide training and to coordinate joint actions in this field;

6. *Invites* parties to report to the Secretariat on cases of illegal traffic, using the form for confirmed cases of illegal traffic, as adopted by the Conference of the Parties in decision IV/12, and invites the Secretariat to explore ways of making better use of the information to guide the decisionmaking of the Conference of the Parties;

7. *Requests* the Committee for Administering the Mechanism for Promoting Implementation and Compliance to oversee the activities to be undertaken to prevent and combat illegal traffic more effectively and to report on progress to the Conference of the Parties at its eleventh meeting.

## **F. Assisting developing countries that are facing specific challenges with regard to prohibiting the import of hazardous wastes**

*The Conference of the Parties,*

*Recognizing* that parties have the right to prohibit the import of hazardous wastes or other wastes and to define additional wastes as hazardous in accordance with Article 3, paragraph 1 of Article 4 and paragraph 2 of Article 13 of the Basel Convention,

*Noting* that there remain obstacles to the full use of these provisions by parties that wish to be protected by them,

1. *Requests* Basel Convention regional and coordinating centres to consult parties within their regions and to identify the needs of such developing countries and the difficulties that they face and to make this information available to the Secretariat for dissemination to parties;

2. *Requests* the Secretariat to facilitate and encourage greater use of the Basel Convention model legislation for the development or revision of national legislative and other measures for the

prohibition of imports of hazardous wastes and further encourages parties to make use of this model legislation;

3. *Requests* the Secretariat to develop and disseminate material for use through the Basel Convention regional and coordinating centres for the purpose of raising awareness of these provisions in their regions;

4. *Encourages* parties to develop and update national lists of prohibited hazardous wastes and to transmit them to the Secretariat in accordance with Article 3 of the Convention and to cooperate with one another in the development of such lists;

5. *Encourages* the Secretariat to continue to adopt a proactive approach with regard to the collection of the information required under paragraph 1 of Article 4 and paragraph 2 of Article 13, especially the lists of prohibited wastes, and to disseminate such lists electronically to parties at six-month intervals;

6. *Requests* the Secretariat to assist parties to develop national legislation and other measures to protect themselves from unwanted imports of wastes;

7. *Requests* the Secretariat to assist parties towards a better understanding of the relationship between trade and the environment as relating to the transboundary movements of wastes.

## **G. Building capacity**

*The Conference of the Parties,*

*Recognizing* that some of the proposals set out in the present decision may require additional funding, expertise and technology transfer,

*Recognizing also* that the objective of the Basel Convention contributes towards the attainment of the Millennium Development Goals,

1. *Encourages* parties to endeavour to ensure that the management of waste is considered in the preparation and implementation of development strategies and that waste management is recognized as part of attaining the Millennium Development Goals regarding environmental sustainability;

2. *Encourages* the Secretariat to forge links with high-profile initiatives on matters such as climate change and human health, in particular taking into account resolution WHA.63.25 adopted by the World Health Assembly, and to continue to explore the possibilities for using the synergies process and the Strategic Approach to International Chemicals Management for that purpose;

3. *Encourages* the Basel Convention regional and coordinating centres to specify and quantify the needs for capacity-building for different parties, including capacity needed to improve national reporting to monitor implementation;

4. *Encourages* the Secretariat, the Basel Convention regional and coordinating centres and parties to take action to secure political and public engagement with the work of the Convention;

5. To that end, invites the World Health Organization, building on its earlier studies on health and environment, to initiate a study of the impact on human health of failures to manage wastes in an environmentally sound manner and to use the outcome of that study to demonstrate the importance of the Convention's work;

6. *Encourages* the Secretariat to continue to exercise its advocacy role to promote and stimulate the inclusion of hazardous waste issues and implementation into the work programmes and processes of other international entities, including United Nations entities;

7. *Encourages* the Secretariat, the Basel Convention regional and coordinating centres and parties to seek further collaboration with other agencies, non-governmental organizations and the private sector;

8. *Encourages* the Secretariat and the Basel Convention regional and coordinating centres to seek out and mobilize relevant expertise in other international and regional organizations.

## **Annex to decision BC-10/3**

### **Elements for the further development of a framework for the environmentally sound management of hazardous wastes and other wastes to be operationalized through tools or instruments for implementation and enforcement**

#### **Categories**

In developing a framework for the environmentally sound management of hazardous wastes and other wastes, the environmentally sound management criteria and core performance elements under the work of the Basel Convention and other relevant organizations need to be considered, as do the following elements:

- (a) Occupational health and safety matters (e.g., regarding safety, health, liability and emergency response);
- (b) Environmental protection matters (e.g. prevention of pollution);
- (c) Facility-related matters (e.g. regarding construction and infrastructure);
- (d) Waste related matters (e.g. collection, sorting, pre-treatment, treatment, storage, downstream management);
- (e) Emission related matters (e.g. emission limit values to air, water and soil);
- (f) Organizational matters (e.g. valid licence or permit, monitoring, recordkeeping, information to be provided to authorities, aftercare, insurance, management abilities/training level environmental management systems);
- (g) Regulatory matters (consistency/complementarity).

#### **Existing tools and instruments operationalizing these elements may include the following:**

- (h) Legislation;
- (i) Standards;
- (j) Guidelines;
- (k) Policies (e.g., green procurement);
- (l) Codes of good practice;
- (m) Voluntary agreements.

#### **Measures needed to implement these elements may include:**

- (n) Certification programmes;
- (o) Licences and permits regularly validated;
- (p) Training, awareness-raising and compliance promotion;
- (q) Regular inspections and enforcement;
- (r) Mechanisms for ensuring corrective action.



## BC-10/4: Review and strengthening of the operation of the Basel Convention regional and coordinating centres

*The Conference of the Parties,*

*Acknowledging* the comments by parties and the Basel Convention regional and coordinating centres on the strengthening of the centres,<sup>3</sup>

*Recognizing with appreciation* the host countries' contributions to the operation of the centres and the contributions of those countries served by the centres,

*Recalling* the facilitative and catalytic role played by the Secretariat in mobilizing financial resources and technical assistance for the centres,

*Recognizing* the financial and technical assistance provided by donors to support the operation of the centres and the fact that further efforts and assistance will be required for them to function optimally,

*Recognizing also* the centres' role in the context of decisions on strategic matters pertaining to the Basel Convention,

*Taking note* of the outcome of the consultative process on financing options for chemicals and wastes,<sup>4</sup>

*Recognizing* the difficulties currently being faced by the centres in terms of funds for implementing activities and projects,

1. *Takes note* of the following documents:<sup>5</sup>
  - (a) Workplan for the strengthening of the centres;
  - (b) Detailed list of the necessary elements for the performance of the core functions based on appendices I and II to decision VI/3;
  - (c) Strategic framework for the financial sustainability of the centres that would assist the centres in developing strategies for their financial sustainability;
  - (d) Set of indicators to measure performance and impediments in relation to the centres' functions and impacts;
2. *Requests* the centres to submit to the Secretariat business plans for the biennium 2012–2013 by 30 March 2012;
3. *Also requests* the centres to submit to the Secretariat, at least four months before the eleventh meeting of the Conference of the Parties for consideration by the Conference of the Parties at that meeting, activity reports for the period January 2011–June 2013 and business plans for the biennium 2014–2015;
4. *Requests* the Secretariat to provide guidance on effective governance and administrative arrangements for the centres, subject to the availability of resources;
5. *Encourages* the centres to continue to strive to mobilize financial resources for the implementation of their activities with the aim of assisting parties in the implementation of their obligations under the Convention;
6. *Urges* parties and signatories, especially donor countries, and invites other stakeholders in a position to do so and, where appropriate, multilateral donors, to provide adequate, sustainable and predictable financial and technical support directly for the centres' activities and projects to enable the centres to operate in accordance with their core functions and roles;
7. *Requests* the Secretariat to report on the implementation of the present decision to the Conference of the Parties at its eleventh meeting.

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3 UNEP/CHW.10/INF/3.

4 UNEP/CHW.10/INF/54.

5 UNEP/CHW.10/INF/2.

## **BC-10/5: Technical guidelines on transboundary movements of electronic and electrical waste (e-waste), in particular regarding the distinction between waste and non-waste**

*The Conference of the Parties*

1. *Takes note* of the information provided by the Secretariat on progress in the development of the technical guidelines on transboundary movements of e-waste, in particular regarding the distinction between waste and non-waste;<sup>6</sup>
2. *Invites* parties to consider serving as lead country for the further development of the technical guidelines and to inform the Secretariat of their willingness to do so by 31 January 2012;
3. *Requests* the lead country, if one is selected, or the Secretariat, if one is not, to prepare, in consultation with the small intersessional working group referred to in paragraph 5 below, and taking into account the comments received from parties and stakeholders as well as the relevant work of the Partnership for Action on Computing Equipment (PACE), including section 3 of the guidance document on environmentally sound management of used and end-of-life computing equipment, revised draft technical guidelines, by 15 April 2012 for consideration by the Open-ended Working Group at its eighth session with a view to consideration and adoption by the Conference of the Parties at its eleventh meeting;
4. *Invites* parties and all stakeholders to provide comments to the Secretariat and the lead country, if one is selected, on the revised draft technical guidelines by 15 June 2012;
5. *Decides* to establish a small intersessional working group to monitor and assist in the further development of the technical guidelines referred to in paragraph 1 above, working in particular by electronic means;
6. *Invites* Parties and stakeholders to nominate experts to participate in the small intersessional working group and inform the Secretariat of their nominations by 31 January 2012.

## **BC-10/6: Technical guidelines for the environmentally sound management of used and waste pneumatic tyres**

*The Conference of the Parties,*

*Recalling* its decision IX/14 on the revised technical guidelines on the environmentally sound management of used tyres,

*Noting with appreciation* the roles played by parties and others, especially the lead country, Brazil, in the preparation of the technical guidelines,

1. *Adopts* the technical guidelines for the environmentally sound management of used and waste pneumatic tyres set out in the annex to document UNEP/CHW/10/6/Add.1/Rev.1;
2. *Requests* the Secretariat to disseminate the technical guidelines to parties, signatories, intergovernmental organizations, environmental non-governmental organizations and industry bodies in the six official languages of the United Nations;
3. *Invites* parties and others to use the technical guidelines and to submit, not later than two months before the eleventh meeting of the Conference of the Parties, through the Secretariat, comments on their experience in so doing;
4. *Requests* the Secretariat to prepare a compilation of the comments referred to in the preceding paragraph for consideration by the Conference of the Parties at its eleventh meeting.

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6 UNEP/CHW.10/6.

## **BC-10/7: Technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury**

*The Conference of the Parties,*

*Recalling* its decision IX/15 on the technical guidelines on the environmentally sound management of mercury wastes,

*Noting with appreciation* the roles played by parties and others, especially the lead country, Japan, in the preparation of the technical guidelines,

1. *Adopts* the technical guidelines for the environmentally sound management of wastes consisting of elemental mercury and wastes containing or contaminated with mercury as set out in the annex to document UNEP/CHW/10/6/Add.2/Rev.1;

2. *Requests* the Secretariat to disseminate the technical guidelines to parties, signatories, intergovernmental organizations, environmental non-governmental organizations and industry bodies in the six official languages of the United Nations;

3. *Invites* parties and others to use the technical guidelines and to submit, not later than two months before the eleventh meeting of the Conference of the Parties, through the Secretariat, comments on their experience in so doing;

4. *Requests* the Secretariat to prepare a compilation of the comments referred to in the preceding paragraph for consideration by the Conference of the Parties at its eleventh meeting.

## **BC-10/8: Technical guidelines on the environmentally sound co-processing of hazardous wastes in cement kilns**

*The Conference of the Parties,*

*Recalling* its decision IX/17 on the review of other selected technical guidelines pursuant to decision VIII/17,

*Recalling also* decision OEWG-VII/9 on draft technical guidelines on the co-processing of hazardous waste in cement kilns,

*Noting with appreciation* the roles played by parties and others, especially the lead country, Chile, in the preparation of the technical guidelines on the environmentally sound co-processing of hazardous waste in cement kilns,

1. *Adopts* the technical guidelines on the environmentally sound co-processing of hazardous waste in cement kilns set out in the annex to document UNEP/CHW.10/6/Add.3/Rev.1;

2. *Requests* the Secretariat to disseminate the technical guidelines to parties, signatories, intergovernmental organizations, environmental non-governmental organizations and industry bodies in the six official languages of the United Nations;

3. *Invites* parties and others to use the technical guidelines and to submit, not later than two months before the eleventh meeting of the Conference of the Parties, through the Secretariat, comments on their experience in so doing;

4. *Requests* the Secretariat to prepare a compilation of the comments referred to in the preceding paragraph for consideration by the Conference of the Parties at its eleventh meeting.

## **BC-10/9: Technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants**

*The Conference of the Parties,*

*Recalling* its decisions VII/13, VIII/16 and IX/16 on persistent organic pollutants as wastes,

*Welcoming* decision SC-5/9 of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants on measures to reduce or eliminate releases from wastes and decision SC-5/5 on a work programme on brominated diphenyl ethers and perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride,

1. *Decides* that the following should be included in the work programme of the Open-ended Working Group for 2012–2013 with regard to the chemicals listed in Annexes A, B and C to the Stockholm Convention by decisions SC-4/10–SC-4/18 and SC-5/3 of the Conference of the Parties to the Stockholm Convention:

(a) Updating of the general technical guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants and the preparation or updating of specific technical guidelines developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, taking into account the documents referred to in paragraphs 2 (a)–(c) of decision POPRC-6/3,<sup>7</sup> the recommendations on the elimination of brominated diphenyl ethers from the waste stream and on risk reduction for perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride set out in the annex to decision POPRC-6/2 and annex II to the report of the Persistent Organic Pollutants Review Committee on the work of its sixth meeting,<sup>8</sup> where appropriate;

(b) Establishment of levels of destruction and irreversible transformation for the chemicals necessary to ensure that when disposed of they do not exhibit the characteristics of persistent organic pollutants specified in paragraph 1 of Annex D to the Stockholm Convention;

(c) Determination of which disposal methods constitute environmentally sound disposal as referred to in paragraph 1 (d) (ii) of Article 6 of the Stockholm Convention;

(d) Establishment, as appropriate, of the concentration levels of the chemicals in order to define for them low persistent organic pollutant content as referred to in paragraph 1 (d) (ii) of Article 6 of the Stockholm Convention;

(e) Consideration of the amendment of the entries in Annex VIII to the Basel Convention for polychlorinated dibenzo-furans and polychlorinated dibenzo-dioxins (entry A4110), DDT and other relevant persistent organic pollutants to include concentration levels for those chemicals, after the development of an appropriate framework for establishing *de minimis* concentrations;

2. *Decides* to extend the mandate of the small intersessional working group established by paragraph 9 of decision OEWG-I/4 to provide that the group shall monitor and assist in the review and updating, as appropriate, of technical guidelines regarding persistent organic pollutants, working in particular by electronic means;

3. *Welcomes with appreciation* the offer by Canada to chair that group until the eighth session of the Open-ended Working Group;

4. *Invites* parties and stakeholders to nominate, by 15 January 2012, experts, including experts working under the Stockholm Convention such as members and observers of the Persistent Organic Pollutants Review Committee, to participate in the small intersessional working group or to update earlier nominations, as appropriate;

5. *Requests* the small intersessional working group to prepare a draft programme of work to undertake the activities described in subparagraphs 1 (a)–(d) of the present decision, including, for example, an assessment of which chemicals or groups of chemicals require the preparation of new specific technical guidelines and which existing specific technical guidelines should be updated, by 30 March 2012 for publication on the Basel Convention website;

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7 UNEP/POPS/POPRC.6/2/Rev.1, UNEP/POPS/POPRC.6/INF/5, UNEP/POPS/POPRC.6/13, annex I and decision POPRC-6/2.

8 UNEP/POPS/POPRC.6/13.

6. *Invites* parties and others to submit comments on the draft programme of work by 15 May 2012 for publication on the Basel Convention website;

7. *Requests* the small intersessional working group to prepare, taking into account the comments received, a revised programme of work for consideration by the Open-ended Working Group at its eighth session;

8. *Invites* one or more parties to consider serving as lead country for the further development of the technical guidelines referred to in paragraph 1 (a) of the present decision and to inform the Secretariat of their willingness to do so by 31 May 2012;

9. *Invites* the lead country or lead countries, if any are selected, or the small intersessional working group, if no lead country is selected, to prepare, if possible, first outlines of the updated general technical guidelines and of new or updated specific technical guidelines for consideration by the Open-ended Working Group at its eighth session.

## **BC-10/10 Review of cooperation with the World Customs Organization and its Harmonized System Committee**

### *The Conference of the Parties*

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

2. *Invites* parties to submit to the Secretariat lists of wastes covered under the Basel Convention for consideration by the secretariat of the Harmonized System Committee of the World Customs Organization;

3. *Requests* the Secretariat to continue to move forward, under the guidance of the Open-ended Working Group, with the issue of identifying 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.

## **BC-10/11: Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention**

### *The Conference of the Parties,*

*Noting with appreciation* the report of the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention on its work and the recommendations made therein,<sup>9</sup>

*Welcoming* the work undertaken by the Committee since the ninth meeting of the Conference of the Parties and the completion of its 2007–2008 and 2009–2011 work programmes,

*Welcoming also* the submissions by Oman and the Secretariat under paragraphs 9 (a) and 9 (c) respectively of the terms of reference of the Mechanism for Promoting Implementation and Compliance of the Basel Convention,

*Welcoming further* the Committee's consideration of those specific submissions with a view to determining the facts and root causes of the matters of concern and the Committee's assistance in resolving them,

*Taking note* of the decisions adopted by the Committee in relation to the specific submissions,

*Recognizing* the need to provide the Committee with sufficient funding to enable it to function effectively and to carry out its work programme,

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9 UNEP/CHW.10/9/Rev.1.

## I

### Implementation of the work programme for the biennium 2007–2008: review of general issues of compliance and implementation

1. *Takes note* of the guidance document on improving national reporting by parties<sup>10</sup> and of the national reporting training package CD-ROM available in the six official languages of the United Nations and encourages parties to use them;
2. *Also takes note* of the directory of institutions offering activities aimed at improving the capacity to detect, prevent and prosecute cases of illegal traffic<sup>11</sup> and encourages parties and relevant entities to provide updated information on its content;
3. *Requests* the Committee to prepare a first draft of terms of reference for cooperative arrangements on preventing and combating illegal traffic to bring together and improve cooperation and coordination between relevant entities with a specific mandate to deliver capacity-building activities on preventing and combating illegal traffic, such as the World Customs Organization, the International Criminal Police Organization, the United Nations Environment Programme, individual parties, the Basel Convention regional and coordinating centres, networks and the Secretariat, with a focus on the development of tools and training materials, the hosting of workshops and information exchange;
4. *Invites* parties and others to submit comments on the draft terms of reference by 30 April 2012;
5. *Requests* the Committee, in the context of its 2012–2013 programme of work, to prepare, in cooperation with relevant entities and for the consideration of the Conference of the Parties at its eleventh meeting, a draft decision including detailed draft terms of reference for the cooperative arrangements, taking into account the comments received;

## II

### Implementation of the work programme for the triennium 2009–2011: specific submissions regarding party implementation and compliance

#### A. Implementation fund

6. *Invites* all parties and others in a position to do so to make financial contributions to the implementation fund established by decision IX/2;
7. *Takes note* of the discussions on the consultative process on financing options for chemicals and wastes;
8. *Adopts* directions, as set out in paragraph 9 of the present decision, on how the implementation fund may be used in the intersessional period between the tenth and eleventh meetings of the Conference of the Parties to assist parties in the context of the facilitation procedure set out in paragraphs 19 and 20 of the terms of reference of the Mechanism for Promoting Implementation and Compliance and in line with decision IX/2;
9. *Decides* that the resources in the implementation fund may be used to fund activities listed in the compliance action plans approved by the Committee, such as the elaboration of national inventories;
10. *Recognizes* that such directions are without prejudice to future directions that the Conference of the Parties may adopt in subsequent meetings and, as appropriate, the result of discussions in relevant processes;
11. *Authorizes* the Committee to direct the use of the implementation fund in the intersessional period between the tenth and eleventh meetings of the Conference of the Parties in the context of the facilitation procedure as set out in paragraphs 19 and 20 of the terms of reference of the Mechanism for Promoting Implementation and Compliance and in accordance with the directions given by the Conference of the Parties;
12. *Requests* the Committee to review the directions set out in paragraph 9 of the present decision and to make recommendations for revised directions, as appropriate, for consideration by the Conference of the Parties at its eleventh meeting;

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10 UNEP/CHW.10/INF/11.

11 [www.basel.int/legalmatters/illegtraffic/directory2009-07-13.doc](http://www.basel.int/legalmatters/illegtraffic/directory2009-07-13.doc).

## **B. Submissions and engagement**

13. *Decides* to amend, on a provisional basis for the period between the tenth and eleventh meetings of the Conference of the Parties, the terms of reference of the mechanism for promoting implementation and compliance by replacing the current paragraph 9 (c) with “The Secretariat, if, while acting pursuant to its functions under articles 13 and 16, it becomes aware of possible difficulties of any party in complying with its obligations under paragraph 1 of Article 3, paragraph 1 (a) of Article 4, Article 5 and paragraphs 2 and 3 of Article 13 of the Convention, provided that the matter has not been resolved within three months by consultation with the Party concerned.”;

14. *Requests* the Committee to provide to the Conference of the Parties at its eleventh meeting a report on its evaluation of the effectiveness of the amendment referred to in the preceding paragraph, including recommendations;

15. *Requests* the Secretariat to reflect the above changes in the terms of reference of the mechanism for promoting implementation and compliance;

16. *Requests* the Committee to invite parties to engage with the Committee in relation to implementation and compliance difficulties;

### **III**

## **Implementation of the work programme for the triennium 2009–2011: review of general issues of compliance and implementation**

### **A. Monitoring, assessing and facilitating reporting under Article 13 of the Convention**

17. *Takes note* of the benchmark report developed by the Committee<sup>12</sup> and encourages parties to use it;

18. *Endorses* the criteria and categories identified by the Committee for classifying and publishing parties’ compliance performance with regard to their annual reporting obligations;<sup>13</sup>

19. *Takes note* of the classification developed by the Committee, including the assumptions upon which the classification was based;<sup>14</sup>

20. *Expresses its appreciation* to parties that have submitted complete reports on time and urges other parties to improve the timeliness and completeness of their national reports;

21. *Acknowledges* that many parties do not fully comply with their national reporting obligations, stemming from a lack of capacity and a lack of capacity-building activities provided to developing countries and countries with economies in transition, a lack of understanding of the usefulness of the information reported and a lack of consequences in case of the non-submission of national reports;

22. *Also acknowledges* that parties lack guidance as to what is expected of them and that benchmark national reports could assist in resolving that situation;

23. *Decides* that the classification of parties’ compliance performance with regard to their annual reporting obligations should be a regular activity of the Committee and, as such, included in its work programme and undertaken on an annual basis, with individual parties named in the Committee’s report;

24. *Takes note* of the report on the status of reporting, identifying the difficulties faced by parties in fulfilling their national reporting obligations for 2006 and 2007 and their needs for assistance with regard to reporting and of the conclusions made therein;<sup>15</sup>

25. *Notes with concern* that the level of reporting appears to be declining;

26. *Notes* that, in general, the above-mentioned report on the status of reporting shows that parties provide fairly comprehensive responses in relation to part I of the revised questionnaire, with lower levels of reporting occurring in relation to part II, notably concerning data on the generation of hazardous and other wastes;

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12 UNEP/CHW.10/INF/11.

13 UNEP/CHW.10/9/Rev.1, para. 26

14 Id. paras. 25, 26 and 27, and annex I.

15 UNEP/CHW.10/INF/11.

27. *Affirms* that the problem of non-reporting, incomplete reporting or late reporting is all the more serious because of the close link between the core obligations of the Convention and the obligation to submit national reports in accordance with paragraph 3 of Article 13 of the Convention;

28. *Considers* that workshops on national reporting have the potential to contribute to improving parties' implementation of and compliance with paragraph 3 of Article 13 of the Convention and that the Committee should continue guiding and reviewing the Secretariat's training activities on improving national reporting, their potential impact on the improvement of national reporting by parties, and lessons learned from training activities for the updating of existing or the development of new tools;

29. *Adopts* the following national reporting targets as a way of measuring progress in the overall implementation of and compliance with paragraph 3 of Article 13 of the Convention: 30 per cent of reports due for 2010 are submitted in time (baseline: 13.3 per cent for the reports due for 2006); and 20 per cent of reports due for 2010 are submitted complete (baseline: 9 per cent for the reports due for 2006);

30. *Acknowledges* the value for the Committee of establishing a dialogue with other treaty bodies dealing with similar national reporting issues;

## **B. Implementation of, and compliance with, specified obligations under the Convention**

### **1. National definitions**

31. *Adopts* the revised standardized reporting format for transmitting information under Article 3 of the Convention and question 2 (c) of the revised questionnaire;<sup>16</sup>

32. *Decides* that, while parties have a primary obligation to notify other parties of national definitions of hazardous wastes pursuant to Article 3 and paragraph 2 (b) of Article 13 of the Convention, information on national definitions reported to the Secretariat pursuant to question 2 (c) of the revised questionnaire on transmission of information through designated focal points will also be considered to be notified pursuant to Article 3 and paragraph 2 (b) of Article 13 of the Convention;

33. *Requests* the Secretariat to reflect in the revised questionnaire on transmission of information the changes brought about by the adoption of the revised standardized reporting format for transmitting information under Article 3 of the Convention and question 2 (c) of the revised questionnaire;

34. *Also requests* the Secretariat, subject to the availability of funding, to reflect those changes in its national reporting database, in the online national reporting database available on the Convention website and in all relevant documents;

35. *Requests* parties that have not yet provided the Secretariat with any of the information required under Article 3 of the Convention to do so as soon as possible and to report any subsequent significant change in that information using the revised standardized reporting format for reporting under Article 3 of the Convention;

36. *Requests* the Secretariat to assist parties in ensuring that the information so notified is up to date, accurate and complete to facilitate parties' understanding of other parties' national definitions of hazardous wastes;

37. *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 United Nations;

### **2. Import and export prohibitions**

38. *Adopts* the standardized reporting format for transmitting information under paragraphs 1 (a) and (b) of Article 4 and paragraphs 2 (c) and (d) of Article 13 of the Convention;<sup>17</sup>

39. *Decides* that, while parties have a primary obligation to notify other parties of information on import and export prohibitions and restrictions pursuant to paragraphs 1 (a) and (b) of Article 4 and paragraphs 2 (c) and (d) of Article 13 of the Convention, information on import and export prohibitions and restrictions reported to the Secretariat pursuant to questions 3 (a)–(f) of the revised questionnaire on transmission of information through the designated focal point will also be

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16 UNEP/CHW.10/9/Rev.1, annex II.

17 Ibid., annex III.



considered to be notified pursuant to paragraphs 1 (a) and (b) of Article 4 and paragraphs 2 (c) and (d) of Article 13 of the Convention;

40. *Requests* parties that have not yet provided the Secretariat with any of the information required under paragraphs 1 (a) and (b) of Article 4 and paragraphs 2 (c) and (d) of Article 13 of the Convention to do so as soon as possible and to report any subsequent significant change in that information using the above-mentioned standardized reporting format;

41. *Requests* the Secretariat to assist parties in ensuring that the information so notified is up to date, accurate and complete to facilitate parties' understanding of other parties' import and export prohibitions;

42. *Also requests* the Secretariat to make available on its website the information received from parties pursuant to paragraphs 1 (a) and (b) of Article 4 and paragraphs 2 (c) and (d) of Article 13 of the Convention and, within available resources, to make such information available in the six official languages of the United Nations;

### **3. Competent authorities and focal points**

43. *Reminds* parties of the importance of designating competent authorities and focal points and of providing updated contact information for these entities in accordance with Article 5 of the Convention;

44. *Invites* each of Cape Verde, Comoros, Eritrea, Guinea, Guinea-Bissau, Kazakhstan, Liberia, Libya, Malawi, Nauru, Saint Kitts and Nevis, Somalia, Swaziland, Tonga and Turkmenistan to comply with Article 5 of the Convention by designating a focal point and one or more competent authorities;

45. *Invites* parties, in particular those mentioned above, to communicate to the Secretariat any challenges that they face in designating competent authorities and focal points and their needs for assistance in doing so;

46. *Encourages* those same parties to inform the Committee under paragraph 9 (a) of the terms of reference should they conclude that, their best efforts notwithstanding, they are or will be unable fully to implement or comply with their obligations under Article 5 of the Convention;

### **4. Control system for the transboundary movement of hazardous wastes**

47. *Takes note* of the review of the control system for the transboundary movement of wastes (notification document and movement document) and the difficulties that parties face in implementing the system<sup>18</sup> and of the imbalance in the geographical distribution of the responses received from parties, in particular from Africa and from Asia and the Pacific;

48. *Requests* the Committee to update the guide to the control system approved in 1998,<sup>19</sup> taking into account the current difficulties faced by parties in implementing the said control system;

49. *Also requests* the Committee to develop an interactive tool on the Convention website to make available to all parties the necessary information needed to complete the forms for the notification and movement documents and other relevant associated information;

50. *Appeals* to parties and members of the World Customs Organization Harmonized System Committee to finalize by 2014 the outstanding work on the identification of wastes subject to the Convention in the World Customs Organization Harmonized Commodity Description and Coding System;

### **5. Legislation**

51. *Takes note* of the report on the status of legislation and other legal or administrative measures and needs for assistance;<sup>20</sup>

52. *Decides* to establish, in the Committee's work programme, a legal framework programme for the review and assessment, upon request, of national legislation to implement the provisions of the Convention and to assist parties, upon request, in the preparation of new legislation or the amendment of existing legislation;

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18 UNEP/CHW.10/INF/11.

19 UNEP/CHW.4/5.

20 UNEP/CHW.10/INF/11.

53. *Decides* that participation in the programme should be based on a submission under paragraph 9 (a) of the terms of reference and that, for each participating party, the programme should be based on the proposed phases outlined in the report mentioned in paragraph 51 of the present decision;

54. *Invites* parties to cooperate with the Committee in the implementation of the phases of the programme;

55. *Invites* the conferences of the parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants to take note of this programme and to consider the opportunities for cooperation;

56. *Requests* the Secretariat to continue providing technical assistance to parties upon request for the development of national legislation and other measures (for example, through training sessions and workshops and legal advice);

#### **IV Financial matters**

57. *Expresses its appreciation* to the Governments of Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland for providing support for the Committee's work during the triennium 2009–2011;

58. *Calls upon* parties and others in a position to do so to make financial or in kind contributions to enable the Committee to discharge its mandate;

#### **V Work programme for the biennium 2012–2013**

59. *Approves* the work programme of the Committee for 2012–2013 set out in the annex to the present decision;

60. *Requests* the Committee to establish priorities, work methods and schedules with regard to the issues identified in the work programme and to coordinate with the Open-ended Working Group, the Secretariat and the Basel Convention regional and coordinating centres to avoid duplication of activities;

61. *Also requests* the Committee to report to the Conference of the Parties at its eleventh meeting on the work that it has carried out to fulfil its functions in accordance with paragraphs 23 and 24 of the terms of reference;

62. *Calls upon* parties to make use of the mechanism for promoting implementation and compliance.

## Annex to decision BC-10/11

### Work programme for 2012–2013 of the Committee for Administering the Mechanism for Promoting Implementation and Compliance

#### I. Review of general issues of compliance and implementation under the Convention

Objective	Activity
<p>1. National reporting</p> <p>Improve timely and complete national reporting under paragraph 3 of Article 13 of the Convention</p>	<p>(a) Classify and publish parties' individual compliance performance with regard to the annual national reporting obligations for 2009-2011, based on the criteria, categories and targets approved by the Conference of the Parties at its tenth meeting;</p> <p>(b) Update the DVD entitled "Training tool for improving national reporting by parties to the Basel Convention" by adding the benchmark report, in the six official languages of the United Nations, and produce additional copies of the tool;</p> <p>(c) Develop guidance on the development of inventories;</p> <p>(d) Develop further electronic tools to improve national reporting, such as web-based seminars and online training courses;</p> <p>(e) Guide and review the Secretariat's training activities on improving national reporting, their potential impact on the improvement in national reporting by parties, and lessons learned from training activities for the updating of existing or the development of new tools;</p> <p>(f) Establish a dialogue with other multilateral environmental agreement compliance bodies dealing with national reporting issues.</p>
<p>2. National legislation</p> <p>Improve implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention</p>	<p>Identify parties' needs for assistance, assess the adequacy of existing tools and training activities to meet those needs and develop a legal capacity-building strategy under the Convention to improve the implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention.</p>
<p>3. Illegal traffic</p> <p>Prevent and combat illegal traffic</p>	<p>(a) Undertake the activities mentioned in paragraphs 3 and 5 of the present decision pertaining to the development of draft terms of reference for the cooperative arrangements on preventing and combating illegal traffic;</p> <p>(b) Review parties' implementation of and compliance with the take-back provision set forth in paragraph 2 of Article 9 of the Convention, including the difficulties faced by parties, and develop a guidance document based on best practices and suggesting a harmonized approach to the implementation of this provision;</p> <p>(c) Guide and review the Secretariat's development of tools and training activities for Customs and other enforcement officials.</p>

Objective	Activity
<p>4. Insurance, bond, guarantee</p> <p>Improve the implementation of and compliance with paragraph 11 of Article 6 of the Convention</p>	<p>Develop guidance on how to implement paragraph 11 of Article 6 of the Convention.</p>
<p>5. Control system</p> <p>Improve the implementation of and compliance with Article 6 of the Convention</p>	<p>(a) Update the guide to the control system adopted in 1998, taking into account the current difficulties faced by countries in implementing the control system;</p> <p>(b) Develop an interactive tool on the Convention website to make available to all parties the information needed to complete the forms for the notification and movement documents and other relevant associated information.</p>

## II. Specific submissions regarding party implementation and compliance

1. The Committee shall accord priority to dealing with specific submissions regarding party implementation and compliance received or initiated in accordance with paragraph 9 of the terms of reference.

2. In line with the authorization from the Conference of the Parties, the Committee may recommend use of the implementation fund, subject to the availability of resources, to assist parties in the context of the facilitation procedure established under paragraph 20 of the Committee's terms of reference.

3. In relation to the implementation fund, the Committee shall allocate the available resources from the implementation fund in the period between the tenth and eleventh meetings of the Conference of the Parties to assist parties in the context of the facilitation procedure set out in paragraphs 19 and 20 of the terms of reference of the Mechanism for Promoting Implementation and Compliance of the Basel Convention to fund activities listed in the compliance action plans approved by the Committee. In addition, the Committee shall review the directions set out in paragraph 9 of the present decision and make recommendations for revised directions, as appropriate, for consideration by the Conference of the Parties at its eleventh meeting.

4. In relation to the amendment of paragraph 9 (c) of the terms of reference, the Committee shall provide to the Conference of the Parties at its eleventh meeting a report on its evaluation of the effectiveness of the amendment mentioned in paragraph 13 of the present decision, including recommendations.

## BC-10/12: Membership of the Implementation and Compliance Committee

### *The Conference of the Parties*

*Elects*, in accordance with the terms of reference set out in the appendix to decision VI/12, the following members to serve on the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention:

African States:	Mr. Raphael Dakouri Zadi (Côte d'Ivoire) Ms. Olufunke Olubunmi Babade (Nigeria)
Asian and Pacific States:	Mr. Toshikatsu Aoyama (Japan) Mr. Mohammed Khashashneh (Jordan)
Eastern European States:	Ms. Anahit Aleksandryan (Armenia) Mr. Felix Zaharia (Romania)
Latin American and Caribbean States:	Ms. Jimena Nieto (Colombia) Mr. Enrique Moret Hernández (Cuba)
Western European and other States:	Ms. Anne Daniel (Canada) Ms. Anne-Laure Genty (France)

## BC-10/13: National legislation, enforcement of the Convention and efforts to combat illegal traffic

### *The Conference of the Parties*

1. *Expresses its appreciation* to those parties that have provided funding for the activities of the Secretariat aimed at assisting parties in implementing and enforcing the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal;
2. *Welcomes* the various implementation and enforcement activities undertaken by the Secretariat<sup>21</sup> and encourages the Secretariat to develop those activities further;
3. *Also welcomes* the active engagement of the World Customs Organization, the International Criminal Police Organization, the Green Customs Initiative, the Basel Convention regional and coordinating centres and relevant non-governmental organizations and networks in preventing and combating illegal traffic in hazardous and other wastes and invites those organizations and networks to continue their collaboration with the Secretariat on activities aimed at assisting parties to prevent and combat illegal traffic;
4. *Urges* parties to fulfil their obligations set out in paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention, including in particular:
  - (a) To promulgate, update or develop stringent legislation on the control of transboundary movements of hazardous wastes;
  - (b) To incorporate into their national legislation appropriate sanctions or penalties for illegal traffic in hazardous wastes and other wastes covered by the Basel Convention;
5. *Invites* parties to report confirmed cases of illegal traffic to the Secretariat using the form for confirmed cases of illegal traffic;
6. *Requests* the Secretariat to continue to provide assistance in the identification of cases of illegal traffic to parties upon request and to make available on the Convention website the forms for confirmed cases of illegal traffic that are submitted;
7. *Encourages* parties:
  - (a) To train enforcement personnel, including, as appropriate, Customs and port authority officers, coast guards, representatives of environment agencies, prosecutors, the judiciary and the police, to build their capacity better to prevent, identify and manage cases of illegal traffic in hazardous and other wastes;

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21 UNEP/CHW.10/11, annex.

(b) To enhance cooperation with existing international organizations, agencies and programmes and to participate actively in enforcement training activities, exchanges of inspectors and train-the-trainers programmes in collaboration with, among others, the International Network for Environmental Compliance and Enforcement, the Green Customs Initiative and the Transfrontier Shipment of Waste cluster of the European Union Network for the Implementation and Enforcement of Environmental Law;

(c) To take all practical steps to include the relevant provisions of the Basel Convention in the national training curricula of such enforcement personnel;

8. *Stresses* the importance of border officers focusing equally on exports and imports and the importance of providing appropriate incentives and removing possible disincentives for enforcement entities to prevent and combat illegal traffic in hazardous and other wastes;

9. *Encourages* parties to raise the awareness of all relevant stakeholders, including those in the shipping industry, and waste generators and disposers about illegal traffic in hazardous and other wastes and applicable national legal frameworks;

10. *Urges* parties to improve cooperation and coordination among entities working to prevent and combat illegal traffic in hazardous and other wastes at the national level, including through the development of cooperative agreements between those entities;

11. *Requests* the Secretariat, subject to availability of funding, to organize enforcement training activities, in collaboration with the Basel Convention regional and coordinating centres, the secretariats of other relevant multilateral environmental agreements and other international organizations, agencies or programmes, to assist parties, particularly developing-country parties and parties with economies in transition, to develop national legislation and other measures to implement and enforce the Convention and to prevent and punish illegal traffic;

12. *Encourages* parties to continue to provide the Secretariat with the texts of national legislation and other measures adopted by them to implement and enforce the Convention;

13. *Requests* the Secretariat to continue to maintain a collection of national legislation and other measures adopted by parties to implement the Convention, including measures for preventing and punishing illegal traffic, and to make such measures available on the Convention website;

14. *Also requests* the Secretariat to continue to provide advice and assistance on matters related to the implementation and enforcement of the Convention, including on the development of national legislation, to parties upon request;

15. *Calls upon* parties and others in a position to do so to make financial or in kind contributions to the development of enforcement tools and the conduct of enforcement training activities on the prevention and punishment of illegal traffic, the development of tools and the conduct of training activities on the development of national legislation and other measures to implement the Convention;

16. *Requests* the Secretariat to report on these matters to the Conference of the Parties at its eleventh meeting and to prepare a draft decision thereon for its consideration.

## **BC-10/14: National reporting**

*The Conference of the Parties,*

*Recalling* its decision IX/13,

1. *Urges* parties that have not yet done so to transmit to the Secretariat their completed questionnaires on transmission of information for the year 2009 and for previous years, as soon as possible and in electronic form, using the revised questionnaire adopted by the Conference of the Parties at its sixth meeting and bearing in mind that, in accordance with the provisions of paragraph 3 of Article 13 of the Convention, parties must transmit before the end of each calendar year their reports on the previous calendar year;

2. *Requests* that such reports be provided by parties to the Secretariat for the calendar year 2010 before the end of the calendar year 2011, in electronic form;

3. *Invites* parties to fill in any data gaps that may exist in their reported data on the generation and transboundary movement of hazardous and other wastes, especially the data regarding electronic wastes, for the years 2006 and later;

4. *Requests* the Secretariat to assist parties in improving the comparability of their data on the transboundary movements of hazardous and other wastes;
5. *Also requests* the Secretariat to prepare and publish:
  - (a) For each of the years 2008–2010, an annual compilation document based on the information provided in part I of the completed questionnaires on transmission of information submitted by parties;
  - (b) For the triennium 2010–2012 and for each triennium thereafter, a summary, including graphic representations, of the data on transboundary movements of hazardous and other wastes provided in part II of the completed questionnaires on transmission of information submitted by parties;
  - (c) For the triennium 2010–2012 and for each triennium thereafter, a country fact sheet for each party submitting completed questionnaires on transmission of information, based on the information provided in such questionnaires;
6. *Further requests* the Secretariat, within available resources, to translate into English any information submitted by parties in part I of their questionnaires, on transmission of information, in any official language of the United Nations other than English before incorporating such information into the reporting database;
7. *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 the Basel Convention regional centres or by other appropriate means, subject to the availability of resources;
8. *Invites* parties in a position to do so to provide funds to enable the Secretariat to develop a new online national reporting system for the Convention.

## **BC-10/15: International cooperation and coordination**

### *The Conference of the Parties*

1. *Takes note* of the information provided by the Secretariat regarding international cooperation and coordination in the report on international cooperation for 2009–2011<sup>22</sup> and requests the Secretariat to continue to strengthen cooperation and coordination with international and regional organizations and multilateral environmental agreements in areas of relevance to the Basel Convention, including in the areas and with the organizations listed in the aforementioned report;
2. *Requests* the Secretariat to continue efforts to seek observer status in the Committee on Trade and Environment of the World Trade Organization and to advise the parties when its request for such status is granted by the World Trade Organization;
3. *Requests* parties to coordinate at the national and regional levels with a view to supporting the Secretariat's efforts to enhance international cooperation;
4. *Requests* the Secretariat to report on the implementation of the present decision to the Open-ended Working Group at its eighth session and to the Conference of the Parties at its eleventh meeting.

## **BC-10/16: Cooperation between the Basel Convention and the International Maritime Organization**

### *The Conference of the Parties*

1. *Takes note* of the information provided on cooperation between the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the International Maritime Organization and expresses its appreciation to the International Maritime Organization, parties and others that have submitted information and views to the Secretariat on the relationship between the Basel Convention and the International Convention for the Prevention of

Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and as further amended by the Protocol of 1997;<sup>23</sup>

2. *Also takes note* of the revised legal analysis of the application of the Basel Convention to hazardous and other wastes generated on board ships;<sup>24</sup>
3. *Invites* Parties and others to submit further comments on the legal analysis to the Secretariat by 15 March 2012;
4. *Also invites* Parties to consider serving as lead country for further developing the legal analysis by 15 March 2012;
5. *Requests* the lead country, if one is identified, or the Secretariat, subject to the availability of voluntary funding, to prepare a revised version of the legal analysis, taking into account the comments received, by 30 April 2012 for publication on the Basel Convention website and consideration by the Open-ended Working Group at its eighth session;
6. *Acknowledges* the need to improve the sea-land interface to achieve the environmentally sound management of hazardous and other wastes generated on board ships;
7. *Requests* the Secretariat to strengthen its cooperation with the International Maritime Organization, through its secretariat, in relation to the minimization of the generation of hazardous and other wastes on board ships and to the environmentally sound management of such wastes generated on board ships once offloaded from ships;
8. *Acknowledges* the importance of assessing how far the current Basel Convention technical guidelines cover wastes covered by the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and as further amended by the Protocol of 1997;
9. *Invites* any party willing to do so to undertake the assessment mentioned in the preceding paragraph, or to provide funds to enable the Secretariat to undertake such an assessment, in close consultation with the International Maritime Organization;
10. *Requests* the Secretariat, subject to the availability of resources, to develop a guidance manual, in cooperation with the International Maritime Organization, on how to improve the sea-land interface to ensure that wastes falling within the scope of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and as further amended by the Protocol of 1997, once offloaded from a ship, are managed in an environmentally sound manner;
11. *Also requests* the Secretariat to keep the International Maritime Organization informed, as appropriate, of any developments on the subject of the present decision arising in the context of the Basel Convention;
12. *Further requests* the Secretariat to monitor any consideration by the Marine Environment Protection Committee and Maritime Safety Committee of the International Maritime Organization of issues of relevance to the Basel Convention, such as those related to the generation of hazardous and other wastes on board ships and the relationship between the Basel Convention and relevant conventions of the International Maritime Organization (e.g., the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and as further amended by the Protocol of 1997, and the International Convention for the Safety of Life at Sea) and to report thereon to the Open-ended Working Group at its eighth session;
13. *Requests* the Secretariat to continue its cooperation with the International Organization for Standardization with the objective of including the Basel Convention requirements of waste minimization and environmentally sound management in the international standard on port reception facilities being developed by the International Organization for Standardization;
14. *Urges* parties to make every effort to ensure cooperation at the national level between the shipping industry, maritime authorities, port authorities and environmental authorities, as well as between their representatives to the International Maritime Organization and the Basel Convention, to ensure the environmentally sound management of hazardous and other wastes generated on board ships;

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23 UNEP/CHW.9/INF/22 and UNEP/CHW.10/INF/15.

24 UNEP/CHW.10/INF/16, Annex I.



15. *Requests* the Secretariat to report on the implementation of the present decision to the Conference of the Parties at its eleventh meeting and to prepare a draft decision thereon for consideration at that meeting.

## **BC-10/17: Environmentally sound dismantling of ships**

*The Conference of the Parties,*

*Recalling* its decision IX/30,

### **I**

#### **Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships**

1. *Notes* that, while some parties believe that the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships provides an equivalent level of control and enforcement to that established under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, some parties do not believe this to be the case;
2. *Encourages* parties to ratify the Hong Kong Convention to enable its early entry into force;
3. *Acknowledges* that the Basel Convention should continue to assist countries to apply the Basel Convention as it relates to ships;

### **II**

#### **International cooperation and technical assistance activities on the environmentally sound management of ship dismantling**

4. *Underlines* the importance of continued inter-agency cooperation between the International Labour Organization, the International Maritime Organization and the Basel Convention on issues related to ship dismantling, as appropriate;
5. *Welcomes* the development of implementation programmes relating to sustainable ship recycling;
6. *Calls upon* all parties and other stakeholders in a position to do so to make financial or in kind contributions to the implementation of activities under the relevant programmes relating to sustainable ship recycling;
7. *Requests* the Secretariat, subject to the availability of funding, to continue its work and to develop further the programmes for sustainable ship recycling in conjunction with other bodies, in particular the International Maritime Organization and the International Labour Organization, and to report thereon to the Open-ended Working Group at its eighth session and to the Conference of the Parties at its eleventh meeting;
8. *Also requests* the Secretariat to continue to follow developments in relation to the Hong Kong Convention, in particular the development of the guidelines in that regard, and to report thereon to the Open-ended Working Group at its eighth session and to the Conference of the Parties at its eleventh meeting;
9. *Further requests* the Secretariat to transmit the present decision to the International Maritime Organization for consideration by the Marine Environment Protection Committee at its sixty-third session.

## **BC-10/18: Instruction manual for the legal profession on the prosecution of illegal traffic**

*The Conference of the Parties*

1. *Expresses* its appreciation to the small expert group convened to develop a draft instruction manual for the legal profession on the prosecution of illegal traffic;
2. *Approves* the instruction manual on the prosecution of illegal traffic;<sup>25</sup>

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25 UNEP/CHW.10/12/Add.1.

3. *Encourages* parties to use the manual to train, as appropriate, prosecutors and the judiciary and to take all practical steps to include relevant elements of the manual in the national training curricula of such enforcement personnel;

4. *Requests* the Secretariat, subject to the availability of funding, to publish the manual in the six official languages of the United Nations and to organize training activities, in collaboration with the Basel Convention regional and coordinating centres, the secretariats of other multilateral environmental agreements and other international organizations, agencies or programmes;

5. *Expresses* its appreciation to the European Commission and the Government of Norway for the financial support that they provided for the development and dissemination of the manual.

## **BC-10/19: Basel Convention Partnership Programme**

*The Conference of the Parties,*

*Recalling* decision VIII/5 on the Basel Convention Partnership Programme and decision IX/7, by which the Conference of the Parties adopted the Partnership Programme workplan for 2009–2011 and requested the Secretariat to submit to it at its tenth meeting a draft workplan for 2012–2013,

*Acknowledging* the progress made in developing and strengthening partnerships and programmes of activities on the environmentally sound management of waste and the financial support provided to the Partnership Programme by parties and others,

*Recalling* the work plan of the Partnership for Action on Computing Equipment set out in the annex to decision BC-10/20,

1. *Welcomes* the progress made under the Partnership Programme;
2. *Takes note* of the indicative list of existing partnerships with which the Secretariat could cooperate set out in the annex to the present decision;
3. *Requests* the Secretariat:
  - (a) To continue, subject to the availability of financial resources, to implement actively the Partnership Programme as a key instrument for supporting the implementation of the Strategic Plan for the Implementation of the Basel Convention in conjunction with all relevant and interested partners;
  - (b) To follow closely international developments in respect of public and private partnerships on waste-related issues and to seek to expand involvement in partnerships to promote the guidelines and tools developed under the Convention and raise awareness and the visibility of the Convention and its obligations and provisions;
  - (c) To provide information to the Open-ended Working Group at its eighth session on progress and on initiatives to expand Convention involvement in partnerships and related projects and activities in the context of its report on international cooperation;
  - (d) To submit a progress report to the Conference of the Parties at its eleventh meeting;
4. *Requests* the Basel Convention regional and coordinating centres to strengthen further their engagement in the work of the Partnership Programme, as appropriate, and to develop thematic multi-stakeholder partnerships for their regions to help in undertaking capacity-building efforts;
5. *Urges* parties, signatories and all stakeholders in a position to do so to provide financial and in kind support for the work of the Partnership Programme;
6. *Encourages* parties, signatories and other stakeholders to become actively involved in global and regional partnerships;
7. *Calls* upon parties to facilitate broader participation in the Partnership Programme by civil society, including environmental non-governmental organizations, the private sector and industry, to provide technical and financial support for the programme and to become involved in specific activities at the national, regional and international levels.

## Annex to decision BC-10/19

### Indicative list of initiatives with which the Secretariat could cooperate

	<i>Lead agency</i>	<i>Partnership</i>
1.	United Nations Environment Programme (UNEP)	Global Mercury Partnership
2.	United Nations University	Solving the E-waste Problem Initiative (StEP)
3.	Secretariat of the Stockholm Convention/UNEP	Polychlorinated Biphenyls (PCB) Elimination Network
4.	UNEP	Global lead and cadmium partnership
5.	UNEP	Global Partnership on Waste Management
6.	International Telecommunication Union/United Nations Conference on Trade and Development/others	Partnership on Measuring Information and Communication Technology (ICT) for Development
7.	World Health Organization	Treated nets life-cycle initiative
8.	Basel Convention Regional Centre for Central America and Mexico	International ozone-depleting substances (ODS) and persistent organic pollutants (POPs) initiative
9.	International Lead Management Centre/others	Green Lead initiative
10.	International Solid Waste Association/WHO	Working Group on Healthcare Waste

### BC-10/20: Partnership for Action on Computing Equipment

*The Conference of the Parties,*

*Recalling* its decisions VI/32, VII/3, VIII/2, VIII/5 and IX/9,

*Having regard* to the Basel Declaration on Environmentally Sound Management<sup>26</sup> and the Nairobi Declaration on the Environmentally Sound Management of Electrical and Electronic Waste,<sup>27</sup>

*Welcoming* the work of the Partnership for Action on Computing Equipment Working Group and its project groups,

*Taking note* of the report on progress made by the Partnership, as presented by the co-chairs of the Partnership Working Group,<sup>28</sup>

*Noting with appreciation* the financial and in kind contributions made to the Partnership by parties, signatories, industry, non-governmental organizations and other stakeholders,

*Recognizing* the significant role of the Partnership as a public-private partnership within the framework of the Basel Convention in producing successful material on environmentally sound management of used and end-of-life computing equipment,

1. *Adopts*, without prejudice to national legislation, sections 1, 2, 4 and 5 of the guidance document on environmentally sound management of used and end-of-life computing equipment<sup>29</sup> and takes note of the recommendations set forth therein;

2. *Welcomes* and recognizes section 3 of the guidance document dealing with transboundary movements and agrees that relevant work of the Partnership for Action on Computing Equipment, including section 3 of the guidance document, should be taken into account in the further development of the technical guidelines on transboundary movements of electrical and electronic waste (e-waste), in particular regarding the distinction between waste and non-waste;

26 UNEP/CHW.5/29, annex I, decision V/1.

27 UNEP/CHW.8/16, annex IV.

28 UNEP/CHW.10/INF/21.

29 UNEP/CHW.10/20, annex.

3. *Agrees* that section 3 of the guidance document may be revised after the adoption of the technical guidelines on transboundary movements of e-waste, in particular regarding the distinction between waste and non-waste, in order to make any necessary revisions to avoid duplications and discrepancies;

4. *Encourages* the Partnership Working Group to revise the guidance document on environmentally sound management of used and end-of-life computing equipment based on the results of evaluation studies and any additional information provided, and to submit it to the Open-ended Working Group for consideration at its eighth session;

5. *Requests* the Open-ended Working Group to submit the revised guidance document on environmentally sound management of used and end-of-life computing equipment to the Conference of the Parties at its eleventh meeting for consideration and adoption;

6. *Agrees* to extend the mandate of the Partnership for Action on Computing Equipment until the end of 2013 to complete the work programme as set out in the annex to the present decision;

7. *Requests* the Basel Convention regional and coordinating centres to disseminate the guidance document and guidelines approved by the Partnership and to continue to hold training and outreach workshops, subject to the availability of funding;

8. *Invites* additional parties, signatories and stakeholders, including manufacturers, recyclers, refurbishers, academic institutions and non-governmental organizations, in particular from developing countries and countries with economies in transition, to participate in the activities of the Partnership Working Group;

9. *Invites* the Basel Convention regional and coordinating centres to participate in the implementation of pilot projects on the collection and management of used computing equipment by informal sectors in developing countries and countries with economies in transition, subject to availability of funding;

10. *Encourages* parties, signatories, industry, non-governmental organizations and other stakeholders to make financial or in kind contributions or both:

(a) To facilitate the participation of developing countries and countries with economies in transition in the Partnership;

(b) To facilitate the implementation of pilot projects on the collection and management of end-of-life computing equipment from informal sectors in developing countries and countries with economies in transition;

(c) To facilitate the evaluation of guidelines, and to complete revisions to guidelines and the guidance document on environmentally sound management of used and end-of-life computing equipment;

11. *Requests* the Secretariat:

(a) To continue to facilitate and provide expertise to the Partnership;

(b) To report on progress in the activities undertaken by the Partnership to the Open-ended Working Group at its eighth session and to the Conference of the Parties at its eleventh meeting.

## **Annex to decision BC-10/20**

### **Partnership work programme for 2012–2013**

The following tasks are to be undertaken by the Partnership Working Group:

(a) Complete an evaluation of the guideline on environmentally sound testing, refurbishment and repair of used computing equipment and the guideline on environmentally sound material recovery and recycling of end-of-life computing equipment;

(b) Revise the two guidelines based on the results of evaluation studies;

(c) Revise the guidance document on environmentally sound management of used and end-of-life computing equipment based on changes to summaries and recommendations made in the guidelines and any additional information provided;

(d) Continue to hold training workshops on the guidance document and the guidelines in the regions;

(e) Continue pilot projects on the environmentally sound collection and management of used and end-of-life computing equipment in the formal and informal sectors in developing countries and countries with economies in transition;

(f) Develop plans for the financial sustainability of pilot projects and resource mobilization for future projects;

(g) Develop strategies on the environmentally sound management of used and end-of-life computing equipment;

(h) Enhance awareness-raising and training on the environmentally sound management of used and end-of-life computing equipment, including on the guidance document and the guidelines;

(i) Identify actions and incentives that can be taken to promote environmentally sound reuse, refurbishment, repair, recycling and material recovery in respect of used and end-of-life computing equipment through the implementation of the Partnership guidelines and existing certification schemes;

(j) Assess the possibility of using facility certification as a tool for assuring the environmentally sound management of used and end-of-life computing equipment.

## **BC-10/21: Mobile Phone Partnership Initiative**

*The Conference of the Parties,*

*Recalling* its decisions VI/31, VII/4, VIII/6 and IX/8,

*Taking note* of the compilation of changes reflecting comments received from parties, signatories and other stakeholders as called for in decision OEWG-VII/11,<sup>30</sup>

1. *Adopts*, without prejudice to national legislation, the revised guidance document on environmentally sound management of used and end-of-life mobile phones;<sup>31</sup>

2. *Requests* the Secretariat to publish on the website of the Basel Convention the final version of the guidance document;

3. *Decides* that any follow-up tasks required will be carried out by the Secretariat, with the participation of interested parties, signatories, industry, non-governmental organizations and other stakeholders;

4. *Requests* the Basel Convention regional and coordinating centres to disseminate the guidance document and guidelines approved by the Mobile Phone Working Group and adopted by the Conference of the Parties and to initiate training and outreach workshops, subject to availability of funding;

5. *Invites* parties and signatories to use the guidance document and the five guidelines produced by the project groups under the Mobile Phone Partnership Initiative.

## **BC-10/22: Implementation of decision V/32 on the enlargement of the scope of the Trust Fund to Assist Developing and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention**

*The Conference of the Parties*

1. *Requests* the Secretariat, subject to its human resource limitations and without incurring extra-budgetary costs, to develop a draft report containing recommendations on the expediency of the procedures under the mechanism, the adequacy of resources available for use under the mechanism and cooperation with other international organizations and agencies in responding to emergency situations. The report shall include a comparative study of similar mechanisms in operation in other international organizations such as the International Atomic Energy Agency and the International Maritime Organization;

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30 UNEP/CHW.10/21.

31 UNEP/CHW.10/INF/27/Rev.1.

2. *Expresses* its appreciation to those parties that have to date contributed to the Trust Fund to Assist Developing Countries and other Countries in Need of Technical Assistance in the Implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal to support the activities referred to in part 1 of the Interim Guidelines for the Implementation of Decision V/32, Enlargement of the scope of the Technical Cooperation Trust Fund (emergency response), and invites Parties in a position to do so to contribute to the Technical Cooperation Trust Fund to support the activities referred to in parts 1 and 3 of the Interim Guidelines;

3. *Requests* the Secretariat, before 30 June 2012, to circulate the draft report and, on the basis of its findings, to prepare a draft decision for consideration by the Conference of the Parties at its eleventh meeting.

## **BC-10/23: Capacity-building for the implementation of the Basel Convention**

*The Conference of the Parties,*

*Recalling* its decision IX/31, by which it approved the programme activities for the period 2009–2011, including activities under the programme to support the implementation of the Strategic Plan focal areas,

*Recalling also* its decision IX/6 on the Nairobi Declaration on the Environmentally Sound Management of Electrical and Electronic Waste,

*Welcoming* the progress made with capacity-building activities under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and in conjunction with the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants,

*Welcoming also* the progress made by several Basel Convention regional and coordinating centres in managing projects with direct donor funding, including full-sized projects under the Global Environment Facility and bilateral funding,

*Acknowledging* the efforts made by the Basel Convention regional and coordinating centres further to build their capacity to develop and manage projects for the implementation of the Convention,

1. *Takes note* of the progress made with activities under the programme to support the implementation of the Strategic Plan focal areas;

2. *Requests* the Secretariat:

(a) To continue facilitating capacity-building activities and pilot projects in focal areas, subject to the availability of funds, including activities for the environmentally sound management of electrical and electronic waste;

(b) To continue efforts to strengthen further the independent operation of the Basel Convention regional and coordinating centres by assisting them to develop their capacity and capability to act as efficient project-implementing institutions;

(c) To increase efforts to link the Basel Convention regional and coordinating centres to processes to develop project proposals under multilateral agencies such as the Global Environment Facility, the World Bank, regional development banks and bilateral donors; to replicate concepts and tools developed under the Convention; and to act independently to support and, where feasible, execute projects at the regional, subregional and national levels;

(d) To increase efforts to develop cooperation and strengthen collaboration with international organizations and key partners that are directly or indirectly dealing with waste disposal or waste minimization issues, such as the partner organizations of the Inter-Organization Programme for the Sound Management of Chemicals and the International Telecommunication Union;

(e) To report to the Conference of the Parties at its eleventh meeting on the progress made in facilitating capacity-building activities for priority waste streams, the implementation of tools related to the Convention to strengthen the legal system, enforcement and competent authorities at the regional and national levels and cooperation with other international organizations that deal directly or indirectly with waste disposal or waste minimization issues, such as the United Nations Industrial Development Organization and the International Telecommunication Union;

3. *Requests* the Basel Convention regional and coordinating centres to engage in capacity-building activities and collaboration related to the implementation of the Convention, as appropriate, in their regions;

4. *Urges* parties, signatories and all stakeholders in a position to do so to provide financial and in kind support for capacity-building activities at the regional and national levels through bilateral programmes and the Basel Convention regional and coordinating centres, as appropriate;

5. *Invites* international organizations, development banks and donor agencies to strengthen their collaboration with the Secretariat and the Basel Convention regional and coordinating centres, as appropriate, on waste disposal and waste minimization activities under the Convention.

## **BC-10/24: Implementation of the decisions of the Conference of the Parties on resource mobilization and sustainable financing**

*The Conference of the Parties,*

*Recalling* its decision VIII/34 on resource mobilization and sustainable financing,

*Recalling also* decision OEWG-VII/16 on the review of the implementation of decision VIII/34,

*Recalling further* its decision BC.Ex-1/1 and, in particular, section III on joint services,

*Emphasizing* the importance of strengthening linkages with, building on and coordinating with resource mobilization strategies and development assistance programmes of other relevant multilateral agreements, international organizations, multilateral and regional development banks and other donor agencies,

1. *Welcomes* the activities undertaken and efforts made by the Secretariat, the Basel Convention regional and coordinating centres and parties in mobilizing resources and sustainable financing for the implementation of the Convention and in coordinating resource mobilization activities with other relevant multilateral environmental agreements;

2. *Also welcomes* the financial support provided by donors to date to assist parties in implementing the Convention, recognizing that further assistance is required for developing countries to implement the Convention fully;

3. *Further welcomes* the consultative process on financing options for chemicals and wastes;

4. *Requests* the Open-ended Working Group to continue monitoring the implementation of decision VIII/34 and the provisions of decision BC.Ex-1/1 relevant to joint resource mobilization services;

5. *Requests* the Secretariat:

(a) To continue and increase its efforts to build the capacity of the Basel Convention regional and coordinating centres to mobilize resources in their regions;

(b) To facilitate discussions with the Global Environment Facility and the partner and observer organizations of the Inter-Organization Programme for the Sound Management of Chemicals;

(c) To strengthen cooperation with other relevant international and regional organizations and donors with the aim of developing projects to be implemented at the regional or country level;

(d) To take into account the outcomes of the consultative process on financing options for chemicals and wastes in consultations on ways and means of improving the efficiency of the work of the Conference of the Parties on financial resources and mechanisms;

(e) To report to the Conference of the Parties at its eleventh meeting on progress made in mobilizing resources for the implementation of the Convention.

## BC-10/25: Work programme of the Open-ended Working Group for 2012–2013

### *The Conference of the Parties*

1. *Adopts* the work programme of the Open-ended Working Group for 2012–2013 set out in the annex to the present decision;

2. *Elects* the following representatives as members of the Bureau of the Open-ended Working Group for the biennium 2012–2013:

Co-chairs: Ms. Marcela Bonilla (Colombia) (Technical)

Mr. Luay S. Al-Mukhtar (Iraq) (Legal)

Vice-chairs: Mr. James Mulolo (Zambia) (Technical)

Mr. Vladimir Lenev (Russian Federation) (Legal)

Rapporteur: Mr. Tuomas Aarnio (Finland)

### Annex to decision BC-10/25

#### Work programme of the Open-ended Working Group for 2012–2013

<i>I. Strategic issues</i>			
Topics	Activities	Decisions of the Conference of the Parties	Priority
A. Strategic framework	Provide guidance to the Secretariat and the Basel Convention regional centres on efforts to support the development and implementation of the strategic framework.	BC-10/2	High
B. Basel Convention regional and coordinating centres	Monitor the strengthening of the Basel Convention regional and coordinating centres.	BC-10/4	High
C. Basel Convention Partnership Programme	1. Provide guidance on the work undertaken by the Secretariat and by the Basel Convention regional centres to implement the Basel Convention Partnership Programme.	BC-10/19	Medium
	2. Provide guidance on the activities of the Partnership for Action on Computing Equipment.	BC-10/20	High
D. Basel Waste Solutions Circle	Provide guidance to the Secretariat on the further development and implementation of the Basel Waste Solutions Circle.	BC-10/26	Medium



<b>II. Scientific and technical matters</b>			
<b>Topics</b>	<b>Activities</b>	<b>Decisions of the Conference of the Parties</b>	<b>Priority</b>
A. Follow-up on Indonesian-Swiss country-led initiative (CLI)	<p>1. Provide guidance to the technical expert group in the development of a framework for the development of environmentally sound management of hazardous wastes and other wastes.</p> <p>2. Prepare draft guidance to provide national authorities, regional centres and other stakeholders with consistent advice on the interpretation of certain terminology, taking into account the Secretariat's report and building on existing guidance and examples of good practices as detailed in paragraph 4, section C, of decision BC-10/3.</p> <p>3. Provide guidance to the Secretariat in the preparation of a study to identify options for dealing with the problems posed by used and end-of-life goods, which could include take-back obligations and clarification of the concept of "charitable donations".</p> <p>(Note: activities 2 and 3 are cross cutting and, as such, also mentioned in section III of the work programme.)</p>	BC-10/3	<p>High</p> <p>High</p> <p>High</p>
B. Technical guidelines	1. Develop the technical guidelines on transboundary movements of e-waste, in particular regarding the distinction between waste and non-waste.	BC-10/5	High

<b>II. Scientific and technical matters</b>			
<b>Topics</b>	<b>Activities</b>	<b>Decisions of the Conference of the Parties</b>	<b>Priority</b>
	<p>2 (a) Update the general technical guidelines on the environmentally sound management of persistent organic pollutants (POPs) and prepare or update specific technical guidelines on ten new POPs.</p> <p>2 (b) Establish levels of destruction and irreversible transformation for the chemicals necessary to ensure that when disposed of they do not exhibit the characteristics of POPs.</p> <p>2 (c) Determine which disposal methods constitute environmentally sound disposal and establish, as appropriate, concentration levels for the chemicals to define for them low POPs content as referred to in paragraph 1 (d) (ii) of Article 6 of the Stockholm Convention.</p> <p>2 (d) Consider the amendment of the entries in Annex VIII for polychlorinated dibenzo-furans and polychlorinated dibenzo-dioxins (entry A4110), DDT and other relevant POPs to include concentration levels for those chemicals after the development of an appropriate framework for establishing de minimis concentrations.</p>	BC-10/9	<p>High</p> <p>High</p> <p>High</p> <p>High</p> <p>High</p>
C. Classification and hazard characterization of wastes	1. Consider and review any applications for changes and any corrections to the list of wastes in Annexes VIII and IX.	VIII/15	Medium
	2. Consider the amendment of entries relating to persistent organic pollutants.	BC-10/9	Medium
	3. Provide guidance on the identification of wastes in the World Customs Organization Harmonized Commodity Description and Coding System and related matters.	BC-10/10	Medium

<b>III. Legal, governance and enforcement matters</b>			
<b>Topics</b>	<b>Activities</b>	<b>Decisions of the Conference of the Parties</b>	<b>Priority</b>
A. Follow up on the country-led initiative (CLI)	<p>1. Prepare draft guidance to provide national authorities, regional centres and other stakeholders with consistent advice on the interpretation of certain terminology, taking into account the Secretariat's report and building on existing guidance and examples of good practices as detailed in paragraph 4, section C, of decision BC-10/3.</p> <p>2. Provide guidance to the Secretariat in the preparation of a study to identify options for dealing with the problems posed by used and end-of-life goods, which could include take-back obligations and clarification of the concept of "charitable donations".</p> <p>(Note: activities 1 and 2 are cross cutting and, as such, also mentioned in section II of the work programme.)</p>	BC-10/3	High

<b>IV. Resource mobilization and sustainable financing</b>			
<b>Topics</b>	<b>Activities</b>	<b>Decisions of the Conference of the Parties</b>	<b>Priority</b>
Resource mobilization and sustainable financing	Provide guidance to the Secretariat on enhancing resource mobilization and financial contributions for the implementation of the Basel Convention.	VIII/34	High

<b>V. <i>International cooperation and coordination</i></b>			
<b>Topics</b>	<b>Activities</b>	<b>Decisions of the Conference of the Parties</b>	<b>Priority</b>
A. Enhancement of cooperation and coordination between the Basel, Rotterdam and Stockholm conventions	Provide guidance to the Secretariat, as appropriate, on the implementation of decisions IX/10, BC.Ex-1/1 and BC-10/29.	IX/10, BC-Ex.1/1 and BC-10/29	High
B. International cooperation and coordination	Provide guidance, as appropriate, to the Secretariat on means of enhancing cooperation and coordination with international and regional organizations and multilateral environmental agreements in areas of relevance to the Convention.	BC-10/15	Medium
C. Environmentally sound dismantling of ships	Provide guidance to the Secretariat on the programmes for sustainable ship recycling and on the developments in relation to the Hong Kong Convention, in particular the development of the guidelines in that regard.	BC-10/17	Medium
D. Cooperation between the Basel Convention and the International Maritime Organization (IMO)	1. Consider the revised version of the legal analysis on the application of the Basel Convention to hazardous and other wastes generated on board ships. 2. Provide guidance to the Secretariat on its cooperation activities with IMO and the International Organization for Standardization	BC-10/16	Medium
E. Basel Convention Partnership Programme	Provide guidance to the Secretariat on initiatives to expand Convention involvement in partnerships and related projects and activities.	BC-10/19	Medium

<b>VI. <i>Financial matters</i></b>			
<b>Topics</b>	<b>Activities</b>	<b>Decisions of the Conference of the Parties</b>	<b>Priority</b>
Programme budget and other financial matters	1. Provide guidance on and review the preparation of the programme budget for 2014–2015 and related financial matters. 2. Consider the reports by the Secretariat on financial and administrative matters.	BC-10/27	High

<b>VII. <i>Decisions of the Conference of the Parties</i></b>			
<b>Topics</b>	<b>Activities</b>	<b>Decisions of the Conference of the Parties</b>	<b>Priority</b>
Draft decisions of the Conference of the Parties	Review and submit draft decisions for consideration and possible adoption by the Conference of the Parties at its eleventh meeting.		High

## **BC-10/26: Further development of the Basel Waste Solutions Circle**

*The Conference of the Parties,*

*Recalling* decision OEWG-VII/19,

1. *Takes note* of the draft outline of the Basel Waste Solutions Circle concept, including the process and criteria for admissions and awards in relation to the Circle;<sup>32</sup>
2. *Requests* the Bureau, together with one representative of the business and industry sector and one representative of the civil society sector, to serve as the Circle's admissions and awards committee;
3. *Invites* the business and industry sector and the civil society sector to nominate one representative each to serve on the committee;
4. *Requests* the committee further to elaborate the Circle's modalities, taking into account, as appropriate, the draft Circle concept;<sup>33</sup>
5. *Requests* the Secretariat to report on the implementation of the present decision to the Open-ended Working Group at its eighth session.

## **BC-10/27: Programme budget for the biennium 2012–2013**

*The Conference of the Parties,*

*Welcoming* the introduction of financial rules for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal consistent with those of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants and taking into account the terms of reference set out in decision VI/41 for the operation of the Convention, its subsidiary bodies and the Secretariat,

*Recalling* its decision IX/31 and decision OEWG-VII/17 on financial matters,

*Taking note* of the financial reports on the Basel Convention trust funds for 2010 and estimated expenditures for 2011 from the Trust Fund for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention Trust Fund),

1. *Approves* the programme budget for the Basel Convention Trust Fund in the amount of 4,704,226 United States dollars for 2012 and 4,640,274 dollars for 2013 for the purposes set out in table 1 of the present decision, which is presented by budget code line in table 3 of the present decision;
2. *Decides* on an exceptional basis not to approve a staffing table but instead to take note of the indicative staffing table for the Convention Secretariat for the biennium 2012–2013 used for costing purposes to set the overall budget, which is set out in table 5 of the present decision;
3. *Authorizes* the Executive Secretary of the Basel, Rotterdam and Stockholm Conventions to determine the staffing levels, numbers and structure of the Secretariat in a flexible manner, provided that the Executive Secretary remains within the overall budget for the biennium 2012–2013;
4. *Decides* that the total amount of the contributions to be paid by the parties is 4,542,625 dollars for 2012 and 4,440,274 dollars for 2013, as set out in table 4 of the present decision;
5. *Requests* the Executive Secretary to maintain the level of the working capital reserve at 15 per cent of the average biennial operational budgets for 2012–2013;
6. *Expresses deep concern* that a number of parties have not paid their contributions to the operational budgets for 2010 and prior years, contrary to the provisions of paragraph 3 (a) of rule 5 of the financial rules, and urges parties to pay their contributions promptly by or on 1 January of the year to which the contributions apply;

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32 UNEP/CHW.10/INF/49.

33 Ibid.

7. *Authorizes* the Executive Secretary on an exceptional basis to draw down the amount of 100,000 dollars from the fund balance and reserve to cover overexpenditure on staff costs in 2011 and notes that the 2009–2011 budget remains within the level approved by the Open-ended Working Group at its seventh session;

8. *Takes note* of the programme budget for the Trust Fund to Assist Developing Countries and other Countries in Need of Technical Assistance in the Implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Technical Cooperation Trust Fund) in the amount of 5,147,828 dollars for 2012 and 5,341,058 dollars for 2013 as set out in table 2 of the present decision;

9. *Invites* parties, non-parties and others to make voluntary contributions to the Technical Cooperation Trust Fund;

10. *Decides* that the two trust funds shall be continued until 31 December 2013 and requests the Executive Director of the United Nations Environment Programme to extend them to 2012–2013, subject to the approval of the Governing Council of the United Nations Environment Programme;

11. *Requests* the Secretariat to report to the Open-ended Working Group and to the Expanded Bureau on all sources of income received, including the reserve and fund balances and interest, together with actual, provisional and projected expenditures and commitments, and requests the Executive Secretary to report on all expenditures against the agreed budget lines;

12. *Requests* the Executive Secretary to prepare a budget for the biennium 2014–2015 for consideration by the Conference of the Parties at its eleventh meeting and to explain the key principles and assumptions on which the budget is based;

13. *Notes* the need to facilitate priority-setting by providing parties with timely information on the financial consequences of various options and, to that end, requests the Executive Secretary to include in the proposed operational budget for the biennium 2014–2015 three alternative funding scenarios based on:

- (a) The Executive Secretary's assessment of the required growth of the operational budget to finance all proposals before the Conference of the Parties that have budgetary implications;
- (b) Maintaining the operational budget at the 2012–2013 level in nominal terms;
- (c) Increasing the operational budget from 2012–2013 level by 5 per cent in nominal terms;

14. *Suggests* that the discussions on the proposal for a currency reserve as set out in the report on the challenges, constraints and obstacles that have led to the current financial situation of the Basel Convention and on the advantages and disadvantages of using the host country currency or the United States dollar as the currency of the accounts and budget of the Convention<sup>34</sup> be held at the extraordinary meetings of the conferences of the parties to the Basel, Rotterdam and Stockholm conventions, in 2013;

15. *Requests* the Executive Director to request an audit by the Office of Internal Oversight Services on coordination and cooperation among the Basel, Rotterdam and Stockholm conventions and to present the report of that audit to the Conference of the Parties for consideration at its eleventh meeting.

Table 1  
Programme budget for 2012–2013

I. Conferences and meetings

Activity number *	Activities	Expected outputs	Method of implementation internal/external	2012		Source of funding		2013		Source of funding			
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
1	Organize and support the eleventh meeting of the Conference of the Parties; conclude host country agreement; liaise with and assist the host country; prepare, translate and publish all related documents; support the President before and during the meeting; provide logistical support including interpretation, participant travel and security; support the Conference and its working groups during and between meetings. Duration: 5 days. Organize an extraordinary meeting of the Conference of the Parties, to be held simultaneously with extraordinary meetings of the Conferences of the Parties to the Rotterdam and Stockholm conventions.	Successfully organized meeting of the Parties; documentation for the meeting in the six official languages of the United Nations	Internal (funds for salaries/travel of conference staff, translation, logistics, temporary assistance (\$654,600) and participation of sponsored delegates at eleventh meeting of the Conference of the Parties (\$600,000))	45 432	200 000	245 432	245 432	245 432	459 260	1 054 600	1 513 860	913 860	600 000

Activity number *	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding			
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund
2	Organize and support the eighth session of the Open-ended Working Group; prepare, translate and publish all related documents, support the Co-Chairs before and during the meeting; provide logistical support including interpretation, participant travel and security; support the Open-ended Working group and its working groups during and between meetings.  Duration: 4 days	Successfully organized sessions of the Open-ended Working Group; documentation for the meeting in the six official languages of the United Nations	Internal (funds for salaries/travel of conference staff, translation, logistics, temporary assistance (\$429,300) and participation of sponsored delegates (\$550,000))	374 358	979 300	1 353 658	803 658	550 000	-	-	-	-	-
3	Organize the logistics and documentation for meetings of the Expanded Bureau and Joint one joint Bureau meeting in 2013; prepare and publish all related documents.	Successfully organized meeting of the Expanded Bureau and Joint Bureau; documentation for meetings in English only	Internal (funds for travel of the members of the Expanded Bureau (\$32,800) and the members of the Bureau to a joint Bureau meeting in 2013 (\$14,000))	43 614	-	43 614	43 614	-	92 608	46 800	139 408	139 408	-
4	Organize the logistics and documentation for meetings of the Implementation and Compliance Committee; prepare and publish all related documents.	Successfully organized meetings of the Implementation and Compliance Committee; documentation for meetings in English only	Internal (funds for travel of members of the Implementation and Compliance Committee (\$45,100), funds for travel of five parties that are the	18 173	-	18 173	18 173	-	81 268	61 100	142 368	126 368	16 000



Activity number *	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding			
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	Total costs	BC Trust Fund	BD Trust Fund		
			subject of submissions (\$16,000)										
5 (\$6)	Support the work of and coordination between the scientific bodies under the conventions and identify common issues and linkages between the conventions by working with relevant scientific experts to address common issues that impair the effective functioning of the scientific bodies, studying and reviewing linkages between conventions and identifying cross-cutting technical issues on which cooperation needs to be developed or enhanced, e.g., climate change and persistent organic pollutants; handling of electronic wastes containing brominated flame retardants and mercury; lifecycle management in	Technical and scientific bodies of the three conventions receive technical and policy support, facilitating the exchange and sharing of relevant information between themselves and with other relevant intergovernmental organizations including the Strategic Approach; and ensuring the effectiveness of the work of the Chemical Review Committee, the Persistent Organic Pollutants Review Committee and other technical committees	Internal (staff travel (\$6,000), consultants for studying review of linkages, development of websites and development/updating of technical guidance material (\$13,300), sub-contracts (\$7,000), participants' travel (\$14,000) and translation and printing of guidance material (\$3,000))	52 701	21 650	74 351	59 351	15 000	54 809	21 650	76 459	61 459	15 000

Activity number *	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding	
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
	respect of hazardous chemicals; sound trade of hazardous chemicals; identification of hotspots for hazardous chemicals, wastes and other environmental occurrences; linkages with biodiversity and land degradation, among others, with clearing-house mechanism; establish database of roster of experts relevant to the technical and scientific bodies of the three conventions, an "alumni website" of participants in meetings, training and awareness-raising workshops and develop joint scientific and technical documents or guidance materials as required.										

Activity number *	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding			
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	Total costs	BC Trust Fund	BD Trust Fund		
	Proposed co-funding by the three conventions: Basel: BCTF \$6,650 and BDTF \$15,000 per year; Rotterdam: RO \$6,650 and RV \$25,000 per year; Stockholm: SC \$6,700 and SV \$25,000 per year Total \$20,000 and \$65,000 per year			534 277	1 200 950	1 735 227	1 170 227	565 000	687 946	1 184 150	1 872 096	1 241 096	631 000
			<b>Subtotal</b>										

## II. Programme and cross cutting-support

### A. Legal support

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding			
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
6	Assist the Implementation and Compliance Committee to implement its work programme.	Activities in the work programme of the Committee implemented	Internal/external (for 2012: consultants (\$50,000), publications (\$10,000); for 2013: consultants (\$50,000), publications (\$5,000))	69 056	60 000	129 056	69 056	60 000	62 369	55 000	117 369	62 369	55 000
7	Implement fund: assist developing-country parties or parties with economies in transition that are the subject of submissions in accordance with paragraph 9 of the terms of reference of the mechanism for promoting the implementation of and compliance with the Convention.	Assistance provided by Committee to parties in resolving implementation and compliance matters	Internal/external (subcontracts (\$300,000))	25 442	150 000	175 442	25 442	150 000	26 459	150 000	176 459	26 459	150 000
8	Collect, organize and provide quality control and follow-up of information transmitted by parties pursuant to Article 3 on national definitions, Article 4 (1) on import prohibitions, Article 11 on agreements and Article 13 (2) on transmission	Notifications available on Convention website in the six official languages of the United Nations, subject to availability of resources; legal information	Internal (funds for translation of information transmitted by parties pursuant to Articles 3 and 4 (\$70,000))	63 604	35 000	98 604	63 604	35 000	75 598	35 000	110 598	75 598	35 000

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding					
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund		
	of information. Collect and disseminate legislative texts and other legal materials on the Convention website.	provided on the website to assist parties in developing national implementing legislation; national lists of prohibited hazardous wastes developed, updated and transmitted to the Secretariat under Article 3													
9	Provide general and legal policy advice; respond to parties' queries relating to the implementation of and compliance with the Convention; provide advice to parties to support them in meeting the objectives of the strategic framework and the Indonesian-Swiss country-led initiative regarding effective implementation of parties' obligations; support parties in the implementation and review of decision V/32.	Advice provided on general, legal or policy questions; further legal clarity provided in accordance with the recommendation of the country-led initiative; common understanding reached on definitions, interpretation and terminologies of wastes covered by the Convention	Internal	96 315	-	96 315	96 315	-	96 315	109 618	-	109 618	109 618	-	-

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding			
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
10	Assist parties in clarifying the scope of application of the Basel Convention in relation to ship recycling in collaboration with the International Maritime Organization and the International Labour Organization.	Guidance provided to parties in applying the Basel Convention as it relates to ships; participation in initiatives of the International Labour Organization and the International Maritime Organization to enhance the implementation of the global regime relating to ship recycling; inputs provided to support the development of guidelines under the Hong Kong Convention for the safe and environmentally sound recycling of ships	Internal (funds for staff travel (\$15,000))	19 990	7 500	27 490	27 490		20 790	7 500	28 290	28 290	
11	Assist parties to enforce the Convention and to combat illegal traffic.	Assistance provided at parties' request to address alleged cases of illegal traffic and differences between parties resolved; in collaboration	Internal (funds for subcontract, including participant' travel, rental of venue, consultant (\$189,000); staff travel to Green Customs initiative, BCRC	54 518	109 500	164 018	59 518	104 500	47 249	109 500	156 749	52 249	104 500

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			Source of funding		2013			Source of funding	
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
		with other multilateral environmental agreements, other organizations (e.g., the World Customs Organization, INTERPOL, the United Nations Environment Programme Green Customs initiative) and the Basel Convention Regional Centres (BCRCs); global regional and sub regional training activities developed	and judiciary workshops (\$30,000) The amount of \$137,500 is available in 2012 from the European Commission and Norway										
				328 926	362 000	690 926	341 426	349 500	342 083	357 000	699 083	354 583	344 500
			<b>Subtotal</b>										

## B. Scientific and technical support

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding	
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
12	Facilitate and oversee the development of technical guidelines, manuals and tools on the environmentally sound management of hazardous and other wastes as reflected in the work programme of the Open-ended Working Group.	Technical guidelines, tools and manuals on the environmentally sound management of hazardous and other wastes developed and disseminated	Internal (staff travel (\$10,000), consultants (\$60,000))	45 432	35 000	80 432	28 349	35 000	63 349	63 349	-
13	Provide guidance and technical support to parties on technical aspects of the Convention, including technologies, illegal traffic, and the environmental impact of wastes and emerging issues.	Scientific and technical advice provided	Internal; staff travel (\$20,000)	18 173	10 000	28 173	18 900	10 000	28 900	28 900	-
14 (\$7)	Support parties' implementation of the lifecycle approach to chemicals management: update the general technical guidelines on the environmentally sound management of persistent organic pollutant wastes to	Parties to the Basel and Stockholm conventions receive technical and scientific information and guidance when required to allow them to deal with new persistent organic pollutant	Internal (consultant (\$6,000), subcontracts (\$17,000), participant travel (\$10,000) and translation and printing (\$2,000))	21 807	17 500	39 307	22 680	17 500	40 180	22 680	17 500





**C. Support to Basel Convention regional and coordinating centres**

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding			
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund		
15	Ensure effective and coordinated operation of the BCRs; follow up on the review and strengthening of the BCRs, including implementation of the strategic framework objectives at the regional level; enhanced and further programmatic cooperation and coordination with the Stockholm and Rotterdam conventions, including the Stockholm Convention regional centres (SCRCs), the Food and Agriculture Organization of the United Nations (FAO) and UNEP regional offices; monitor the implementation of the framework agreements and conclude negotiations on the signing of pending agreements.	Regional centres strengthened and sustainable, able to assist parties in the implementation of the Basel Convention and the Rotterdam and Stockholm conventions, as appropriate; successful implementation of the strategic framework in accordance with indicators; framework agreements implemented and signed; governance of BCRs and service to parties improved	Internal; staff travel (\$20,000)	21 807	10 000	31 807	18 900	10 000	28 900	31 807	-	28 900	-

Activity number	Activities	Expected outputs	Method of implementation/ internal/ external	2012			2013			Source of funding	
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
16 (S8)	Annual joint meetings: FAO and UNEP regional officers and directors and coordinators of the Basel and Stockholm convention regional centres meet to exchange experiences and improve cooperation and coordination in implementing elements of technical assistance of the three conventions, enhance coordination on regional strategies and identify opportunities for the development of joint activities, in particular technical assistance and capacity-building activities. One meeting per year at a cost of \$100,000 per year. <i>Proposed co-funding by the three conventions: Basel: BDTF \$37,500 per year; Rotterdam: RV \$22,500 per year; and Stockholm: SV \$40,000 per year. Total: \$100,000 per year.</i>	Overview of financial requirements and regional resources in support of the delivery of the technical assistance programme improved; coordination by the entities engaged in technical assistance at the regional levels enhanced, thereby promoting coordination and collaboration of the agencies involved in implementation of the conventions at the national level	Internal (conference services for the annual meetings (\$6,400), participant travel (\$68,600))	36 345	37 500	73 845	28 349	37 500	65 849	28 349	37 500

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding			
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
17 (S9)	South-South cooperation: Basel regional centres and FAO and UNEP regional centres address specific priority issues in their regions related to the Basel, Rotterdam and Stockholm conventions, e.g., transport, import/export, collection, waste collection and disposal issues, and liaise with regional centres in other regions to identify and cooperate on issues of common interest such as technical, institutional and management approaches. <i>Proposed co-funding by the three Conventions: Basel: BDTF \$10,000 per year; Rotterdam: RV \$20,000 per year; and Stockholm: SV \$20,000 per year. Total: \$50,000 per year.</i>	Joint activities developed and implemented by regional centres on a bilateral or multilateral basis; practical tools for implementation of joint activities, best practices and lessons learned provided and disseminated via centres' and secretariats' websites	Internal (subcontracts including participant travel (\$16,000); translation and printing (\$4,000))	23 625	10 000	33 625	23 625	10 000	24 569	10 000	34 569	24 569	10 000

**Subtotal**      **81 777**      **57 500**      **139 277**      **91 777**      **47 500**      **71 819**      **57 500**      **129 319**      **81 819**      **47 500**

## D. Cross-cutting strategic issues

### 1. Follow-up on the implementation of the Strategic Framework

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			Source of funding		2013			Source of funding	
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
18	Coordinate and provide support as necessary to parties in implementing the strategic framework 2012–2021.	Support for implementation of the strategic framework	Internal (consultancy (\$80,000)).	23 625	40 000	63 625	23 625	40 000	24 569	40 000	64 569	24 569	40 000

### 2. Follow-up on the implementation of the Indonesian-Swiss country-led initiative

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			Source of funding		2013			Source of funding	
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
19	Coordinate and provide support to parties for environmentally sound management and further legal clarity.	Support provided in accordance with the agreed programme of work	Internal (consultancy (\$400,000) and a meeting of the Technical Expert Group back to back with OEWG8 (\$81,400))	7 269	281 400	288 669	88 669	200 000	7 560	200 000	207 560	7 560	200 000

**Subtotal** 30 894 321 400 352 294 112 294 240 000 32 129 240 000 272 129 32 129 240 000

### III. Technical assistance and capacity-building

#### A. Partnerships

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			Source of funding		2013			Source of funding	
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
20	Serve as secretariat of the Partnership for Action on Computing Equipment (PACE) and facilitate its operation and activities.	Support for PACE meetings provided; guidelines tested and revised; pilot projects in developing countries and economies in transition initiated; outreach materials developed and partnership output widely disseminated; impact assessment initiated	Internal/ external (staff travel (\$10,000); consultancies (\$100,000), two face-to-face meetings (\$140,000), development and dissemination of outreach material, pilot country assessments and awareness raising workshops (\$300,000))	39 980	275 000	314 980	64 980	250 000	32 129	275 000	307 129	57 129	250 000
21	Facilitate the involvement of international organizations and donors in the dissemination of the used lead acid batteries (ULAB) partnership concept from the Central American region through BCRCs in other regions, e.g., Asia and the Pacific and Africa.	Current information on ULAB generation, transboundary movements, management practices, common and special issues, and opportunities for improvement in each of the subregions assessed and	Internal (staff travel (\$10,000). Secretariat to play a facilitating and advisory role while the partnership, including related activities, will be lead by BCRCs in the regions	9 086	5 000	14 086	14 086	-	9 450	5 000	14 450	14 450	-

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding	
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
		documented by BCRCs; regional management strategies for ULAB in Asia and the Pacific and African subregions established for coordinated implementation in pilot countries; pilot or demonstration projects in the implementation of subregional strategies for the environmentally sound management of ULAB implemented in each subregion by partnership members									

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding	
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
23 (S4)	Develop strategic partnerships with other multilateral environmental agreements, such as for the management and disposal of ozone-depleting substances, persistent organic pollutants and other hazardous substances. <i>Proposed co-funding by two conventions: Basel: BDTF \$100,000 per year; and Stockholm: SV \$100,000 per year Total \$200,000 per year.</i>	Legal and procedural issues clarified at the national level; capacity for dealing with the destruction of ozone-depleting substances and persistent organic pollutants developed; disposal operations carried out for ozone-depleting substances, persistent organic pollutant wastes and other hazardous chemicals through joint management and disposal approach	Internal (staff travel (\$10,000), subcontracts including participant travel (\$180,000), translation and printing (\$10,000))	14 538	100 000	114 538	9 450	100 000	109 450	9 450	100 000
<b>Subtotal</b>				<b>63 604</b>	<b>380 000</b>	<b>443 604</b>	<b>51 029</b>	<b>380 000</b>	<b>431 029</b>	<b>81 029</b>	<b>350 000</b>



## B. Priority waste streams

### 1. Electrical and electronic wastes in Africa, Asia and the Pacific, Latin America and countries with economies in transition

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding			
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
25	Assist parties with the development of national inventories, national e-waste management plans and formulation of e-waste policies, regulatory frameworks and strategies for implementation; develop pilot projects on collection and recycling involving public-private partnerships in Asia and the Pacific.	All national inventories in the region completed in order to provide a basis for each party to take strategic actions or develop a strategic plan; national environmentally sound management plans or strategies on e-waste developed in at least three countries; at least one pilot public-private partnership in environmentally and economically sound collection, recycling and disposal established in each participating country in the region	External and internal (staff travel (\$10,000), consultancy and projects (\$400,000))	27 259	255 000	282 259	32 259	250 000	18 900	155 000	173 900	23 900	150 000
26	Facilitate the implementation of follow-up activities for the project "Implementing the Nairobi Declaration in Africa: building local capacity to address the flow of e-wastes and e-equipment destined for reuse through the sustainable management of	Institutional and legal capacities of partner countries enhanced and sufficient for environmentally sound management of e-waste; successful introduction of at least three business models ensuring environmentally sound management of e-waste; awareness-raising campaigns on hazards of environmentally	External (European Commission co-funded project ends in 2012), external (consultancy for network collaboration in 2013) and internal (staff travel in 2013)	49 066	300 000	349 066	49 066	300 000	60 479	30 000	90 479	60 479	30 000

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			Source of funding		2013			Source of funding	
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
	resources and the recovery of materials" in partner countries, with financial support from the European Commission; facilitate regional collaboration through the global e-waste information network.	unsound practices for e-waste recycling											
27	Facilitate in cooperation with BCRCs and regional development banks and other co-funding partners the development of pilot projects on the environmentally sound management of e-waste in Latin America and countries with economies in transition and collaboration of the regions in the global e-waste information network.	Inventory reports produced; pilot projects implemented	Internal/external (staff travel (\$10,000) and consultants (\$60,000))	18 173	35 000	53 173	23 173	30 000	18 900	35 000	53 900	23 900	30 000

**Subtotal**      94 498      590 000      684 498      104 498      580 000      98 278      220 000      318 278      108 278      210 000

2. Persistent organic pollutant wastes and other hazardous substance wastes

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding			
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund		
28	Collaborate with Global Environment Facility (GEF) implementing agencies and BCRCs in the development and implementation of persistent organic pollutant waste projects in Africa, Asia and the Pacific, Latin America and countries with economies in transition, in particular projects on polychlorobiphenyl (PCB) management in the Southern African Development Community, Latin America and the Caribbean and Asia and on the management of obsolete persistent organic pollutants and other hazardous chemicals in Central America and the Caribbean.	Environmentally sound management of persistent organic pollutant waste and Basel Convention provisions considered as integral part of planning for and implementation of projects co-funded by GEF	Internal/external. Co-executed by BCRCs and other regional agencies, with technical and institutional support from Secretariat (staff travel)	27 259	5 000	32 259	28 349	5 000	33 349	32 259	33 349	BC Trust Fund	BD Trust Fund

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding			
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund		
29	Assist BCRs in developing and implementing projects on segregation and treatment of hazardous biomedical and health-care wastes using the technical guidelines on the environmentally sound management of biomedical and health-care wastes and other relevant publications.	Project development and implementation facilitated with BCRs and the World Health Organization; results of pilot projects carried out in the regions disseminated	Internal/external. Co-executed by BCRs and other regional agencies, with technical and institutional support from the Secretariat (staff travel) and joint clearing-house mechanism	10 904	5 000	15 904	11 340	5 000	16 340	10 904	5 000	11 340	5 000
30	Assist BCRs in developing and undertaking pilot national plans for the environmentally sound management of used oils in the regions using the technical guidelines on used oil and other relevant publications.	Public-private partnership for the environmental management of used oils established; national plans implemented in the context of the regional strategy; results of pilot projects carried out in the regions disseminated	Internal/external. Co-executed by BCRs and other regional agencies, with technical and institutional support from the Secretariat (staff travel) and joint clearing-house mechanism	10 904	5 000	15 904	11 340	5 000	16 340	10 904	5 000	11 340	5 000

**Subtotal**      **49 066**      **15 000**      **64 066**      **54 066**      **10 000**      **51 029**      **15 000**      **66 029**      **56 029**      **10 000**

### 3. Dismantling of ships

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding			
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
31	Develop a feasibility study to identify cost-effective alternatives to the beaching method of ship dismantling; provide technical expertise to assist countries involved in ship dismantling to develop downstream capacity for the environmentally sound management of hazardous materials; facilitate exchanges of expertise and experiences between relevant stakeholders to promote safe and environmentally sound ship dismantling.	Case study, feasibility study, guidance and training materials developed and disseminated to parties; training on environmentally sound management operations at ship dismantling facilities undertaken, in collaboration with other initiatives where appropriate; technical meetings and workshops of experts and relevant stakeholders convened, inventories on hazardous waste in pilot countries developed and business cases to enhance downstream capacity for environmentally sound management of	Internal/External (funds for retention of consultants/technical experts to develop feasibility study, etc.; funds for travel of staff and technical experts)	21 807	150 000	171 807	21 807	150 000	22 680	500 000	522 680	22 680	500 000

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding				
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund			
		hazardous materials, in collaboration with other initiatives, where appropriate, developed; linkages established between relevant stakeholders												
<b>Subtotal</b>				<b>21 807</b>	<b>150 000</b>	<b>171 807</b>	<b>21 807</b>	<b>500 000</b>	<b>522 680</b>	<b>22 680</b>	<b>500 000</b>	<b>22 680</b>	<b>500 000</b>	

#### 4. Mercury wastes

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding			
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund		
32	Assist BCRs in all regions in developing pilot activities to promote the implementation of the technical guidelines on the environmentally sound management of mercury waste at the national and subregional levels. Provide technical support for mercury projects undertaken by other entities (e.g., Chemicals Branch of the UNEP Division of Technology, Industry and Economics).	Training materials, based on the technical guidelines, developed and disseminated; training workshops conducted by BCRs; pilot activities to test the technical guidelines developed	Internal (staff travel (\$10,000)) and external (pilot projects)	21 807	505 000	526 807	22 680	505 000	527 680	22 680	505 000	22 680	505 000
<b>Subtotal</b>				<b>21 807</b>	<b>505 000</b>	<b>526 807</b>	<b>21 807</b>	<b>505 000</b>	<b>527 680</b>	<b>22 680</b>	<b>505 000</b>	<b>22 680</b>	<b>505 000</b>

**C. Implementation of Basel Convention related tools to strengthen the legal system, enforcement and competent authorities at regional and national levels**

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding	
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
33	Implement pilot projects through BCRCs for the use and implementation of Convention-related tools to strengthen the legal system, enforcement and competent authorities at the national and regional levels in Africa, Asia and the Pacific, Latin America and countries with economies in transition.	In the selected pilot countries: gaps and needs analyses developed; norms and regulations drafted, training activities undertaken for enforcement agencies and environmental authorities, awareness-raising activities carried out and Ban Amendment implementation strengthened	External (funds for memorandums of understanding consultants and staff travel)	21 807	1 000 000	1 021 807	22 680	1 000 000	1 022 680	22 680	1 000 000

**Subtotal**                      21 807    1 000 000    1 021 807                      22 680    1 000 000    1 022 680                      22 680    1 000 000

**D. Joint technical assistance and capacity building programmes with the Rotterdam and Stockholm conventions**

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding	
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
34 (S2)	Capacity-building programmes: develop and deliver training programmes based on needs identified at the regional level regarding resource mobilization; establish networks of regional experts on capacity development; provide training on the use of technical and policy guidance and legal issues. <i>Proposed co-funding by the three conventions: Basel: BCTF \$6,650 and BDTF \$115,000 per year; Rotterdam: RO \$6,700 and RV \$100,000; and Stockholm: SC \$6,650 and SV \$120,000 per year Total: \$20,000 and \$335,000 per year</i>	Parties trained to meet their obligations under the Convention	Internal (staff travel (\$13,300), subcontracts (\$227,000), translation and printing (\$3,000))	58 153	121 650	179 803	41 579	121 650	163 229	48 229	115 000



Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding			
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund		
35 (S1)	Develop and upgrade toolkit and electronic training tools, such as the tools for persistent organic pollutant waste and industrial chemicals, and make them available online. <i>Proposed co-funding by the three conventions: Basel: BCTF \$8,400 and BDTF \$82,500 per year; Rotterdam: RO 8,300 and RV \$100,000 per year; and Stockholm: SC \$8,300 and SV \$132,500</i> <i>Total: \$25,000 and \$315,000 per annum</i>	Tools developed and existing tools updated as appropriate; parties enabled to review and update their strategies for identifying stockpiles, products and articles in use that contain or are contaminated with new persistent organic pollutants and national programmes on industrial chemicals developed	Internal (funds for staff travel (\$32,000), consultants on the development of updated training materials (\$16,800) subcontracts including participant travel (\$115,000) and translation and printing (\$18,000))	30 894	90 900	121 794	22 680	90 900	113 580	39 294	82 500	31 080	82 500
36 (S3)	Develop and implement synergies capacity-building projects for the development of national institutional frameworks for the implementation of the conventions and to provide technical	National chemicals management programmes, such as systems for the control of exports and imports of hazardous chemicals and wastes, developed; draft legal and/or	Internal (funds for staff travel (\$52,000), consultants on the development of updated training materials (\$74,950) subcontracts including participant travel (\$380,000), and translation and	49 066	268 150	317 216	51 029	269 800	320 829	58 216	259 000	61 829	259 000

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding	
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
	assistance through the regional centres and in cooperation with subregional offices of FAO and UNEP. Proposed co-funding by the three conventions: Basel: BCTF \$9,150 in 2012 and \$10,800 in 2013 and BD \$259,000 per annum; Rotterdam: RO \$9,200 in 2012 and \$10,800 in 2013 and RV \$144,000 per annum; Stockholm: SC \$9,150 in 2012 and \$10,900 in 2013 and SV \$269,000 per annum Total: \$27,500 in 2012, \$32,500 in 2013 and \$672,000 per annum	administrative regulations or plans for putting them in place developed; partnerships and coordination at the national level among key stakeholders in the chemicals and waste management sector, including designated national authorities, national focal points and official contact points, developed; capacity to manage chemicals and waste by participating parties improved; capacity to implement the conventions strengthened	printing (\$31,000)								
<b>Subtotal</b>				<b>138 113</b>	<b>480 700</b>	<b>618 813</b>	<b>115 288</b>	<b>482 350</b>	<b>597 638</b>	<b>141 138</b>	<b>456 500</b>

#### IV. Knowledge management and outreach

##### A. Management and circulation of information submitted by parties in accordance with their obligations under the Convention

###### 1. National reporting

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding			
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	Total costs	BC Trust Fund	BD Trust Fund		
37	Coordinate, follow up on and compile the annual data and information transmitted by parties.	Compilations of data and information made available on the Convention website; reports to the Conference of the Parties	Internal	36 345	—	36 345	36 345	—	47 249	—	47 249	47 249	—
38	Enter data and information into the reporting database; arrange for translation into English of national reports submitted in official United Nations languages other than English and the entry of the translated texts into the reporting database.	Up-to-date and high-quality data, including English translations of data reported in other United Nations languages, available in the database	Internal (information systems (\$40,000) and translation (\$90,000))	121 757	65 000	186 757	141 757	45 000	126 627	65 000	191 627	146 627	45 000

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding	
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	staff costs	non-staff costs	Total costs
39	Enhance parties' ability to comply with their national reporting obligations under the Convention.	Guidance provided to parties on reporting issues; annual regional workshops organized through BCRCs or by other appropriate means, to provide training to parties in need of assistance to meet their reporting obligations	Internal (organization of workshops (\$200,000)). Funding available from the European Commission (\$80,000).	36 345	100 000	136 345	36 345	100 000	137 799	37 799	100 000
40 (\$15)	National reporting: revise the reporting systems of the Basel and Stockholm conventions and identify possible areas for streamlining; analyse the electronic reporting systems in place, define options for improving them and implement the required adaptations to harmonize national reporting; develop a guidance	Number of reports submitted to both conventions increased; system developed to support national reporting under both conventions in an integrated way; capacity-building workshops convened in 2013; coordinated	Internal (staff travel (\$10,000), consultants (\$30,000), subcontracts (\$55,000))	27 259	45 000	72 259	27 259	45 000	78 349	28 349	50 000

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding			
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund		
	document for information collection and reporting; organize regional capacity-building workshops on national reporting for 2012 and 2013. <i>Proposed co-funding by two conventions: Basel; BDTF \$45,000 in 2012 and \$50,000 in 2013; and Stockholm: SV \$45,000 in 2012 and \$50,000 in 2013</i>	and simultaneous information collection mechanism from relevant government agencies for both conventions established; detailed high-quality information reported, ensuring better results for national reporting processes; national mechanisms for reporting relating to multilateral environmental agreements on chemicals and wastes established											
	<i>Total: \$90,000 in 2012 and \$100,000 in 2013</i>			221 707	210 000	431 707	241 707	190 000	240 025	215 000	455 025	260 025	195 000
	<b>Subtotal</b>												

2. Publications, public information, outreach and clearing-house mechanism

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding	
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
41 (S10)	Develop cross-cutting information packages and a joint clearing-house mechanism; maintain and continue development of the conventions' websites. <i>Proposed co-funding by the three conventions: Basel: BCTF \$28,000 and BDTF \$37,600 per year; Rotterdam: RO \$28,000 and RV \$50,400 and Stockholm: SC \$28,000 and SV \$39,800 per year</i> <i>Total \$84,000 and \$127,800 per year.</i>	Quality of information improved and access to electronic information and reporting mechanism increased	Internal (consultants (\$113,200), subcontracts (\$6,000), software licenses (\$5,000), non-expendable equipment (\$5,000) and translation and printing (\$2,000))	116 305	65 600	181 905	120 957	65 600	186 557	144 305	37 600
										148 957	37 600

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding		
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	
42 (S11)	Joint information technology services: provide joint services, including hardware, software, network administration, e-mail, fax, internet, security and helpdesk. <i>Proposed co-funding by the three conventions: Basel: BC 31,500 per year; Rotterdam: RO \$31,500 per year; SC and Stockholm: SC \$31,500 per year and SV \$80,000 in 2012. Total: \$94,500 per year and \$80,000 in 2012</i>	Outputs envisaged under the three conventions' programmes of work for 2012-2013 delivered effectively and efficiently by the secretariats	Internal	36 345	31 500	67 845	-	37 799	31 500	69 299	69 299	-
43 (S13)	Joint outreach and public awareness: develop outreach materials, e.g., audiovisual materials, posters, newsletters, leaflets, brochures exhibitions, press briefings, press releases and activities relevant to the Safe Planet campaign. <i>Proposed co-funding by the three conventions: Basel:</i>	Support provided for the implementation of the conventions through the preparation of outreach materials, including publications to raise awareness of the Basel, Rotterdam and Stockholm	Internal (subcontracts)	221 707	22 000	243 707	221 707	213 566	97 000	310 566	213 566	97 000

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding			
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
	<i>BD</i> \$22,000 per year; <i>Rotterdam: RV</i> \$31,000 per year; <i>and Stockholm: SV</i> \$38,000 per year <i>Total: \$91,000 per year. \$75,000 from BD have been added to cover publication of Vital Waste Graphics IV in 2013, which is relevant to Basel Convention only.</i>	conventions											
44 (S14)	Publications: produce and disseminate various legal and technical publications, including through reprinting and developing new publications. <i>Proposed co-funding by the three conventions: Basel: BCTF \$19,150 per year; Rotterdam: RV 19,150 per year; and Stockholm: SC \$19,200 per year</i> <i>Total: \$57,500 per year.</i>	Support provided for the implementation of the conventions through the preparation of publications through both translation and printing	Internal: (reprinting and development of legal and technical publications (\$38,300))	67 239	19 150	86 389	86 389	-	51 029	19 150	70 179	70 179	-



Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding	
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
45	Organize non-governmental organization workshop at the eleventh meeting of the Conference of the Parties, in 2013.	Attendance at meetings of the Conference of the Parties and awareness of the Convention by the non-governmental organization community increased	Internal (funds required for travel of 15 participants and production of information material)	-	-	-	3 780	50 000	53 780	3 780	50 000

**Subtotal**      441 597      138 250      579 847      520 247      59 600      427 131      263 250      690 381      505 781      184 600

## V. Executive direction, management and strategic planning

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding				
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	
46	Provide overall management of the Secretariat, ensuring coherence in its work and responsiveness to the needs and instructions of the parties; coordinate the implementation of the programme of work and budget adopted by the Conference of the Parties; plan the distribution and coordination of tasks within the Secretariat and with other secretariats; organize and convene Secretariat meetings; manage and supervise staff, including staff training and development.	Outputs envisaged in the programme of work for 2012-2013 delivered efficiently and effectively by the Secretariat; decisions of the Conference of the Parties on cooperation and coordination among the Parties, Basel, Rotterdam and Stockholm conventions requiring action from the Secretariat implemented	Internal (Basel related publications (\$16,700))	218 072	8 850	226 922	226 922	—	—	226 795	8 850	235 645	235 645	—
47	Enhance cooperation and coordination with other multilateral environmental agreements and intergovernmental organizations on issues of common concern; provide	Effective and collaborative relationships with other institutions established and enhanced and value added by outputs from cooperative	Internal: staff travel (\$70,000) Consultancy (\$70,000)	374 358	70 000	444 358	409 358	35 000	370 432	70 000	440 432	405 432	35 000	

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding	
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
	Convention-related input into global partnerships organized and facilitated by other multilateral environmental agreements, international organizations and stakeholders, in particular the International PCB Elimination Network (IPEN), the UNEP mercury, lead and cadmium partnerships, the UNEP Global Platform on Waste Management, the International Telecommunication Union Study Group, and Environment and Measurement and Information Communications Technology Development, World Health Organization Treated Nets Lifecycle Initiative, Solving the E-waste Problem Initiative (STEP), Green Lead Initiative, Health Care Waste Cooperation, United Nations Framework	activities; delivery of technical assistance and capacity-building coordinated and complementary to that of other organizations; links with high-profile initiatives forged and waste issues integrated into national, regional and international agenda; increased collaboration with other agencies, non-governmental organizations, inter-governmental organizations and the private sector									

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding	
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
	Convention on Climate Change Clean Development Mechanism Partnership, World Bank and regional development banks cooperation on waste related projects; contribute to ongoing discussions and related activities on wastes at United Nations Headquarters and UNEP on United Nations system wide coherence. (Integrates former separate activities 22 and 48)										
49	Provide financial management and administration of the Secretariat.	Secretariat's financial and administrative functions delivered effectively and efficiently	Internal (staff costs)	109 036		109 036	103 948		103 948	103 948	
50	Raise funds for activities under the Technical Cooperation Trust Fund.	Secured funding for planned activities for the biennium increased	Internal (staff costs)	19 990		19 990	20 790		20 790	20 790	
51 (S5)	Work with regional liaison offices in Latin America and the Caribbean, Africa, Central and	Technical assistance delivered at the regional and national levels	External, funded via UNEP	9 086		9 086	18 900		18 900	18 900	

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding	
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
	<p>Eastern Europe and Asia in collaboration with key partners: coordinate the delivery of technical assistance and capacity-building programmes at the regional and national levels to ensure the optimal use of resources to benefit the parties and a synergistic approach to chemicals and waste management at the national level. The programme will be undertaken in conjunction with UNEP and the Basel, Rotterdam and Stockholm conventions, the Chemicals Branch of the UNEP Division of Technology, Industry and Economics and the Strategic Approach to International Chemicals Management and will be coordinated through chemicals cluster managers to be placed in the UNEP regional offices.</p>										

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding			
				staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund
52 (S16)	Resource mobilization: develop and implement joint resource mobilization and fund-raising strategies; perform donor and partner profiling; undertake monitoring and reporting in compliance with donor requirements; hold meetings with donors. <i>Proposed co-funding by the three conventions: Basel: BCTF 15,000 per year; Rotterdam: RO 15,000 per year; and Stockholm: SC \$15,000 per year Total: \$45,000 per year</i>	Ratio of secure funding increased in relation to projects presented to donors	Internal (staff travel (USD 30,000))	23 625	15 000	38 625	38 625	-	18 900	15 000	33 900	33 900	-
53 (S17)	Review arrangements: develop questionnaire, compile responses and prepare report for publishing on the Basel, Rotterdam and Stockholm convention websites in 2012. <i>Proposed co-funding by the three</i>	Support ensured for the review arrangements process	Internal (consultant (\$5,350) and translation and publishing of the report (\$5,000))	18 173	10 350	28 523	28 523	-	9 450	-	9 450	9 450	-

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding			
				staff costs	non-staff costs	Total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund		
	conventions: Basel: BCTF 10,350 in 2012; Rotterdam: RO 10,300 in 2012; and Stockholm SC \$10,350 in 2012. Total: \$31,000 in 2012.												
<b>Subtotal</b>				<b>772 340</b>	<b>104 200</b>	<b>876 540</b>	<b>841 540</b>	<b>35 000</b>	<b>769 214</b>	<b>93 850</b>	<b>863 064</b>	<b>828 064</b>	<b>35 000</b>

### Office equipment and services

Activity number	Activities	Expected outputs	Method of implementation internal/external	2012			2013			Source of funding		
				staff costs	non-staff costs	T total costs	staff costs	non-staff costs	Total costs	BC Trust Fund	BD Trust Fund	
54	Procure office equipment, including computer hardware and software, required licenses, furniture and supplies; rent and maintain equipment, including photocopiers and communications equipment; cover costs of office rental, electricity, cleaning and communication.	Outputs envisaged under the programme of work for 2012-2013 delivered effectively and efficiently by the Secretariat	Internal/external		233 500	233 500		233 500	233 500	233 500		
<b>Subtotal</b>				-	233 500	233 500	-	233 500	233 500	233 500	-	
<b>TOTAL</b>				2 907 632	5 811 000	8 718 632	4 163 032	4 555 600	3 023 937 580	910	8 833 037 410	600



Table 2

**Programme budget for 2012–2013**  
**Summary table of costs and requirements**  
**(in United States dollars)**

	2012			2013		
	BC Trust Fund	BD Trust Fund	Total	BC Trust Fund	BD Trust Fund	Total
<b>I Conferences and meetings</b>	1 170 227	565 000	1 735 227	1 241 096	631 000	1 872 096
<b>Subtotal</b>	<b>1 170 227</b>	<b>565 000</b>	<b>1 735 227</b>	<b>1 241 096</b>	<b>631 000</b>	<b>1 872 096</b>
<b>II Programme and cross-cutting support</b>						
a) Legal Support	341 426	349 500	690 926	354 583	344 500	699 083
b) Scientific and technical support	130 412	17 500	147 912	114 929	17 500	132 429
c) Support to Basel Convention regional and coordinating centres	91 777	47 500	139 277	81 819	47 500	129 319
d) Cross-cutting strategic issues	112 294	240 000	352 294	32 129	240 000	272 129
<b>Subtotal</b>	<b>675 908</b>	<b>654 500</b>	<b>1 330 408</b>	<b>583 459</b>	<b>649 500</b>	<b>1 232 959</b>
<b>III Technical assistance and capacity-building</b>						
a) <b>Partnerships</b>	93 604	350 000	443 604	81 029	350 000	431 029
b) <b>Priority waste streams</b>						
i. Electrical and electronic wastes in Africa, Asia/Pacific, Latin America and Countries with Economies in Transition (CEITs)	104 498	580 000	684 498	108 278	210 000	318 278
ii. Persistent organic pollutant wastes and other hazardous wastes	54 066	10 000	64 066	56 029	10 000	66 029
iii. Dismantling of ships	21 807	150 000	171 807	22 680	500 000	522 680
iv. Mercury wastes	21 807	505 000	526 807	22 680	505 000	527 680
c) Implementation of Basel Convention tools for strengthening legal systems, enforcement and competent authorities at regional and national levels	21 807	1 000 000	1 021 807	22 680	1 000 000	1 022 680
d) Joint technical assistance and capacity-building programmes with the Rotterdam and Stockholm conventions	162 313	456 500	618 813	141 138	456 500	597 638
<b>Subtotal</b>	<b>479 903</b>	<b>3 051 500</b>	<b>3 531 403</b>	<b>454 512</b>	<b>3 031 500</b>	<b>3 486 012</b>

	2012			2013		
	BC Trust Fund	BD Trust Fund	Total	BC Trust Fund	BD Trust Fund	Total
<b>IV Knowledge management and outreach</b>						
a) Management and circulation of information submitted by parties in accordance with their obligations under the Convention	241 707	190 000	431 707	260 025	195 000	455 025
b) Publications, public information, outreach and clearing-house mechanism	520 247	59 600	579 847	505 781	184 600	690 381
<b>Subtotal</b>	<b>761 954</b>	<b>249 600</b>	<b>1 011 554</b>	<b>765 806</b>	<b>379 600</b>	<b>1,145,406</b>
<b>V Executive direction, management and strategic planning</b>	841 540	35 000	876 540	828 064	35 000	863,064
<b>VI Office equipment and services</b>	233 500	–	233 500	233 500	–	233,500
<b>Programme requirements</b>	<b>4 163 032</b>	<b>4 555 600</b>	<b>8 718 632</b>	<b>4 106 437</b>	<b>4 726 600</b>	<b>8 833 037</b>
<b>Programme support costs (13 %)</b>	<b>541 194</b>	<b>592 228</b>	<b>1 133 422</b>	<b>533 837</b>	<b>614 458</b>	<b>1 148 295</b>
<b>Total programme requirements</b>	<b>4 704 226</b>	<b>5 147 828</b>	<b>9 852 054</b>	<b>4 640 274</b>	<b>5 341 058</b>	<b>9 981 332</b>

Table 3

**Programme budget for 2012–2013 funded from the Basel Convention Trust Fund (BC Trust Fund)  
(in United States dollars)**

	Programme budget approved at the ninth meeting of the Conference of the Parties and the seventh session of the Open-ended Working Group					Programme budget approved at the tenth meeting of the Conference of the Parties		
	2009	2010	2011*	2009–2011 triennium	2012	2013	2012–2013 biennium	
<b>10 Personnel component</b>								
<i>1100 Professional staff</i>								
1102 Executive Secretary (D-1)	235 900	245 336	255 149	736 385	273 416	284 353	557 769	
1103 Chief, Convention Services and Governance Unit (P-5)	208 800	217 152	225 838	651 790	244 088	253 852	497 940	
1104 Chief, Programme Support Unit (P-5)	208 800	217 152	225 838	651 790	244 088	253 852	497 940	
1105 Chief, Implementation and Capacity-building Unit (P-5)	208 800	217 152	225 838	651 790	244 088	253 852	497 940	
1106 Policy and Legal Advisor (P-4)	180 400	187 616	195 121	563 137	206 336	214 589	420 925	
1107 Programme Officer - Project Development (P-4)	180 400	187 616	195 121	563 137	206 336	214 589	420 925	
1108 Administrative / Fund Management Officer (P-4) **		–	–	–	–	–	–	
1109 Programme Officer - National Reporting (P-3)	151 800	157 872	164 187	473 859	172 432	179 329	351 761	
1110 Programme Officer - Information Officer (P-3)	151 800	157 872	164 187	473 859	172 432	179 329	351 761	
1111 Programme Officer - Project Development (P-3)	151 800	157 872	164 187	473 859	172 432	179 329	351 761	
1112 Associate Programme Officer - Computer Systems (P-2)	127 000	132 080	137 363	396 443	135 928	141 365	277 293	
1113 Associate Legal Officer (P-2)	127 000	132 080	137 363	396 443	135 928	141 365	277 293	
<b>1199 Subtotal, Professional staff</b>	<b>1 932 500</b>	<b>2 009 800</b>	<b>2 090 192</b>	<b>6 032 492</b>	<b>2 207 504</b>	<b>2 295 804</b>	<b>4 503 308</b>	
<i>1200 Consultants</i>								
1201 General consultancies	100 000	100 000	231 500	431 500	–	–	–	
1202 Consultants (technical guidelines)	–	–	–	–	30 000	30 000	60 000	
1203 Consultants (technical support for PACE)	–	–	–	–	20 000	20 000	40 000	
1280 Consultants (joint, technical assistance/training tools)	–	–	–	–	8 400	8 400	16 800	
1280 Consultants (joint, scientific and technical)	–	–	–	–	6 650	6 650	13 300	
1282 Consultants (joint, clearing-house development)	–	–	–	–	20 000	20 000	40 000	
1283 Consultants (joint, website maintenance)	–	–	–	–	8 000	8 000	16 000	
1284 Consultants (joint, brokering service)	–	–	–	–	6 650	8 300	14 950	
1285 Consultants (joint, review arrangements)	–	–	–	–	5 350	–	5 350	
<b>1299 Subtotal, consultants</b>	<b>100 000</b>	<b>100 000</b>	<b>231 500</b>	<b>431 500</b>	<b>105 050</b>	<b>101 350</b>	<b>206 400</b>	

	Programme budget approved at the ninth meeting of the Conference of the Parties and the seventh session of the Open-ended Working Group					Programme budget approved at the tenth meeting of the Conference of the Parties		
	2009	2010	2011*	2009-2011 triennium	2012	2013	2012-2013 biennium	
<i>1300 Administrative support</i>								
1301 Administrative Assistant (G-6)**	-	-	-	-	-	-	-	-
1302 Personal Assistant to the Executive Secretary (G-6)	145 000	150 800	156 832	452 632	162 240	168 730	330 970	
1303 Meetings/Documents Assistant (G-6)	145 000	150 800	156 832	452 632	162 240	168 730	330 970	
1304 Personnel Assistant (G-5)	115 000	119 600	124 384	358 984	125 216	130 225	255 441	
1305 Information Assistant (G-5)	115 000	119 600	124 384	358 984	125 216	130 225	255 441	
1306 Programme Assistant (G-5)	115 000	119 600	124 384	358 984				
1307 Legal Assistant (G-5)	115 000	119 600	124 384	358 984	125 216	130 225	255 441	
1308 Finance and Budget Assistant (G-6)**	-	-	-	-	-	-	-	
1320 Temporary assistance posts (short-term)	30 000	30 000	30 000	90 000	-	-	-	
<b>1329 Subtotal, administrative support</b>	<b>780 000</b>	<b>810 000</b>	<b>841 200</b>	<b>2 431 200</b>	<b>700 128</b>	<b>728 133</b>	<b>1 428 261</b>	
<i>Conference servicing costs</i>								
1321 Conference of the Parties (conference servicing and logistics)	-	175 000	500 000	675 000	200 000	195 000	395 000	
1322 Open-ended Working Group (4-day meeting, conference servicing and logistics)	300 000	32 000	-	332 000	270 000		270 000	
1323 Conference of the Parties (editing and translation of 440 pages)	-	-	-	-		259 600	259 600	
1324 Open-ended Working Group (editing and translation of 270 pages)	-	198 000	-	198 000	159 300		159 300	
<b>1399 Subtotal administrative support and conference servicing costs</b>	<b>1 080 000</b>	<b>1 215 000</b>	<b>1 341 200</b>	<b>3 636 200</b>	<b>1 329 428</b>	<b>1 182 733</b>	<b>2 512 161</b>	
<i>1600 Travel on official business</i>								
1601 Official travel	175 000	180 000	275 000	630 000	97 500	97 500	195 000	
1681 Official travel (joint, capacity-building, regional level)	-	-	-	-	6 650	6 650	13 300	
1682 Official travel (joint, overall management)	-	-	-	-	15 000	15 000	30 000	
<b>1699 Total, travel on official business</b>	<b>175 000</b>	<b>180 000</b>	<b>275 000</b>	<b>630 000</b>	<b>119 150</b>	<b>119 150</b>	<b>238 300</b>	
<b>1999 Total staff component</b>	<b>3 287 500</b>	<b>3 504 800</b>	<b>3 937 892</b>	<b>10 730 192</b>	<b>3 761 132</b>	<b>3 699 037</b>	<b>7 460 169</b>	

	Programme budget approved at the ninth meeting of the Conference of the Parties and the seventh session of the Open-ended Working Group					Programme budget approved at the tenth meeting of the Conference of the Parties		
	2009	2010	2011*	2009-2011 triennium	2012	2013	2012-2013 biennium	
<b>20 Subcontract component</b>								
2100 Subcontract component								
2101 Information system	20 000	20 000	20 000	60 000	20 000	20 000	40 000	
<b>2199 Subtotal subcontracts</b>	<b>20 000</b>	<b>20 000</b>	<b>20 000</b>	<b>60 000</b>	<b>20 000</b>	<b>20 000</b>	<b>40 000</b>	
<b>2999 Total subcontract component</b>	<b>20 000</b>	<b>20 000</b>	<b>20 000</b>	<b>60 000</b>	<b>20 000</b>	<b>20 000</b>	<b>40 000</b>	
<b>30 Meetings and conferences</b>								
3300 Travel and DSA costs of participants								
3303 Expanded Bureau (English only) - one meeting over the biennium	32 000	-	32 000	64 000	-	32 800	32 800	
3304 Committee for Implementation and Compliance (English only) - one meeting over the biennium	-	28 000	28 000	56 000	-	45 100	45 100	
3305 Joint Bureau (English only) - one meeting over the biennium	-	-	-	-	-	14 000	14 000	
3306 Coordination meetings of BCRCs, SCRCs, FAO and UNEP offices	-	-	30 000	30 000	-	-	-	
3307 Third consultative meeting on the new Strategic Framework for the Basel Convention	-	-	30 000	30 000	-	-	-	
3308 Technical Expert Group on environmentally sound management (1-day meeting for 22 experts)	-	-	-	-	81 400	-	81 400	
<b>3399 Subtotal meetings and conferences</b>	<b>32 000</b>	<b>28 000</b>	<b>120 000</b>	<b>180 000</b>	<b>81 400</b>	<b>91 900</b>	<b>173 300</b>	
<b>3999 Total meetings and conferences</b>	<b>32 000</b>	<b>28 000</b>	<b>120 000</b>	<b>180 000</b>	<b>81 400</b>	<b>91 900</b>	<b>173 300</b>	
<b>40 Equipment and premises component</b>								
4100 Expendable equipment								
4101 Office supplies	24 500	24 500	24 500	73 500	10 000	10 000	20 000	
<b>4199 Subtotal expendable equipment</b>	<b>24 500</b>	<b>24 500</b>	<b>24 500</b>	<b>73 500</b>	<b>10 000</b>	<b>10 000</b>	<b>20 000</b>	
4200 Non-expendable equipment								
4201 Computer equipment: printers, furniture, multimedia and others	20 000	20 000	20 000	60 000	10 000	10 000	20 000	
4280 Office equipment: hardware and software (joint IT services)	-	-	-	-	31 500	31 500	63 000	
<b>4299 Subtotal non-expendable equipment</b>	<b>20 000</b>	<b>20 000</b>	<b>20 000</b>	<b>60 000</b>	<b>41 500</b>	<b>41 500</b>	<b>83 000</b>	

		Programme budget approved at the ninth meeting of the Conference of the Parties and the seventh session of the Open-ended Working Group					Programme budget approved at the tenth meeting of the Conference of the Parties		
		2009	2010	2011*	2009-2011 triennium	2012	2013	2012-2013 biennium	
4300	Premises								
	4301 Office space, fees, building maintenance, security, utilities and insurance	110 000	110 000	110 000	330 000	120 000	120 000	240 000	
<b>4399</b>	<b>Total premises</b>	<b>110 000</b>	<b>110 000</b>	<b>110 000</b>	<b>330 000</b>	<b>120 000</b>	<b>120 000</b>	<b>240 000</b>	
<b>4999</b>	<b>Total equipment and premises component</b>	<b>154 500</b>	<b>154 500</b>	<b>154 500</b>	<b>463 500</b>	<b>171 500</b>	<b>171 500</b>	<b>343 000</b>	
<b>50</b>	<b>Miscellaneous component</b>								
5100	Operation and maintenance of equipment								
	5101 Maintenance of office equipment	71 300	71 300	71 300	213 900	38 500	38 500	77 000	
<b>5199</b>	<b>Subtotal maintenance of equipment</b>	<b>71 300</b>	<b>71 300</b>	<b>71 300</b>	<b>213 900</b>	<b>38 500</b>	<b>38 500</b>	<b>77 000</b>	
<b>5200</b>	<b>Reporting costs</b>								
	5201 Newsletters, publications and other media	45 000	35 000	35 000	115 000	8 850	8 850	17 700	
	5202 Booklets on the requirements in respect of notifications of national definitions and decisions to prohibit imports of hazardous wastes in accordance with Articles 3, 4 and 13 of the Convention, including in cooperation with the Rotterdam and Stockholm conventions as appropriate	-	-	6 000	6 000	-	-	-	
	5203 Printing of the training manual on illegal traffic in the six official languages of the United Nations	-	-	40 000	40 000	-	-	-	
	5204 Printing of the updated text of the Basel Convention in the six official languages of the United Nations	-	-	15 000	15 000	-	-	-	
	5205 Joint publications with the secretariats of the Rotterdam and Stockholm conventions	-	-	30 000	30 000	-	-	-	
	5206 Translation of information transmitted by Parties pursuant to articles 3 and 4 of the Convention	-	-	35 000	35 000	-	-	-	
	5207 Translation of national reports	-	-	45 000	45 000	-	-	-	
	5280 Translation and publishing (joint, publications)	-	-	-	-	19 150	19 150	38 300	
	5281 Translation and publishing (joint, brokering service)	-	-	-	-	2 500	2 500	5 000	
	5282 Translation and publishing (joint, review arrangements)	-	-	-	-	5 000	5 000	5 000	
<b>5299</b>	<b>Subtotal reporting costs</b>	<b>45 000</b>	<b>35 000</b>	<b>206 000</b>	<b>286 000</b>	<b>35 500</b>	<b>30 500</b>	<b>66 000</b>	

	Programme budget approved at the ninth meeting of the Conference of the Parties and the seventh session of the Open-ended Working Group					Programme budget approved at the tenth meeting of the Conference of the Parties		
	2009	2010	2011*	2009-2011 triennium	2012	2013	2012-2013 biennium	
5300 Sundry								
5301 Communications, freight and other	70 000	70 000	70 000	210 000	50 000	50 000	100 000	
5399 Subtotal sundry	70 000	70 000	70 000	210 000	50 000	50 000	100 000	
5400 Hospitality								
5401 Hospitality	9 500	9 500	9 500	28 500	5 000	5 000	10 000	
5499 Subtotal hospitality	9 500	9 500	9 500	28 500	5 000	5 000	10 000	
5999 Total, miscellaneous component	195 800	185 800	356 800	738 400	129 000	124 000	253 000	
99 Total operational costs	3 689 800	3 893 100	4 589 192	12 172 092	4 163 032	4 106 437	8 269 469	
13% programme support costs	479 674	506 103	596 595	1 582 372	541 194	533 837	1 075 031	
Total budget of the trust fund	4 169 474	4 399 203	5 185 787	13 754 464	4 704 226	4 640 274	9 344 500	
Approved average annual budget for the biennium 2010-2011				4 792 495				
Proposed average annual budget for the biennium 2012-2013							4 672 250	
Increase in the average annual operational budget							-2.51%	
Percentage increase from year to year	-2.70%	5.20%	17.88%		-9.3%	-1.4%		
Deduction from reserve and fund balance			505 675		200 000	200 000	400 000	
Increase in working capital reserve	19 525				38 399		38 399	
Covered by parties	4 188 999	4 399 203	4 680 112	13 268 314	4 542 625	4 440 274	8 982 899	
Percentage increase in contributions from year to year	5.60	4.80	6.00		-2.9%	-2.3%		
Average annual contributions for the biennium 2010-2011				4 539 658				
Average annual contributions for the biennium 2012-2013							4 491 449	
Increase in the average annual contributions							-1.06%	
Working capital reserve based on the average operational budgets for 2009-2011 (15%)				662 439				
Working capital reserve based on the average operational budgets for 2012-2013 (15%)							700 838	

Table 4

**Trust Fund for the Basel Convention on Control of  
Transboundary Movements of Hazardous Wastes and Their  
Disposal: scale of contributions for 2012–2013 in United States  
dollars**

No.	Party	United Nations scale of assessments for 2010-2012*	Adjusted scale of contribution with 22 per cent ceiling and no least developed country paying more than 0.01 per cent	Annual contributions for 2012	Annual contributions for 2013
		(per cent)	(per cent)		
1	Albania	0.010	0.0125	568	555
2	Algeria	0.128	0.1601	7 272	7 108
3	Andorra	0.007	0.0088	398	389
4	Antigua and Barbuda	0.002	0.0025	114	111
5	Argentina	0.287	0.3589	16 305	15 938
6	Armenia	0.005	0.0063	284	278
7	Australia	1.933	2.4175	109 819	107 345
8	Austria	0.851	1.0643	48 348	47 258
9	Azerbaijan	0.015	0.0188	852	833
10	Bahamas	0.018	0.0225	1 023	1 000
11	Bahrain	0.039	0.0488	2 216	2 166
12	Bangladesh	0.010	0.0125	568	555
13	Barbados	0.008	0.0100	455	444
14	Belarus	0.042	0.0525	2 386	2 332
15	Belgium	1.075	1.3445	61 074	59 698
16	Belize	0.001	0.0013	57	56
17	Benin	0.003	0.0038	170	167
18	Bhutan	0.001	0.0013	57	56
19	Bolivia (Plurinational State of)	0.007	0.0088	398	389
20	Bosnia and Herzegovina	0.014	0.0175	795	777
21	Botswana	0.018	0.0225	1 023	1 000
22	Brazil	1.611	2.0148	91 525	89 463
23	Brunei Darussalam	0.028	0.0350	1 591	1 555
24	Bulgaria	0.038	0.0475	2 159	2 110
25	Burkina Faso	0.003	0.0038	170	167
26	Burundi	0.001	0.0013	57	56
27	Cambodia	0.003	0.0038	170	167
28	Cameroon	0.011	0.0138	625	611
29	Canada	3.207	4.0109	182 198	178 093
30	Cape Verde	0.001	0.0013	57	56
31	Chad	0.002	0.0025	114	111
32	Central African Republic	0.001	0.0013	57	56
33	Chile	0.236	0.2952	13 408	13 106
34	China	3.189	3.9883	181 176	177 094
35	Colombia	0.144	0.1801	8 181	7 997
36	Comoros	0.001	0.0013	57	56
37	Congo	0.003	0.0038	170	167
38	Cook Islands	0.001	0.0013	57	56



No.	Party	United Nations scale of assessments for 2010-2012*	Adjusted scale of contribution with 22 per cent ceiling and no least developed country paying more than 0.01 per cent	Annual contributions for 2012	Annual contributions for 2013
		(per cent)	(per cent)		
39	Costa Rica	0.034	0.0425	1 932	1 888
40	Côte d'Ivoire	0.010	0.0125	568	555
41	Croatia	0.097	0.1213	5 511	5 387
42	Cuba	0.071	0.0888	4 034	3 943
43	Cyprus	0.046	0.0575	2 613	2 555
44	Czech Republic	0.349	0.4365	19 828	19 381
45	Democratic People's Republic of Korea	0.007	0.0088	398	389
46	Democratic Republic of the Congo	0.003	0.0038	170	167
47	Denmark	0.736	0.9205	41 814	40 872
48	Djibouti	0.001	0.0013	57	56
49	Dominica	0.001	0.0013	57	56
50	Dominican Republic	0.042	0.0525	2 386	2 332
51	Ecuador	0.040	0.0500	2 273	2 221
52	Egypt	0.094	0.1176	5 340	5 220
53	El Salvador	0.019	0.0238	1 079	1 055
54	Equatorial Guinea	0.008	0.0100	455	444
55	Eritrea	0.001	0.0013	57	56
56	Estonia	0.040	0.0500	2 273	2 221
57	Ethiopia	0.008	0.0100	455	444
58	Finland	0.566	0.7079	32 156	31 431
59	France	6.123	7.6578	347 864	340 026
60	Gabon	0.014	0.0175	795	777
61	Gambia	0.001	0.0013	57	56
62	Georgia	0.006	0.0075	341	333
63	Germany	8.018	10.0278	455 524	445 261
64	Ghana	0.006	0.0075	341	333
65	Greece	0.691	0.8642	39 258	38 373
66	Guatemala	0.028	0.0350	1 591	1 555
67	Guinea	0.002	0.0025	114	111
68	Guinea-Bissau	0.001	0.0013	57	56
69	Guyana	0.001	0.0013	57	56
70	Honduras	0.008	0.0100	455	444
71	Hungary	0.291	0.3639	16 532	16 160
72	Iceland	0.042	0.0525	2 386	2 332
73	India	0.534	0.6679	30 338	29 654
74	Indonesia	0.238	0.2977	13 521	13 217
75	Iran (Islamic Republic of)	0.233	0.2914	13 237	12 939
76	Iraq	0.020	0.0250	1 136	1 111
77	Ireland	0.498	0.6228	28 293	27 655
78	Israel	0.384	0.4803	21 816	21 325
79	Italy	4.999	6.2520	284 007	277 608
80	Jamaica	0.014	0.0175	795	777
81	Japan	12.530	15.6707	711 863	695 824
82	Jordan	0.014	0.0175	795	777
83	Kazakhstan	0.076	0.0950	4 318	4 220

No.	Party	United Nations scale of assessments for 2010-2012*	Adjusted scale of contribution with 22 per cent ceiling and no least developed country paying more than 0.01 per cent	Annual contributions for 2012	Annual contributions for 2013
		(per cent)	(per cent)		
84	Kenya	0.012	0.0150	682	666
85	Kiribati	0.001	0.0013	57	56
86	Kuwait	0.263	0.3289	14 942	14 605
87	Kyrgyzstan	0.001	0.0013	57	56
88	Lao People's Democratic Republic	0.001	0.0013	57	56
89	Latvia	0.038	0.0475	2 159	2 110
90	Lebanon	0.033	0.0413	1 875	1 833
91	Lesotho	0.001	0.0013	57	56
92	Liberia	0.001	0.0013	57	56
93	Libya	0.129	0.1613	7 329	7 164
94	Liechtenstein	0.009	0.0113	511	500
95	Lithuania	0.065	0.0813	3 693	3 610
96	Luxembourg	0.090	0.1126	5 113	4 998
97	Madagascar	0.003	0.0038	170	167
98	Malawi	0.001	0.0013	57	56
99	Malaysia	0.253	0.3164	14 374	14 050
100	Maldives	0.001	0.0013	57	56
101	Mali	0.003	0.0038	170	167
102	Malta	0.017	0.0213	966	944
103	Marshall Islands	0.001	0.0013	57	56
104	Mauritania	0.001	0.0013	57	56
105	Mauritius	0.011	0.0138	625	611
106	Mexico	2.356	2.9465	133 851	130 835
107	Micronesia (Federated States of )	0.001	0.0013	57	56
108	Monaco	0.003	0.0038	170	167
109	Mongolia	0.002	0.0025	114	111
110	Montenegro	0.004	0.0050	227	222
111	Morocco	0.058	0.0725	3 295	3 221
112	Mozambique	0.003	0.0038	170	167
113	Namibia	0.008	0.0100	455	444
114	Nauru	0.001	0.0013	57	56
115	Nepal	0.006	0.0075	341	333
116	Netherlands	1.855	2.3200	105 388	103 013
117	New Zealand	0.273	0.3414	15 510	15 160
118	Nicaragua	0.003	0.0038	170	167
119	Niger	0.002	0.0025	114	111
120	Nigeria	0.078	0.0976	4 431	4 332
121	Norway	0.871	1.0893	49 484	48 369
122	Oman	0.086	0.1076	4 886	4 776
123	Pakistan	0.082	0.1026	4 659	4 554
124	Palau	0.001	0.0013	57	56
125	Panama	0.022	0.0275	1 250	1 222
126	Papua New Guinea	0.002	0.0025	114	111
127	Paraguay	0.007	0.0088	398	389
128	Peru	0.090	0.1126	5 113	4 998

No.	Party	United Nations scale of assessments for 2010-2012*	Adjusted scale of contribution with 22 per cent ceiling and no least developed country paying more than 0.01 per cent	Annual contributions for 2012	Annual contributions for 2013
		(per cent)	(per cent)		
129	Philippines	0.090	0.1126	5 113	4 998
130	Poland	0.828	1.0355	47 041	45 981
131	Portugal	0.511	0.6391	29 031	28 377
132	Qatar	0.135	0.1688	7 670	7 497
133	Republic of Korea	2.260	2.8265	128 397	125 504
134	Republic of Moldova	0.002	0.0025	114	111
135	Romania	0.177	0.2214	10 056	9 829
136	Russian Federation	1.602	2.0036	91 014	88 963
137	Rwanda	0.001	0.0013	57	56
138	Saint Kitts and Nevis	0.001	0.0013	57	56
139	Saint Lucia	0.001	0.0013	57	56
140	Saint Vincent and the Grenadines	0.001	0.0013	57	56
141	Saudi Arabia	0.830	1.0380	47 155	46 092
142	Samoa	0.001	0.0013	57	56
143	Senegal	0.006	0.0075	341	333
144	Serbia	0.037	0.0463	2 102	2 055
145	Seychelles	0.002	0.0025	114	111
146	Singapore	0.335	0.4190	19 032	18 603
147	Slovakia	0.142	0.1776	8 067	7 886
148	Slovenia	0.103	0.1288	5 852	5 720
149	Somalia	0.001	0.0013	57	56
150	South Africa	0.385	0.4815	21 873	21 380
151	Spain	3.177	3.9733	180 494	176 427
152	Sri Lanka	0.019	0.0238	1 079	1 055
153	Sudan	0.010	0.0125	568	555
154	Suriname	0.003	0.0038	170	167
155	Swaziland	0.003	0.0038	170	167
156	Sweden	1.064	1.3307	60 449	59 087
157	Switzerland	1.130	1.4132	64 198	62 752
158	Syrian Arab Republic	0.025	0.0313	1 420	1 388
159	Thailand	0.209	0.2614	11 874	11 606
160	The former Yugoslav Republic of Macedonia	0.007	0.0088	398	389
161	Togo	0.001	0.0013	57	56
162	Tonga	0.001	0.0013	57	56
163	Trinidad and Tobago	0.044	0.0550	2 500	2 443
164	Tunisia	0.030	0.0375	1 704	1 666
165	Turkey	0.617	0.7717	35 053	34 264
166	Turkmenistan	0.026	0.0325	1 477	1 444
167	Uganda	0.006	0.0075	341	333
168	Ukraine	0.087	0.1088	4 943	4 831
169	United Arab Emirates	0.391	0.4890	22 214	21 713
170	United Kingdom of Great Britain and Northern Ireland	6.604	8.2593	375 191	366 737
171	United Republic of Tanzania	0.008	0.0100	455	444
172	Uruguay	0.027	0.0338	1 534	1 499

No.	Party	United Nations scale of assessments for 2010-2012*	Adjusted scale of contribution with 22 per cent ceiling and no least developed country paying more than 0.01 per cent	Annual contributions for 2012	Annual contributions for 2013
		(per cent)	(per cent)		
173	Uzbekistan	0.010	0.0125	568	555
174	Venezuela	0.314	0.3927	17 839	17 437
175	Viet Nam	0.033	0.0413	1 875	1 833
176	Yemen	0.010	0.0125	568	555
177	Zambia	0.004	0.0050	227	222
178	European Union	2.500	2.5000	113 566	111 007
	<b>Total</b>	80.459	100.00000	4 542 625	4 440 274

\* As derived from General Assembly resolution 64/248 of 24 December 2009.

Table 5

**Indicative staffing table for the Basel Convention Secretariat for the biennium 2012–2013 (used for costing purposes) Basel Convention Trust Fund**

Post category and level		2012	2013
A.	Professional category		
	D-1	1	1
	P-5	3	3
	P-4*	3	3
	P-3	3	3
	P-2	2	2
	<b>Subtotal</b>	12	12
B.	General Service category**	7	7
	<b>TOTAL (A + B)</b>	<b>19</b>	<b>19</b>

\* One post is funded is funded by UNEP from the 13% programme support costs.

\*\* Two posts are funded by UNEP from the 13% programme support costs.

**Standard salary cost for Geneva 2012–2013  
(in United States dollars)**

Post category and level		2011*	2012	2013
A.	Professional category			
	D-1	262 900	273 416	284 353
	P-5	234 700	244 048	253 852
	P-4	198 400	206 336	214 589
	P-3	165 800	172 432	179 329
	P-2	130 700	135 928	141 365
B.	General Service category G-6	156 000	162 240	168 730
	General Service category G-5	120 400	125 216	130 225

\* The Secretariat's programme of work and budget for the biennium 2012–2013 has been formulated in advance of the issuance of the United Nations standard costs for 2012 and 2013. In this regard the Secretariat has used the standard salary scale for Geneva increased by 4 per cent per year.

# **BC-10/28: Financial rules for the Conference of the Parties, its subsidiary bodies and the Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal**

*The Conference of the Parties*

*Decides* to adopt financial rules, consistent with those of the Rotterdam and Stockholm Conventions and taking into account the terms of reference set out in decision VI/41 for its operation and for the operation of its subsidiary bodies and the Convention Secretariat, to read as follows:

## **“Financial rules**

### **Scope**

#### **Rule 1**

The present rules shall govern the financial administration of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, its subsidiary bodies and the Convention Secretariat. In respect of matters not specifically provided for by the present rules, the Financial Regulations and Rules of the United Nations shall apply.

### **Financial period**

#### **Rule 2**

The financial period shall be a biennium consisting of two consecutive calendar years.

### **Budget**

#### **Rule 3**

1. The Executive Secretary of the secretariats of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Stockholm Convention on Persistent Organic Pollutants and the Joint Executive Secretary of the secretariat of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (hereinafter referred to as the Executive Secretary) shall prepare the budget estimates for the following biennium in United States dollars showing projected income and expenditures for each year of the biennium concerned. The budget should be presented in programmatic formats harmonized with those used by the secretariats of the Rotterdam and Stockholm conventions. The Executive Secretary shall dispatch the estimates, as well as the actual income and expenditure for each year of the previous biennium and estimates of actual expenditure in the current biennium, to all parties to the Convention at least 90 days before the opening of the meeting of the Conference of the Parties at which the budget is to be adopted.

2. The Conference of the Parties shall, prior to the commencement of the financial period that the budget covers, consider the budget estimates and adopt an operational budget by consensus authorizing expenditures, other than those referred to in rule 4, paragraphs 3 and 4.

3. The Executive Secretary shall provide the Conference of the Parties with cost estimates for actions that have budgetary implications that are not foreseen in the draft programme of work but are included in proposed draft decisions prior to the adoption of those decisions by the Conference of the Parties.

4. Adoption of the operational budget by the Conference of the Parties shall constitute authority to the Executive Secretary to incur obligations and make payments for the purposes for which the appropriations were approved and up to the amounts so approved, provided always that, unless specifically authorized by the Conference of the Parties, commitments shall be covered by related income.

5. The Executive Secretary may make transfers within each of the main appropriation lines of the approved operational budget. The Executive Secretary may also make transfers between such appropriation lines up to 20 per cent unless another limit is set by the Conference of the Parties.

## **Funds**

### **Rule 4**

1. A General Trust Fund for the Convention shall be established by the Executive Director of the United Nations Environment Programme and managed by the Executive Secretary. The fund is to provide financial support for the work of the Convention Secretariat. Contributions made pursuant to rule 5, paragraph 1 (a), shall be credited to this fund. Contributions made to offset operational budget expenditures that are made pursuant to rule 5, paragraph 1 (b), or pursuant to rule 5, paragraph 1 (c), by the United Nations Environment Programme shall also be credited to this fund. All budget expenditures that are made pursuant to rule 3, paragraph 4, shall be charged to the General Trust Fund.

2. Within the General Trust Fund there shall be maintained a working capital reserve at a level to be determined from time to time by the Conference of the Parties by consensus. The purpose of the working capital reserve shall be to ensure continuity of operations in the event of a temporary shortfall of cash. Drawdowns from the working capital reserve shall be restored from contributions as soon as possible.

3. A Technical Cooperation Trust Fund shall be established by the Executive Director of the United Nations Environment Programme and managed by the Executive Secretary. This fund shall receive contributions pursuant to rule 5, paragraphs 1 (b) and (c), to support, in particular:

- (a) Technical assistance, training and capacity-building;
- (b) Basel Convention regional and coordinating centres;
- (c) Participation of representatives of developing-country parties, in particular least-developed-country parties and small island developing States among them, and of parties with economies in transition in the meetings of the Conference of the Parties and its subsidiary bodies pursuant to the procedure set out in the annex to the financial rules;
- (d) Cases of emergency and compensation for damage resulting from incidents arising from transboundary movements of hazardous wastes and other wastes and their disposal;
- (e) The implementation fund as set out in paragraph 6 of decision IX/2 and further refined in decision BC-10/11.

4. Subject to the approval of the Conference of the Parties, the Executive Director of the United Nations Environment Programme may establish other trust funds, provided that they are consistent with the objectives of the Convention.

5. In the event that the Conference of the Parties decides to terminate a trust fund established pursuant to the present rules, it shall so advise the Executive Director of the United Nations Environment Programme at least six months before the date of termination so decided. The Conference of the Parties shall decide, in consultation with the Executive Director of the United Nations Environment Programme, on the distribution of any uncommitted balances after all liquidation expenses have been met.

## **Contributions**

### **Rule 5**

1. The resources of the Conference of the Parties shall comprise:
- (a) Contributions made each year by parties on the basis of an indicative scale of adopted by consensus by the Conference of the Parties and based on such a scale of assessments of the United Nations as may be adopted from time to time by the General Assembly, adjusted so as to ensure that no Party contributes less than 0.001 per cent of the

total, that no one contribution exceeds 22 per cent of the total and that no contribution from a least developed country Party exceeds 0.01 per cent of the total;

(b) Contributions made each year by parties in addition to those made pursuant to paragraph (a);

(c) Contributions from States not parties to the Convention, as well as governmental, intergovernmental and non-governmental organizations and other sources;

(d) The uncommitted balance of appropriations from previous financial periods;

(e) Miscellaneous income.

2. The Conference of the Parties shall, in adopting the indicative scale of contributions referred to in rule 5, paragraph 1 (a), make adjustments to take account of contributions of parties that are not members of the United Nations, as well as those of regional economic integration organizations that are parties.

3. In respect of contributions made pursuant to rule 5, paragraph 1 (a):

(a) Contributions for each calendar year are expected by 1 January of that year and should be paid promptly and in full. Parties should be notified of the amount of their contributions for a given year by 15 October of the previous year;

(b) Each Party shall, as far in advance as possible of the date due for the contribution, inform the Executive Secretary of the contribution it intends to make and of the projected timing of that contribution;

(c) If contributions of any parties have not been received by 31 December of the relevant year the Executive Secretary shall write to those parties to impress upon them the importance of paying their respective arrears for prior periods and shall report to the Conference of the Parties at its next meeting on the consultations with such parties;

(d) The Executive Secretary shall agree with any Party whose contributions are in arrears for two or more years on a payment schedule to permit such Party to clear all outstanding arrears within six years, depending on the financial circumstances of the Party, and to pay future contributions by their due dates. The Executive Secretary shall report to the Bureau and to the Conference of the Parties at their next meetings on progress under any such schedule;

(e) With regard to contributions due from 1 January 2001 onwards:

(i) Any party whose contributions are in arrears for two or more years shall not be eligible to become a member of any bureau of the Conference of the Party or its subsidiary bodies;

(ii) Any party whose contributions are in arrears for four or more years shall not be entitled to vote at any meeting of the Conference of the Parties unless the Conference decides otherwise;

(iii) Subparagraphs (i) and (ii) above shall not apply to parties that are least developed countries or small island developing countries or to Parties that have agreed on and are respecting a schedule of payments implemented in accordance with paragraph (d) above;

(f) Given the importance of full and effective participation of developing-country parties, in particular least developed countries and small island developing States, and parties with economies in transition, the Executive Secretary shall remind parties of the need for contributions to the Technical Cooperation Trust Fund at least six months prior to each ordinary meeting of the Conference of the Parties, reflecting on the financial need, and urge parties in a position to do so to ensure that any contributions are paid at least three months before the meeting.

4. Contributions made pursuant to rule 5, paragraphs 1 (b) and (c), shall be used in accordance with such terms and conditions, consistent with the objectives of the Convention and the Financial Regulations and Rules of the United Nations, as may be agreed between the Executive Secretary and the contributors.



5. Contributions made pursuant to rule 5, paragraph 1 (a), from States and regional economic integration organizations that become parties to the Convention after the beginning of a financial period shall be made *pro rata temporis* for the balance of that financial period. Consequent adjustments shall be made at the end of each financial period for other parties.

6. All contributions shall be paid in United States dollars or the equivalent in a convertible currency. They shall be paid into a bank account to be designated by the Executive Director of the United Nations Environment Programme in consultation with the Executive Secretary. In conversion into United States dollars, the United Nations operational rate of exchange shall be used.

7. The Executive Secretary shall acknowledge promptly the receipt of all pledges and contributions and shall inform the parties by publishing on the Convention website up-to-date information on the status of pledges and payments of contributions.

8. Contributions not immediately required shall be invested at the discretion of the Executive Director of the United Nations Environment Programme in consultation with the Executive Secretary. The resulting income shall be credited to the relevant Convention trust fund.

### **Accounts and audit**

#### **Rule 6**

1. The accounts and financial management of all funds governed by the present rules shall be subject to the internal and external audit process of the United Nations.

2. An interim statement of accounts for the first year of the financial period shall be provided to the Conference of the Parties during the second year of the period, and a final audited statement of accounts for the full financial period shall be provided to the Conference of the Parties as soon as possible after the accounts for the financial period are closed.

3. The Conference of the Parties shall be informed of any relevant remarks in the reports of the United Nations Board of Auditors on financial statements of the United Nations Environment Programme.

### **Administrative support costs**

#### **Rule 7**

The Conference of the Parties shall reimburse the United Nations Environment Programme for the services provided to the Conference of the Parties, its subsidiary bodies and the Convention Secretariat from the funds referred to in rule 4, paragraphs 1, 3 and 4, on such terms as may from time to time be agreed upon between the Conference of the Parties and the United Nations Environment Programme or, in the absence of such agreement, in accordance with the general policy of the United Nations.

### **Amendments**

#### **Rule 8**

Any amendment to the present rules shall be adopted by the Conference of the Parties by consensus.”

## **Annex to decision BC-10/28**

### **Procedure for the allocation of funding from the Technical Cooperation Trust Fund (BD) for facilitating the participation of parties in meetings of the Conference of the Parties and Open-ended Working Group**

1. The procedure for facilitating the participation of eligible delegates in meetings under the Convention should aim at the full and active participation of developing-country parties, in particular least developed countries and small island developing States, and parties with economies in transition in the activities of the Convention to improve the legitimacy of Convention decisions and encourage the implementation of the Convention at the local, national, regional and international levels.

2. The procedure should give priority to least developed countries and small island developing States and thereafter aim at ensuring adequate representation of all eligible parties. It should continue to be guided by established United Nations practice.

3. The Secretariat should notify parties as soon as possible, and preferably six months in advance, of the dates and venues of meetings of the Conference of the Parties.

4. Following the dispatch of a notification that a meeting will take place, eligible parties should be invited to inform the Secretariat, through official channels of communication, as soon as possible and no later than three months before the meeting, whether funding is requested.

5. Based on the availability of financial resources and the number of requests received, the Executive Secretary shall prepare a list of sponsored delegates. The list shall be established in accordance with paragraphs 1 and 2 above with a view to ensuring adequate geographical representation of eligible regions, with priority given to least developed countries and small island developing States.

6. The Secretariat should, four weeks in advance of the meeting, notify eligible countries that will not be sponsored, inviting them to seek other alternative sources of funding.

7. The Executive Secretary is invited to liaise with the Executive Director of the United Nations Environment Programme with a view to ensuring a waiver of the 13 per cent programme support costs on contributions to the Technical Cooperation Trust Fund (BD) for the participation of representatives from developing countries, with the understanding that the additional money secured will be used to enhance the representation of eligible parties.

### **BC-10/29: Enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions**

*The Conference of the Parties,*

*Mindful* of the legal autonomy of each of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants,

*Recognizing* the broad scope of the three conventions,

*Welcoming* the continued commitment of all parties to ensuring the implementation of the full breadth of the three conventions,

*Recalling* decision IX/10 of the Conference of the Parties to the Basel Convention, decision RC-4/11 of the Conference of the Parties to the Rotterdam Convention and decision SC-4/34 of the Conference of the Parties to the Stockholm Convention, hereinafter referred to as the “synergies decisions”,

*Recalling* also decision BC.Ex-1/1 of the Conference of the Parties to the Basel Convention, decision RC.Ex-1/1 of the Conference of the Parties to the Rotterdam Convention and decision

SC.Ex-1/1 of the Conference of the Parties to the Stockholm Convention, hereinafter referred to as the “omnibus decisions”,

*Reaffirming* that actions taken to enhance coordination and cooperation should be aimed at strengthening the implementation of the three conventions at the national, regional and global levels, promoting coherent policy guidance and enhancing efficiency in the provision of support to parties, with a view to reducing their administrative burden and maximizing the effective and efficient use of resources at all levels,

*Mindful* of the various principles recognized within the three conventions, including pertinent provisions of the Rio Declaration on Environment and Development such as principle 7,<sup>35</sup>

*Bearing in mind* the potential further to enhance coordination and cooperation with other existing and newly developed instruments and frameworks in the chemicals and wastes management cluster such as the Strategic Approach to International Chemicals Management and the global legally binding instrument on mercury currently under negotiation,

*Taking note* of decision 26/7 on the consultative process on financing options for chemicals and wastes and decision 26/12 on enhancing cooperation and coordination within the chemicals and wastes cluster adopted by the Governing Council of the United Nations Environment Programme at its twenty-sixth session,

*Welcoming* decisions SC-5/27 of the Conference of the Parties to the Stockholm Convention and RC-5/12 of the Conference of the Parties to the Rotterdam Convention on enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions;

1. *Adopts* the present decision;

## I

### Joint activities

2. *Takes note* of the information provided in the note by the Secretariat on joint activities<sup>36</sup> and its related information documents;<sup>37</sup>
3. *Also takes note* of the progress made in enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions;
4. *Approves* the proposed cross-cutting and joint activities for inclusion in the programmes of work of the secretariats of the Basel, Rotterdam and Stockholm conventions for 2012-2013 set out in annex I to the present decision;
5. *Requests* the secretariat to pursue further cooperation and coordination in respect of activities that are not listed in annex I but are included in the approved programme of work and budget for 2012–2013 and can be undertaken in a cost-neutral manner;
6. *Acknowledges* that joint activities should be aimed at strengthening the implementation of the Basel, Rotterdam and Stockholm conventions in a manner that results in no additional overall burden for parties, particularly developing-country parties and parties with economies in transition;
7. *Takes note* of the progress made by the secretariats of the Basel, Rotterdam and Stockholm conventions in the integration of their clearing-house mechanism functions and tools into a joint clearing-house mechanism to serve the three conventions;
8. *Invites* the Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, considering its decision XX/7, to participate in and support partnership activities with the Basel, Rotterdam and Stockholm conventions and other multilateral environment agreements as outlined in the joint activities set out in annex I to the present decision;

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35 Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992 (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex I.

36 UNEP/CHW.10/27/Add.1.

37 UNEP/CHW.10/INF/38-43.

9. *Invites* parties and others from the donor community in a position to do so to continue to support joint activities of the three conventions through voluntary contributions;

10. *Approves* the revised workplan of the clearing-house mechanism for the three conventions set out in annex III to the present decision;

11. *Acknowledges* that joint activities under the Basel, Rotterdam and Stockholm conventions should not result in the diversion of resources from activities otherwise necessary to implement the three conventions;

## II

### Joint managerial functions

12. *Welcomes* the establishment of the position of Executive Secretary of the Basel Convention, the Stockholm Convention and the United Nations Environment Programme part of the Rotterdam Convention and the successful completion of the recruitment process for that position;

13. *Expresses regret* that the Executive Secretary was not appointed with the urgency requested in paragraph 4 of section II of the omnibus decisions, which makes it difficult to complete the reorganization of the secretariats of the three conventions by 2011, as foreseen in paragraph 5 of section III of the omnibus decisions;

14. *Authorizes* the Executive Secretary to determine the staffing levels, numbers and structure of the secretariat in a flexible manner, provided that he remain within the ceiling established by decision BC-10/27 on financing and budget for the biennium 2012–2013;

15. *Requests* the Executive Secretary, by 31 December 2011 and in consultation with the parties to the Basel, Rotterdam and Stockholm conventions through the bureaux, to prepare a proposal for the organization of the secretariats of the three conventions, including staffing levels, numbers and structure, to be implemented by 31 December 2012;

16. *Reiterates* its request that the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization and the Executive Secretary and taking into account the reports on the review<sup>38</sup> referred to in section VI of the present decision, develop, for consideration by the conferences of the parties to the three conventions in 2013, a full proposal for the organization of the secretariats of the Basel Convention, the Stockholm Convention and the United Nations Environment Programme part of the Rotterdam Convention, including the possible continuation of the Executive Secretary, that is cost-neutral in respect of the adopted operating budgets of the three conventions;

17. *Decides* that the meetings of the conferences of the parties to the Basel, Rotterdam and Stockholm conventions should be held in a coordinated manner and requests the Executive Secretary to schedule them in a way that facilitates their coordination;

18. *Also decides*, subject to the submission of the reports on the review referred to in section VI of the present decision and taking into account comments made by parties on the matter, to convene, back-to-back with and at the same venue as the last ordinary meeting of the conferences of the parties to the Basel, Rotterdam and Stockholm conventions to take place in 2013, simultaneous extraordinary meetings of the three conferences of the parties, the agendas for which shall include matters related to cooperation and coordination between the conventions, with the main focus on:

(a) Draft decisions on the review of arrangements adopted pursuant to the synergies decisions;

(b) The proposal for the organization of the secretariats referred to in paragraph 15 of the present decision;

(c) Draft proposals for joint activities for 2014–2015;

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38 The review reports to be prepared by the secretariats of the three conventions and by the evaluation units of the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations.

(d) Budget for joint activities and possible necessary amendments to the budget of the three conventions for the biennium 2014–2015;

(e) Outcome of the United Nations Environment Programme Executive Director's consultative process on financing options for chemicals and wastes;

19. *Requests* the Executive Secretary, in consultation with the parties through the bureaux, to prepare a proposal on the timing and organization of the meetings of the conferences of the parties to the Basel, Rotterdam, and Stockholm conventions for consideration by the three conferences of the parties in 2013, taking into account the results of the review referred to in section VI of the present decision;

### III

#### Joint services

20. *Welcomes* the progress made by the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization of the United Nations and through the executive secretaries of the three conventions, in the establishment, implementation and consolidation of the joint services of the three conventions;

21. *Approves* the proposal of the Executive Secretary for the interim organization of the secretariat consisting of the Joint Convention Services unit and three technical units to support the operations of the Basel Convention, the Stockholm Convention and the United Nations Environment Programme part of the Rotterdam Convention;<sup>39</sup>

22. *Welcomes* the proposals of the Executive Secretary for the interim organization of the three secretariats, providing for a secretariat consisting of the Joint Convention Services unit and three technical units and for the modification, as depicted in the chart in annex II to the present decision, of the organization of the joint services of the Basel, Rotterdam and Stockholm conventions;

23. *Recalls* its invitation to parties and the donor community to consider providing funding, through voluntary contributions, of 80,000 United States dollars to defray the cost of integrating the information technology platforms and services of the three secretariats;

24. *Requests* the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization of the United Nations and through the Executive Secretary, to continue efforts to implement joint services for the Basel, Rotterdam and Stockholm conventions;

### IV

#### Synchronization of budget cycles

25. *Welcomes* the information on the synchronization of the budget cycles of the three conventions in the note by the Secretariat on that subject;<sup>40</sup>

### V

#### Joint audits

26. *Takes note* of the information in the note by the Secretariat on the audit by the Office of Internal Oversight Services in 2011 of the strategic management of those multilateral environmental agreements for which the United Nations Environment Programme provides secretariat services, including the Basel, Rotterdam and Stockholm conventions;<sup>41</sup>

27. *Requests* the Executive Director of the United Nations Environment Programme to report to the conferences of the parties to the Basel, Rotterdam and Stockholm conventions at their meetings in 2013 on the outcome of the audit insofar as it relates to the Basel, Rotterdam and Stockholm conventions;

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39 UNEP/CHW.10/27/Add.2.

40 UNEP/CHW.10/27/Add.4.

41 UNEP/CHW.10/27/Add.5.

## **VI**

### **Review arrangements**

28. *Adopts* the terms of reference set out in annexes IV and V to the present decision for the reports pertaining to the review of the arrangements adopted pursuant to the synergies decisions called for in section VI of the omnibus decisions, on review arrangements;

29. *Requests* the secretariats, and invites the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization of the United Nations, to continue to implement section VI of the omnibus decisions, using the terms of reference referred to in the preceding paragraph;

## **VII**

### **Final provisions**

30. *Requests* the Executive Director of the United Nations Environment Programme, in consultation with the Director-General of the Food and Agriculture Organization of the United Nations, through the Executive Secretary, to report to the conferences of the parties to the Basel, Rotterdam and Stockholm conventions at their meetings in 2013 on the implementation of the present decision.

## Annex I to decision BC-10/29

### Proposed cross-cutting and joint activities for inclusion in the programmes of work of the Basel, Rotterdam and Stockholm conventions for 2012–2013

#### I. Technical assistance

<b>Title of activity</b>	<b>S1. Develop tools to support countries in implementing the conventions</b>
<b>Mandate</b>	Omnibus decisions (BC.Ex-1/1, RC.Ex-1/1, SC.Ex-1/1).
<b>Objective</b>	Tools are developed and exchange of experience and good practices promoted to enhance knowledge and capacity of parties to implement the conventions.
<b>Indicators of achievement</b>	<ol style="list-style-type: none"> <li>1. Updated toolkit and electronic tools available under the three conventions;</li> <li>2. Number of users of the electronic tools;</li> <li>3. Number of parties trained in the environmentally sound management of persistent organic pollutants and new persistent organic pollutant wastes;</li> <li>4. Number of good practices and experiences shared on environmentally sound management of persistent organic pollutant wastes;</li> <li>5. Number of follow-up activities and projects undertaken to support environmentally sound management of persistent organic pollutant wastes.</li> </ol>
<b>Short description of the activity</b>	<ol style="list-style-type: none"> <li>1. Develop and upgrade toolkits and electronic training tools, including tools for persistent organic pollutant wastes, pesticides and industrial chemicals;</li> <li>2. Make tools available online.</li> </ol>
<b>Expected outputs</b>	<ol style="list-style-type: none"> <li>1. Tools developed, upgraded as appropriate and made available;</li> <li>2. Parties enabled to review and update their strategies for identifying stockpiles, products and articles in use that contain or are contaminated with the newly listed persistent organic pollutants;</li> <li>3. Regional workshops organized to share experiences between parties.</li> </ol>
<b>Method of implementation (internal or external)</b>	<p>Internal:</p> <ul style="list-style-type: none"> <li>- Development of updated training materials, including electronic training tools, in a coordinated manner between the three secretariats.</li> </ul> <p>External:</p> <ul style="list-style-type: none"> <li>- Involvement of the regional centres of the Basel and Stockholm conventions and of other regional partners, such as the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Environment Programme (UNEP) regional offices, in the conduct of workshops;</li> <li>- Inviting of relevant existing national, subregional and regional institutions, such as non-governmental organizations and the private sector, in addition to intergovernmental organizations working in the field of sound chemicals management such as the Global Environment Facility (GEF), FAO, the United Nations Industrial Development Organization, the United Nations Development Programme, the World Bank and the United Nations Institute for Training and Research (UNITAR).</li> </ul>
<b>Partner(s)</b>	Regional centres of the Basel and Stockholm conventions, Governments hosting regional centres, FAO and UNEP regional offices, experts.

<b>Title of activity</b>	<b>S2. Capacity-building programmes at the regional level</b>
<b>Mandate</b>	Synergies decisions (BC-IX/10, RC-4/11, SC-4/34).
<b>Objective</b>	Enhanced capacity of parties to implement the conventions at the national level.
<b>Indicators of achievement</b>	<ol style="list-style-type: none"> <li>1. Number of parties that have participated in training activities;</li> <li>2. Number of project proposals developed that are consistent with the workplans of the three conventions;</li> <li>3. Number of parties that are able to identify potential donors or partners and negotiate funding for projects related to the three conventions;</li> <li>4. Number of regional experts that play a key role in the delivery of technical assistance and capacity development;</li> <li>5. Number of technical assistance requests answered in a timely manner.</li> </ol>
<b>Short description of the activity</b>	<ol style="list-style-type: none"> <li>1. Develop and implement training activities, based on previous experience and on needs identified at the national and regional levels and using the resource mobilization tools developed previously, to assist parties in developing coherent project proposals and inform them about resource mobilization techniques and funds available for the implementation of the three conventions;</li> <li>2. Establish a network of regional experts (national contact points, regional experts, regional officers, regional centres, etc.) who are knowledgeable about, and assist and participate in when relevant, the delivery of technical assistance and capacity-building;</li> <li>3. Provide training on the use of technical and policy guidance;</li> <li>4. Enhance countries' capacity to prepare, draft and update national legal frameworks (such as legislative and administrative measures to give effect to the obligations and procedures under the conventions), support countries in the enforcement of national legal frameworks, including national legislation and guidelines, and identify and develop additional legal and other relevant tools;</li> <li>5. Follow up with individual parties requiring tailored assistance, for example providing advice.</li> </ol>
<b>Expected outputs</b>	<ol style="list-style-type: none"> <li>1. Focal points, designated national authorities and regional centres are trained in the various issues relating to the implementation of the conventions;</li> <li>2. Terms of reference for regional experts are developed; regional experts fully understand the strategy, methodology, programme and activities of the secretariats regarding delivery of technical assistance and support the programme;</li> <li>3. Awareness of the legal requirements under the three conventions and of the status of each party's legal framework related to the chemicals and wastes multilateral environmental agreements is increased;</li> <li>4. Parties are provided with tools, including legal guidelines and model legislation, to implement the conventions;</li> <li>5. Better understanding of the obstacles faced by parties in implementing their obligations under the conventions is gained;</li> <li>6. Tailored assistance is provided to individual parties upon request.</li> </ol>
<b>Method of implementation (internal or external)</b>	<p>Internal:</p> <ul style="list-style-type: none"> <li>- Development of tools and organization of training sessions.</li> </ul> <p>External:</p> <ul style="list-style-type: none"> <li>- Involvement of the regional centres of the Basel and Stockholm conventions and other regional partners, such as FAO and UNEP regional offices, in the execution of workshops.</li> </ul>
<b>Partner(s)</b>	UNITAR, Strategic Approach to International Chemicals Management, UNEP.



<b>Title of activity</b>	<b>S3. Support for sound chemicals and wastes management at the national level</b>
<b>Mandate</b>	Synergies decisions (BC-IX/10, RC-4/11, SC-4/34); Omnibus decisions (BC.Ex-1/1, RC.Ex-1/1, SC.Ex-1/1).
<b>Objective</b>	National institutional frameworks for the coordinated implementation of the three conventions, such as national action plans and strategies, are developed.
<b>Indicators of achievement</b>	<ol style="list-style-type: none"> <li>1. Number of countries that have developed updated comprehensive chemicals and wastes management strategies;</li> <li>2. Number of countries that have developed policy-enabling environments supporting sound chemicals and wastes management;</li> <li>3. Number of countries in which priority follow-up activities identified in the chemicals and wastes management strategies have been implemented;</li> <li>4. Number of parties benefiting from programmes facilitated or implemented through regional centres.</li> </ol>
<b>Short description of the activity</b>	Projects on the coordinated implementation of the Basel, Rotterdam and Stockholm conventions will be implemented at the national level. Activities will include close cooperation between the focal points of the three conventions and other major stakeholders to identify challenges to and gaps in the implementation of the conventions; to develop proposals for necessary technical and functional elements including priority activities; and to develop legal and administrative bases and supportive policy environments that allow the implementation of coordinated chemicals management programmes that take into consideration obligations under multilateral environmental agreements and make full use of the benefits of such agreements. National institutions will create, adopt, implement and sustain life-cycle-based chemicals management initiatives such as chemicals and wastes management strategies. The activity will also provide for assistance to national chemicals and wastes management committees in developing countries. Workshops will be organized to develop national action plans, strategies and institutional frameworks on chemicals and wastes management. Training will be provided to focal points and enforcement authorities of the three conventions.
<b>Expected outputs</b>	<ol style="list-style-type: none"> <li>1. Development of national chemicals and wastes management programmes, such as systems for the control of exports and imports of hazardous chemicals and wastes;</li> <li>2. Draft legislation and administrative regulations or plans for putting them in place are developed;</li> <li>3. Priority activities aimed at implementing the conventions are identified;</li> <li>4. Partnerships and coordination at the national level among key stakeholders in chemicals and wastes management, including designated national authorities, national focal points and official contact points, are developed;</li> <li>5. Capacity to manage chemicals and wastes by participating parties is improved;</li> <li>6. Capacity to implement the conventions is strengthened.</li> </ol>
<b>Method of implementation (internal or external)</b>	The three secretariats will collaborate closely and jointly coordinate and facilitate the development of national programmes to be implemented as appropriate through the Basel and Stockholm regional centres, countries and relevant partners.
<b>Partner(s)</b>	FAO, UNEP, the Strategic Approach, UNITAR, the World Health Organization, the World Customs Organization, Basel and Stockholm Convention regional centres, FAO and UNEP regional offices.

<b>Title of activity</b>	<b>S4. Develop partnerships with other multilateral environmental agreements</b>
<b>Mandate</b>	Synergies decisions (BC-IX/10, SC-4/34); decision XX/7 of the Twentieth Meeting of the Parties to the Montreal Protocol.
<b>Objective</b>	Strategic partnerships with other multilateral environmental agreements, such as for the management and disposal of ozone-depleting substances, persistent organic pollutants and other hazardous substances, are developed.
<b>Indicators of achievement</b>	<ol style="list-style-type: none"> <li>1. Plan on strategic partnerships with other multilateral environmental agreements developed;</li> <li>2. Number of strategic partnerships established;</li> <li>3. Number of implementation plans for joint management and disposal operations for ozone-depleting substances, persistent organic pollutant wastes and other hazardous chemicals developed per region;</li> <li>4. Tons of ozone-depleting substances, persistent organic pollutant wastes and other hazardous chemicals destroyed through joint management and disposal operations.</li> </ol>
<b>Short description of the activity</b>	<ol style="list-style-type: none"> <li>1. Develop and implement a plan to identify strategic partnerships with other multilateral environmental agreements;</li> <li>2. Implement the already identified partnership related to ozone-depleting substances and carry out an institutional, technical and cost-analysis study to ensure that the collection, transportation and destruction of ozone-depleting substances, persistent organic pollutant wastes and other hazardous substances can take place economically and in a sound manner in four regions. Pilot disposal operations will be carried out in pilot countries through a national and/or regional approach as feasible. In addition, efforts will be made to identify common goals between the conventions and the Montreal Protocol.</li> </ol>
<b>Expected outputs</b>	<ol style="list-style-type: none"> <li>1. Plan on strategic partnerships with other multilateral environmental agreements is developed;</li> <li>2. Strategic partnerships are identified and implemented;</li> <li>3. Legal and procedural issues raised by co-disposal of ozone-depleting substances and persistent organic pollutants are clarified at the national level;</li> <li>4. Capacity for dealing with the destruction of ozone-depleting substances and persistent organic pollutants is developed;</li> <li>5. Disposal operations are carried out for ozone-depleting substances, persistent organic pollutant wastes and other hazardous chemicals through a joint management and disposal approach.</li> </ol>
<b>Method of implementation (internal or external)</b>	A pilot project on ozone-depleting substance and persistent organic pollutant destruction will be implemented by the Basel and Stockholm convention regional centres in their regions with the support of the secretariats of the Basel and Stockholm conventions, UNEP and donor and participating countries.
<b>Partner(s)</b>	Regional centres of the Basel and Stockholm conventions, Governments hosting regional centres and pilot operations, UNEP.

<b>Title of activity</b>	<b>S5. Working with regional liaison offices in Latin America and the Caribbean, Africa, Asia and Europe in collaboration with key partners</b>
<b>Mandate</b>	Omnibus decisions (BC.Ex-1/1, RC.Ex-1/1, SC.Ex-1/1).
<b>Objective</b>	Coordinated delivery of technical assistance and capacity-building programmes and activities at the regional level to support the implementation of the Basel, Rotterdam and Stockholm conventions.
<b>Indicators of achievement</b>	<ol style="list-style-type: none"> <li>1. Number of times UNEP liaison offices and multilateral environmental agreement officers are involved in capacity-building and technical assistance activities related to the implementation of the three conventions;</li> <li>2. Number of activities related to the implementation of the three conventions undertaken by UNEP liaison offices and multilateral environmental agreement officers;</li> <li>3. Number of parties in the regions that receive support from UNEP liaison offices and multilateral environmental agreement officers;</li> <li>4. Increased coordination between secretariats and UNEP liaison offices and multilateral environmental agreement officers.</li> </ol>
<b>Short description of the activity</b>	<p>UNEP chemicals and wastes multilateral environmental agreement focal points will, among other things:</p> <ol style="list-style-type: none"> <li>1. Provide technical advice and guidance to countries to facilitate national and regional implementation of the chemicals and wastes multilateral environmental agreements;</li> <li>2. Assist countries in identifying their needs and gaps relating to implementation of the chemicals and wastes multilateral environmental agreements and in finding solutions and needed support;</li> <li>3. Assist countries in preparing, updating and submitting national implementation plans and in fulfilling national reporting requirements;</li> <li>4. Collaborate with the chemicals and wastes multilateral environmental agreement secretariats in organizing and delivering technical assistance (regional meetings, workshops and training);</li> <li>5. Increase the profile of the chemicals and wastes multilateral environmental agreements through awareness-raising in cooperation with the secretariats;</li> <li>6. Promote interlinkages at the national level between the chemicals and wastes multilateral environmental agreements to enhance implementation activities and to promote synergies between the conventions;</li> <li>7. Coordinate with the Basel and Stockholm convention regional and coordinating centres and contribute to capacity-building activities;</li> <li>8. Act as a knowledge repository for chemicals and wastes issues in the region;</li> <li>9. Facilitate information exchange in coordination with the secretariats, Basel and Stockholm convention regional centres and FAO regional and subregional offices and assist countries in updating the secretariats on changes of designated national authorities, national focal points and official contact points;</li> <li>10. Provide the secretariats with regular feedback on important issues in the regions.</li> </ol>
<b>Expected outputs</b>	Strengthened coordination of technical assistance and capacity-building programmes and activities at the regional and national levels.
<b>Method of implementation (internal or external)</b>	UNEP programme officers and chemicals and wastes multilateral environmental agreement focal points based at the UNEP regional offices. Funded via UNEP; staff costs only.
<b>Potential partner(s)</b>	UNEP regional offices, UNEP Division of Environmental Law and Conventions, Chemicals Branch of the UNEP Division of Technology, Industry and Economics (UNEP Chemicals), FAO regional and subregional offices.

## II. Scientific and technical activities

<b>Title of activity</b>	<b>S6. Support the work of and coordination between the scientific bodies of the conventions and identify common issues and linkages between the conventions</b>
<b>Mandate</b>	Synergies decisions (BC-IX/10, RC-4/11, SC-4/34); Omnibus decisions (BC.Ex-1/1, RC.Ex-1/1, SC.Ex-1/1).
<b>Objective</b>	<ol style="list-style-type: none"> <li>1. Technical and policy support are provided to the scientific bodies of the three conventions in a coordinated manner;</li> <li>2. Information exchange and cooperation on cross-cutting scientific, technical and policy issues are established;</li> <li>3. Opportunities for the technical and scientific bodies to network, communicate and exchange skills are provided;</li> <li>4. Reflection on the role and performance of the scientific bodies is facilitated.</li> </ol>
<b>Indicators of achievement</b>	<ol style="list-style-type: none"> <li>1. Number of studies carried out on the linkages between the conventions and other relevant issues;</li> <li>2. Cooperation on common issues by the scientific bodies of the conventions;</li> <li>3. Roster of experts and website listing meeting and workshop alumni is established.</li> </ol>
<b>Short description of the activity</b>	<ol style="list-style-type: none"> <li>1. Work with relevant scientific experts to tackle common issues that hamper the effective work of the scientific bodies;</li> <li>2. Study and review linkages between conventions and identify cross-cutting technical issues on which cooperation needs to be developed or enhanced, e.g., climate change and persistent organic pollutants; handling of electronic wastes containing brominated flame retardants and mercury; life-cycle management of hazardous chemicals; sound trade of hazardous chemicals and pesticides; identification of hazardous chemical, waste and environmental occurrence hot spots; connection with biodiversity, land degradation, etc.;</li> <li>3. Work with the clearing-house mechanism to establish a roster of experts relevant to the technical and scientific bodies of the three conventions; to develop an alumni website for meeting, training and awareness-raising workshop participants; and to develop joint scientific and technical documents or guidance as required.</li> </ol>
<b>Expected outputs</b>	<ol style="list-style-type: none"> <li>1. The technical and scientific bodies of the three conventions receive technical and policy support, facilitating the exchange and sharing of relevant information between themselves and with other relevant intergovernmental processes, including the Strategic Approach;</li> <li>2. Report on linkages and potential cooperation between the scientific bodies of the conventions;</li> <li>3. Roster of experts and alumni websites is established.</li> </ol>
<b>Method of implementation (internal or external)</b>	Internal: staff travel, consultant, subcontracts, travel of participants and translation and printing.
<b>Partner(s)</b>	Interested intergovernmental organizations, non-governmental organizations and industry bodies.

<b>Title of activity</b>	<b>S7. Support parties' implementation of the life-cycle approach to chemicals management: update the general technical guidelines on the environmentally sound management of persistent organic pollutant wastes to include the new persistent organic pollutants</b>
<b>Mandate</b>	Synergies decisions (BC-IX/10, SC-4/34), Section II C, paragraphs 4 and 5; Omnibus decisions (BC.Ex-1/1, SC.Ex-1/1).
<b>Objective</b>	Parties to the Basel and Stockholm conventions receive technical and scientific information and guidance when required to allow them to deal with wastes from the nine new persistent organic pollutants.
<b>Indicators of achievement</b>	<ol style="list-style-type: none"> <li>1. Technical guidelines on the environmentally sound management of persistent organic pollutant wastes are updated to include the new persistent organic pollutants;</li> <li>2. Number of parties implementing environmentally sound management of persistent organic pollutant wastes;</li> <li>3. Number of requests for technical assistance and advice on life-cycle approach to chemicals management answered in a timely manner.</li> </ol>

<b>Short description of the activity</b>	<ol style="list-style-type: none"> <li>1. Update the general technical guidelines on the environmentally sound management of persistent organic pollutant wastes to include the new persistent organic pollutants;</li> <li>2. Provide technical and scientific information and guidance to the parties to the two conventions to allow them to deal with the new persistent organic pollutant wastes;</li> <li>3. Provide policy guidance and technical information to parties to the two conventions to assist them to manage chemicals and wastes following a life-cycle approach.</li> </ol>
<b>Expected outputs</b>	<ol style="list-style-type: none"> <li>1. The general technical guidelines on the environmentally sound management of persistent organic pollutant wastes are updated to include the new persistent organic pollutants;</li> <li>2. Parties to the Basel and Stockholm conventions receive technical and scientific information and guidance when required to allow them to deal with the wastes from the new persistent organic pollutants;</li> <li>3. Parties to the two conventions receive policy guidance and technical information when required to assist them to manage chemicals following the life-cycle approach.</li> </ol>
<b>Method of implementation (internal or external)</b>	Internal: consultant, subcontracts, travel of participants and translation and printing.
<b>Partner(s)</b>	Industry bodies, non-governmental organizations and other interested intergovernmental organizations.

### III. Regional centres

<b>Title of activity</b>	<b>S8. Cooperation and coordination between regional centres and FAO and UNEP regional offices: annual joint meetings</b>
<b>Mandate</b>	Synergies decision (BC-IX/10, RC-4/11, SC-4/34), sections I A, I B and I C; Omnibus decisions (BC.Ex-1/1, RC.Ex-1/1, SC.Ex-1/1), section I, paragraph 5.
<b>Objective</b>	<ol style="list-style-type: none"> <li>1. Enhanced coordination on regional strategies and identification of opportunities for the development of joint activities;</li> <li>2. Enhanced coordination and collaboration between the regional centres, regional offices and other entities engaged in technical assistance at the regional level.</li> </ol>
<b>Indicators of achievement</b>	<ol style="list-style-type: none"> <li>1. Annual coordination meeting held;</li> <li>2. Coordinated regional implementation plans for Basel and Stockholm Convention regional centres and FAO and UNEP regional offices.</li> </ol>
<b>Short description of the activity</b>	Annual meetings of the Basel and Stockholm convention regional centres and FAO and UNEP regional offices will be convened and coordinated by the secretariats of the conventions. Regional officers of FAO, UNEP and the Basel and Stockholm convention regional centres will meet to present and review their activities and exchange information on workplans and business plans with a view to enhancing coordination of regional activities and strategies and identifying opportunities for the development of joint activities. The meetings will operate through a series of plenary sessions, sessions for regional groups and convention-specific sessions. It is expected that convention-specific regional activities will be coordinated and scheduled in such a way that efficiency is increased. Coordination of activities will increase the effectiveness of work undertaken.
<b>Expected outputs</b>	<ol style="list-style-type: none"> <li>1. Experience is exchanged and coordination improved between the Basel and Stockholm convention regional centres and UNEP and FAO regional offices in implementing the elements of technical assistance activities of the three conventions;</li> <li>2. Improved overview of financial requirements and regional resources in support of the delivery of the technical assistance programme through the preparation of a joint, coordinated plan and discussions between the secretariats and regional officers and representatives of regional centres will result in the identification and development of a number of proposals for pilot projects, joint activities and resource mobilization strategies;</li> <li>3. Finalized pilot projects on the coordinated use of regional centres;</li> <li>4. Joint activities are part of the workplans and business plans of the regional centres.</li> </ol>

<b>Method of implementation (internal or external)</b>	Internal: <ul style="list-style-type: none"> <li>- The activity will be implemented by representatives of the secretariats of the three conventions with regional officers of FAO and UNEP and the Basel and Stockholm convention regional centres;</li> </ul> External: <ul style="list-style-type: none"> <li>- A network of centres and regional partners is established.</li> </ul>
<b>Partner(s)</b>	Basel Convention regional centres for training and technology transfer, Stockholm Convention regional and subregional centres for capacity-building and the transfer of technology, UNEP multilateral environmental agreement focal points for chemicals and wastes, FAO regional offices and FAO subregional offices.

<b>Title of activity</b>	<b>S9. South-South cooperation</b>
<b>Mandate</b>	Synergies decisions (BC-IX/10, RC-4/11, SC-4/34), section I C, paragraph 18; Omnibus decisions (BC.Ex-1/1, RC.Ex-1/1, SC.Ex-1/1), section I, paragraph 5.
<b>Objective</b>	Enhanced South-South cooperation on pilot activities, exchange of experience, successes and strategic alliances between regional centres and parties for the joint implementation of the conventions.
<b>Indicators of achievement</b>	<ol style="list-style-type: none"> <li>1. Number of bilateral and multilateral cooperation agreements signed to facilitate the exchange of experiences on the environmentally sound management of hazardous chemicals and wastes;</li> <li>2. Number of joint activities implemented by the regional centres.</li> </ol>
<b>Short description of the activity</b>	Regional centres tackle specific priority issues in their region related to the Basel, Rotterdam and Stockholm conventions, e.g., transport, import and export, or collection and disposal issues, and liaise with regional centres in other regions to identify and cooperate on issues of common interest such as technical, institutional and management approaches. The project will facilitate exchange of technical staff between the centres in a twinning project approach and other approaches using the experience of the Bali Strategic Plan for Technology Support and Capacity-building.
<b>Expected outputs</b>	<ol style="list-style-type: none"> <li>1. Joint activities developed and implemented by the regional centres on a bilateral or multilateral basis;</li> <li>2. Practical tools for the implementation of joint activities, best practices and lessons learned are provided and disseminated via the centres' and secretariats' websites;</li> <li>3. Exchange of regional centres' staff in twinning arrangements between regional centres and convention secretariats as appropriate.</li> </ol>
<b>Method of implementation (internal or external)</b>	Cooperation between the regional centres will begin online with regular information exchanges, video conferences and sharing of technical experience and expertise.
<b>Partner(s)</b>	Basel and Stockholm Convention regional centres, FAO and UNEP regional offices, secretariats of the Basel, Rotterdam and Stockholm conventions.

#### IV. Clearing-house mechanism

<b>Title of activity</b>	<b>S10. Clearing-house mechanism for information exchange</b>
<b>Mandate</b>	Synergies decisions (BC-IX/10, RC-4/11, SC-4/34), section I A, paragraphs 2 and 3, section III B, paragraph 4; Omnibus decisions (BC.Ex-1/1, RC.Ex-1/1, SC.Ex-1/1), section III.
<b>Objective</b>	<ol style="list-style-type: none"> <li>1. To provide one entry point to a wide range of sources of available information relevant to chemicals and wastes management;</li> <li>2. To facilitate the sharing of information on the implementation of the Basel, Rotterdam and Stockholm conventions, including on models of coordination mechanisms and examples of good coordination practices from countries;</li> <li>3. To facilitate the transfer of expertise and know-how between stakeholders;</li> <li>4. To develop a unique development strategy for the clearing-house mechanism across the three conventions, making better use of available resources;</li> <li>5. To keep parties and other stakeholders well informed regarding convention issues, meetings, programmes, etc., in a more integrated and user-friendly environment;</li> <li>6. To consolidate the use of available resources.</li> </ol>

<b>Indicators of achievement</b>	<ol style="list-style-type: none"> <li>1. Relevance and pertinence of information packages for users;</li> <li>2. Number of parties that will contribute and gain access to the information;</li> <li>3. Availability of new tools such as social networking mechanisms to facilitate information exchange;</li> <li>4. Satisfaction of parties and other stakeholders with the service provided and increased number of website hits;</li> <li>5. Number of articles, best practices, project information exchanged between stakeholders;</li> <li>6. Greater access to information and expertise available to all stakeholders;</li> <li>7. Joint strategy for the development of the clearing-house mechanism;</li> <li>8. Integration of the websites of the three conventions.</li> </ol>
<b>Short description of the activity</b>	<ol style="list-style-type: none"> <li>1. Development of cross-cutting information packages;</li> <li>2. Development of a joint clearing-house mechanism;</li> <li>3. Maintenance and continuation of the development of the conventions' websites.</li> </ol>
<b>Expected outputs</b>	<ol style="list-style-type: none"> <li>1. Improved access to all information relevant to parties' obligations under the three conventions and identification of new opportunities for information sharing and aggregation. Examples of cross-cutting information packages: <ul style="list-style-type: none"> <li>- Public awareness materials (United Nations Body Burden Forum, Safe Planet campaign, etc.);</li> <li>- Joint legal information;</li> <li>- Search tool for decisions by the conferences of the parties by thematic area;</li> <li>- Joint calendar of meetings;</li> <li>- Map of regional centres and offices for all three conventions;</li> <li>- Map of ratification status for all three conventions;</li> <li>- Chemicals and wastes profiles;</li> <li>- Focal points for all three conventions;</li> <li>- Country profiles, showing the status of implementation for all three conventions and information on best practices, successful projects, etc.;</li> <li>- Any other information package as required;</li> </ul> </li> <li>2. Integrated and user-friendly collaboration environment available for parties and other users;</li> <li>3. More integrated systems across the three conventions that facilitate the implementation of the conventions by parties;</li> <li>4. Constantly improving websites that meet the parties' requirements and provide useful information to other audiences.</li> </ol>
<b>Method of implementation (internal or external)</b>	<p>Internal:</p> <ul style="list-style-type: none"> <li>- Staff time to design the information packages and coordinate data collection and dissemination;</li> <li>- Hardware, software licences.</li> </ul> <p>External:</p> <ul style="list-style-type: none"> <li>- Consultants and partners, e.g., regional centres, pilot projects in countries.</li> </ul>
<b>Partner(s)</b>	<p>Governments, the UNEP Chemical Information Exchange Network, the Strategic Approach, Basel and Stockholm convention regional centres.</p> <p>UNEP Division of Environmental Law and Conventions and other multilateral environmental agreements through the existing information and knowledge management initiative.</p>

<b>Title of activity</b>	<b>S11. Joint information technology services</b>
<b>Mandate</b>	<p>Synergies decisions (BC-IX/10, RC-4/11, SC-4/34), section IV D, paragraph 10 (b)  "to establish through the Executive Secretaries of the three Conventions, within the secretariats in Geneva and with the aim of improving the level and efficiency of delivery of services, ...</p> <p>(b) A joint information technology service;"</p> <p>Omnibus decisions (BC.Ex-1/1, RC.Ex-1/1, SC.Ex-1/1), section III, paragraph 3 (c):  "to establish, through the executive secretaries of the three conventions, taking into account the experiences gained during the interim period, ...</p> <p>(c) Joint information technology service."</p>
<b>Objective</b>	<ol style="list-style-type: none"> <li>1. Improve the level and efficiency of delivery of information technology services;</li> <li>2. Facilitate the provision and sharing of information by parties;</li> <li>3. Improve the services provided to parties during meetings of the Conference of the Parties and other relevant meetings by using new technologies to facilitate negotiations;</li> <li>4. Provide efficient communication mechanisms through e-mail, e-fax and the internet between parties, the secretariat and other convention stakeholders;</li> <li>5. Provide technology, services and training to the secretariat staff that will ensure the quality and timeliness of meeting documents, information packages, publications, websites and other knowledge management tools;</li> <li>6. Ensure the necessary security in hosting and archiving the institutional memory of the Basel, Rotterdam and Stockholm conventions;</li> <li>7. Provide a more integrated and user friendly information technology environment for parties, the Secretariat and other users;</li> <li>8. Provide a solid platform for building up the clearing-house mechanism and other information systems in a standardized manner, achieving as much savings as possible from the reuse of common components and sharing of staff time and other resources.</li> </ol>
<b>Indicators of achievement</b>	<ol style="list-style-type: none"> <li>1. New information technology tools and services are available to facilitate the work of the Secretariat, parties and other relevant convention stakeholders;</li> <li>2. Parties and other stakeholders are satisfied with the service;</li> <li>3. The quality of meeting documents, information packages, websites, etc., meet contemporary standards;</li> <li>4. Greater efficiency and personalization in communication with parties and other stakeholders is achieved;</li> <li>5. Joint information technology services are available and functioning on a regular basis;</li> <li>6. The clearing-house mechanism, information systems and other projects that depend heavily on technology are running smoothly and not facing any delays due to technological issues.</li> </ol>
<b>Short description of the activity</b>	<p>Provision to the secretariats of the Basel, Rotterdam and Stockholm conventions of the basic information technology and services required to run the secretariats, including:</p> <ul style="list-style-type: none"> <li>- Provision, maintenance and disposal of hardware, including personal computers, network equipment, audio-visual equipment, etc.;</li> <li>- Selection, installation and training of office software packages;</li> <li>- Network administration, including cabling, switches, servers, network printers, etc.;</li> <li>- E-mail and e-fax administration, including user account maintenance;</li> <li>- Internet, including remote access for secretariat staff and external users;</li> <li>- Network security, covering anti-spam, anti-virus, backup, etc.;</li> <li>- Helpdesk and troubleshooting.</li> </ul>



<b>Expected outputs</b>	<ol style="list-style-type: none"> <li>1. New information technology tools and services are available to facilitate the work of the Secretariat, parties and other relevant convention stakeholders;</li> <li>2. More integrated information technology platform and service across the three conventions to facilitate parties' implementation of the conventions;</li> <li>3. Greater efficiency in servicing meetings of the conferences of the parties and other meetings under the three conventions;</li> <li>4. Stable platform and services to facilitate building the clearing-house mechanism and other information systems;</li> <li>5. Effective and efficient delivery by the secretariats of the outputs envisaged under their programmes of work.</li> </ol>
<b>Method of implementation (internal or external)</b>	<p>Internal:</p> <ul style="list-style-type: none"> <li>- Staff time, hardware, software licences</li> </ul> <p>External:</p> <ul style="list-style-type: none"> <li>- Consultants, subcontracts.</li> </ul>
<b>Partner(s)</b>	

## V. Public awareness, outreach and publications

<b>Title of activity</b>	<b>S12. Joint communication outreach</b>
<b>Mandate</b>	Synergies decisions (BC-IX/10, RC-4/11, SC-4/34), section III A; Omnibus decisions (BC.Ex-1/1, RC.Ex-1/1, SC.Ex-1/1), section III.
<b>Objective</b>	Increased awareness of and participation in activities of the Basel, Rotterdam and Stockholm conventions in 2012–2013, including the United Nations Conference on Sustainable Development in May 2012 and national implementation activities thereafter.
<b>Indicators of achievement</b>	<ol style="list-style-type: none"> <li>1. Number of press releases and media coverage of the Basel, Rotterdam and Stockholm conventions;</li> <li>2. Number of outreach materials produced.</li> </ol>
<b>Short description of the activity</b>	Joint communication outreach includes the development of outreach materials, e.g., audio-visual materials, posters, newsletters, leaflets, brochures, exhibitions, etc., press briefings, press releases and others.
<b>Expected outputs</b>	<p>Support for the implementation of the Basel, Rotterdam and Stockholm conventions provided through the preparation of outreach materials, including printing and publication, such as:</p> <ul style="list-style-type: none"> <li>- Press and crisis management strategy;</li> <li>- Ensuring the integrity and management of brands created under the public awareness and outreach thematic group;</li> <li>- Printing and publication;</li> <li>- Speech writing;</li> <li>- Press releases;</li> <li>- Press liaison (United Nations, media, non-governmental organizations);</li> <li>- New media communication strategies (websites, blogs, social networking, clearing house, e-newsletters, editing, web maintenance and development and content research, etc.).</li> </ul>
<b>Method of implementation (internal or external)</b>	Internal: through collaboration between the three secretariats; staff cost only (non-staff costs are included in relevant programmes of each convention). <sup>42</sup>
<b>Partner(s)</b>	Stockholm and Basel convention regional centres, UNEP and FAO regional offices, Basel Action Network, Basel Waste Solutions Circle, International POPs Elimination Network, OzonAction, PCBs Elimination Network, Strategic Approach, regional activity centres for cleaner production, other international stakeholder and United Nations organizations and non-profit and private-sector stakeholders, as appropriate.

<sup>42</sup> Funds for outreach materials are covered by programmes of the Rotterdam and Stockholm conventions.

<b>Title of activity</b>	<b>S13. Joint outreach and public awareness</b>
<b>Mandate</b>	Synergies decisions (BC-IX/10, RC-4/11, SC-4/34), section III A; Omnibus decisions (BC.Ex-1/1, RC.Ex-1/1, SC.Ex-1/1), section III.
<b>Objective</b>	<ol style="list-style-type: none"> <li>1. Increased popular awareness of the Basel, Rotterdam and Stockholm conventions;</li> <li>2. Support for goals 4 (Reduce Child Mortality) and 7 (Ensure Environmental Sustainability) of the Millennium Development Goals and the World Summit on Sustainable Development 2020 target to achieve sound management of chemicals and wastes;</li> <li>3. Development of a joint outreach and public awareness plan, including target groups, key messages and strategic, cost-effective communication channels.</li> </ol>
<b>Indicators of achievement</b>	<ol style="list-style-type: none"> <li>1. Number of events organized;</li> <li>2. Web traffic and usage statistics;</li> <li>3. Number of target groups participating in events;</li> <li>4. Number of regional, national and local public awareness and outreach activities launched.</li> </ol>
<b>Short description of the activity</b>	Joint public awareness and outreach activities will build on the secretariats' joint public awareness and outreach strategy. Activities will include organization of events involving strategic target groups, participation in events organized by others and the inclusion of Safe Planet activities undertaken by participating organizations and individuals at the regional, national and subnational levels. In addition, the secretariats will study the feasibility of developing a global marketing and sponsorship strategy and promote mobilization of resources by external partners in support of the conventions' joint outreach and public awareness objectives.
<b>Expected outputs</b>	<ol style="list-style-type: none"> <li>1. Adoption and implementation of the joint outreach and public awareness strategy;</li> <li>2. Facilitation and oversight of partnership-led activities among target groups;</li> <li>3. Increased popular awareness of the Basel, Rotterdam and Stockholm conventions in advance of, during and after the United Nations Conference on Sustainable Development and the third meeting of the International Conference on Chemicals Management in 2012;</li> <li>4. Increased popular understanding of and support for the life-cycle approach to chemicals and wastes management.</li> </ol>
<b>Method of implementation (internal or external)</b>	<p>Internal:</p> <ul style="list-style-type: none"> <li>- Through collaboration between the three secretariats and subcontracts.</li> </ul> <p>External:</p> <ul style="list-style-type: none"> <li>- Activities with participating organizations and individuals through their acceptance of United Nations principles and in conformity with the joint strategic public awareness and outreach objectives, aiming at the leveraging of existing resources, partnership agreements, and in kind and voluntary contributions.</li> </ul>
<b>Potential partner(s)</b>	Stockholm and Basel convention regional and subregional centres, UNEP and FAO regional offices, Basel Waste Solutions Circle, International POPs Elimination Network, OzonAction, PCBs Elimination Network, Strategic Approach, regional activity centres for cleaner production and other international stakeholder or United Nations organizations, non-profit and private-sector stakeholders, as appropriate.

<b>Title of activity</b>	<b>S14. Publications: Produce and disseminate various legal and technical publications, both reprinting and development of new publications</b>
<b>Mandate</b>	Synergies decisions (BC-IX/10, RC-4/11, SC-4/34); Omnibus decisions (BC.Ex-1/1, RC.Ex-1/1, SC.Ex-1/1).
<b>Objective</b>	Legal and technical information is provided to parties and others for the effective implementation of the conventions.
<b>Indicators of achievement</b>	<ol style="list-style-type: none"> <li>1. High-quality publications in printed and electronic form produced;</li> <li>2. Timely production and delivery of publications;</li> <li>3. Cost-effective production of publications;</li> <li>4. Number of legal and technical publications published, reprinted and distributed.</li> </ol>
<b>Short description of the activity</b>	<p>The activity will include the following:</p> <ol style="list-style-type: none"> <li>1. Meet legal, technical and other publication production needs, upon request;</li> <li>2. Coordinate planning, forecasting, editing, production and distribution of convention publications;</li> <li>3. Oversee graphic design, review print proofs and provide quality assurance;</li> <li>4. Liaise with programme officers of the secretariats, graphic designers and printers and follow up on submission dates for final drafts and production schedules.</li> </ol>
<b>Expected outputs</b>	<ol style="list-style-type: none"> <li>1. Improved sources of information on legal and technical aspects of hazardous chemicals and wastes;</li> <li>2. Better understanding of issues related to hazardous chemicals and wastes;</li> <li>3. Support provided for the implementation of the conventions;</li> <li>4. Timely and relevant information provided to parties and others.</li> </ol>
<b>Method of implementation (internal or external)</b>	<p>Internal:</p> <ul style="list-style-type: none"> <li>- Staff time.</li> </ul> <p>External:</p> <ul style="list-style-type: none"> <li>- Translators, graphic designers, printers, etc</li> </ul>
<b>Potential partner(s)</b>	United Nations, UNEP, etc.

## VI. Reporting

<b>Title of activity</b>	<b>S15. National reporting: revise the reporting systems of the Basel and Stockholm conventions and identify possible areas for streamlining</b>
<b>Mandate</b>	Synergies decisions (BC-IX/10, SC-4/34), section II A; Omnibus decisions (BC.Ex-1/1, SC.Ex-1/1), section I, paragraph 2.
<b>Objective</b>	<ol style="list-style-type: none"> <li>1. To streamline the reporting formats of the Basel and Stockholm conventions in a harmonized manner;</li> <li>2. A coordinated and simultaneous information collection mechanism from relevant government agencies for both conventions;</li> <li>3. National mechanisms for reporting relating to chemicals and wastes multilateral environmental agreements are in place;</li> <li>4. Increased capacity of focal points and designated authorities to collect and report information.</li> </ol>
<b>Indicators of achievement</b>	<ol style="list-style-type: none"> <li>1. Number of reporting parties using the streamlined reporting system for both conventions;</li> <li>2. Number of participants, number of parties and level of participant satisfaction at each workshop.</li> </ol>

<b>Short description of the activity</b>	<p>Currently parties to the Basel Convention have annual reporting requirements while parties to the Stockholm Convention report every four years. To facilitate national reporting for both conventions, the secretariats will:</p> <ol style="list-style-type: none"> <li>1. Review the reporting systems of both conventions and identify possible areas for streamlining;</li> <li>2. Analyse the electronic reporting systems in place, identify ways to improve them and implement changes required to allow for more similar national reporting under both conventions;</li> <li>3. Develop a guidance document or documents for information collection and reporting;</li> <li>4. Organize regional capacity-building workshops on national reporting to take place in 2012 and 2013.</li> </ol>
<b>Expected outputs</b>	<ol style="list-style-type: none"> <li>1. Increased number of reports submitted under the Basel and Stockholm conventions;</li> <li>2. Reporting system that supports integrated national reporting under both conventions;</li> <li>3. Capacity-building workshops;</li> <li>4. A coordinated and simultaneous information collection mechanism from relevant government agencies for both conventions;</li> <li>5. High-quality information is received through national reports.</li> </ol>
<b>Method of implementation (internal or external)</b>	<p>Internal:</p> <ul style="list-style-type: none"> <li>- Thorough revision of the questionnaires and recommendations for streamlined systems;</li> <li>- Preparation of streamlined reporting systems and online reporting interface;</li> <li>- Preparation of guidance materials on the collection and reporting of information.</li> </ul> <p>External:</p> <ul style="list-style-type: none"> <li>- Regional capacity-building workshops and training to assist parties to achieve better reporting.</li> </ul>
<b>Partner(s)</b>	Regional centres and the parties to the conventions.

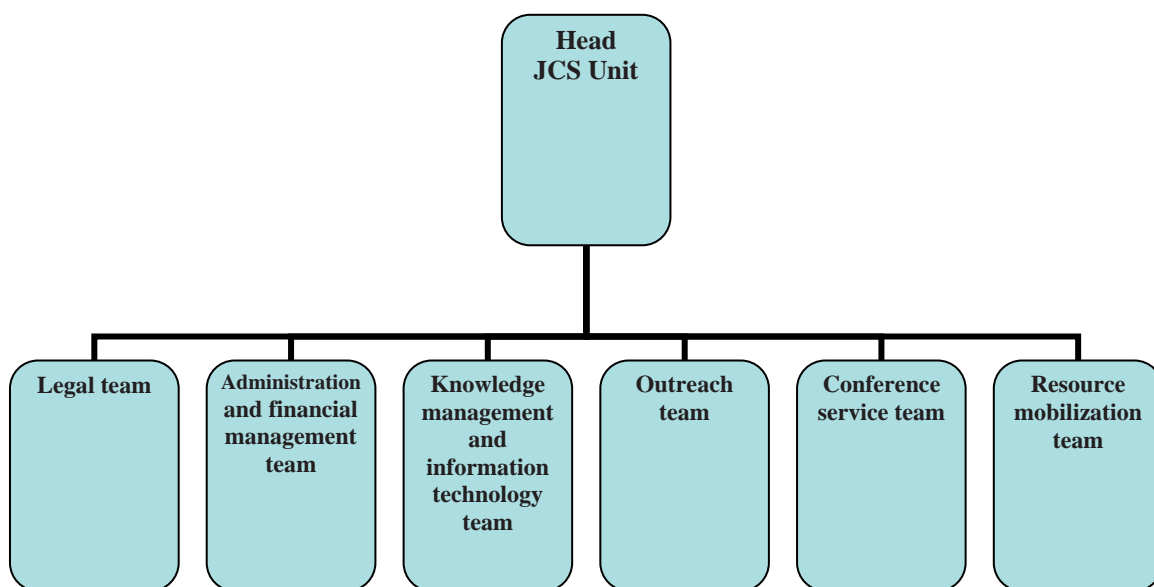
## VII. Overall management

<b>Title of activity</b>	<b>S16. Resource mobilization</b>
<b>Mandate</b>	Synergies decisions (BC-IX/10, SC-4/34), section IV B; Omnibus decisions (BC.Ex-1/1, RC.Ex-1/1, SC.Ex-1/1), section III, paragraph 3 (e).
<b>Objective</b>	Maximized access to public and private sector funding for implementing the chemicals and wastes agenda in a synergistic manner.
<b>Indicators of achievement</b>	<ol style="list-style-type: none"> <li>1. Joint resource mobilization and fund-raising strategies developed;</li> <li>2. Identification of funding opportunities and matching needs from countries and regions;</li> <li>3. Number of project proposals for which funding is obtained.</li> </ol>
<b>Short description of the activity</b>	<p>The activities will include to:</p> <ol style="list-style-type: none"> <li>1. Develop and implement joint resource mobilization and fund-raising strategies;</li> <li>2. Undertake donor and partner profiling and to set up an information database;</li> <li>3. Monitor and report in compliance with donor requirements;</li> <li>4. Meet donors;</li> <li>5. Integrate and support communication and awareness-raising policies.</li> </ol>
<b>Expected outputs</b>	Increased ratio of secure funding in relation to projects presented to donors.
<b>Method of implementation (internal or external)</b>	Internal: staff travel; special events for raising funds; partnerships with other United Nations entities and the private sector.
<b>Potential partner(s)</b>	United Nations organizations and the private sector.

<b>Title of activity</b>	<b>S17. Review arrangements</b>
<b>Mandate</b>	Omnibus decisions (BC.Ex-1/1, RC.Ex-1/1, SC.Ex-1/1), section VI.
<b>Objective</b>	<p>Review of how far the arrangements adopted pursuant to the synergies decisions, in particular on joint activities, joint managerial functions and joint services, have contributed to achieving the following six objectives:</p> <ol style="list-style-type: none"> <li>1. Strengthening the implementation of the Basel, Rotterdam and Stockholm conventions at the national, regional and global levels;</li> <li>2. Promoting policy coherence;</li> <li>3. Reducing administrative burden;</li> <li>4. Maximizing the effective and efficient use of resources at all levels;</li> <li>5. Taking into account global concerns and the specific needs of developing countries and countries with economies in transition in this assessment;</li> <li>6. Protecting human health and the environment for the promotion of sustainable development.</li> </ol>
<b>Indicators of achievement</b>	<ol style="list-style-type: none"> <li>1. A questionnaire on the contribution of the arrangements is sent to parties and posted on the conventions' websites in February 2012;</li> <li>2. A report on how far the arrangements have contributed to achieving the six objectives is published 90 days before the first meeting of a conference of the parties in 2013.</li> </ol>
<b>Short description of the activity</b>	<p>As detailed in annex IV to decision BC-10/29, the secretariats will:</p> <ol style="list-style-type: none"> <li>1. Prepare in the six official United Nations languages a questionnaire to collect information from parties to the conventions;</li> <li>2. Send the questionnaire to all parties and post it on the conventions' websites;</li> <li>3. Collect responses from parties;</li> <li>4. Prepare a report;</li> <li>5. Publish the report 90 days before the first meeting of the conference of the parties of any of the three conventions in 2013.</li> </ol>
<b>Expected outputs</b>	A report on how far the arrangements pursuant to the synergies decisions have contributed to achieving the objectives mentioned above.
<b>Method of implementation (internal or external)</b>	Internal and external: consultant and translation.
<b>Potential partner(s)</b>	Parties to the conventions.

**Annex II to decision BC-10/29**

**Modification of the organization of the joint services of the Basel, Rotterdam and Stockholm conventions**



## Annex III to decision BC-10/29

### Joint workplan for the development of a clearing-house mechanism serving the Basel, Rotterdam and Stockholm conventions covering the biennium 2012–2013

	Activity	Deadline
1.	Take stock of existing systems: Develop an inventory of information, tools and infrastructure and human and institutional networks that relate to the three conventions' current information-exchange activities.	March 2012
2.	Undertake a needs assessment for the Basel and Rotterdam conventions: In consultation with parties, Basel Convention regional centres and other stakeholders, as appropriate to each convention, assess needs in the context of a clearing-house mechanism.	August 2012
3.	Design a joint clearing-house mechanism for the Basel, Rotterdam and Stockholm conventions, taking into account the inventory of existing systems (activity 1), the needs assessment (activity 2) and the report of the Secretariat on other clearing-house mechanisms and similar mechanisms in the area of chemicals and wastes, including the identification and prioritization of common components and tools, for development during the biennium 2012–2013.	October 2012
4.	Develop and deploy the joint clearing-house-mechanism components and tools: This covers diverse activities such as purchasing hardware and software, hiring experts in the area of systems development and architecture, subcontracting graphic designers and software companies for possible systems customization, computer programming, preparation of user manuals and documentation and testing systems and fixing bugs.	December 2012 Phase 1  December 2013 Phase2
5.	Develop cross-cutting information package as a "one-stop-shop" of information on chemicals and wastes, covering all three conventions, including country information profiles, joint calendar and joint contact information.	August 2012
6.	Data entry and formatting: Migrate, where appropriate, data to the joint clearing-house mechanism. Enter any new data gathered through the joint activities of the three conventions.	February 2013
7.	Jointly maintain websites: Maintain and develop the three conventions' websites and the joint portal.	Continuous
8.	Develop a guidance document for the joint clearing-house mechanism: This guidance document will cover standards and best practices for regional and national institutions that would like to develop their own clearing-house mechanism nodes. It will facilitate the compatibility and interoperability of systems under the joint clearing-house mechanism.	December 2012
9.	Implement joint capacity-building and stakeholder consultation: Implement joint capacity-building, including through training workshops and technical capacity enhancement activities for parties to all three conventions; gather feedback to inform the future development of the clearing-house mechanism.	December 2013

## **Annex IV to decision BC-10/29**

### **Detailed terms of reference for the preparation of the report by the secretariats of the three conventions**

#### **I. Purpose of the report**

1. In line with section VI of the omnibus decisions, the purpose of the report by the secretariats is to review how far the arrangements adopted pursuant to the synergies decisions, in particular on joint activities, joint managerial functions and joint services, have contributed to achieving the following objectives (hereinafter referred to as “the six objectives”):

- (a) Strengthening the implementation of the three conventions at the national, regional and global levels;
- (b) Promoting coherent policy guidance;
- (c) Reducing administrative burden;
- (d) Maximizing the effective and efficient use of resources at all levels;
- (e) Taking into account global concerns and the specific needs of developing countries and countries with economies in transition;
- (f) Protecting human health and the environment for the promotion of sustainable development.

#### **II. Scope of the report**

2. The material scope of the report will be based on the six objectives and how far the arrangements adopted pursuant to the synergies decisions, in particular on joint activities, joint managerial functions and joint services, have contributed to achieving them. The report will extend to other arrangements adopted pursuant to the synergies decisions, if and where appropriate, keeping in mind that the report is not intended to review parties’ activities.

3. The report covers the period from the adoption of the synergies decisions (May 2009) to August 2012.

#### **III. Methodology**

##### **A. Questionnaire**

4. A questionnaire to be sent to parties will be jointly prepared by the three secretariats. It will be made available in the six official languages of the United Nations. The questionnaire will be concise and consist of three parts:

- (a) Request for information on whether and how much the arrangements – joint activities, joint managerial functions, and joint services – have contributed to the six objectives. In addition, parties will have an opportunity to make specific comments and recommendations on whether and how the arrangements have contributed to each objective and on their experience at the country level;
- (b) Request for information or comments on the challenges or obstacles experienced in the achievement of the six objectives;
- (c) Request for specific or general recommendations to parties, the secretariats, UNEP, FAO and other institutions and stakeholders as appropriate, on steps that could be taken to make the synergies arrangements, in particular on joint activities, joint managerial functions and joint services, better contribute to the six objectives.

5. The questionnaires will be sent to all parties and made available on the individual and on the synergies websites of the conventions. Completed questionnaires will also be made available on these websites.



## B. Report

6. A report of no more than 20 pages in length will be jointly prepared by the three secretariats and will be based on the following outline:

- (a) Introduction;
- (b) Review of the responses from parties submitted via the questionnaire;
- (c) Views of the secretariats on the arrangements;
- (d) Conclusions and recommendations.

7. The completed questionnaires will also be made available to the conferences of the parties.

## IV. Working relationship with the joint evaluation offices

8. Although the two reports that will be prepared for the conferences of the parties will be independent of each other, the secretariats and the UNEP and FAO evaluation offices will cooperate and exchange information to avoid duplication and to gain from each other's efforts, where applicable.

## V. Timeline for the preparation of the report

<i>Activity</i>	<i>Deadline</i>
Preparation and translation of the questionnaire	31 March 2012
Questionnaire sent out to all parties and posted on the websites of the conventions	30 April 2012
Collection of responses from parties	31 August 2012
Finalization of the secretariats' report	31 December 2012
Report published on the website of the conventions	Ninety days before the first meeting of a conference of the parties in 2013

## Annex V to decision BC-10/29

### Terms of reference for the preparation of the report by the evaluation offices of the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations

#### I. Background

1. Decisions BC.Ex-1/1, RC.Ex-1/1 and SC.Ex-1/1 (the "omnibus decisions"), were adopted by the conferences of the parties to the Basel, Rotterdam and Stockholm conventions, respectively, at their simultaneous extraordinary meetings in Bali, Indonesia, on 24 February 2010. In section VI of the omnibus decisions, entitled "Review arrangements", the conferences of the parties decided that at their respective meetings in 2013, in accordance with the timetable contained in the annex to the omnibus decisions, they would review the arrangements adopted pursuant to the synergies decisions, in particular on joint activities, joint managerial functions and joint services, to determine how far they had contributed to achieving the following objectives:

- (a) Strengthening of the implementation of the three Conventions at the national, regional and global levels;
- (b) Promoting coherent policy guidance;
- (c) Reducing administrative burden;
- (d) Maximizing the effective and efficient use of resources at all levels;
- (e) Taking into account global concerns and the specific needs of developing countries and countries with economies in transition;

(f) Protecting human health and the environment for the promotion of sustainable development;

2. The purpose of the review is to assess progress made towards the implementation of the synergies decisions with the objective of establishing how the synergies process has contributed to enhancing cooperation and coordination at the national, regional and global levels. The review will take into account progress made by the parties, the secretariats, UNEP, FAO and other institutions mentioned in the synergies decisions towards the implementation of those decisions and other relevant decisions emerging from the extraordinary meetings of the conferences of the parties.

## **II. Objectives and scope of the review**

### **A. Objectives**

3. In order to undertake an evaluation following international best practices, the objectives of the review are to examine:

(a) The extent to which the processes for enhancing cooperation and coordination have taken into account global concerns and responded to the specific needs of developing countries and countries with economies in transition;

(b) The extent to which actions taken to enhance coordination and cooperation have helped to strengthen the implementation of the three conventions at the national, regional and global levels, have helped to promote coherent policy guidance and have enhanced efficiency in the provision of support to parties with a view to reducing their administrative burden and maximizing the effective and efficient use of resources at all levels;

(c) Whether enhanced coordination and cooperation among the three conventions have contributed to the achievement of their ultimate common objectives: the protection of human health and the environment for the promotion of sustainable development.

4. The review would contain recommendations to parties, the secretariats, UNEP, FAO and other institutions and stakeholders, as appropriate. It would take into account assessments that may have been undertaken in response to decisions by the conferences of the parties at their meetings in 2011.

### **B. Scope**

5. The review will be both retrospective and prospective. This involves taking stock of the past while looking into the future with regard to the role of the secretariats in enhancing cooperation and coordination and promoting enhanced policy guidance and efficiencies in their support for parties. While taking a longer-term perspective on the issue, the review will focus on the period since the synergies decisions came into effect. In doing so, the review will take account of the conditions prevailing before the synergies decisions were adopted.

6. The review will not assess, or seek to reach any definitive conclusions on, compliance with the provisions of the conventions. Instead, its focus will be on overall efforts by the respective organizations and the secretariats of the conventions to cooperate and to coordinate their activities with the aim of promoting efficiencies in their support for parties. The review will identify key lessons learned or to be learned and make targeted recommendations for future improvement.

7. It will involve, among other things, a detailed analysis of actions initiated to enhance cooperation and coordination with a view to reducing the administrative burden of the conventions and maximizing the efficient use of resources at all levels.

## **III. Review criteria and key questions**

8. While always taking into account the standard internationally accepted evaluation criteria included under objectives-based evaluations (i.e., relevance, effectiveness, efficiency, impact and sustainability), these review criteria are not exclusive. The review will be organized around a set of specific review questions. With such an approach, the criteria will be translated into specific questions, and each question may be aimed at eliciting information pertinent to one or more of the criteria. These questions are intended to give a more precise and accessible form to the review criteria and to articulate the key issues of concern to stakeholders, thus optimizing the focus and usefulness of the review.

## **A. Relevance**

9. The review will assess the overall relevance of the synergies decisions, asking whether they make sense in the broader global political, institutional and environmental context; whether they respond to the particular needs of all parties to the conventions, in particular developing countries and countries with economies in transition; and whether they are likely to enhance the effectiveness and efficiency of the three conventions.

10. The review will further determine whether, in retrospect, the actions taken to enhance synergies among the conventions were consistent with the decisions adopted by the parties. It will ascertain the nature and significance of the contribution to the outcomes achieved to date, to the broader goal of reducing the administrative burden on the conventions and to maximizing the use of resources.

## **B. Effectiveness and impact**

11. The review will evaluate how, and to what extent, the synergies decisions have strengthened the implementation of the three conventions at the national, regional and global levels and effectively promoted policy coherence between them. The assessment will take into account any achievement indicators that may have been stated in the decisions themselves.

12. The analysis of outcomes achieved should include an assessment of the extent to which the mechanisms established following the adoption of the omnibus decisions have directly or indirectly assisted in promoting and enhancing cooperation and coordination among the conventions. The review will seek to establish how these outcomes have contributed or will contribute to the achievement of the ultimate common objectives of the conventions: the protection of human health and the environment for the promotion of sustainable development.

## **C. Efficiency**

13. Efficiency will be assessed at three levels. First, the review will consider whether the efforts and actions taken to forge synergies among the three conventions were cost-effective and undertaken in a timely manner.

14. Second, the review will evaluate whether the actions taken as a result of the synergies decisions have effectively reduced the administrative burden on the convention secretariats, parties and other stakeholders, and have genuinely contributed to maximizing the efficient use of resources at all levels.

15. Third, the review will assess whether the synergies decisions have led to improved efficiency in the implementation of convention-related actions or activities at the national level.

## **D. Sustainability**

16. Sustainability is understood as the probability of continued long-term outcomes and impacts. The review will bring to light the factors that will determine the persistence of benefits derived from the efforts to foster synergies, such as enhanced effectiveness and efficiency of the conventions or improved coherence among them. Other factors might be stronger institutional capacity, better coordinated and informed decision-making or a positive perception by the parties of the outcomes of the synergies decisions themselves.

## **IV. Methods**

17. This study will be conducted as an in-depth review using a participatory approach by the UNEP and FAO evaluation offices. The secretariats of the respective conventions, the bureaux, parties and other relevant stakeholders will be kept informed regularly. The independent reviewers commissioned to undertake the review will liaise with the evaluation offices on any logistical and methodological issues germane to the proper conduct of the review in a manner that is as independent as possible given the circumstances and the resources provided.

18. The review will seek inputs from parties, the secretariats of the Basel, Rotterdam and Stockholm conventions, as well as other stakeholders, and comprise broad research, data collection and analysis, in addition to selected investigations through interviews, a questionnaire or questionnaires, global consultations, regional consultations and reviews of key documents and financial information. All these approaches will focus on the questions set out in section III above.

19. The omnibus decisions and other related supporting documentation were used to derive preliminary outcome- and output-level performance indicators<sup>43</sup> for use in the review, which are listed in table 1.

**Table 1**  
**Preliminary performance indicators for use in the review**

<i>Outcomes</i>	<i>Indicators</i>
Joint implementation of substantive activities at the national, regional and global levels	<ul style="list-style-type: none"> <li>▪ Number and outputs of joint activities under implementation such as technical guidance and standards and capacity-building</li> <li>▪ Coordinated national reporting compliant with individual convention requirements</li> <li>▪ Satisfaction of parties with joint activities</li> <li>▪ Proportion of joint activities of projects undertaken by regional centres</li> <li>▪ Satisfaction of regional centres with regard to cooperation between them</li> </ul>
Institutionalized joint financial management and audit services for the three conventions	<ul style="list-style-type: none"> <li>▪ Satisfaction of stakeholders with arrangements for sharing audit reports</li> <li>▪ Cross-cutting Office of Internal Oversight Services audit report shared with the conferences of the parties at their meetings in 2011</li> <li>▪ Convention budget cycles remain synchronized with those of UNEP and FAO</li> <li>▪ Satisfaction of stakeholders and secretariats with financial and administrative support arrangements</li> </ul>
Resource mobilization: increased funding for the implementation of convention-related activities	<ul style="list-style-type: none"> <li>▪ Increase in secured funding for national, regional and global implementation per convention as reflected in the secretariats' budgets</li> <li>▪ Increase in expenditure on advocacy for resource mobilization per convention</li> </ul>
Public information products and outreach services jointly provided in relation to the three conventions	<ul style="list-style-type: none"> <li>▪ Satisfaction of all stakeholders with public information products (such as websites) and outreach services provided</li> </ul>
Joint management processes and structures operational for the three conventions	<ul style="list-style-type: none"> <li>▪ Formal joint management group established with defined terms of reference</li> <li>▪ Executive Secretary of the three convention secretariats appointed</li> <li>▪ Satisfaction of regional centres with regard to information exchange with the joint management structure</li> <li>▪ Ratio/percentage of documents that have been prepared reflecting the policy framework of all three conventions.</li> </ul>
Joint resource mobilization efforts	<ul style="list-style-type: none"> <li>▪ Preparation of a joint resource mobilization strategy</li> </ul>
Common information technology service provision for the three conventions	<ul style="list-style-type: none"> <li>▪ Satisfaction of secretariat staff with information technology services provided</li> <li>▪ Reduced costs of the provision of information technology services</li> </ul>
Legal service for the three conventions operational	<ul style="list-style-type: none"> <li>▪ Satisfaction of secretariat staff and stakeholders with legal services provided</li> <li>▪ Ratio/percentage of draft decisions that have been prepared taking into account the legal framework of all three conventions</li> <li>▪ Reduced costs of the provision of legal services</li> </ul>
Common information-sharing tools and mechanisms	<ul style="list-style-type: none"> <li>▪ Existence of tools, procedures and agreements for sharing legal, technical and scientific information</li> </ul>
Increased cooperation and coordination on technical issues	<ul style="list-style-type: none"> <li>▪ List of joint coordinated work on technical issues (e.g., guidelines)</li> </ul>

43 Section VI of the omnibus decisions, on review arrangements, specifies in paragraph 4 that the terms of reference for the review should include performance indicators.

20. The review will consist of three main phases, in the course of which four methodological stages will be developed. The phases are listed in table 2.

**Table 2**  
**Main phases of the review process**

<i>Three main phases of development</i>	<i>Four methodological stages</i>
Inception	Structuring of the review
Implementation	Data collection
Synthesis and reporting	Analysis
	Judgements on findings and recommendations

## **A. Inception**

21. This phase will include the preparation of a review framework and data collection and analysis methods and tools. It will feature an extensive desk study and be concluded with the preparation of an inception report.

22. The review framework will provide details on the review questions, information sources, data collection and analysis tools, and performance indicators. The desk study will review decisions of the conferences of the parties, relevant documents prepared by the secretariats, documents and decisions of the Ad Hoc Joint Working Group on Enhancing Cooperation and Coordination among the Basel, Rotterdam and Stockholm Conventions, progress reports, minutes of meetings and relevant correspondence.

23. Preliminary interviews will be conducted with staff working on convention issues, the management teams of the secretariats and of the administering organizations (UNEP and, in the case of the Rotterdam Convention, with FAO), representatives of parties, non-governmental and civil society organizations and other relevant stakeholders. Their views will be sought on the progress made by parties, the secretariats, UNEP, FAO and other institutions mentioned in the synergies decisions towards the implementation of those decisions and relevant decisions emerging from any extraordinary meetings of the conferences of the parties.

24. The inception report will present the context of the synergies decisions and the review framework. It will present the first findings derived from the desk study and include a list of issues requiring further investigation in the implementation phase of the review. The inception report will be shared with the advisory panel for the review (see below).

## **B. Implementation phase**

25. The main purpose of the implementation phase will be to complete and validate the information obtained during the inception phase. It will mainly consist of further document reviews and in-depth interviews with and surveys of key individuals in UNEP, FAO, the secretariats, party representatives and other key partner organizations.

26. Questionnaires could also be employed to gather data from a broad range of stakeholders. There are obvious potential synergies in this regard with the parallel review being led and undertaken by the secretariats. If feasible, and to avoid duplication of effort, the evaluators will engage with the secretariats to prepare a consolidated and comprehensive survey instrument that will meet the needs of both review efforts.

27. Analysis of the information collected will lead to an overall judgement on progress made towards the implementation of the synergies decisions and, ultimately, the degree to which implementation of the decisions has contributed to enhanced coordination and cooperation between the conventions and has made the use of their resources more efficient. Before the synthesis and reporting phase, the review team will present its emerging findings to the advisory panel for feedback.

## **C. Synthesis and reporting phase**

28. Based on the information collected and analysed during the previous phases, the review team will draft a review report. The report will build on relevant sections of the inception report and expand on the issues for further investigation previously identified therein. It will also present the lessons learned and recommendations of the review. The draft report will be reviewed by the advisory panel before it is finalized.

## V. Expected outputs

29. The main output of the review will be a final report. The report should be brief, to the point and easy to understand. It must explain the purpose of the review, exactly what was reviewed and the methods used. The report must highlight any methodological limitations, identify key concerns and present evidence-based findings, consequent conclusions, recommendations and lessons. The report should provide information on when the review took place, the places visited and who was involved and should be presented in a way that makes the information accessible and comprehensible. The report should include an executive summary that encapsulates the essence of the information contained in the main report to facilitate dissemination and distillation of lessons.

30. Evidence, findings, conclusions and recommendations should be presented in a complete and balanced manner. The report must be written in English, be no longer than 50 pages (excluding annexes), use numbered paragraphs and include:

(a) An executive summary (no more than three pages) providing a brief overview of the review's main conclusions and recommendations;

(b) Introduction and background giving a brief overview of the synergies decisions under review in their broader context and of the origins of the review;

(c) Scope, objective and methods presenting the review's purpose, the review criteria used and questions to be considered;

(d) Overall performance and impact providing factual evidence relevant to the questions asked and interpretations of such evidence (the main substantive section of the report);

(e) Conclusions presenting the review's concluding assessments against the given review criteria and standards of performance. The conclusions should provide answers to the key questions and assess the results achieved to date;

(f) Lessons learned, presenting general conclusions based on established good practices that have the potential for wider application and use. Lessons may also be derived from problems, gaps and mistakes. The context in which lessons may be applied should be clearly specified, and lessons should always state or imply some prescriptive action. A lesson should be written such that experiences derived could be applied in other similar situations;

(g) Recommendations suggesting actionable proposals for improvement. Prior to each recommendation, the issue or problem that the recommendation is meant to solve should be clearly stated. The recommendations should be relevant within the context of the conventions and organized by target groups. They should be prioritized according to their importance and urgency to the purpose of the review. Options for implementing the recommendations with an indication of their respective limits and possible risks should be presented. Recommendations will in all cases need to be cross-referenced to the corresponding findings or conclusions;<sup>44</sup>

(h) Annexes, including terms of reference, a list of interviewees, documents reviewed and a brief summary of the expertise of the review team. Dissenting views or management responses to the review findings may later be annexed.

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44 A high-quality recommendation is an actionable proposal that is feasible to implement within the time frame and resources available; commensurate with the available capacities of implementation partners; specific in terms of who would do what and when; contains results-based language (i.e., a measurable performance target); and includes a trade-off analysis, when its implementation may require using significant resources that would otherwise be used for other purposes.

## VI. Tasks and schedule

31. The review is expected to be implemented as set out in table 3.

**Table 3**  
**Schedule for the review**

<i>Deliverable/activity</i>	<i>Indicative time frame</i>
<i>Inception (November 2011–March 2012)</i>	
Inception – evaluation framework (following decision of the final meeting of a conference of the parties in 2011)	November 2011
Desk review	December 2011
Draft inception report	End of February 2012
Final inception report	End of March 2012
<i>Implementation (December 2011–15 May 2012)</i>	
Additional desk review	March–April 2012
Stakeholder interviews (including field missions)	April–May 2012
Data collation and analysis	May–June 2012
Debriefing on emerging findings	15 May 2012
<i>Reporting (15 May 2012–March 2013)</i>	
Submission of the first draft report to UNEP and FAO	30 June 2012
Presentation of the first draft report to the advisory panel	15 July 2012
Presentation of the second draft report to the advisory panel	7 September 2012
Distribution of the report by UNEP and FAO for comments by the parties and other stakeholders	31 October 2012
Deadline for comments by the parties and other stakeholders on the report by UNEP and FAO	15 December 2012
Publishing of the final report on the websites	15 January 2013
Consideration of the review by the conferences of the parties and adoption of decisions by the conferences of the parties	After March 2013

## VII. Management arrangements

32. The review will be jointly managed by the evaluation offices of UNEP and FAO, which will each appoint a task manager to manage the review process. The task managers will provide backstopping support and ensure coordination and liaison with all concerned units and other key agencies and stakeholders; they will determine the review team composition, provide overall guidance and ensure substantive supervision of all research. The UNEP Evaluation Office will, in consultation with its FAO counterpart, select and contract the international consultants to the review team.

33. The review team will be responsible for the development, research, drafting and finalization of the review in close consultation with the task managers and other relevant units of UNEP and FAO, in addition to the secretariats.

34. The evaluation offices will meet all costs related to conducting the review and will manage the review process, providing support and ensuring coordination and liaison with key agencies. They will be responsible for the final evaluation report and for its formal presentation to the conferences of the parties.

## VIII. Review team

35. The review will be carried out by a team with advanced knowledge and experience in the following fields: chemicals and wastes; multilateral environmental agreements; international affairs and international development administration; institutional reform and business processes. The team must also possess an in-depth understanding of, and familiarity with, evaluation methods and techniques and documented experience in conducting evaluations and reviews. The team must be prepared to work in English and possess excellent drafting skills.

36. The core review team will comprise two international consultants. One will be designated as the team leader and will provide intellectual leadership and direction for the review and be responsible

for delivering the final product. The other will be a subject-matter specialist and have a good understanding of and expertise in multilateral and intergovernmental processes and in evaluation methods and processes. The team will be supported by designated staff from the UNEP and FAO evaluation offices. These task managers will provide overall guidance for the review and participate in the review as they deem appropriate.

37. The review team leader and all other members of the review team will be selected by the evaluation offices taking into account the technical qualifications of the consultants in the subject matter and in evaluation and review methods.

38. All team members will be responsible for drafting components of the report while the team leader will be responsible for drafting the integrated final report and executive summary with the support of the task managers.

## **IX. Advisory panel**

39. As part of the consultative process in undertaking the review, an external advisory panel comprising six experts will be set up by the evaluation offices. The members will be selected on the basis of their recognized stature in the fields of chemicals and wastes, multilateral environmental agreements and evaluations and reviews. The advisory panel will ensure quality control of the review. It will review and provide comments on the inception report, the draft report and the final review report. The evaluation offices will form part of the extended advisory panel, which will remain in existence until the completion, dissemination and final review of the report. Inputs from and comments of the advisory panel are expected to enrich the process and enhance broader understanding of the issues.

## **X. Quality assurance team**

40. A joint internal quality assurance team comprising designated staff from the evaluation offices (but excluding task managers) will be set up to ensure adherence to the evaluation offices' quality standards pertaining to both the process and the review outputs or milestones.

## **XI. Review audience**

41. The users of the review are the parties to the conventions, the UNEP and FAO management teams and the secretariats. Considerable interest is likely to be shown in the review by other stakeholders, including other convention parties and secretariats, various multinational organizations, the academic community, think tanks and many non-governmental and civil society organizations.

## **XII. Follow-up, dissemination and learning**

42. The review is expected to help the parties, the secretariats, UNEP and FAO to identify key lessons on strategic positioning that can provide a useful basis for strengthening cooperation and coordination among the conventions. It will present good practices and also draw lessons from unintended results.

43. The review and resulting recommendations will be shared with the parties to the conventions, the secretariats and other interested stakeholders. The review will be presented to the conferences of the parties and the secretariats, who will be responsible for preparing a management response to the findings and recommendations. Innovative ways of disseminating the review findings will be sought to reach as wide a range of stakeholders as possible.

## **Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes**

We, the Parties to the Basel Convention,

Having met in Cartagena de Indias, Colombia, from 17 October to 21 October 2011, on the occasion of the tenth meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;



Reaffirming the fundamental aims of the Basel Convention, namely, the reduction of transboundary movements of hazardous and other wastes, the prevention and minimization of their generation and the need to promote the transfer of technology for the sound management of such wastes;

Recalling the third preambular paragraph to the Basel Convention, which affirms that the most effective way of protecting human health and the environment from the dangers posed by such wastes is the reduction of their generation to a minimum in terms of quantity and/or hazard potential;

Recalling Article 4(2)(a) of the Convention that requires each Party to take the appropriate measures to ensure that the generation of hazardous and other wastes within it is reduced to a minimum, taking into account social, technological and economic aspects;

Recalling further Decision III/1 on the Ban Amendment, Decision VII/2 on Hazardous Waste Minimization, and Decision VIII/23 on implementing Decision VII/2;

Recognizing that despite efforts taken and the progress achieved in the first 20 years of the Basel Convention, the volume of hazardous and other wastes continues to increase on a global level, and that the transboundary movement of hazardous and other wastes has not diminished;

Taking into consideration that the challenge we face regarding hazardous wastes and other wastes is a threat to human health and the environment, and is best addressed through the avoidance of the use of hazardous substances in products and processes as well as through production methods that prevent and minimize waste generation;

Noting that Decision III/1 to amend the Basel Convention provides incentives to minimize waste generation at source as one way of meeting that challenge;

Noting further that prevention and minimization of hazardous waste and other wastes at source are a critical stage of the waste management hierarchy;

Aware that the environmentally sound management of hazardous and other wastes has the potential to internalize costs, conserve valuable resources and reduce pollution;

Reaffirming the importance that national governments mainstream waste prevention, minimization and environmentally sound recovery into development strategies;

Recognising that countries generating the most hazardous and other wastes, have a special responsibility to take the lead in promoting and implementing waste prevention and avoidance policies and methods at source;

Further recognising that adequate and sustainable funding, capacity building, expertise and technology transfer is required, in order for developing countries to be able to achieve this critical stage of the environmentally sound management of waste;

Welcoming the work undertaken in the Consultative Process on Financing Options for Chemicals and Waste and looking forward to the Executive Director of UNEP's report to be present to the UNEP Governing Council Special Session in February 2012 following the consultations.

Declare that:

1. We commit to enhancing the active promotion and implementation of more efficient strategies to achieve prevention and minimization of the generation of hazardous waste and other wastes and their disposal;
2. We emphasize measures should be undertaken to achieve prevention and minimization of hazardous wastes and other wastes generated at source, to enable the decoupling of economic growth and the environmental impacts associated with waste generation;
3. We reaffirm that the Basel Convention is the primary global legal instrument for guiding the environmentally sound management of hazardous and other wastes and their disposal, including efforts to prevent and minimize their generation, and efficiently and safely manage that cannot be avoided;
4. We encourage efforts undertaken at national level to measure and record progress in waste reduction, and to report such progress to the Basel Convention Secretariat;
5. We also encourage Parties, signatories and others to develop synergistic national and regional pilot projects for waste prevention for specific waste streams of concern, where appropriate in

collaboration with inter alia the UNEP and UNIDO Cleaner Production programs, GEF, and the Basel Convention Regional Centers, and partnerships, including public-private partnerships;

6. We reaffirm that the safe and environmentally sound recovery of hazardous and other wastes that cannot as yet be avoided, represents an opportunity for the generation of employment, economic growth and the reduction of poverty insofar as it is done in accordance with the Basel Convention requirements, guidelines and decisions and will not create a disincentive for their prevention and minimization;

7. We encourage more systematic and comprehensive global and regional efforts to improve access to cleaner production methods as well as to information on less hazardous substitutes for hazardous chemicals and materials, in partnership with relevant initiatives;

8. We recognize the need to make the most of the Basel Convention regional and coordinating centers, which also need to be strengthened to disseminate information and practices on waste prevention and minimization as well as assist in developing pilot projects for environmentally sound management of specific waste streams of concern;

9. We also recognize that the ongoing synergy process in the Chemical and Waste Regime has delivered concrete and positive results, and that it can strongly contribute to improving waste prevention, minimization and recovery;

10. We acknowledge the significant contribution of the Basel public private partnerships especially the MPPI and PACE to improve waste prevention, minimization and recovery;

11. We welcome enhanced engagement with other bodies, NGOs and the private sector to advance work on prevention, minimization, and recovery of hazardous and other wastes, and to develop and implement projects, waste prevention programmes and partnerships to that end;

12. We encourage Parties, signatories and others in a position to do so, to assist in capacity building and technology transfer for waste prevention and minimization in regions needing such assistance;

13. We acknowledge that prevention, minimization and recovery of wastes advance the three pillars of sustainable development, and that fulfilment of the Basel Convention's objectives is an important contribution to the United Nations Conference on Sustainable Development in Rio de Janeiro in 2012.

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The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was adopted in 1989 and it came into force in 1992. It is the most comprehensive global environmental agreement on hazardous wastes and other wastes. With 179 Parties (as at 3 May 2012), it has nearly universal membership. The Convention aims to protect human health and the environment against the adverse effects resulting from the generation, transboundary movements and management of hazardous wastes and other wastes.

The Basel Convention regulates the transboundary movements of hazardous wastes and other wastes and obliges its Parties to ensure that such wastes are managed and disposed of in an environmentally sound manner. The Convention covers toxic, poisonous, explosive, corrosive, flammable, ecotoxic and infectious wastes. Parties also have an obligation to minimize the quantities that are transported, to treat and dispose of wastes as close as possible to their place of generation and to prevent or minimize the generation of wastes at source.

14 Basel Convention Regional and Coordinating Centres have been established under the Basel Convention as at 3 May 2012. The centres are located in Argentina, China, Egypt, El Salvador, Indonesia, Islamic Republic of Iran, Nigeria, Russian Federation, Senegal, Slovak Republic, South Africa, South Pacific Regional Environmental Programme (Samoa), Trinidad and Tobago, and Uruguay. They deliver training and technology transfer regarding management of hazardous wastes and other wastes and the minimization of their generation, so as to assist and support Parties in their implementation of the Convention.

The present publication compiles the decisions adopted by the Conference of the Parties to the Basel Convention at their sixth (2002), seventh (2004), eighth (2006), ninth (2008) and tenth (2011) meetings. It also includes the omnibus decision adopted by the Conference of the Parties to the Basel Convention at the first simultaneous extraordinary meetings of the conferences of the Parties to the Basel, Rotterdam and Stockholm conventions (2010).