

MATERIALS FLOW MANAGEMENT, ENVIRONMENTAL
TECHNOLOGY AND WASTE MANAGEMENT

Department VI



lebensministerium.at

To the Secretariat of the Basel Convention
Att. of Mrs Yvonne Ewang-Sarvincenti
Associate Legal Officer
Email: yvonne.ewang@unep.org

Vienna, January 8th 2010

Your Reference/Your File Number
Your letter dtd.

Our File Number

Official-in-charge/Ext.

Indonesian-Swiss Country Led
Initiative - request for com-
ments

BMLFUW-UW.2.1.3/0001-
VI/3/2010

Andreas Moser
3521

Austria very much welcomes the CLI of Indonesia and Switzerland and appreciates the work undergone in the draft analysis.

While we can agree with most of the findings in the analysis and regard it as a very useful input we would however like to address some inevitable chinks which should be kept in mind to avoid any misinterpretation of the results.

The analysis is based necessarily on the reports of the parties. However since there are huge differences in the enforcement capacity these reports may in many cases not reflect the real situation especially with regard to the waste generation.

Further more the increase of the generation of hazardous wastes in Annex VII Countries, which seems to be much higher than the increase of the gross national product may be an artefact generated by a constantly broadened definition of "hazardous waste". At least for Austria we can conclude that changes in the national legislation are the reason for a steady increase in the reported amount of hazardous wastes. Based on the precautionary principle an increasing number of only partly hazardous waste streams were classified as hazardous waste in the past by consecutive amendments of the Austrian Waste Management Act. The situation might be similar in many other Annex VII Countries especially in EU Member States.

Another systematically error may be the different interpretation of the hazard characteristics by different parties. In this context it should be mentioned that the analysis includes inter alia blast furnace slag and even iron in the intra non Annex VII shipments while iron (scrap) is listed on



List B (B1010) and (at least processed) blast furnace slag is not even regarded as a waste by many countries.

Further more many countries have implemented control systems for waste shipments exceeding the minimum requirements of the Convention and covering also non hazardous wastes, not listed as "other wastes" in the Convention. These notifications are also partly reported while they under strict legal terms are not covered by the Convention.

These at the moment unavoidable "grey" areas should be kept in mind drafting any conclusions from the analysis. At the same time it can be concluded that increased efforts on a technical level for a harmonisation in the interpretation of the hazard characteristics as well as of the Y-Codes combined with an increased capacity building are necessary to overcome these obstacles for a successful implementation of the Convention.

Für den Bundesminister

Andreas Moser

Focal Point
Austria

Elektronisch gefertigt