

DECISIONS ADOPTED BY THE SECOND MEETING OF THE CONFERENCE OF THE PARTIES IN GENEVA, SWITZERLAND ON 25 MARCH 1994

Decision II/1 LIABILITY AND COMPENSATION

The Conference,

Recalling Decision I/5 of the First Meeting of the Conference of the Parties to the Basel Convention establishing an ad hoc working group of legal and technical experts to consider and develop a draft protocol on liability and compensation, possibly including the establishment of an International Fund for compensation for damage resulting from the transboundary movements of hazardous wastes and their disposal,

Having considered the report of the Ad Hoc Working Group, attached to the note of the Secretariat contained in document UNEP/CHW.2/3,

1. Decides to extend the mandate of the Ad Hoc Working Group;
2. Notes with appreciation the progress report presented to it by the Ad Hoc Working Group of Legal and Technical Experts to consider and develop a draft protocol on liability and compensation for damage resulting from transboundary movements of hazardous wastes and their disposal;
3. Requests the Secretariat of the Basel Convention to address the questionnaire requiring information on the factual basis concerning liability and compensation to States Parties and non-Parties to the Basel Convention and to present a report on this subject to the next meeting of the Ad Hoc Working Group;
4. Requests States to respond to the Secretariat questionnaire as soon as possible;
5. Requests the Ad Hoc Working Group to make all efforts to finalize the proposed draft Articles of the Protocol in order to present it for consideration and possible adoption by the Third Meeting of the Conference of the Parties to the Basel Convention.

Decision II/2 EMERGENCY FUND

The Conference,

Recalling Article 14, paragraph 2, of the Basel Convention, which stipulates that "the Parties shall consider the establishment of a revolving fund to assist on an interim basis in case of emergency situations to minimize damage from accidents arising from the transboundary movements of hazardous wastes and other wastes or during the disposal of those wastes,"

Further recalling Decision I/14 of the First Meeting of the Conference of the Parties to the Basel Convention which requested the Ad Hoc Working Group of Legal and Technical Experts established by Decision I/5 to consider the elements that would be required for establishing such an emergency fund, the relationship between such an emergency fund and the rules of procedures to be adopted in the field of liability and compensation, and the availability of institutions able to provide prompt and adequate assistance in emergency situations,

Having considered the related parts of the report of the Ad Hoc Working Group of Legal and Technical Experts in relation to the implementation of Decision I/14 of the First Meeting of the Conference of the Parties on "Emergency Fund" as well as the note of the Secretariat contained in document UNEP/CHW.2/4,

1. Requests the Ad Hoc Working Group of Legal and Technical Experts to continue the consideration of the elements that would be required for establishing an emergency fund, and the relationship between such an emergency fund and the Protocol on Liability and Compensation under consideration by the same group;
2. Further requests the Ad Hoc Working Group to present a progress report on its work to the third meeting of the Conference of the Parties.

Decision II/3 MECHANISM FOR THE IMPLEMENTATION OF THE BASEL CONVENTION

The Conference,

Recalling Decision I/2 of the First Meeting of the Conference of the Parties to the Convention by which it has established the Open-ended Ad Hoc Committee,

1. Welcomes the work of the Open-Ended Ad Hoc Committee and request it to meet as necessary between the meetings of the Conference of the Parties in order to fulfil the task placed on it by the Conference of the Parties, subject to available resources;
2. Requests the Open-Ended Ad Hoc Committee to fulfil the task placed on it by decisions II/5, II/10, II/11, II/12, II/14, II/16, II/17, II/18, II/19, II/22, II/26 and II/27 and present a report on its work to the third meeting of the Conference of the Parties;
3. Requests the Secretariat of the Basel Convention to convene the Open-Ended Ad Hoc Committee and any subgroups the Committee needs to establish to facilitate its work, subject to available resources.

Decision 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 Co-operation 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 Co-operation 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.

Decision II/5 MODEL NATIONAL LEGISLATION FOR THE TRANSBOUNDARY MOVEMENT AND MANAGEMENT OF HAZARDOUS WASTES

The Conference

Recalling paragraph 4 of Article 4 of the Basel Convention which requests the Parties to take appropriate legal, administrative and other measures to implement and enforce the provisions of the Convention,

Convinced that an essential element of the fulfilment by the Parties of their obligations under the Convention is to promulgate new or adapt existing laws and regulations in accordance with the provisions of the Basel Convention,

Aware of the need of States to be assisted - upon request - in the formulation of their law and the development of institutional arrangements in the field of hazardous wastes, in particular in the implementation of the Basel Convention,

1. Accepts as a possible guideline the revised draft model national legislation annexed to the report of the Secretariat contained in document UNEP/CHW.2/5.
2. Requests the Secretariat to make available as a possible guideline the revised draft model national legislation to Parties as well as to non-Parties.
3. Also requests the Secretariat, in providing technical assistance in the field of national legislation, to take into account, inter alia, the revised draft model national legislation.
4. Invites Parties and non-Parties to communicate to the Secretariat their comments on the revised draft model national legislation.
5. Further requests the Secretariat to update, as necessary, the revised draft model national legislation and to report to the Open-ended Ad Hoc Committee for the implementation of the Convention.

Decision II/6 DESIGNATION OF COMPETENT AUTHORITIES AND FOCAL POINTS

The Conference,

Recalling Article 5 which requires the Parties to designate or establish one or more competent authorities and one focal point and to inform the Secretariat of the Basel Convention within three months of the date of the entry into force of the Convention for them, of the agencies they have designated as their competent authorities and focal point,

Also recalling Decision I/10 of the First Meeting of the Conference of the Parties,

Having considered the report of the Secretariat contained in document UNEP/CHW.2/17,

Invites Parties which have not yet informed the Secretariat of the designation of their competent authorities and focal points to do so as soon as possible.

Decision II/7 RELATIONSHIP OF THE BASEL CONVENTION AND THE LONDON CONVENTION, 1972

The Conference,

Recalling Decision I/4 of the First Meeting of the Conference of the Parties related to the harmonization of the Basel Convention and London Convention, 1972 and the cooperation between the Secretariat of the both Conventions in order to achieve this aim,

Having considered the report of the Secretariat contained in document UNEP/CHW.2/23,

1. Welcomes the response of the Contracting Parties to the London Convention, 1972 to the request made to them by decision I/4 of the First Meeting of the Conference of the Parties to the Basel Convention;
2. Invites the remaining Parties to the London Convention, 1972 who are not Parties to the Basel Convention to become Parties in order to facilitate the coordination and harmonization of the two Conventions;
3. Welcomes the decision by the 16th Consultative Meeting of the London Convention, 1972 to prohibit the dumping of industrial wastes and radioactive wastes and other radioactive matter at sea, as well the incineration at sea of industrial and sewage sludge;
4. Requests the Secretariat of the Basel Convention to continue its cooperation with the London Convention, 1972 in the preparatory process for the amendment of the London Convention, 1972 in order to achieve the goal of harmonization of the two Conventions and to report to the third meeting of the Conference of the Parties to the Basel Convention.

Decision II/8 COOPERATION WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY

The Conference,

Recalling Decision I/6 of the First Meeting of the Conference of the Parties on the harmonization of the procedure of the Basel Convention and the Code of Practice on the international transboundary movements of radioactive waste,

Having considered the report of the Secretariat contained in document UNEP/CHW.2/25,

1. Welcomes the adoption of the Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High- Level Radioactive Wastes in Flasks on Board Ships;
2. Requests the Secretariat of the Basel Convention to continue its cooperation with the International Atomic Energy Agency (IAEA) and the International Maritime Organization in relation to the implementation of the Code;
3. Further requests the Secretariat to continue its cooperation with the IAEA for the implementation of IAEA's General Conference Resolution GC(XXXVII)/Res/615, dated October 1993, which requested the Director General to initiate preparations for a convention on the safety of waste management as soon as the on-going process of

developing waste management safety fundamentals has resulted in broad international agreement.

Decision II/9 FOLLOW-UP TO UNEP GOVERNING COUNCIL DECISIONS 17/5, 17/13 AND 17/18

The Conference,

Recalling the Decisions adopted by the Governing Council of UNEP at its seventeenth session in May 1993 on:

- * Application of environmental norms by military establishments (17/5)
- * Carriage of irradiated nuclear fuel by sea (17/13)
- * Environmentally sound management of hazardous wastes (17/18)

Having considered the report by the Secretariat on the follow-up to the UNEP Governing Council Decisions 17/5, 17/13 and 17/18 contained in document UNEP/CHW.2/29,

1. Take note of the fact that the Secretariat of the Basel Convention has been given the responsibility, in cooperation with other units of UNEP, to work on matters closely related to the Basel Convention through the implementation of the Governing Council Decisions 17/5, 17/13 and 17/18;
2. Appreciate that the part of the work undertaken by the Secretariat of the Basel Convention to implement the Governing Council Decision 17/5, 17/13 and 17/18 which are not part of the work programme adopted by the First Meeting of the Conference of the Parties of the Basel Convention has been supported financially from funds from UNEP.

Decision II/10 BILATERAL, MULTILATERAL AND REGIONAL AGREEMENTS OR ARRANGEMENTS

The Conference,

Recalling that Article 11, paragraph 1, of the Basel Convention permits Parties to enter into bilateral, multilateral and regional agreements or arrangements regarding the transboundary movements of hazardous wastes or other wastes with Parties and non-Parties provided that such agreements or arrangements do not derogate from the environmentally sound management of hazardous wastes and other wastes as required by the Basel Convention and that these agreements or arrangements shall stipulate provisions which are not less environmentally sound than those provided for by the Convention, in particular taking into account the interest of developing countries,

Recalling that Article 11, paragraph 2, provides that the provisions of the Basel Convention shall not affect transboundary movements which are taking place pursuant to agreements concluded prior to the entry into force of the Basel Convention for the relevant Parties of such agreements provided that such agreements are compatible with the environmentally sound management of hazardous wastes and other wastes as required by the Basel Convention.

Recalling Decision I/9 of the First Meeting of the Conference of the Parties,

Having considered the report of the Secretariat contained in document UNEP/CHW.2/9 on the implementation of Decision I/9 referred to above,

Requests Parties which have entered, in accordance with Article 11, into bilateral, multilateral and regional agreements or arrangements to report, consistent with national laws and regulations, to the Open-Ended Ad Hoc Committee, through the Secretariat of the Basel Convention, on the conformity of such agreements or arrangements taking into consideration the list of questions annexed to this decision.

Annex Questions to be considered by Parties to Bilateral, Multilateral or Regional Agreements or Arrangements when reporting on their conformity with the provisions of Article 11 of the Convention

In preparation of its report to the Conference of the Parties, the following questions could be used as guidance by a Party when it is reviewing one of its agreements which falls under Article 11. The questions would help the Party focus on particular issues, however it is important to note that the agreement must be viewed in its entirety and not strictly provision by provision. It is also recognized that the purpose of the said agreement and the geographic, legal and economic circumstances of the other Contracting Party(ies) constitute elements of this review. A Party's Report would have to indicate that the different requirements found in paragraph 1 or 2 of Article 11, as appropriate, are met in conformity with the Basel Convention.

1. Does the Agreement address the control of the transboundary movement of hazardous wastes and other wastes subject to the Basel Convention?
2. Taking all practicable steps, will the management of hazardous wastes under the Agreement or arrangement be such that it will protect human health and the environment against adverse effects?
3. How does the Agreement or arrangement take into account the interests of developing countries?
4. Does the Agreement or arrangement require prior notification?
5. Does the Agreement or arrangement require prior consent?

6. Does the Agreement or arrangement provide for the tracking of the wastes?
7. Does the Agreement or arrangement provide for alternate measures for wastes which cannot be managed as planned?
8. Does the Agreement or arrangement provide for the identification of authorities responsible for the implementation of such an Agreement?
9. Are the obligations of the Article 11 Agreement or arrangement consistent with the control measures related to transboundary movements of hazardous wastes as provided for by the Basel Convention?
10. Are the wastes covered by the Article 11 Agreement and arrangement consistent with the scope of the Basel Convention?

Decision II/11 SCOPE OF THE CONVENTION

The Conference,

Having considered the issue of the scope of the Basel Convention in relation to its applicability to radioactive waste as raised by the Secretariat in document UNEP/CHW.2/26,

1. Invites Parties and non-Parties to present their views on this issue to the Secretariat of the Basel Convention,
2. Requests the Secretariat on the basis of these views in collaboration with the IAEA to prepare a document for further consideration by the Meeting of the Open-ended Ad Hoc Committee for the Implementation of the Convention.

Decision II/12 The Conference,

Recalling the request of the G-77 countries at the First Meeting of the Conference of the Parties to the Basel Convention in Uruguay, 30 November - 4 December 1992, for the total ban on all exports of hazardous wastes from OECD countries to non-OECD countries;

Recognizing that transboundary movements of hazardous wastes from OECD to non-OECD States have a high risk of not constituting an environmentally sound management of hazardous wastes as required by the Basel Convention;

1. Decides to prohibit immediately all transboundary movements of hazardous wastes which are destined for final disposal from OECD to non-OECD States;

2. Decides also to phase out by 31 December 1997, and prohibit as of that date, all transboundary movements of hazardous wastes which are destined for recycling or recovery operations from OECD to non-OECD States;
3. Decides further that any non-OECD State, not possessing a national hazardous wastes import ban and which allows the import from OECD States of hazardous wastes for recycling or recovery operation until 31 December 1997, should inform the Secretariat of the Basel Convention that it would allow the import from an OECD State of hazardous wastes for recycling or recovery operations by specifying the categories of hazardous wastes which are acceptable for import; the quantities to be imported; the specific recycling/recovery process to be used; and the final destination/disposal of the residues which are derived from recycling/recovery operations;
4. Requests the Parties to report regularly to the Secretariat on the implementation of this decision, including details of the transboundary movements of hazardous wastes allowed under paragraph 3 above. Further requests the Secretariat to prepare a summary and to compile these reports for consideration by the Open-ended Ad Hoc Committee. After considering these reports, the Open-ended Ad Hoc Committee will submit a report based on the input provided by the Secretariat to the Conference of the Parties of the Convention;
5. Requests further the Parties to cooperate and work actively to ensure the effective implementation of this decision.

Decision II/13 TECHNICAL GUIDELINES FOR THE ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES SUBJECT TO THE BASEL CONVENTION

The Conference,

Recalling Decision I/19 of the First Meeting of the Conference of the Parties to the Basel Convention accepting the Framework Document on the Preparation of Technical Guidelines and the four Technical Guidelines on priority waste streams and extending the mandate of the Technical Working Group to review the revised three Draft Technical Guidelines on Disposal Operations and to prepare Technical Guidelines for other priority operations and wastes streams subject to the Basel Convention,

Further recalling the Decision I/7 of the Open-ended Ad Hoc Committee on Technical Guidelines for the Environmentally Sound Management of Wastes subject to the Basel Convention recommending that the Conference of the Parties adopts the three draft Technical Guidelines on Disposal Operations (Specially Engineered Landfill D5; Incineration on Land D10; Used Oil Re-refining or other Re-uses of Previously Used Oil R9) and extend the mandate of the Technical Working Group with the aim to continue the preparation of new technical guidelines as identified by the Group itself, namely on:

(I) First priority: D9 Physico-chemical treatment; R4 Recycling/reclamation of metals and metal compounds; Y17 Wastes resulting from surface treatment of metals and plastics;

(II) Second priority: Y1 Clinical wastes; D8 Biological treatment; R1 Use as fuel; R2 Solvent reclamation/regeneration.

Having considered the report of the Secretariat on the Implementation of Decision I/19 which contains the Framework Document and the four Technical Guidelines on Priority Waste Streams (document UNEP/CHW.2./10) and the three Technical Guidelines on Priority Disposal Operations (document UNEP/CHW.2/10/Add. 1),

Noting with appreciation the progress achieved by the Technical Working Group in the preparation of the Framework Document and the Technical Guidelines for Priority Waste Streams and Disposal Operations subject to the Basel Convention:

1. Confirms adoption of the Framework Document on the Preparation of Technical Guidelines for the Environmentally Sound Management of Wastes Subject to the Basel Convention and the four sets Technical Guidelines, namely on Hazardous Wastes from the Production and Use of Organic Solvents (Y6), on Waste Oils from Petroleum Origins and Sources (Y8), on Wastes Comprising or Containing PCBs, PCTs and PBBs (Y10), and on Waste Collected from Household (Y46); and requests the Secretariat to publish and disseminate the Framework Document and the four Technical Guidelines between Parties and non-Parties together with a cover note explaining the nature of the document;

2. Adopts provisionally the three draft Technical Guidelines on: Specially Engineered Landfill (D5), on Incineration on Land (D10) and Used Oil Re-refining or other Re-uses of Previously Used Oil, subject to the additional comments to be provided to the Secretariat by States and concerned international organizations, and to publish and disseminate them to Parties and non-Parties; 3. Extends the mandate of the Technical Working Group with the aim for this Group to: further revise as appropriate the Draft Technical Guidelines adopted provisionally and to continue the preparation of new technical guidelines as identified by the Technical Working Group, namely on:

First priority

D9 Physico-chemical treatment

R4 Recycling/reclamation of metals and metals compounds

Y17 Wastes resulting from surface treatment of metals and plastics

Second priority

Y1 Clinical wastes

D8 Biological treatment

R1 Use as a fuel

R2 Solvent reclamation/regeneration.

Decision II/14 TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES
DESTINED FOR

RECOVERY OPERATIONS

The Conference,

Recalling decision I/16 of the First Meeting of the Conference of the Parties to the Basel Convention requesting its Technical Working Group to review the issue and consider the views submitted by States and interested organizations and to present its recommendations to the Parties at their second meeting,

Noting paragraph 20.33 (c) of UNCED Agenda 21, chapter 20, which calls upon countries "to promote the development of control procedures for the transboundary movements of hazardous wastes destined for recovery operations under the Basel Convention that encourage environmentally and economically sound recyclable options."

Also recalling decision I/7 of the Open-ended Ad Hoc Committee recommending to the Conference to extend the mandate of the Technical Working Group to further develop the draft paper on transboundary movements of hazardous wastes destined for recovery operations, and to invite interested Parties and non-Parties, and as the case may be non-governmental organizations and/or the private sector to prepare, in association with the Secretariat of the Basel Convention, two or three case-studies related to recovery operations involving two countries in full respect of the environmentally sound management of hazardous wastes destined to such recovery operations,

Having considered the draft paper on transboundary movements of hazardous wastes destined for recovery operations annexed to the note of the Secretariat (UNEP/CHW.2/12),

1. Welcomes the draft paper on transboundary movements of hazardous wastes destined for recovery operations;
2. Decides to extend the mandate of the Technical Working Group to further develop this draft paper on transboundary movements of hazardous wastes destined for recovery operations, taking into account the comments formulated by States and interested organizations and to present a revised version of this document to the Third Meeting of the Conference of the Parties for adoption in consultation with the Open-ended Ad Hoc Committee;
3. Requests Parties together with non-Parties, and as the case may be non-governmental organizations, including the private sector to prepare, in association with the Secretariat of the Basel Convention, two or three case studies along the lines developed in the terms of reference annexed to this Decision, related to recovery operations involving two countries in full respect of the environmentally sound management of the hazardous wastes destined to such recovery operations.
4. Further requests the Technical Working Group to develop guidance to assist States on the question of hazardous wastes under the Basel Convention, including hazardous

wastes destined for recovery operations and in co-operation with the Open-ended Ad Hoc Committee to present such guidance to the Third Meeting of the Conference of the Parties for consideration.

Annex Proposed Terms of Reference for the Case-Studies on the Environmentally Sound Management of Hazardous Wastes destined for Recovery Operations

- a. Identify the hazardous waste streams that are subject to recovery operations and the national/domestic infrastructure including legal and administrative arrangements that sustain such operations.
- b. Describe the existing trade in wastes identified and the structure and characteristics of the industries involved.
- c. Identify the technological options for the management of these wastes including their economic and technical aspects.
- d. Carry out a practical assessment of these facilities which recover the hazardous wastes, how the residues arising from the process are being disposed of and their impact on the health and the environment.
- e. Compare environmental and economic aspects of the recovery of secondary raw material from hazardous wastes and the production from virgin materials taking into account the disposal of any residues generated through the process.

Decision II/15 POSSIBLE EFFECTS OF THE BASEL CONVENTION ON THE TRANSBOUNDARY MOVEMENTS OF WASTE OZONE-DEPLETING CHEMICALS, INCLUDING HALONS, INTENDED FOR RECOVERY

The Conference,

Recalling Article 1 of the Basel Convention concerning the scope of the Convention, in particular its paragraph 1 (a),

Having considered the report by the Secretariat on possible effects of the Basel convention on the transboundary movements of waste ozone-depleting chemicals, including halons, intended for recovery contained in document UNEP/CHW.2/11,

Also noting the consideration of the Technical Working Group in regard to its role in the case of a need for technical interpretation of the Convention:

1. Requests its Technical Working Group in close cooperation with the Ozone Secretariat to further work on the issue of the classification of the waste ozone-depleting chemicals as hazardous wastes in accordance with the Basel Convention definition;

2. Also requests its Technical Working Group to perform the functions of its advisory body in case of a need for technical interpretation of the Convention;

3. Further requests its Technical Working Group to report on the issue of waste ozone-depleting chemicals and any cases involving a technical interpretation of the Convention to the Third Meeting of the Conference of the Parties.

Decision II/16 DOCUMENTATION: NOTIFICATION, MOVEMENT DOCUMENT

The Conference,

Recalling Decision I/21 of the First Meeting of the Conference of the Parties to the Basel Convention adopting, provisionally, the forms for both the Notification and the Movement Document and recommending to Parties to use these forms,

Noting that some delegations to the Open-ended Ad Hoc Committee emphasized the need to harmonize the forms of the Basel Convention with related forms being developed by the OECD and the EU (Paragraph 16 of the Report of the First Meeting of the Open-ended Ad Hoc Committee for the implementation of the Basel Convention),

Having considered the report of the Secretariat contained in document UNEP/CHW.2/14,

1. Requests the Parties to continue using the forms adopted provisionally and to inform the Secretariat on their experience on the use of these forms;
2. Requests the Secretariat to continue its work on the format of the Notification and Movement Document based on the replies received and comments to be sent by the Parties and international organizations concerned to the Secretariat by June 1994;
3. Instructs the Secretariat to report on paragraphs (1) and (2) above to the Third Meeting of the Conference of the Parties in consultation with the Open-ended Ad Hoc Committee, and to present its recommendations for any changes to be made to the Notification and Movement Document.

Decision II/17 TRANSMISSION OF INFORMATION

The Conference,

Recalling Article 13 of the Basel Convention which stipulates that the Parties to the Convention shall, through the Secretariat, provide information to each other and in some cases also to non-Party States on a set of issues concerning transboundary movements of hazardous wastes and their disposal,

Further recalling Decision I/11 of the First Meeting of the Conference of the Parties which requested the Secretariat to prepare an analytical summary of the reports submitted

to it and to present the summary to its Open-ended Ad Hoc Committee for evaluation of the information contained therein and a report on their findings to the Conference of the Parties at its Second Meeting,

Having considered the information provided by the Parties of the Convention presented in documents UNEP/CHW/C.1/1/5 and UNEP/CHW.2/15 (ref. also the compiled information provided in documents UNEP/CHW/C.1/1/Inf. 3 and UNEP/CHW.2/Inf. 5) and Decision I/4 of the Open-ended Ad Hoc Committee,

1. Urges Parties to report, as soon as possible, to the Secretariat in accordance with Article 13, on activities undertaken in 1993, using the form provided by the Secretariat for this purpose;
2. Also urges those Parties who have already presented an interim report for 1993 to provide any complementary information, as necessary, well in time, in order to enable the Secretariat to prepare a comprehensive analytical summary of the information provided by the Parties for the whole of 1993 to be considered by the next meeting of the Open-ended Ad Hoc Committee for the Implementation of the Basel Convention;
3. Further requests the Secretariat to issue in one document all information received up to date and presented in various documents and distributed to Parties, non Parties and non governmental organizations.

Decision II/18 ESTABLISHMENT OF THE INFORMATION MANAGEMENT SYSTEM
OF THE BASEL CONVENTION IN ACCORDANCE WITH
THE DECISION I/4 OF THE FIRST MEETING OF
THE OPEN-ENDED AD HOC COMMITTEE FOR
THE IMPLEMENTATION OF THE BASEL CONVENTION

The Conference,

Recalling Decision I/4 of the First Meeting of the Open-ended Ad Hoc Committee inviting the Conference to consider the need to develop an electronic information system and integrated telecommunications network to improve data gathering, organization, treatment and dissemination, and to provide assistance to developing countries in the collection and processing of these databases on a detailed request by the Secretariat that includes relevant technical and financial requirements,

Having considered the report by the Secretariat on the establishment of the Information Management System of the Basel Convention contained in document UNEP/CHW.2/16,

1. Requests the Secretariat of the Basel Convention to develop the Information Management System of the Basel Convention based on the outcome of the preliminary review, and to report on progress to the Third Meeting of the Conference of the Parties in consultation with the Open-ended Ad Hoc Committee;

2. Requests the Parties to allocate adequate financial resources for a minimum period of two years (1994-95), taking into account the costs estimated as indicated under paragraph 9, to allow the Secretariat to develop the Information Management System.

3. Also requests the Parties to make additional contribution for the budget for 1994 to allow starting of the establishment of the information management system already in 1994 subject to availability of resources.

Decision II/19 ESTABLISHMENT OF REGIONAL CENTRES FOR TRAINING AND TECHNOLOGY TRANSFER

The Conference,

Recalling Decision I/13 on the Establishment of Regional Centres for Training and Technology Transfer of the First Meeting of the Conference of the Parties to the Basel Convention in which it was decided that one of the functions of the Open-ended Ad Hoc Committee of the Conference would be to identify the specific needs of different regions and subregions for training and technology transfer and to report to the Second Meeting of the Conference of the Parties on ways and means for the establishment and functioning of such Centres, including considering appropriate funding mechanisms for this purpose,

Having considered the note of the Secretariat contained in document UNEP/CHW.2/19,

Having further considered the Open-ended Ad Hoc Committee recommendations contained in its Decision I/5 on "Establishment of Regional Centres for Training and Technology Transfer (annexed),"

Requests the Conference of the Parties to provide a strong mandate for the Open-ended Ad Hoc Committee at its second meeting, as already proposed in Committee Decision I/5, to conclude the selection of sites for the establishment of regional centre(s) based on the results of the feasibility studies and taking into account the existence of any related regional centre and inform the Third Meeting of the Conference of the Parties of the decision taken to enable the initiation of activities for the establishment of the regional centre(s).

Annex Committee Decision I/5 on Establishment of Regional Centres for Training and Technology Transfer

The Open-ended Ad Hoc Committee,

Recalling Decision I/13 on Establishment of Regional Centres for Training and Technology Transfer adopted by the Parties at their first meeting.

Also recalling Agenda 21 adopted by UNCED in June 1992 regarding the establishment of regional centres for training and technology transfer as outlined in paras 20.28(d) and 20.31(e) of Chapter 20 of Agenda 21.

Having considered the report by the Secretariat (UNEP/CHW/C.1/1/6 of 18 August 1993) on information received from the interested Parties to the Basel Convention in relation to the Establishment of Regional Centres for Training and Technology Transfer.

Convinced that States should cooperate to ensure the environmentally sound management of hazardous wastes and the minimization of their generation, according to the specific needs of different regions and sub-regions.

Recognizing that cooperation in the establishment of regional or subregional centres for training and technology transfer will facilitate the environmentally sound management of hazardous wastes and minimization of their generation.

Recommends that the following guidelines be used as a basis to determine the suitability of a potential pilot centre(s):

- a) Presence or potential use of an existing suitable facility, e.g. technology centre, university;
- b) Having access to appropriately-qualified individuals suitable for a hazardous waste management training programme and who can act as future instructors or trainers;
- c) Availability of a personnel pool to implement a hazardous waste management system;
- d) Commitment to invest time and resources into the maintenance, continuation and advancement of the centre;
- e) Programme must be fully recognized and promoted by senior government authorities;
- f) Centres should be located in a reasonably accessible area within a candidate region.

Invites those countries in a position to do so, individually or collectively, on a bilateral or multilateral basis, to consider supplying financial resources and technically qualified person(s) recruited from either government or the private sector to collaborate in the preparation of the feasibility study(ies) in the candidate regions.

Each feasibility study should include:

- a) Identifying and prioritizing the needs of the region;
- b) Identifying the resources available in the region;
- c) Identifying the resources required to address the needs;

- d) Identifying the benefits to be gained through establishment of a pilot centre;
- e) Obtaining views from candidate regions as to the types of technical assistance or training they consider to be of the highest priority;
- f) Determining if a centre is immediately required to address the prioritized needs;
- g) Determining what resources are available from each candidate region and what resources would be required.

Invites the Secretariat of the Basel Convention to take the necessary steps for the preparation of feasibility studies in Africa, Asia and the Pacific, Latin America and the Caribbean and Eastern Europe. This may involve acting as a liaison with individual host countries to provide for local support for the person(s) conducting the feasibility study. The candidate region should also provide, as appropriate, qualified person(s) to assist the technical representative in conducting the feasibility study.

Requests the Secretariat to prepare a report, based on a review of the feasibility studies, for distribution to all Parties and Signatories.

Requests the second meeting of the Conference of the Parties, based on the completion of the feasibility studies, to select sites for the establishment of regional centre(s). In case this is not possible, requests the Conference of the Parties to provide the mandate to the Open-ended Ad Hoc Committee to conclude the selection and inform the third meeting of the Conference of the Parties of the decision taken to initiate activities for the establishment of the regional centre(s).

Decision II/20 TRAINING AND SEMINARS RELATED TO THE BASEL CONVENTION

The Conference,

Recalling Decision I/20 adopted by the First Meeting of the Conference of the Parties which requested the Secretariat of the Basel Convention and, as appropriate, in cooperation with other units in UNEP and other relevant international organizations, to organize national and regional seminars or workshops and training programmes on the implementation of the Basel Convention and the environmentally sound management of wastes and hazardous wastes; and to help promote the adoption of cleaner production methods and new low-waste technologies and invited Parties to contribute technically and financially towards the organization of seminars, workshops and training programmes and towards covering the cost of participation of developing country representatives,

Recognizing the need of developing countries, Parties of the Convention, for assistance through training activities to facilitate the implementation of the Basel Convention,

Having considered the report of the Secretariat contained in document UNEP/CHW.2/20,

1. Requests the Secretariat, within available resources, to assist Parties and regions to develop training programmes, including curricula at national level in collaboration with national authorities, and continue to organize national and regional seminars or workshops and training programmes and curricula on the implementation of the Basel Convention and the environmentally sound management of wastes and hazardous wastes.
2. Further requests the Secretariat to promote the adoption of cleaner production methods and new low-waste technologies, in collaboration with relevant units in UNEP and other relevant international organizations, in particular with the Industry and Environment Programme Activity Centre of UNEP and UNITAR;
3. Also requests the Secretariat to continue promoting the environmentally sound management of wastes subject to the Basel Convention and to promote public awareness through participation in related international conferences, symposiums and seminars in order to make presentations and give lectures and to publish the newsletter and publications in this field;
4. Invites all Parties who are in position to do so to contribute technically, through, for example, contributions in kind of resource persons, and financially towards the organization of seminars, workshops and training programmes and towards covering the costs of participation of developing country representatives.

Decision II/21 THE ROLE OF THE SECRETARIAT OF THE BASEL CONVENTION IN THE IMPLEMENTATION OF AGENDA 21

The Conference,

Recalling Decision I/23 of the First Meeting of the Conference of the Parties on the Role of the Secretariat of the Basel Convention in the Implementation of Agenda 21 which called upon the Secretariat to carry out, within available resources, as a priority, a list of activities on issues raised in Agenda 21 which have relevance to the Basel Convention,

Aware of the need for assistance to developing countries in implementing the Convention,

And aware that Agenda 21 seeks to promote the development of control procedures for the transboundary movement of hazardous waste destined for recovery operations under the Basel Convention that encourage environmentally economically sound recycling operations.

Recognizing that very limited resources are available under the Convention to undertake this task,

1. Invites Parties and other countries to provide additional financial resources to the Technical Cooperation Trust Fund to enable the Secretariat to assist developing countries effectively in implementing the Convention, through the priority activities to be undertaken as set out in Agenda 21, and referred to in decision I/23;

2. Invites Parties and other countries to consider providing resource persons, experts in hazardous-waste- related issues, to advise developing countries, as required, in order to strengthen their institutional capacities in relation to the priority activities referred to in decision I/23.

Decision II/22 GLOBAL WASTE SURVEY

The Conference,

Recalling that the Parties at their first meeting were apprised of the information base being developed as a result of the Global Waste Survey and the potential benefit of such information in future decision-making on technical guidelines, technical centres, training and other capacity-building activities identified in decision I/23 of the Conference concerning the role of the Secretariat in the implementation of Agenda 21 of UNCED,

Further recalling that during the sixteenth Consultative Meeting of the Contracting Parties to the London Convention 1972 (November 1993) a number of parties to the London Convention 1972, which are also Parties to the Basel Convention, and the participating countries in the Global Waste Survey recognized that the Secretariat of the Basel Convention would be an appropriate forum to take over the Global Waste Survey, when the transitional phase carried out by IMO is completed,

Having considered the report by the Secretariat on the Global Waste Survey contained in document UNEP/CHW.2/24,

1. Requests the Secretariat to review further the relevance of the Global Waste Survey to the work of the Basel Convention and to report to the Bureau on its findings;
2. Requests, subject to the outcome of the review, the Secretariat of the Basel Convention to inform the Office for the London Convention 1972 on the readiness of the Parties to the Convention to keep, maintain, review and update the Global Waste Inventory and Database as from 1995;
3. Requests the Secretariat of the Basel Convention to continue cooperating closely with IMO, the concerned UNEP offices, namely IE/PAC and IRPTC/PAC and with other interested intergovernmental organizations, in particular WHO, in the conduct of the Global Waste Survey;
4. Further requests the Secretariat of the Basel Convention to report on the decision of the Bureau and on any progress in the transfer and management of the Global Waste Inventory and Database to the Third Meeting of the Conference of the Parties in

consultation with the Open-ended Ad Hoc Committee for the Implementation of the Basel Convention.

**Decision II/23 COOPERATION WITH THE UNITED NATIONS BODIES,
SPECIALIZED
AGENCIES AND REGIONAL SYSTEMS AND ORGANIZATIONS**

The Conference,

Recalling decision I/8 of the First Meeting of the Conference of the Parties to the Basel Convention requesting the Secretariat to continue its cooperation with all United Nations bodies, specialized agencies and regional systems and organizations, and other appropriate organizations in order to achieve the objectives of the Basel Convention,

Further recalling that the Parties at their first meeting agreed that the Secretariat of the Basel Convention should cooperate specially with the Customs Cooperation Council, and possibly IMO and other competent organizations in order to find means to achieve effective control at borders for transboundary movements of wastes (ref. paragraph 27 of the First Meeting of the Parties to the Basel Convention),

Having considered the report by the Secretariat on the implementation of decision I/8 contained in document UNEP/CHW.2/21,

1. Requests the Secretariat to continue its cooperation with the United Nations bodies, specialized agencies and regional systems and organizations and other international and regional organizations in the pursuance of the fulfilment of the obligations and achievement of the objectives of the Basel Convention,
2. Further requests the Secretariat to cooperate specifically with the Customs Co-operation Council and other relevant organizations in order to examine the possibility and practicability of including separate headings or sub-headings for hazardous wastes in the Harmonized System of the Customs Co-operation Council in order to enhance border control of these wastes.

**Decision II/24 COOPERATION BETWEEN THE INTERNATIONAL MARITIME
ORGANIZATION AND THE UNITED NATIONS ENVIRONMENT PROGRAMME
IN THE REVIEW OF EXISTING RULES, REGULATIONS AND PRACTICES WITH
RESPECT TO TRANSPORT OF HAZARDOUS WASTES BY SEA**

The Conference,

Recalling decision I/18 of the First Meeting of the Conference of the Parties requesting the Secretariat to cooperate further with International Maritime Organization, and consult, as appropriate, with the United Nations Committee of Experts on the Transport of Dangerous Goods, as well as with other relevant international organizations, in the development of criteria for the definition of hazardous characteristics,

Having considered the report of the Secretariat on the implementation of decision I/18 contained in document UNEP/CHW.2/22,

1. Requests the Secretariat to continue its cooperation, in particular, with the International Maritime Organization, the United Nations Economic Commission for Europe, the United Nations Industrial Development Organization, the International Programme of Chemical Safety, the Organisation for Economic Cooperation and Development and the European Union in the development of criteria for the definition of those hazardous characteristics which are currently not well defined, for the wastes subject to the Basel Convention and giving consideration to the work done in the respective intergovernmental organizations as well as in industrial organizations, to report to the Third Meeting of the Conference of the Parties on progress made in this issue;
2. Further requests its Technical Working Group to consider the issue of the development of criteria for the definition of those hazardous characteristics which are currently not well defined to review the report of the Informal Inter-Secretariats Consultation and to present its recommendations on the criteria and other matters required within the framework of the Basel Convention, to the Third Meeting of the Conference of the Parties for its consideration.

Decision II/25 RESPONSIBILITY OF STATES FOR THE IMPLEMENTATION OF THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

The Conference,

Recalling decision I/17 of the First Meeting of the Conference of the Parties, by which the Conference invited all States that had not done so to become Party to the Basel Convention,

Also recalling that in the same decision States Parties to the Convention were invited to cooperate in developing cleaner production technologies and cleaner products which would lead to the reduction and, as far as practicable, the elimination of the generation of hazardous wastes and the Secretariat of the Basel Convention was requested to facilitate cooperation between Parties to this effect,

Having considered the report prepared by the Secretariat contained in document UNEP/CHW.2/27,

1. Invites all States that have not done so to become Party to the Basel Convention;
2. Invites all Parties to the Convention who are currently using waste-minimization and cleaner production methods/technologies in their industrial processes to facilitate and cooperate in the transfer of such technologies to other interested Parties;

3. Appeals to all Parties who have not yet replied to the request from the Secretariat on initiatives taken by their respective Governments on cooperation on cleaner production technologies to do so at their earliest convenience to enable the Secretariat to circulate such information to all Parties to enable them to benefit from it;

4. Requests the Secretariat of the Basel Convention and, as appropriate, in cooperation with other units in UNEP, in particular the Industry and Environment Programme Activity Centre and other relevant United Nations organizations, to promote the development and adoption of cleaner production methods and new low-waste technologies leading to reduction of the generation of hazardous wastes by undertaking, inter alia, the following activities:

(a) Through the Technical Working Group of the Basel Convention identification of waste streams susceptible to cleaner production approaches;

(b) Identification of policy instruments which may promote improved waste minimization approaches at the national level, including estimation of incremental costs of implementing such policy instruments;

(c) Promotion of cleaner production through a more wide-ranging United Nations mechanism;

(d) In cooperation with other organizations, provision of printed material on cleaner production, including policy issues, to Parties, and organization of training courses and workshops on those issues;

(e) Provision of information exchange in technology assessment capacity;

(f) Mobilization of resources for cleaner production activities;

5. Invites Parties and other interested States and organizations through joint cooperation and other means, to contribute technically and financially towards the organization of workshops and seminars on the issue of waste minimization and cleaner production methods and the introduction of proven and environmentally sound technologies for disposal of hazardous wastes.

Decision II/26 MANUAL FOR THE IMPLEMENTATION OF THE CONVENTION

The Conference,

Recalling Decision I/3 of the First Meeting of the Conference of the Parties,

Having considered the report of the Secretariat contained in document UNEP/CHW.2/7,

1 Approves the Manual for immediate use;

2. Requests the Secretariat of the Basel Convention to ensure the dissemination of the Manual to all Parties and signatories in all the official languages of the United Nations;
3. Requests the Parties to ensure the wide dissemination of the Manual to legal or natural persons involved in the generation, export, import and/or disposal of hazardous wastes who express interest in receiving the Manual in order to make full use of the information contained therein;
4. Further requests the Secretariat to ask all Parties and non-Parties to comment on the Manual and, taking into account these comments, to prepare a revised Manual in consultation with the Open-Ended Ad Hoc Committee for the consideration of the third meeting of the Conference of the Parties to the Basel Convention.

Decision II/27 INSTITUTIONAL, FINANCIAL AND PROCEDURAL ARRANGEMENTS

Having reviewed the development in the implementation of the decisions of the First Meeting of the Conference of the Parties, the Bureau of the Conference of the Parties:

Recommends that the Conference of the Parties at its Second Meeting consider the following decision for adoption:

The Conference,

Having considered the experience of its Bureau and the Secretariat during the period between the First and Second Meetings of the Conference of the Parties,

I. Institutional arrangements

1. Decides to expand its Bureau, when convened between two meetings of the Conference of the Parties, to include five additional representatives of Governments who served as officers of the previous Bureau of the Conference of the Parties. Within the policy agreed by the Conference of the Parties, the expanded Bureau shall:
 - (a) Provide general policy and general operational directions to the Secretariat between meetings of the Conference of the Parties;
 - (b) Provide guidance and advice to the Secretariat on the preparation of agendas and other requirements of meetings and on any other matters brought to it by the Secretariat in the exercise of its function;
 - (c) Oversee the development and execution of the Secretariat's budget as derived from the Trust Funds and other sources, and also all aspects of fund raising undertaken by the Secretariat;
 - (d) Draft decisions for consideration by the Conference of the Parties;

(e) Report to the Conference of the Parties on the activities it has carried out between meetings of the Conference of the Parties;

(f) Perform any other functions as may be entrusted to it by the Conference of the Parties.

II. Financial arrangements

1. Approves the distribution of the contributions of the Parties to the budget of 1994, as provisionally adopted by the Ad Hoc Committee at its meeting in October 1993 reflecting its most recent changes in the scale of assessment of the United Nations;

2. Endorses the decision of the Bureau of the Conference of the Parties at its first meeting as approved by the Ad Hoc Committee which, inter alia, approved the survey of the personnel of the Secretariat including levels and job descriptions, approved the proposed changes in the 1993 budget and adopted the 1994 budget with the proposed changes in components 1100 and 1300, and requests the Secretariat to take all actions necessary to ensure that the grades of the staff members are reflected as recommended;

3. Expresses its concern over the delays in payment of the agreed contributions by Parties as well as the voluntary contributions by Parties and non-Parties according to the agreements reached at the First Meeting of the Conference of the Parties in accordance with which: "all contributions are due to be paid in the year immediately preceding the year to which the contributions relate"; and urges the Parties and non-Parties to pay their contributions for 1994 according to the distribution of contributions approved by the Conference of the Parties as soon as possible to allow the Secretariat of the Convention to continue its work as decided by the Conference of the Parties;

4. Further approves the budget for the two Trust Funds for 1995/1996;

5. Provisionally adopts formulas for contribution to the Trust Fund for the Implementation of the Basel Convention based on the United Nations scale of assessment (attached) subject to comments/reservations reflected in the Report of the Second Meeting of the Conference of the Parties and pending further consideration by the Bureau and adoption by the next meeting of the Open-ended Ad Hoc Committee for the Implementation of the Convention;

6. Requests the Executive Director of UNEP to extend the two Trust Funds to the Basel Convention for 1995/1996 and 1997/1998 and mutatis mutandis its Terms of Reference as adopted by the First Meeting of the Conference of the Parties (Annex II of decision I/7), taking into account its paragraph 19 and ensuring ex-post-facto approval of the UNEP Governing Council for these extensions;

7. Further requests the Executive Director to provide the Bureau of the Conference of the Parties with a report on the implementation of paragraphs 16 and 17 of the Terms of

Reference of the Trust Funds for the Basel Convention by the end of April for every previous year to ensure the transparency of the use of funds of the Contracting Parties;

8. Also requests the Executive Director of UNEP to advance funds to the Basel Convention on a reimbursable basis for operational requirements, including for technical cooperation activities;

9. Requests the Executive Director to consider and present to the Governing Council possibilities of supporting some activities and programmes recommended by the Bureau for the implementation of the Basel Convention on a non-reimbursable basis;

10. Requests the Secretariat to ensure the implementation of all decisions adopted by the Second Meeting of the Conference of the Parties within the approved budgets for 1994 and for 1995/1996, with the only limiting factor to be the resources within the approved budgets for 1994 and for 1995/1996.

III. Procedural arrangements

1. Decides that the Third Meeting of the Conference of the Parties will be held in September/October 1995, possibly in Nairobi if no additional cost is incurred. The Fourth Meeting of the Conference of the Parties shall be held in 1997.