

UNEP/CHW.3/35  
Distr. GENERAL  
28 November 1995  
ORIGINAL: ENGLISH

Third Meeting of the Conference of the Parties to the Basel Convention on the Control of  
Transboundary Movements of Hazardous Wastes and their Disposal

Geneva, 18-22 September 1995

**DECISIONS ADOPTED BY THE THIRD MEETING OF THE  
CONFERENCE OF THE PARTIES TO THE BASEL CONVENTION**

**Decision III/1**  
**Amendment to the Basel Convention**

The Conference,

Recalling that at the first meeting of the Conference of the Parties to the Basel Convention, a request was made for the prohibition of hazardous waste shipments from industrialized countries to developing countries;

Recalling decision II/12 of the Conference;

Noting that:

- the Technical Working Group is instructed by this Conference to continue its work on hazard characterization of wastes subject to the Basel Convention (decision III/12);
- the Technical Working Group has already commenced its work on the development of lists of wastes which are hazardous and wastes which are not subject to the Convention;
- those lists (document UNEP/CHW.3/Inf.4) already offer useful guidance but are not yet complete or fully accepted;
- the Technical Working Group will develop technical guidelines to assist any Party or State that has sovereign right to conclude agreements or arrangements including those under Article 11 concerning the transboundary movement of hazardous wastes.

1. Instructs the Technical Working Group to give full priority to completing the work on hazard characterization and the development of lists and technical guidelines in order to submit them for approval to the fourth meeting of the Conference of the Parties;
2. Decides that the Conference of the Parties shall make a decision on a list(s) at its fourth meeting;
3. Decides to adopt the following amendment to the Convention:

"Insert new preambular paragraph 7 bis:

Recognizing that transboundary movements of hazardous wastes, especially to developing countries, have a high risk of not constituting an environmentally sound management of hazardous wastes as required by this Convention;

Insert new Article 4A:

1. Each Party listed in Annex VII shall prohibit all transboundary movements of hazardous wastes which are destined for operations according to Annex IV A, to States not listed in Annex VII.

2. Each Party listed in Annex VII shall phase out by 31 December 1997, and prohibit as of that date, all transboundary movements of hazardous wastes under Article 1(i)(a) of the Convention which are destined for operations according to Annex IV B to States not listed in Annex VII. Such transboundary movement shall not be prohibited unless the wastes in question are characterised as hazardous under the Convention.

Annex VII

Parties and other States which are members of OECD, EC, Liechtenstein."

**Decision III/2**  
**Liability and Compensation**

The Conference,

Recalling decision II/1 of the second meeting of the Conference of the Parties:

1. Extends the mandate of 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;
2. Takes note of the report presented to it by the Ad Hoc Working Group;
3. Requests the Ad Hoc Working Group to make all efforts possible to finalize the draft Articles of the Protocol, making use of informal meetings where possible, in order to present it for consideration and adoption by the fourth meeting of the Conference of the Parties to the Basel Convention.

**Decision III/3**  
**Emergency Fund**

The Conference,

Recalling decision II/2 of the second meeting of the Conference of the Parties:

1. Requests the Extended Bureau to:
  - a) ensure that special consideration should be given, if appropriate through a special informal working group, to the issues related to establishing an emergency fund, including the elements required for its establishment;
  - b) convene the special informal working group meeting, if possible, in conjunction with the Ad Hoc Working Group of Legal and Technical Experts to consider and develop a Draft Protocol on Liability and Compensation;

c) present a progress report on the establishment of such AN emergency fund to the fourth meeting of the Conference of the Parties, taking into account the relationship of an emergency fund and a draft protocol on liability and compensation and the work being done on that protocol by the Ad Hoc Working Group of Legal and Technical Experts.

#### **Decision III/4**

#### **Subsidiary Bodies under the Conference of the Parties of the Basel Convention**

The Conference,

Recalling decision II/3 of the second meeting of the Conference of the Parties:

1. Welcomes the work of the Open-ended Ad Hoc Committee for the Implementation of the Basel Convention and requests it to meet as necessary between the meetings of the Conference of the Parties in order to fulfil the tasks placed on it by the Conference of the Parties, subject to available resources;
2. Welcomes also the work performed by the Technical Working Group and the Ad Hoc Working Group of Legal and Technical Experts and request them to continue their meetings as necessary between the meetings of the Conference of the Parties in order to fulfil the tasks placed on them by the Conference of the Parties, subject to available resources;
3. Requests the Open-ended Ad Hoc Committee to fulfil the task placed on it by decisions 9, 17 and 19 and present a report on its work to the fourth meeting of the Conference of the Parties;
4. Requests the Secretariat of the Basel Convention in consultation with the Bureau of the Conference of the Parties to convene the Open-ended Ad Hoc Committee when necessary, making use of informal meetings, subject to availability of resources;
5. Authorizes the Extended Bureau to perform some functions of the Open-ended Ad Hoc Committee, especially administrative tasks and the preparation of recommendations for the meeting of the Conference of the Parties taking into account the need for the rational use of limited financial resources available under the Basel Convention Trust Fund.

#### **Decision 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.

**Decision III/6**

**Model National Legislation for the transboundary movement and management of hazardous wastes**

The Conference,

Recalling decision II/5 of the second meeting of the Conference of the Parties:

1. Approves the revised Model National Legislation for immediate use;
2. Requests the Secretariat of the Basel Convention to disseminate the Model National Legislation to all States;
3. Also requests the Secretariat of the Basel Convention, in providing technical assistance in the field of national legislation, to take into account, inter alia, the revised Model National Legislation.

**Decision III/7**

**Designation of Competent Authorities and Focal Points**

The Conference,

Recalling Article 5 of the Basel Convention and decision II/6 of the second meeting of the Conference of the Parties:

1. Requests Parties which have not yet informed the Secretariat of the Basel Convention of the designation of their Competent Authorities and Focal Points to do so as soon as possible.

**Decision III/8**

**Manual for the Implementation of the Basel Convention**

The Conference,

Recalling decision II/26 of the second meeting of the Conference of the Parties:

1. Approves the Manual for use by the Contracting Parties, other States and interested organizations and bodies;
2. Requests the Secretariat of the Basel Convention to ensure the publication and dissemination of the Manual to all Parties;

3. Requests the Parties to ensure the wide dissemination of the Manual to all bodies, national authorities and 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 in this document.

### **Decision III/9**

#### **Bilateral, multilateral and regional agreements or arrangements**

The Conference,

Recalling decision II/10 of the second meeting of the Conference of the Parties:

1. Requests the Parties which have entered, in accordance with Article 11, into bilateral, multilateral and regional agreements or arrangements to continue 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 with the provisions of the Basel Convention taking into consideration the list of questions annexed to decision II/10;

2. Requests the Secretariat of the Basel Convention to update the compilation containing the bilateral and multilateral agreements or arrangements to circulate it to the Parties to the Basel Convention.

### **Decision III/10**

#### **Evaluation of the effectiveness of the Basel Convention**

The Conference,

Recalling Article 15, paragraph 7, of the Basel Convention which requests the Conference of the Parties to "undertake three years after the entry into force of this Convention, and at least every six years thereafter, an evaluation of its effectiveness...";

Recalling also Article 15, paragraph 5(c), which allows the Conference to "consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation and in the operation of the agreements and arrangements envisaged in Article 11";

Having noted documents UNEP/CHW.3/31 and UNEP/CHW.3/Inf.7 containing the summary and the study on "Evaluation of the Effectiveness of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal";

Recognizing that the Basel Convention has contributed to the control of transboundary movements of hazardous wastes and their management in an environmentally sound manner;

Recognizing also the valuable support and assistance of the Secretariat of the Basel Convention provided to developing countries and countries with economies in transition;

1. Invites non-Parties to the Convention to become Parties as soon as possible in order to ensure the global role of the Convention in controlling the movement and the environmentally sound management of hazardous wastes;

2. Further requests the Parties to:

a) take the legal and technical steps necessary for the implementation of the Convention at the national level in order to ensure its effectiveness;

b) accelerate the early adoption of the Protocol on Liability and Compensation as well as additional technical guidelines for the environmentally sound management of hazardous wastes which will enhance the effectiveness of the Convention;

c) to pay on time the contribution based on the UN scale of assessments approved by the Conference of the Parties and to provide the Secretariat of the Basel Convention with additional resources on a voluntary basis to enable it to undertake the tasks entrusted to it.

3. Requests the Secretariat of the Basel Convention:

a) to continue providing the necessary assistance to the Parties, in particular to developing countries and countries with economies in transition, in order to enable them to effectively fulfil their obligations under the Convention and hence ensure its effectiveness;

b) to continue its cooperation with other UN bodies, international and regional organizations as well as the private sector and NGOs in all aspects related to the implementation of the Basel Convention.

### **Decision III/11**

#### **Monitoring the implementation of and compliance with the obligations set out by the Basel Convention**

The Conference,

Recalling Article 19 of the Basel Convention;

Further recalling decision II/3 of the Open-ended Ad Hoc Committee for the Implementation of the Basel Convention;

1. Takes note of the study reflected in document UNEP/CHW.3/Inf.5 entitled "Monitoring Implementation of and Compliance with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Other Wastes and their Disposal";



2. Requests the Consultative sub-group of Legal and Technical Experts to study all issues related to the establishment of a mechanism for monitoring implementation of and compliance with the Basel Convention and its design, and to report its findings to the fourth meeting of the Conference of the Parties to the Basel Convention.

**Decision III/12**  
**Hazard characterization**

The Conference,

Referring to Decision II/13 of the second meeting of the Conference of the Parties, wishes to:

1. Take note of the guidance developed by the Technical Working Group on the use of Annex I and Annex III of the Basel Convention and the lists of wastes in the report of the eighth session of the Technical Working Group, and request the Technical Working Group to continue its work on this guidance;

2. Request the Technical Working Group to:

a) continue work on criteria for hazardous characteristics in conjunction with Annex I (Categories of wastes to be controlled) of the Basel Convention, in particular for classes H10 to H13. The development of criteria should avoid, where possible, the need for complex and costly testing;

b) initiate a programme of work for the characteristics H10-H12 in cooperation with appropriate international organizations;

c) continue work on developing guidance for the use of characteristic H13. In particular by identifying the purpose and the wastes for which countries consider H13 to be important.

3. Request the Technical Working Group to:

a) further work on exploring limit values for use when appropriate in applying the de minimis approach;

b) identify those chemical constituents, in Annex I, which require further description in order to differentiate better between those constituents that always cause a waste (subject to the de minimis approach mentioned above) to be hazardous and those that do not necessarily cause a waste to be hazardous;

c) consider ways of taking forward the development of lists of hazardous wastes and the applicable procedure for their review based on the outcome of the work of the Technical

Working Group, in particular the outcome of its seventh and eighth sessions as well as further developing lists of wastes not covered by the Basel Convention.

4) Request the Technical Working Group to report on the above activities to the fourth meeting of the Conference of the Parties.

### **Decision III/13**

#### **Technical Guidelines for the environmentally sound management of wastes subject to the Basel Convention**

The Conference,

Referring to decisions II/13 and II/25 of the second meeting of the Conference of the Parties, wishes to:

1. Confirm the decision of COP2 and adopt the three Technical Guidelines on:

- . specially engineered landfill (D5)
- . incineration on land (D10)
- . used oil re-refining or other re-uses of previously used oil (R9)
- . and request SBC to disseminate them to Parties, non-Parties, international organizations and others in all UN languages as appropriate.

2. Extend the mandate of the Technical Working Group to:

a) further develop the draft technical guidelines on Physico-chemical Treatment (D9) and Biological Treatment (D8);

b) prepare draft technical guidelines:

- . on recycling/reclamation of metals and metal compounds (R4)
- . wastes resulting from surface treatment of metals and plastics (Y17),
- . clinical wastes from medical care in hospitals, medical centres and clinics (Y1), in close cooperation with WHO and UN/CETDG;

c) continue with the work of selecting hazardous waste streams susceptible to cleaner production approaches within the framework of the Basel Convention, taking into account available resources, and making use of relevant experience in other fora;

3. Request the Technical Working Group to report on progress on the above listed activities to COP4.

4. Invite Parties to cooperate with each other in carrying out technical projects, in consultation with and/or through SBC, to address the needs of developing countries and countries with economies in transition Party to the Convention, for access to information and/or on transfer of cleaner production technologies.

#### **Decision III/14**

#### **Transboundary movements of hazardous wastes destined for recovery operations**

The Conference,

Referring to decision II/14 of the second meeting of the Conference of the Parties, wishes to:

1. Adopt the Guidance Document on Transboundary Movements of Hazardous Wastes destined for Recovery Operations;
2. Request SBC to issue and disseminate it to all Parties to the Convention, non-Parties, international organizations and other concerned bodies;
3. Request SBC to initiate under the guidance of the Technical Working Group case studies providing the elements for improving the recovery of hazardous wastes in non-OECD countries through assessment of the functioning of recovery facilities and identification of ways and means to aim at the environmentally sound management of the hazardous wastes to be recovered and the recovery operations themselves along the lines of operational paragraph 3 of decision II/14 adopted by COP2 and the terms of reference annexed to it;
4. Request SBC to report to the COP4 through the Technical Working Group on progress made with the implementation of case studies and/or outcome of such case studies if completed as well as on further work undertaken on recovery operation practices.

#### **Decision III/15**

#### **Possible effects of the Basel Convention on the transboundary movements of reclaimed ozone-depleting chemicals**

The Conference,

Referring to decision II/15 of COP2 and to further consultations with the Contracting Parties and Secretariat of the Montreal Protocol, agrees that:

1. The controlled substances of the Montreal Protocol which are reclaimed and purified to usable purity specifications prescribed by appropriate international and/or national organizations including the International Standards Organization (ISO) do not fall under the scope of the Basel Convention.

### **Decision III/16**

#### **Documentation: Notification and Movement Document**

The Conference,

Referring to decision II/16 of the second meeting of the Conference of the Parties, wishes to:

1. Decide that the terminology to be used on the forms should be according to the Basel Convention;
2. Further decide to recommend that the duly completed Notification will always accompany the Movement Document;
3. Taking into consideration (a) and (b) above, agree to adopt the revised format of the Notification and Movement Document;
4. Also agree to adopt provisionally the Instruction Manual accompanying the Notification and Movement Document and request SBC to finalize the Instruction Manual.

### **Decision III/17**

#### **Transmission of information**

The Conference,

Referring to decision II/17 of the second meeting of the Conference of the Parties, wishes to:

1. Invite Parties to cooperate with each other in the following areas in order to facilitate the implementation of the Basel Convention including the reporting on Article 13 of the Convention:
  - training in the use of Notification and Movement Document;
  - assessment of the potential harmful effects on health and the environment by exposure to hazardous wastes;
  - monitoring the effects of the management of hazardous wastes on human health and environment;
  - assessment of the potential benefits and implementation costs of introducing economic instruments for the promotion of all aspects of waste minimization including cleaner production;

- establishment of environmentally sound disposal facilities for hazardous wastes as close as possible to the source of generation and/or to make available disposal facilities in their own countries;
  - identification of the main hazardous waste streams generated in their countries and setting up and maintenance of inventories in this respect.
2. Request the Secretariat to prepare a standardized format for reporting on additional national definitions of hazardous wastes in accordance with Article 3 of the Convention;
  3. Invite Parties to set up appropriate procedures to monitor transboundary movements of hazardous wastes including reporting on accidents occurred in this connection and to consider to include reference to such accidents in the format for the Movement Document;
  4. Welcome the preparation by the Secretariat of Country Fact Sheets based on information provided by the Parties as well as the preparation of tables on statistics on import/export and on generation of hazardous wastes and request the Secretariat to continue with this work and to explore additional ways of presenting complete information;
  5. Request all Parties to report as soon as possible to the Secretariat of the Basel Convention on activities pertinent to the calendar year 1994 in relation to Article 13 of the Basel Convention using the format for reporting developed by the Secretariat and also to report on the amount of hazardous wastes generated in their countries within the same calendar year;
  6. Further request all Parties to report on or provide additional information on Article 16 of the Convention in relation to paragraph 1(g) using the format provided by the Secretariat for this purpose;
  7. Request the Secretariat to report to the third session of the Open-ended Ad Hoc Committee on information provided by Parties under Article 13 for the calendar year 1994 and on information on hazardous wastes generated, as well as on information provided under Article 16 1(g) and present this information in a compiled and summarized form.

**Decision III/18  
Establishment of the Information Management System on Wastes (IMSW) of the  
Basel Convention**

The Conference,

Referring to decision II/18 of the second meeting of the Conference of the Parties, wishes to:

1. Request the Secretariat to progress with the establishment of the IMSW and report to COP4 on progress made;
2. Further request the Secretariat, while developing the IMSW, to prepare a management status and explain the purpose, design and deliverability of the project and submit it to the Technical Working Group for consideration and guidance;
3. Also request SBC to continue its consultation with UNCTAD on the collection of statistics on transboundary movements of hazardous wastes and other wastes destined for recovery operations;
4. Further request SBC to pursue consultation with UN-ECE, EUROSTAT and other appropriate bodies on the development of common terminology for waste with a view to aiming towards classification systems that could be comparable.

### **Decision III/19**

#### **Establishment of Regional or Sub-regional Centres for Training and Technology Transfer regarding the management of hazardous wastes and other wastes and the minimization of their generation**

The Conference,

Referring to decision II/19 of the second meeting of the Conference of the Parties and Committee Decision II/1 of the second session of the open-ended Ad Hoc Committee on the Establishment of Centres with its Appendix, wishes to:

1. Express its appreciation for the countries which provided in-kind contribution to the Secretariat in carrying out the feasibility studies for the Latin America and Caribbean region, for the Central and Eastern Europe region and for the Asian region.
2. Select sites for the establishment of the regional and sub-regional centres for training and technology transfer regarding the management of hazardous wastes and other wastes and the minimization of their generation:
  - a) For the Latin America and Caribbean region by:
    - selecting Uruguay as the coordinating centre for this region with three sub-regional centres: Argentina for the South America sub-region; El Salvador for Central America sub-region including Mexico; and Trinidad and Tobago for the Caribbean sub-region;
    - recommending that the approach for the establishment of regional/sub-regional centres in Latin America and the Caribbean could be adopted for other regions.
  - b) For the African region by:

- selecting Nigeria as the coordinating centre for this region with three sub-regional centres: Egypt for Arabic-speaking countries in Africa, which will serve the other Arabic-speaking countries; South Africa for English-speaking countries in Africa; and a third sub-regional centre, yet to be selected, for French-speaking countries in Africa. Reports on further studies in relation to the African region are to be presented to the next meeting of the Bureau or the third session of the Open-ended Ad Hoc Committee.

c) For the Central and Eastern Europe region by:

- Selecting the Slovak Republic for the Central Europe sub-region; the Russian Federation for the Eastern Europe sub-region; possibly, subsequently, a third sub-regional centre in Estonia; and by appointing a central coordinating body.

d) For the Asia and Pacific region by:

- Selecting China and Indonesia as regional centres.

3. In view of recommendations presented in the report of the feasibility study on the establishment of Asian regional centres, it was reiterated by the Indian delegation that India could be considered as a possible host for a regional or sub-regional centre subject to further consultation at national level on the site for such a centre and to consultations with the Secretariat of the Basel Convention on what could be the possible relation of such a centre in India with the other centres in the Asian region, namely those in China and Indonesia.

4. Invite those countries in a position to do so, individually or collectively, on a bilateral or multilateral basis, to provide financial resources and/or technically qualified person(s) recruited from government, the private sector or environmental NGOs to collaborate in the establishment of centres for which sites have been agreed upon and in this connection take note of the offer from ICC to collaborate on this matter.

5. Invite those countries in a position to do so, individually or collectively, on a bilateral or multilateral basis, to provide financial resources and/or technically qualified person(s) recruited from government, the private sector or environmental NGOs to collaborate in the undertaking of studies for Africa and Western Asia. The interest expressed by representatives from ICC and UNIDO regarding collaboration on this matter should be followed up.

6. Invite the United Nations Environment Programme (UNEP), the United Nations Development Programme (UNDP), the United Nations Organization for Industrial Development (UNIDO) and the United Nations regional economic commissions, to assist the Parties to the Basel Convention and the Secretariat in the completion of remaining studies as well as assisting and collaborating in the process of establishing centres for training and technology transfer in all five regions. It also invites the World Bank, Regional and Sub-regional Development Banks, the GEF, United Nations Department of

Policy Coordination and Sustainable Development (UN-DPCSD) as well as the private sector to assist in the establishment of these centres.

7. Invite the Technical Working Group to cooperate on the establishment of the regional centres for training and technology transfer regarding the management of hazardous wastes and other wastes and the minimization of their generation within the framework of the Basel Convention as a major component in capacity building activities particularly in developing countries and countries with economies in transition.
8. Note that a component of the work of the regional/sub-regional centres should be to provide advice on the avoidance of inappropriate technology transfer and encouragement of cleaner technologies and sound hazardous waste management practices.
9. Further note, that Senegal has indicated its interest in being considered for selection as a sub-regional centre for French-speaking countries in Africa.
10. Request the Secretariat to report to the third session of the Open-ended Ad Hoc Committee or to another appropriate body on progress made in the establishment of regional centres on training and technology transfer in Latin America and the Caribbean, in Asia, in Central and Eastern Europe, in Africa and in Western Asia.

### **Decision III/20**

#### **Training and seminars related to the Basel Convention**

The Conference,

Referring to decision II/20 of the second meeting of the Conference of the Parties, wishes to:

1. Request the Secretariat to continue developing training programmes, including curricula at national level in collaboration with national authorities, and organizing national and regional training activities on the implementation of the Basel Convention in collaboration with UNEP and other international organizations and as far as possible within the framework of the regional/sub-regional centres for training and technology transfer presently being established under the Basel Convention.
2. Also request the Secretariat to continue promoting public awareness on the aims of the Basel Convention through for example participation in related international conferences, symposia and seminars and by publishing newsletters and other publications/material in this field.
3. Urge Parties to contribute to the Technical Cooperation Trust Fund to assist developing countries Parties in the implementation of the Basel Convention and invite all Parties who are in a position to do so to contribute to the Trust Funds to cover the costs of participation of developing country representatives at meetings and seminars organized



by the Secretariat of the Basel Convention, or in kind through i.a. the provision of resource persons for the organization of seminars, workshops and training programmes.

4. Also invite Parties to collaborate with each other on a bilateral basis in the development and implementation of training programmes as well as public awareness activities on the implementation of the Basel Convention.

### **Decision III/21**

#### **Technical assistance under the Basel Convention including for the Implementation of Agenda 21**

The Conference,

Recalling decision I/23 of the first meeting of the Conference of the Parties and decisions II/20 and II/21 of the second meeting of the Conference of the Parties:

1. Invites Parties and non-Parties as well as interested IGOs to provide financial resources to the Technical Cooperation Trust Fund to enable the Secretariat of the Basel Convention to assist developing countries and countries with economies in transition effectively in implementing the Convention including through activities in Agenda 21 of direct relevance to the Convention.

2. Also invites Parties, non-Parties and relevant international organizations to contribute in kind to activities to be carried out for developing countries and countries with economies in transition in the field of environmentally sound management of hazardous by providing resource persons, experts in hazardous waste related issues, to advise these countries as required in strengthening their institutional capacities for the implementation of the Basel Convention and/or to provide in-service training for experts from these countries.

3. Invites Parties and other countries to consider providing support directly on a bilateral basis for project proposals and requests for assistance received from Parties which are developing countries and countries with economies in transition through the Secretariat of the Basel Convention and keep the Secretariat informed on the implementation of activities in this respect.

### **Decision III/22**

#### **Cooperation with the International Atomic Energy Agency**

The Conference,

Recalling decision II/11 of the second meeting of the Conference of the Parties:

1. Welcomes the preparation by the IAEA of a draft Convention on Safety of Management of Radioactive Wastes.

2. Requests the Secretariat of the Basel Convention to continue its cooperation with the IAEA in particular in the preparation of a draft Convention on Safety of Management of Radioactive Wastes particularly in relation to the question of the inclusion of low-level radioactive wastes in its scope.

3. Further requests the Secretariat of the Basel Convention to report to the fourth meeting of the Conference of the Parties on the progress made on the Secretariat of the Basel Convention's cooperation with IAEA on the elaboration of the draft Convention on Safety of Management of Radioactive Wastes.

### **Decision III/23**

#### **Relationship of the Basel Convention and the London Convention, 1972**

The Conference,

Recalling decisions II/7 and II/22 of the second meeting of the Conference of the Parties:

1. Invites Parties to the London Convention, 1972, which are not Parties to the Basel Convention to become Parties in order to facilitate the coordination between the two Conventions;

2. Welcomes the decisions 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 as the incineration at sea of industrial wastes and sewage sludge;

3. Requests the Secretariat of the Basel Convention to continue its cooperation with the Consultative Meeting of the London Convention, 1972 and the IMO in the preparatory process for the amendment of the London Convention, 1972 in order to achieve the goal of coordination between the two Conventions and to report to the fourth meeting of the Conference of the Parties to the Basel Convention;

4. Further requests the Secretariat of the Basel Convention to continue to cooperate with the Consultative Meeting of the London Convention, 1972 and the IMO with a view to ensuring that there is no duplication of activities to be carried out under both the Basel and the London Conventions, and with a view to ensuring their complementarity;

5. Also requests the Secretariat of the Basel Convention to further investigate, in cooperation with the Consultative Meeting of the London Convention, 1972 and the IMO, the impact of the ban of the disposal of industrial wastes at sea on the treatment and disposal of hazardous waste on land, which might affect their transboundary movement.

### **Decision III/24**

#### **Cooperation between the International Maritime Organization and the Basel Convention, in the review of existing rules, regulations and practices with respect to transport of hazardous wastes by sea**

The Conference,

Referring to decision II/24 of the second meeting of the Conference of the Parties wishes to:

1. Request SBC to further strengthen its cooperation with IMO and other relevant UN bodies, such as the UN Committee of Experts on the Transport of Dangerous Goods, the UN Economic Commission for Europe (UN-ECE), the Inter-organization Programme of Sound Management of Chemicals, and the International Programme on Chemical Safety (IPCS) with a view to bringing them to participate fully and to contribute to the work undertaken by the Technical Working Group on hazard characterization of wastes subject to the Basel Convention and to pursue work on harmonization of criteria for the classification of hazardous wastes.
2. Further request SBC to continue its cooperation in this field with the IMO as well as with other intergovernmental organizations, in particular, OECD and the European Commission;
3. Also request that the cooperation of SBC on the subject of harmonization of criteria for the classification of hazardous wastes be extended to concerned non-governmental organizations and the private sector, particularly the Council of the Federation of European Chemical Industries (CEFIC); the Oil Companies' European Organization for Environmental and Health Protection (CONCAWE); European Centre for Ecotoxicology and Toxicology of Chemicals (ECETOC), and International Petroleum Industry Environmental Conservation Association (IPIECA).

### **Decision III/25**

#### **Follow-up to UNEP Governing Council decisions concerning environmentally sound management of hazardous wastes**

The Conference,

Referring to decision II/9 of the second meeting of the Conference of the Parties, wishes to:

1. Appreciate the work done by the Secretariat of the Basel Convention on the Implementation of the three UNEP Governing Council 17 Decisions, namely:

17/5 - Application of environmental norms by military establishments;

17/13 - Carriage of irradiated nuclear fuel by sea; and

17/18 - Environmentally sound management of hazardous wastes.

2. Request the Secretariat of the Basel Convention to cooperate with UNEP Headquarters and its Regional Offices in the fields related to subjects covered by the above referred to UNEP 17th Governing Council Decisions to the extent to which the activities of the above three subject areas are covered by the provisions of the Basel Convention and decision of its Contracting Parties.

### **Decision III/26**

#### **Cooperation with UN bodies, specialized agencies and regional systems and organizations**

The Conference,

Referring to decision II/23 of the second meeting of the Conference of the Parties, wishes to:

1. Request SBC to continue its cooperation with the following organizations in order to pursue the fulfilment of the objectives and obligations of the Convention, in particular:

United Nations bodies and specialized agencies, namely: UNCETDG, UN-CHS (Habitat), UNCTAD, UN-DHA, UN-DPCSD, UNDP, ILZSG, UNEP, UNITAR, UN Regional Commissions (ECA; ECE; ECLAC; ESCAP; ESCWA), the World Bank and FAO, IAEA, ILO, IMO, PAHO, UNIDO and WHO;

Other intergovernmental organizations such as CARICOM, CEPIS, the Commonwealth, CPPS, Interpol, IOPC Fund, NATO, OAU, OECD, ROPME, SPF, SPREP and WCO; Political and/or economic integration organizations such as the European Community.

i) with UN-CETDG and UN-ECE on matters concerning recommendations, rules and regulations governing the transport of hazardous wastes and on harmonization of criteria for environmentally hazardous substances including waste, in the area of the hazard characterization of wastes subject to the Basel Convention and on the work of UN-ECE/EUROSTAT developing standard terminology for waste and recycling;

ii) with FAO and UNIDO, and in cooperation with UNEP/IRPTC, on the environmentally sound disposal of obsolete and unwanted pesticides stock in developing countries;

iii) with ILO on exchange of information on cleaner production issues as a means to minimize hazardous wastes arising and consequences for occupational health and safety;

iv) with WHO in the preparation of Technical Guidelines for clinical wastes (Y1) as recommended by the Technical Working Group, in the development of training programmes concerning or related to the effects of hazardous wastes on health and in the establishment of regional or sub-regional centres for training and technology transfer;

v) with OECD in the work of its Waste Management Policy Group in particular regarding separate identification of hazardous wastes in the Harmonized System of the World Customs Organization, the environmentally sound management of hazardous wastes destined for recovery operations, training and waste minimization. In the preparation of technical guidelines for the environmentally sound management of hazardous wastes subject to the Basel Convention and the establishment of regional centres for training and technology transfer;

vi) with WCO in cooperation with OECD and the EC, in the separate identification of wastes subject to the Convention in the Harmonized System, with the WCO and its Contracting Parties to accelerate its work on the inclusion into the Harmonized System of the WCO of the entries for hazardous wastes covered by the Basel Convention and to accelerate its work on the modalities of this inclusion;

vii) with the EC on the preparation of technical guidelines for the environmentally sound management of wastes subject to the Basel Convention, on the separate identification of wastes covered by the Convention in the Harmonized System and on hazard characterization of wastes within the framework of the Convention;

viii) with ICC, BIAC and other private sector and business organizations in the area of hazard characterization of the wastes subject to the Convention, on the preparation of technical guidelines, on the development of the Protocol on Liability and Compensation, and on the establishment of regional centres for training and technology transfer.

2. Appeal to the United Nations bodies, specialized agencies and organizations and other international and regional organizations to consider joint collaboration including financing projects with the SBC for the implementation of the Basel Convention, to provide resource persons for training courses or technical assistance missions organized through the SBC and to keep SBC informed about hazardous waste related activities organized by them such as training courses in order to forward such information to the Parties of the Basel Convention.

### **Decision III/27**

#### **Cooperation between the Basel Convention and the activities undertaken at the global level leading to the development of the legally binding instrument on trade in hazardous chemicals including the Prior Informed Consent (PIC) concept.**

The Conference,

1. Requests the Secretariat to cooperate with the government-designated group of experts on Prior Informed Consent (PIC) for hazardous chemicals convened by UNEP in cooperation with FAO in accordance with UNEP Governing Council decision 18/12 to enable the group to benefit from the experience gained in the implementation of the Basel Convention;

2. Invites Parties to provide assistance or guidance to the Secretariat on this matter;

3. Further requests the Secretariat to report on progress to the fourth meeting of the Conference of the Parties.

**Decision III/28**  
**Institutional, financial and procedural arrangements**

The Conference,

Referring to decision II/27 of the second meeting of the Conference of the Parties,

Having considered the experience of the work of the Extended Bureau and the Secretariat of the Basel Convention during the period between the second and third meetings of the Conference of the Parties,

I. Institutional arrangements

1. Decides, with reference to its decision II/27, that its extended Bureau should also include the persons elected to chair the Open-ended Ad Hoc Committee, the Technical Working Group and the Ad Hoc Working Group of Legal and Technical Experts, subject to the provision that if a national of one State would otherwise occupy more than one position on the Extended Bureau, the relevant regional group may nominate a representative of another State to fill the other seat on the Bureau.

2. Requests the extended Bureau to initiate work on the development of a Memorandum of Understanding between the Conference of the Parties to the Basel Convention and UNEP, as host organization of its Secretariat.

3. Decides to name the head of the Secretariat "Executive Secretary" instead of "Coordinator" with a view to easing the comparison with the nomenclature used by other global environmental conventions.

4. In accordance with paragraph 8 of the 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, authorizes the Executive Secretary to make transfers, between each of the main appropriation lines set out in the budget, up to the aggregate limit of 15 per cent of the total estimated expenditure for those appropriation lines, provided that a further limitation of up to minus 25 per cent of each such appropriation lines shall apply.

5. Requests the travel arrangements for participants to follow the UN rules.

II. Financial arrangements

6. 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".

7. Approves the budget for the Trust Fund for the Implementation of the Basel Convention in the amount of US\$ 2,854,805 to be met from the allocated scale of assessments, and an additional amount of US\$1,096,395 as voluntary contributions for 1997 (Annex I to this decision).

8. Approves the budget for the Trust Fund for the Implementation of the Basel Convention in the amount of US\$ 2,940,449 to be met from the allocated scale of assessments, and an additional amount of US\$1,129,291 as voluntary contributions for 1998 (Annex II to this decision).

9. Approves the budget for the Technical Cooperation Trust Fund to Assist Developing Countries subject to voluntary contributions (Annex III to this decision).

10. Approves the document on financial implications of decisions of the third meeting of the Conference of the Parties to the Basel Convention for 1997, which is expected to be reviewed on a continuous basis by the meetings of the Extended Bureau to the Basel Convention subject to priorities set up by the Institutional and Legal as well as Technical Working Groups of the third meeting of the Conference of the Parties and subject to availability of funds (doc.UNEP/CHW.3/36).

11. 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.

12. Invites the Executive Director to request that the collection of contributions to the Trust Funds of the Basel Convention is done through the existing Geneva UNEP bank account and is managed by the Geneva located financial services so that the collection and control of funds is made more efficient and effective.

13. Welcomes the decision by the UNEP/GC.18 adopted in May 1995 to provide strategic, scientific, technical and administrative support to the implementation of the Basel Convention for the biennium 1996-1997 at the level of US\$ 446,000 and suggests that priority should be given to the implementation of the decisions on the establishment of regional or sub-regional centres for training and technology transfer regarding the management of hazardous wastes and other wastes and the minimization of their generation and on training and seminars related to the Basel Convention.

14. 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 to avoid disruption of the activities carried out under the Basel Convention that would result from delays in payment by the Parties of their pledged contributions.

15. Takes note of the recommendation by the Executive Director of UNEP to channel all funding related to the implementation of the Convention through one, consolidated Trust Fund.

16. Notes with appreciation the agreement by the Executive Director of UNEP to extend the two Trust Funds to the Basel Convention for 1999-2000 and 2001-2002 and *mutatis mutandis* the Terms of Reference for their administration as adopted by the First Meeting of the Conference of the Parties (Annex II to decision I/7), and to ensure *ex-post-facto* approval of the UNEP Governing Council for these extensions according to paragraph 19 of the Terms of Reference, subject to the further development of the Memorandum of Understanding.

17. Further notes that the Executive Director of UNEP will provide the Bureau with a report on the implementation of paragraph 16 of the Terms of Reference of the Trust Funds for the Basel Convention by May for every previous year to ensure the transparency of the use of funds of the Contracting Parties and with the annual certified accounts for the year and a report of activities under the Convention as required by paragraph 17 of the Terms of Reference.

18. Invites the Executive Director of UNEP to consult with the Secretary General of the United Nations on the procedures to be followed to modify the decision of the UN General Assembly regarding the 13 per cent charged to earmarked contributions and consequently not making any overhead charges on expenditures in the Trust Fund for Technical Assistance to Developing Countries.

19. Requests the Secretariat of the Basel Convention to ensure the implementation of all decisions adopted by the third meeting of the Conference of the Parties within the approved budgets for 1996 and for 1997/1998, ensuring that the only limiting factors in the implementation of the decision would be the availability of financial resources in the Trust Funds.

### III. Procedural arrangements

20. Reiterates its previous requests to the Secretariat to secure the lowest possible costs for the translation, reproduction and dispatch of the documents for the meetings of the Conference of the Parties and its subsidiary bodies.

21. Decides that the fourth meeting of the Conference of the Parties will be held in September/October 1997.