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CONFERENCE OF THE PARTIES TO THE BASEL
CONVENTION ON THE CONTROL OF
TRANSBOUNDARY MOVEMENTS OF
HAZARDOUS WASTES AND
THEIR DISPOSAL

Sixth meeting
Geneva, 9-13 December 2002

Item 6 (g)(i) of the provisional agenda *

ENVIRONMENT AND TRADE ISSUES

Cooperation with the World Trade Organization (WTO)

Note by the secretariat

I. BACKGROUND

1. Following the adoption of the Doha Ministerial Declaration in November 2001, the WTO Committee on Trade and Environment (CTE) Special Session has been conducting trade and environment negotiations pursuant to paragraph 31 of the Declaration (see annex I to the present note).

2. At its meeting in June 2002, the CTE Special Session agreed to hold a Multilateral Environmental Agreement (MEA) Information Session on 12 November 2002 to discuss paragraph 31 (ii) of the Doha Ministerial Declaration. This paragraph calls on WTO Members to negotiate procedures for regular information exchange between MEA secretariats and the relevant WTO Committees, and the criteria for the granting of observer status. The objective of the MEA Information Session is to allow for an exchange of ideas on paragraph 31 (ii) between WTO Members, UNEP and MEA secretariats. The secretariat of the Basel Convention has been invited to attend the Special Session on 12 November 2002 together with UNEP and 12 other secretariats (see annex II to the present note).

* UNEP/CHW.6/1

3. At its sixth meeting on 23 September 2002, the Expanded Bureau considered the issue of cooperation with the WTO and highlighted the importance of improving the visibility of the Basel Convention in the relevant Committees of WTO. The Bureau encouraged the secretariat to pursue its cooperation with the secretariat of WTO and to keep Parties informed of development.

II. IMPLEMENTATION

4. Four main issues are being considered by WTO Members as part of their negotiating and discussions related to paragraph 31 of the Doha Ministerial Declaration. These are:

(a) negotiations on the relationship between existing WTO rules and specific trade obligations set out in MEAs;

(b) negotiations on procedures for regular information exchange between MEA Secretariats and the relevant WTO committees;

(c) negotiations on the criteria for the granting observer status;

(d) negotiations on the reduction or, as appropriate, elimination of tariff and non-tariff barriers to environmental goods and services.

5. The other issues in the Doha Work Programme, of relevance to the implementation of the Basel Convention, are:

(a) Technical assistance and capacity building;

(b) Specific trade obligations;

(c) Environmental reviews and assessments at the national level;

(d) Implications of services negotiations;

(e) Intellectual property rights;

(f) Relationship between trade and transfer of technology;

(g) Effects of environmental resources on market access.

6. Paragraph 33 of the Doha Ministerial Declaration recognizes the importance of technical assistance and capacity building in the field of trade and the environment to developing countries, in particular the least-developed among them. It also encourages sharing of expertise and experience with Members wishing to perform environmental reviews at the national level. The Basel Convention was represented by the secretariat or its Regional Centre in the following regional seminars on trade and environment organized by WTO:

(a) May 2000, Mediterranean Region, Malta;

(b) January 2002, Caribbean Region, Saint Lucia;

(c) October 2002, French-speaking African Region, Tunis.

7. UNEP Economics and Trade Branch is providing input to the ongoing MEA-WTO negotiation and cooperates closely with the secretariats of MEAs, including the secretariat of the Basel Convention on these matters.

III. PROPOSED ACTION

8. At its sixth meeting, the Conference of the Parties may wish to consider adopting a decision along the following lines:

The Conference,

Noting the discussions and negotiations taking place among WTO Members in the context of the Doha Ministerial Declaration, in particular in relation to trade and environment,

Recognizing the usefulness of enhancing information exchange between the Basel Convention and WTO relevant Committees,

Mindful of the need to strengthen cooperation between the Basel Convention and WTO within their respective mandate,

Welcoming the enhanced cooperation between the secretariats of the Basel Convention and of WTO,

1. Requests the secretariat, in consultation with Parties and in cooperation with UNEP, to explore the possibility of being granted observer status in the WTO Committee on Trade and Environment Special Session and to pursue cooperation with the secretariat of WTO on matters pertaining to regular information exchange with the relevant WTO Committees;

2. Invites Parties to provide the secretariat with comments on the scope of cooperation with WTO;

3. Also requests the secretariat to report to appropriate subsidiary bodies on activities concerning cooperation with WTO in the context of the Doha Declaration, in particular in relation to trade and environment and to make available, by electronic and other means, comments received by Parties on cooperation with WTO;

4. Further requests the secretariat to report on cooperation with WTO to the seventh meeting of the Conference of the Parties.

Annex I

Paragraph 31 of the Doha Ministerial Declaration
(WT/MIN(01)/DEC/1, 20 November 2001)

TRADE AND ENVIRONMENT

31. With a view to enhancing the mutual supportiveness of trade and environment, we agree to negotiations, without prejudging their outcome, on:

- (i) the relationship between existing WTO rules and specific trade obligations set out in multilateral environmental agreements (MEAs). The negotiations shall be limited in scope to the applicability of such existing WTO rules as among parties to the MEA in question. The negotiations shall not prejudice the WTO rights of any Member that is not a party to the MEA in question;
- (ii) procedures for regular information exchange between MEA Secretariats and the relevant WTO committees, and the criteria for the granting of observer status;
- (iii) the reduction or, as appropriate, elimination of tariff and non-tariff barriers to environmental goods and services.

We note that fisheries subsidies form part of the negotiations provided for in paragraph 28.

Annex IIList of organizations invited to the 12 November 2002 MEA Information Session

1. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention);
2. The Convention on Biological Diversity (CBD) and its Biosafety Protocol;
3. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR);
4. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
5. The International Commission for the Conservation of Atlantic Tunas (ICCAT);
6. The United Nations Intergovernmental Forum on Forests (UNFF);
7. The International Tropical Timber Organization (ITTO);
8. The Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol);
9. The Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;
10. The Stockholm Convention on Persistent Organic Pollutants (POPs);
11. The United Nations Convention on the Law of the Sea (UNCLOS);
12. The United Nations Environment Programme (UNEP);
13. The United Nations Framework Convention on Climate Change (UNFCCC); and
14. The United Nations Fish Stocks Agreement (UN Fish Stocks).
