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OPEN-ENDED WORKING GROUP OF THE BASEL
CONVENTION ON THE CONTROL OF
TRANSBOUNDARY MOVEMENTS OF
HAZARDOUS WASTES AND
THEIR DISPOSAL

First session

Geneva, 28 April to 2 May 2003

REPORT OF THE OPEN-ENDED WORKING GROUP OF THE BASEL CONVENTION

I. OPENING OF THE MEETING (Item 1)

1. Ms. Sachiko Kuwabara-Yamamoto, Executive Secretary of the Basel Convention, opened the first session of the Open-ended Working Group at 10.35 a.m. on Monday, 28 April 2003, noting that it had been newly created to advise on and continuously review the implementation of the Convention. She welcomed the representatives of 100 Parties and other participants to the session.
2. Wider participation by Parties was needed for the Open-ended Working Group to be truly representative, and whereas the secretariat had done its utmost to ensure extensive participation by developing countries and countries with economies in transition, limited funds and the absence of additional financial contributions had meant that representatives of only 58 such Parties had been able to attend, using funds from the Technical Cooperation Trust Fund; 45 requests for funding had had to be turned down. She called on countries in a position to do so to contribute towards supporting the attendance of representatives of developing countries and countries with economies in transition.
3. The Basel Convention's membership was growing, with the accession of four new Parties since the sixth meeting of the Conference of the Parties, in December 2002, and with several others about to complete the ratification or accession process. The significant number of proposals submitted by Parties on the implementation of the Strategic Plan testified to their high level of interest in the implementation of the Convention itself. The secretariat had carried out a preliminary review of the proposals based on the criteria for the selection of projects under the Strategic Plan which had been set forth by the Conference of the Parties at its sixth meeting in the appendix to its decision VI/2. The task of the Open-ended Working Group in that regard was to define the process and method of selecting projects for funding; however, the total

budget required for the proposals was close to \$2 million, which exceeded the \$1,200,000 approved by the Conference of the Parties for the biennium.

4. Significant progress had been made on the technical guidelines for the environmentally sound management of metals and metal compounds, of wastes resulting from surface treatment of metals and plastics and of persistent organic pollutants as wastes, as well as on work on the hazardous characteristics. The task before the Open-ended Working Group in connection with the latter, which was of interest also to the Stockholm Convention on Persistent Organic Pollutants, was to explore what should be the next steps towards meeting the requirements of paragraph 2 of article 6 of the Stockholm Convention, regarding the establishment of levels of destruction and irreversible transformation, methods that constitute environmentally sound disposal and concentration levels to define low persistent organic pollutant content.

5. Partnership with industry was moving forward, particularly in the mobile phone sector. In that connection, she noted that the Open-ended Working Group was being asked, in connection with decision VI/31 of the Conference of the Parties, to adopt terms of reference for the Mobile Phone Working Group and the programme of work for the Mobile Phone Partnership Initiative.

6. She expressed the view that the adoption of the mechanism for implementation of and compliance with the Basel Convention had been one of the greatest achievements of the sixth meeting of the Conference of the Parties. Pursuant to decision VI/13 of the Conference of the Parties, it fell to the Open-ended Working Group to elect the Committee, established under decision VI/12, to administer the mechanism for promoting implementation and compliance so that it could meet during the second session of the Open-ended Working Group to organize its own future work. In that connection, she called on regional groups that had not already done so to nominate candidates for election to the Committee.

II. ELECTION OF THE OFFICERS OF THE BUREAU OF THE OPEN-ENDED WORKING GROUP (Item 2)

7. The Bureau was constituted as follows:

- Co-Chairs: Ms. Krystyna Panek-Gondek (Poland) (Technical)
Mr. Dessalegne Mesfin (Ethiopia) (Legal)
- Vice-Chairs: Mr. Geoff Thompson (Australia) (Technical)
Mr. Mauricio García Velasco (Mexico) (Legal)
- Rapporteur: Mr. Peiman Seadat (Islamic Republic of Iran)

III. ADOPTION OF THE AGENDA (Item 3)

8. The provisional agenda of the meeting, as contained in document UNEP/CHW/OEWG/1/1 and as amended, was adopted:

1. Opening of the meeting.
2. Election of the officers of the bureau of the Open-ended Working Group.
3. Adoption of the agenda.
4. Organization of the meeting.
5. Implementation of the decisions adopted by the sixth meeting of the Conference of the Parties:

- (a) Decisions VI/1 and VI/2 – Strategic Plan for the implementation of the Basel Convention (to 2010);
 - (b) Decisions VI/12 and VI/13 – Mechanism for promoting implementation and compliance;
 - (c) Decision VI/19 – Annex IX to the Basel Convention;
 - (d) Decision VI/23 – Preparation of technical guidelines on the environmentally sound management of persistent organic pollutants as wastes;
 - (e) Decision VI/31 – Sustainable partnership on the environmentally sound management of end-of-life mobile telephones;
 - (f) Decision VI/32 – Partnership with environmental non-governmental organizations and with industry and the business sector;
 - (g) Decision VI/37 – Work Programme of the Open-ended Working Group:
 - (i) Finalization of work on the hazardous characteristics H6.2, H10, H11 and H13;
 - (ii) Initiation of work on the other hazardous characteristics of Annex III;
 - (iii) Preparation of the technical guidelines on the environmentally sound recycling/reclamation of metals and metal compounds (R4);
 - (iv) Preparation of the technical guidelines on the environmentally sound management of wastes resulting from surface treatment of metals and plastics (Y17);
 - (v) Relationship of the lists of wastes of the Basel Convention with their identification in the World Customs Organization Harmonized Commodity Description and Coding System (HS);
 - (vi) Consideration of a work programme on dioxins and furans;
 - (vii) Review of scientific information on the disposal of PVC wastes and PVC-coated cables;
 - (viii) Initiation of work on the scope of Annex II;
 - (ix) Other issues in the work programme;
 - (h) Decision VI/40 – Follow-up to the World Summit on Sustainable Development.
6. Adoption of the decisions and the report.
 7. Other matters.
 8. Closure of the meeting.

IV. ORGANIZATION OF THE MEETING (Item 4)

A. Attendance

9. The meeting was attended by representatives of the following Parties to the Convention: Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, European Community, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guinea, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kyrgyzstan, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Madagascar, Malaysia, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan,

Panama, Paraguay, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Zambia.

10. The following States not party to the Convention were represented: Afghanistan, Gabon, Ghana, Myanmar, United States of America, Zimbabwe.

11. Observers from the following United Nations bodies, specialized agencies and intergovernmental organizations were also present: International Labour Organization (ILO), United Nations Conference on Trade and Development (UNCTAD), United Nations Economic Commission for Europe (UNECE), United Nations Environment Programme (UNEP), United Nations Industrial Development Organization (UNIDO), United Nations Institute for Training and Research (UNITAR); World Bank, Organisation for Economic Co-operation and Development (OECD), World Customs Organization (WCO).

12. The following non-governmental organizations and private sector organizations were represented: American Chemistry Council (ACC), Association of Plastics Manufacturers in Europe (APME), Basel Action Network (BAN), Bureau of International Recycling (BIR), Eidgenössische Technische Hochschule Zürich (ETHZ), Swiss Federal Institutes of Technology (SFIT), FFACT Management Consultants, Greenpeace International, Institute of Environment and Resources (IER), International Council on Mining and Metals (ICMM), International Precious Metals Institute (IPMI), Örebro University, Sustainable Business Associates (SBA), World Chlorine Council (WCC).

13. Representatives of the *following* Basel Convention Regional Centres also attended: Argentina, Egypt, Senegal, Slovakia, South Africa, Trinidad and Tobago and Uruguay.

B. Organization of work

14. The Working Group conducted the meeting in plenary session on the understanding that informal working groups would be set up as required.

V. IMPLEMENTATION OF THE DECISIONS ADOPTED BY THE SIXTH MEETING OF THE CONFERENCE OF THE PARTIES (Item 5)

A. Decisions VI/1 and VI/2 – Strategic Plan for the implementation of the Basel Convention (to 2010)

15. The Working Group took up the sub-item at its first meeting, on the morning of Monday, 28 April.

16. The Working Group had before it a note by the secretariat on the Strategic Plan for the Implementation of the Basel Convention (UNEP/CHW/OEWG/1/2 and Add.1) and notes by the secretariat on project proposals for implementation of the Strategic Plan submitted by Parties and Basel Convention Regional Centres (UNEP/CHW/OEWG/1/INF/3, INF/3/Add.1, Add.2 and Add.3).

17. In introducing the sub-item at the request of the Technical Co-Chair, the representative of the secretariat noted that it had received 36 project proposals from Parties and Basel Convention Regional Centres.

18. Considerable debate followed those remarks. One issue was the allocation of the money available to fund approved project proposals, which totalled \$1,200,000 for the 2003-2004 biennium. A number of representatives questioned whether the Working Group was obliged under decision VI/41 of the Conference of the Parties, on financial matters, to allocate \$400,000 in 2003 and \$800,000 in 2004 as set out in appendix II to that decision, expressing the view that it would be desirable for the Open-ended Working Group to approve projects to the value of a greater amount in an effort to promote rapid implementation of the

Convention. One representative pointed to paragraph 8 of decision VI/41, in which no split was made between 2003 and 2004. He wondered if the reference to such a split in appendix 2 to decision VI/41 had not in fact been deleted in the final stage of negotiations at the sixth meeting of the Conference of the Parties, and suggested that the secretariat should check what had in fact been decided in that connection by the Conference of the Parties.

19. Many representatives asserted that the Group should not allocate excess funds to those project proposals that had been so far submitted: the time available to Parties and to Regional Centres to submit proposals had been insufficient and money should therefore be set aside for proposals that were in the pipeline for submission in the near future.

20. Noting that many proposals had been submitted and that the money available to fund them was limited, a number of representatives asked for clarification on the criteria to be employed in selecting proposed projects for funding. The secretariat and a number of representatives explained that the Conference of the Parties at its sixth meeting had adopted two sets of such criteria in appendix II to its decision VI/2. The criteria in the first set were mandatory criteria of relevance which must all be met by any project before it could be approved. The "value" criteria in the second set were to be used by the Working Group to select project proposals from amongst those satisfying the relevance criteria. The Working Group, it was re-emphasized, was bound by the Conference of the Parties to utilize those criteria and no others in its assessment and approval of project proposals.

21. There was broad support for the view that funding for approved projects should take into account equitable distribution of the projects among the various regions represented by the Parties to the Convention. A number of representatives expressed the related view that in approving proposals, the Working Group should take into account whether a project would benefit only one country or would provide broad intra- or inter-regional benefits. In response, one representative pointed out that both those considerations were already encompassed by the criteria adopted by the Conference of the Parties in decision VI/2.

22. Noting the discrepancy between the money available and the number of proposed projects, several representatives asserted that there was a need to conceive alternative and innovative ways to raise funds for implementation of the Convention, warning that traditional sources of funding such as the Global Environment Facility and the World Bank would not alone be sufficient. The representative of Denmark reported that her Government had been considering that issue, and offered to prepare a paper for the benefit of the Working Group including innovative funding ideas from a variety of sources.

23. Noting that the Strategic Plan was very important to the success of the Convention, several representatives stressed the importance of sharing project results so that the Parties to the Convention might learn from one another. In that connection, one representative observed that the Working Group should take into account the successes and failures of approved projects in assessing subsequent project proposals.

24. The Working Group agreed to establish an informal working group, to be chaired by the representative of Australia, to consider the sub-item in further detail taking into account the views expressed during the debate and to report to the Working Group with recommendations regarding which of the project proposals submitted to date should be approved and funded.

25. The draft decision developed by the informal working group was taken up by the Open-ended Working Group at its ninth meeting, on the afternoon of Friday, 2 May, which considered also the report of the informal working group. The Working Group took note of the report of the informal working group, which is attached as annex II to the present report.

26. In introducing the draft decision and report, the Chair of the informal working group explained that it represented the resolution of difficult negotiations over the allocation of the available funding of \$1,200,000 for 2003 and 2004 among the projects submitted by countries in the five United Nations regions and by the Regional Centres. The decision provided for the allocation of \$880,000, and was expressly conditional on the agreement that no project proposals from the African region or from the Latin America

and Caribbean region would be considered at the second session of the Open-ended Working Group, at which it was anticipated that the balance of the \$1,200,000 would be allocated.

27. A number of amendments to the draft decision agreed by the informal working group were proposed from the floor. In the course of the debate, representatives of Canada, Egypt and Japan requested that their statements should be reproduced in the report of the Working Group. Texts of those statements are reproduced as appendices I, II and III to annex III to the present report. The group of Central and Eastern European countries produced a written statement which the Working Group agreed would also be attached to the report of the session. That statement is reproduced as appendix IV to annex III to the present report. The statement by Brazil on behalf of the Group of Latin America and Caribbean Countries is also reproduced as appendix V to the same annex.

28. The draft decision was adopted, as orally amended, and is reproduced in annex I to the present report as decision OEWG-I/1.

B. Decisions VI/12 and VI/13 – Mechanism for promoting implementation and compliance

29. The Working Group took up the item at its ninth meeting, on the afternoon of Friday, 2 May.

30. In considering the item, the Working Group had before it a note by the secretariat on a mechanism for promoting implementation and compliance (UNEP/CHW/OEWG/1/3). The note contained also a draft decision on the election of members to the Committee for administering the mechanism. The Group was informed that since the issuance of the note, the regions concerned had supplied the necessary details so that the information before the Group was complete. The list of members of the Committee for administering the mechanism for promoting implementation and compliance is given in annex I to the present report in the decision OEWG-I/2.

31. The representative of Jordan wished to have it placed on record that among the Committee members from the Asian Group were members from Eastern Asia, but none from Western Asia.

32. Two new paragraphs, on arrangements for the first meeting of the Committee, were proposed and approved for addition to the draft decision contained in document UNEP/OEWG/1/3.

33. The draft decision was adopted, as orally amended, and is reproduced in annex I to the present report as decision OEWG-I/2.

C. Decision VI/19 – Annex IX to the Basel Convention

34. The Working Group took up the sub-item at its second meeting, on the afternoon of Monday, 28 April.

35. The Working Group had before it a note by the secretariat (UNEP/CHW/OEWG/1/4) on the implementation of decision VI/19 and documents compiling the responses provided by Parties to the questionnaire concerning the national classification and control procedures for the import of wastes listed in Annex IX (UNEP/CHW/OEWG/1/INF/5 and Add.1 to Add.3).

36. In introducing the sub-item, the representative of the secretariat noted that more feedback was required from Parties on the questionnaire so that the secretariat could conduct a meaningful analysis of results. She suggested that Parties that had not done so might wish to submit their completed questionnaires as soon as possible.

37. One representative asked whether the questionnaire was mandatory, and whether the answers provided by Parties had legal status in the sense of fulfilling the reporting requirements of article 3 of the Convention. The representative of the secretariat clarified that the questionnaire was a voluntary exercise

with no legal status, and was not intended to replace reporting obligations under any article of the Convention: its purpose was to provide information to build up an overall picture.

38. The representative of the European Commission, speaking on behalf of the European Community, informed the Group that the European Community had a questionnaire similar to the one under discussion. The European Community questionnaire requested third parties that were not members of OECD to state the conditions under which they wished to import non-hazardous wastes (Council Regulation (EEC) 259/93, Annex II). Those conditions were then made mandatory for shipments of such wastes from the European Community to those third parties (Council Regulation (EC) 1420/1999 and Commission Regulation (EC) 1547/1999). For further information, see <http://europa.eu.int/comm/trade/miti/envir/waste.htm> which also contains a summary table of the responses communicated to the European Commission. The significant difference between the Basel Convention questionnaire and that of the European Community was that responses to the latter questionnaire did in fact have legal effect with regard to procedures for the transboundary movement of wastes. Nevertheless, the divergences between the control measures chosen by a given country as stated on the European Community questionnaire and that same country's responses to the Basel Convention questionnaire showed that there were in fact significant classification problems that needed to be addressed. Greater convergence of responses would indicate a greater convergence of classifications.

39. He informed the Working Group also that the European Community was in the process of harmonizing the waste lists in the European Community's waste shipment regulation with the Basel Convention lists, in keeping with the amendments to the Convention Annexes made by the Conference of the Parties at its sixth meeting.

40. A number of representatives, particularly from the African Group, drew attention to the fact that, for countries that were parties to regional instruments that involved import bans, answering the questionnaire on classification and control procedures for the import of wastes contained in Annex IX could lead to confusion because answering questions on controls might give the impression that imports were in fact possible. Also, filling out the questionnaire was time-consuming and effort-intensive. The view was also expressed that developing countries with scarce resources that were already members of relevant regional conventions, such as the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movements of Hazardous Wastes within Africa, should not have to fill out the questionnaire.

41. The representative of the secretariat clarified that there was no conflict for Parties to the Basel Convention and to regional conventions controlling transboundary movements of wastes in terms of sharing information on wastes listed in Annex IX. Such information might be valuable as it was not clear to the Parties to the Basel Convention whether the wastes listed in Annex IX overlapped with those subject to import bans under regional conventions. Furthermore, since the questionnaire was voluntary, Parties could decide not to fill it in, although many Parties found that the information gathered in connection with the questionnaire provided an appreciation of which countries were or were not controlling the wastes listed in Annex IX and of the means they were using to do so. Consequently, it was useful for countries to complete the questionnaire even if they were parties to regional conventions with waste import bans.

42. One representative suggested that, in order to avoid confusion where relevant regional conventions existed, the secretariats of those regional instruments could be requested to fill out the Basel Convention questionnaire on behalf of all their member countries. The representative of the secretariat responded that whereas the Basel Convention secretariat could certainly facilitate any such initiative by writing to the secretariats of relevant regional conventions and informing them of the content of the discussion on the issue, it was nevertheless up to the parties to such regional conventions to prevail upon their respective secretariats to complete the Basel Convention questionnaire on their behalf.

43. Several representatives pointed to the need for additional guidance in filling out the questionnaire. It was suggested that the questionnaire should be sent to Parties and signatories in a form which listed all relevant waste classifications with clear waste descriptions, and also that it would be useful to Parties and signatories to receive the questionnaire in a simpler electronic format such as Word or Excel. The

representative of the secretariat assured the Open-ended Working group that the questionnaire would be improved based on the comments made and offered the secretariat's assistance in completing it to Parties which so requested.

44. The representative of Japan requested the secretariat to make available on the web site all information provided to the secretariat by Parties under article 3.

45. The draft decision on the matter was adopted, as orally revised, and is reproduced in annex I to the present report as decision OEWG-I/3.

D. Decision VI/23 – Preparation of technical guidelines on the environmentally sound management of persistent organic pollutants as wastes

46. The Working Group took up the sub-item at its fourth meeting, on the afternoon of Tuesday, 29 April.

47. The Working Group had before it a note from the secretariat on decision VI/23 (UNEP/CHW/OEWG/1/5), the draft technical guidelines on the environmentally sound management of persistent organic pollutants as wastes and comments on them (UNEP/CHW/OEWG/1/INF/6 and Add.1), and the draft technical guidelines on PCBs, PCTs and PBBs (UNEP/CHW/OEWG/1/INF/6/Add.2).

48. Introducing the item, the representative of the secretariat stressed that the technical guidelines were being prepared to assist the Stockholm Convention on Persistent Organic Pollutants in developing guidance on the environmentally sound management of persistent organic pollutants as wastes. That being the case, the guidelines must address the key policy issues identified in article 6, paragraph 2 of the Stockholm Convention regarding the establishment of levels of destruction and irreversible transformation, methods that constituted environmentally sound disposal, and concentration levels to define low persistent organic pollutant content. The workload involved was such, however, that it might not be feasible to address all those issues for all persistent organic pollutants as wastes in time for the seventh meeting of the Conference of the Parties, as the Conference of the Parties had requested in its decision VI/23. Consequently, the Working Group might have to rethink its approach in order to deliver both concrete output and a timetable for the completion of the required information.

49. With regard to the draft technical guidelines on PCBs, PCTs and PBBs, the view was expressed that information on whether any PCBs were being produced, in what quantities and by whom, together with trends in that production, on chemicals that were being used to replace PCBs and PCTs, and on acceptable analytical methods of identifying PCBs should be included in the draft technical guidelines.

50. It was suggested by the representative of a Party whose comments had not been included in the draft technical guidelines that all comments on the guidelines which were received from Parties should be compiled in a separate document – as had been done for Parties' comments on the persistent organic pollutants guidelines – so that the logic behind their inclusion in or exclusion from the current draft of the PCB, PCT and PBB technical guidelines could be followed. Another representative suggested that merging the draft technical guidelines on PCBs, PCTs and PBBs with the draft technical guidelines on persistent organic pollutants might help develop the latter and eliminate overlaps between the two sets of guidelines.

51. There was a generally held view that further work was much needed to define a number of crucial issues, including the establishment of appropriate concentration levels to define low persistent organic pollutant content. However, it was pointed out that a scientific and toxicological approach to setting levels would take several years, making it incompatible, for the time being, with the immediate need to begin destroying persistent organic pollutants as wastes.

52. Also, setting definitions for low persistent organic pollutant content according to the best available technical means for specific persistent organic pollutants had the disadvantage of making the process of setting levels dependent on external considerations: limited resources in certain regions should not lead to

the selection of less costly technical means with inferior destructive capability. An approach to setting levels which was based on pragmatic considerations was also suggested, such as determining waste flows to be disposed of and capacities for disposal. One further suggestion was that definitions of low persistent organic pollutant content which were politically acceptable might be set on the understanding that they would be interim values subject to change when solid technical grounds for revising them were produced. It was generally felt that there was a need for a solution that was both pragmatic and dynamic so that work on destroying persistent organic pollutants as wastes could begin as quickly as possible.

53. Another issue raised was the need for further assessment of cases where the destruction of persistent organic pollutants as wastes was not the most environmentally sound management option, and it was felt that the guidelines should also include criteria for determining when irreversible transformation should be used. In that connection, the need arose to compare the relative efficiency of destruction and irreversible transformation depending on the concentration of the persistent organic pollutant in the waste. It was stressed that all the criteria would vary according to the type of persistent organic pollutant. The suggestion was made that a comprehensive framework should be developed that was devoted to the technical aspects of the environmentally sound management of persistent organic pollutants as waste.

54. The Working Group established an informal working group co-chaired by the representatives of Germany and El Salvador to consider all the issues raised, taking into account also the comments made, in greater technical depth. Comments by Parties that had been submitted to the secretariat based on consecutive versions of the draft guidelines but which the secretariat had been unable to incorporate into the document for logistical reasons would also be used as input to the discussions of the informal working group.

55. The report of the informal working group on persistent organic pollutants and its draft decision were introduced at the eighth meeting, on the morning of Friday, 2 May.

56. Concerning the timetable for further work on the technical guidelines, a number of representatives of countries with small delegations pointed out that they would be unable to send both technical and legal experts to every session of the Group and therefore had difficulty with any proposal to deviate from the provisions of paragraph 11 of decision VI/36 of the Conference of the Parties to the effect that the second session should cover legal issues and its implication that the third session should return to technical matters. Consequently, further discussion of technical issues should ideally be postponed to the third session. However, as the informal working group on persistent organic pollutants had taken the view that the matter was too pressing to wait until the third session, it was accepted that on an exceptional basis discussions on the persistent organic pollutants guidelines would be held during the second session. The view was expressed by a number of representatives that technical discussions might continue at the second session only on the understanding that no final decisions would be taken on those matters.

57. The draft decision prepared by the informal working group was adopted, as orally revised, and is reproduced in annex I to the present report as decision OEWG-I/4. The Open-Ended Working Group took note of the report of the informal working group, which is reproduced as annex IV to the present report.

E. Decision VI/31 – Sustainable partnership on the environmentally sound management of end-of-life mobile telephones

58. The Working Group took up the sub-item at its third meeting, on the morning of Tuesday, 29 April.

59. The Working Group had before it a note by the secretariat on the implementation of decision VI/31 (UNEP/CHW/OEWG/1/6) and a report (UNEP/CHW/OEWG/1/INF/17) of the first meeting of the Mobile Phone Working Group established by the Conference of the Parties in that decision. The Mobile Phone Group had drafted terms of reference and a draft work programme which the Open-ended

Working Group was asked to consider.

60. It was pointed out that references in the draft work programme to the recycling or reuse of mobile telephones might be misleading as not all mobile telephones could be recycled or reused. Also, the opinion was expressed that the Group should be careful not to attempt to extrapolate its findings into international or general guidelines, not least because its work was in the nature of an experiment. The Chair of the Mobile Phone Working Group, the representative of Switzerland, emphasized that the Group was not attempting to impose any requirements to modify legislation, but rather to take stock of the ways in which legislation on the management of end-of-life mobile telephones had been implemented in various countries.

61. It was generally felt that transparency must be an important consideration. In response, the Chair of the Group announced that information and reports would be posted on the Basel Convention web site to allow the progress of the Group's work to be followed. Also, questions could be addressed to the Group through the secretariat.

62. A number of representatives of developing countries, which were often major importers of refurbished mobile telephones, expressed concern about their countries' often limited capacity for collection and recycling. One developing country appealed for financial assistance from developed States to deal with end-of-life mobile phones. The importance was stressed of awareness-raising concerning the problems of dealing with such phones, with calls for greater involvement by the Basel Convention Regional Centres in awareness-raising activities in that regard.

63. It was noted that the success of the Mobile Phone Partnership Initiative would involve private-sector partnerships and external funding.

64. A parallel was drawn between the ongoing work on improving ship design to minimize the hazardous wastes generated at end of life and the situation with end-of-life mobile phones. The representative of Japan offered to share with the Mobile Phone Working Group his country's experience in the areas of legislation on the manufacturers' role regarding environmentally sound design and voluntary recycling schemes for mobile telephones, run in cooperation with network providers and producers.

65. An observer for a non-governmental organization expressed dissatisfaction that his organization had been unable to participate in the meeting of the Mobile Phone Working Group. However, the Chair pointed out that the number of stakeholders interested in the Group was so large that not all could participate. The existing Group would be subdivided into project groups, which it was hoped would allow more stakeholders, including non-governmental organizations, to participate. Also, the Mobile Phone Working Group could make recommendations but not policy decisions. In response to the interest expressed in the work of the Group by many representatives and observers, all those interested in future participation were invited to contact the secretariat.

66. At the ninth meeting, on the afternoon of Friday, 2 May, the draft decision, terms of reference for the Mobile Phone Working Group and work programme for the Mobile Phone Partnership Initiative were adopted, as amended, and are reproduced in annex I to the present report as decision OEWG-I/5 and its appendices I and II.

F. Decision VI/32 – Partnership with environmental non-governmental organizations and with industry and the business sector

67. The Working Group took up the sub-item at its eighth meeting, on the morning of Friday, 2 May.

68. The Working Group had before it a note from the secretariat (UNEP/CHW/OEWG/1/7) on partnership with environmental non-governmental organizations and with industry and the business sector in the context of the proposed work programme for 2003-2004.

69. The representative of Germany introduced the draft decision submitted by his delegation on the agenda item, stressing that for the secretariat to prepare a draft work programme for consideration by the

Working Group at its second session, input from Parties, environmental non-governmental organizations, industry and the business sector should be submitted by 30 June 2003.

70. The view was widely expressed that the issue of partnership was of crucial importance. Taking into account that discussion was required on both the legal and the technical aspects of partnership, it was suggested that the discussion should be taken up by the Working Group at both its second and third sessions, bearing in mind that the second session would focus primarily but not exclusively on legal aspects while the third session would focus primarily but not exclusively on technical aspects.

71. The representative of Nigeria also introduced a conference room paper, which contained a draft decision on follow-up to the proposal made by the African Group at the sixth meeting of the Conference of the Parties¹ with regard to developing a partnership with major oil companies on the environmentally sound management of used oils in Africa. The draft decision contained requests to establish a used oils partnership initiative for Africa, set up a small expert working group to develop terms of reference, encourage Parties and other stakeholders to contribute financially and in kind, and to have the secretariat convene a meeting of the expert working group before the second session of the Open-ended Working Group.

72. It was suggested that, given the importance of the issue to the African Group, the initiative should be given priority according to the availability of resources. In the light of the possible financial implications of establishing an expert working group and convening a meeting, the secretariat undertook to meet with the countries involved to ascertain their expectations with regard to the support role to be played by the secretariat.

73. The draft decision submitted by Germany, as orally revised, was adopted and is reproduced in annex I to the present report as decision OEWG-I/6.

G. Decision VI/37 – Work Programme of the Open-ended Working Group

1. Finalization of work on the hazardous characteristics H6.2, H10, H11 and H13

74. The Working Group took up the sub-item at its fifth meeting, on the morning of Wednesday, 30 April.

75. The Working Group had before it a note by the secretariat on the finalization of work on the hazardous characteristics H6.2, H10, H11 and H13 (UNEP/CHW/OEWG/1/8), a draft scoping paper by the United States of America on hazardous characteristic H11 (UNEP/CHW/OEWG/1/INF/8), a status report by a consultant on hazardous characteristic H13 (UNEP/CHW/OEWG/1/INF/9) and a conference room paper containing a report and draft guidance paper by the United Kingdom on hazard characteristic H6.2. The draft guidance paper as submitted by the United Kingdom will be posted on the Basel Convention web site for comment.

76. The representative of the United Kingdom introduced the report and draft guidance paper prepared by his delegation on hazardous characteristic H6.2 (infectious substances) and referred to the possible need to revise the characteristic to take into account changes in the definition of infectious substances in the Model Regulations of the Subcommittee of Experts on the Transport of Dangerous Goods (UNSCETDG) of the United Nations Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals.

77. The view was expressed that the H6.2 definition should indeed be brought into line with the UNSCETDG changes: the existing definition did not reflect the fact that many pathogens were not infectious outside their hosts, and was more suited to the risks posed by laboratory work than those posed by the wastes and activities within the scope of the Basel Convention. It was suggested also that it should be borne in mind how the revised definition would be interpreted on the ground: it had been observed that people in the

¹ See document UNEP/CHW.6/40, paras. 203 and 204.

medical profession and the transport sector often had different understandings. The draft guidance should also include a table comparing the approaches taken by the World Health Organization and UNSCETDG.

78. The representative of the Netherlands reported on progress on a draft paper being prepared by his delegation on the hazardous characteristic H10 (liberation of toxic gases), which was not yet ready.

79. The observer from UNECE explained that the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) had been adopted in December 2002, with the goal of protecting people and the environment from the harmful effects of chemicals, and was available, in English and French, to all who wished to use it on web site <http://www.unece.org/trans/danger/publi/ghs/ghs.html>. GHS had been developed pursuant to chapter 19 of Agenda 21,² and the Johannesburg Summit had encouraged countries to implement it in full by 2008.³ GHS covered 26 classes of hazard, of which 16 were physical hazards which corresponded to the categories established for the transport of hazardous materials referred to in Annex III of the Basel Convention. Also, GHS included a class for materials presenting a serious hazard to human health and eight others covered the chronic (H11) hazards posed by eye, skin and respiratory irritants, carcinogens, mutagens and genotoxic substances. Each hazard class was subdivided into categories by degree of hazard depending on specific threshold concentration levels of the chemical. GHS was based on the intrinsic properties of the chemicals and described hazard rather than risk, which depended on both the hazard and the exposure to that hazard and therefore varied depending on the situation. GHS also made provision to communicate the hazard classification for purposes of labelling or for posting in the workplace. In that connection, GHS had pictograms for every hazard type, including chronic hazards to human health. GHS had obvious relevance for the waste classification work under the Basel Convention, in which the sister body to UNSCETDG, the Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (UNSCEGHS), was very interested: indeed, the Basel Convention secretariat had been invited to give a presentation on the Basel approach to waste classification at the next session of UNSCEGHS, in July 2003.

80. The representative of the United States of America introduced the draft scoping paper prepared by the United States Environmental Protection Agency (UNEP/CHW/OEWG/1/INF/8) on hazardous characteristic H11 (toxic (delayed or chronic)). The comment was made that the waste constituent hazard categories in appendix A of the draft paper appeared to be realistic and also to conform to the approach taken by the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) in the Globally Harmonized System for the Classification and Labelling of Chemicals (GHS). The point was made that there should be agreement on the source to be used for chronic toxicity data and on what should be done when such data was incomplete or unavailable.

81. In the discussion on hazardous characteristic H13 (capable, by any means after disposal, of yielding another material), one representative recommended that the way forward suggested by the consultant in paragraph 11 of document UNEP/CHW/OEWG/INF/9 should be incorporated into the draft decision of the Working Group on that issue.

82. The draft decision on hazardous characteristics was adopted, as orally amended, and is reproduced in annex I to the present report as decision OEWG-I/7.

2. Initiation of work on the other hazardous characteristics of Annex III

83. The Working Group took up the sub-item at its fifth meeting, on the morning of Wednesday, 30 April.

² *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

³ *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. III, subpara. 23 (c).

84. The Group had before it note by the secretariat UNEP/CHW/OEWG/1/8, which covered not only the finalization of work on the hazardous characteristics H6.2, H10, H11 and H13 but also the initiation of work on the other hazardous characteristics of Annex III wastes.

85. The suggestion was made that work on the other hazardous characteristics of Annex III wastes should be postponed until work on hazardous characteristics H6.2, H10, H11 and H13 had been finalized. Given the heavy workload involved in dealing with the finalization of hazardous characteristics H6.2, H10, H11 and H13, it was generally agreed that if any progress were to be made one of the Parties would have to volunteer to take the lead role in initiating work on hazardous characteristics not hitherto covered by the Group.

86. The representative of Denmark undertook to provide a translation into English of Denmark's guidelines on how to classify wastes based on existing criteria in the hope that the translation, which would be submitted to the Working Group at its third session, would serve as a platform for further discussion and at best as an inducement for a Party to take the lead in the area of the other Annex III hazardous characteristics. To that same end, the representatives of Canada and the United Kingdom of Great Britain and Northern Ireland also offered to make available to the Working Group, through the secretariat, the English-language guidelines applicable in their countries.

87. The draft decision on the matter was adopted and is reproduced in annex I to the present report as paragraph 10 of decision OEWG-I/7.

3. Preparation of the technical guidelines on the environmentally sound recycling/reclamation of metals and metal compounds (R4)

88. The Working Group took up the sub-item at its third meeting, on the morning of Tuesday, 29 April.

89. The Working Group had before it a note by the secretariat on decision VI/37 in relation to the preparation of technical guidelines on the environmentally sound recycling/reclamation of metals and metal compounds (R4) (UNEP/CHW/OEWG/1/9) together with a draft of the technical guidelines themselves (UNEP/CHW/OEWG/1/INF/10).

90. At the request of the Chair, the representative of Australia introduced the guidelines prepared by his delegation, which had been posted on the Basel Convention web site following discussion of the issue at the twentieth session of the Technical Working Group, in May 2002. Many comments had been received on that draft, and it had not been possible to incorporate them all into the current draft, not least because a number of conflicting proposals had been received. It was hoped that the draft guidelines could be submitted to the Conference of the Parties at its seventh meeting for adoption.

91. Whereas there was some support for the immediate adoption of the draft guidelines by the Open-ended Working Group without further amendment, other representatives suggested changes. Views were expressed to the effect that the guidelines were not specific enough to allow them to be used to solve specific problems; that they should include specific, numerical indicators of hazardousness rather than relative descriptions of hazardousness such as "less" and "more"; that they over-emphasized electroplating activities as a source for the reclamation of metals such as chromium given that a number of other sources existed; that they should include gold-mining activities among the sources of wastes containing arsenic; and that they should be updated to reflect decisions taken by the Governing Council of the United Nations Environment Programme at its twenty-second session in relation to chemicals.

92. The draft decision on the matter was adopted, as orally amended, and is reproduced in annex I to the present report as decision OEWG-I/8.

4. Preparation of the technical guidelines on the environmentally sound management of wastes resulting from surface treatment of metals and plastics (Y17)

93. The Working Group took up the sub-item at its fourth meeting, on the afternoon of Tuesday, 29 April.

94. The Working Group had before it notes by the secretariat on the preparation of the technical guidelines on the environmentally sound management of wastes resulting from surface treatment of metals and plastics (Y17) (UNEP/CHW/OEWG/1/10 and Add.1) and the preliminary draft technical guidelines (UNEP/CHW/OEWG/1/INF/16).

95. The preliminary draft technical guidelines were introduced by the representative of Australia, who had prepared them with assistance from the secretariat.

96. Doubt was expressed as to whether issues other than disposal, in the context of the environmentally sound management of wastes resulting from surface treatment of metals and plastics – i.e., cleaner production and working conditions – should be dealt with at length in the guidelines: rather than lengthen the guidelines considerably, such broader issues should be addressed briefly and references should be given in the document to guide readers to sources of additional information. In that connection, the meeting was informed that the European Community was in the process of drafting a document on the topic of pollution prevention and control that covered issues linked to surface treatment of metals and plastics, albeit with a slightly different scope and structure from the technical guidelines. The European Community document would be available for consultation on the Internet in the summer of 2003.

97. The draft decision on the matter was adopted and is reproduced in annex I to the present report as decision OEWG-I/9.

5. Relationship of the lists of wastes of the Basel Convention with their identification in the World Customs Organization Harmonized Commodity Description and Coding System (HS)

98. The Working Group took up the sub-item at its seventh meeting, on the morning of Thursday, 1 May, and continued its deliberations at its eighth meeting, on the morning of Friday, 2 May.

99. The representative of the secretariat introduced the sub-item as outlined in note UNEP/CHW/OEWG/1/11, and the draft decision therein, and drew attention to the consultant's report on the issue contained in document UNEP/CHW/OEWG/1/INF/11.

100. The observer for the World Customs Organization (WCO) invited the members of the Open-ended Working Group to submit proposals, by the end of June 2003, via the secretariat, regarding amendments to the WCO Harmonized Commodity Description and Coding System (Harmonized System). The Group expressed its appreciation of the work done to date by WCO; however, some difficulties in implementation were highlighted because no Harmonized System codes had existed for some Basel Convention wastes until the 2002 revised version of the Harmonized System, and a list showing correlations between the Harmonized System and the wastes listed in the Basel Convention Annexes would therefore be useful.

101. In view of the large number of representatives who had expressed concern that customs officials in their countries needed further training on how to use the Harmonized System, the representative of the secretariat stressed the importance of capacity-building and training in the applicable customs procedures, noting in that connection that certain of the Basel Convention Regional Centres had conducted training workshops for customs officers, and that regional training meetings had been and would be held for enforcement officers. Also, the manual or handbook to be prepared by the secretariat for use by customs officers would assist Parties. It was agreed that the Basel Convention Regional Centres should continue to play an active role in that regard.

102. The secretariat assured the Group that it would continue to work closely with the secretariat of WCO and would work also with a consultant to ensure that any proposals received from Parties regarding amendments to the Harmonized System were submitted in a format acceptable to WCO.

103. The draft decision contained in document UNEP/CHW/OEWG/1/11 was adopted and is reproduced in annex I to the present note as decision OEWG-I/10.

6. Consideration of a work programme on dioxins and furans

104. The Working Group took up the sub-item at its fifth meeting, on the morning of Wednesday, 30 April.

105. The Group had before it a note by the secretariat (UNEP/CHW/OEWG/1/12) on the sub-item. The representative of the secretariat reminded the Working Group that the work programme on dioxins and furans had been overtaken by other priorities. The interim secretariat of the Stockholm Convention on Persistent Organic Pollutants had begun to deal with the issue. The secretariat of the Basel Convention was now cooperating with the interim secretariat and wondered whether dioxins and furans needed to be treated as a separate subject or whether they could be considered part of the work of the informal working group on the preparation of technical guidelines on the environmentally sound management of persistent organic pollutants as waste established in the context of agenda item 5 (d).⁴

106. It was agreed that the topic should be covered by the informal working group on persistent organic pollutants but that, given that some aspects of the generation of dioxins and furans – as by-products rather than as intentionally produced persistent organic pollutants or as wastes – did not fall within the scope of the Stockholm Convention or the Basel Convention, the Open-ended Working Group should examine the scope of both Conventions in that area with a view to better defining the role of the Open-ended Working Group in dealing with dioxins and furans.

107. The Co-Chair of the informal working group on persistent organic pollutants, the representative of Germany, introduced the group's suggestion for the work programme on dioxins and furans at the eighth meeting, on the morning of Friday, 2 May. The Open-ended Working Group adopted the suggestion of the informal working group, which read as follows:

“Given the important and urgent work on the technical guidelines on the environmentally sound management of persistent organic pollutants as wastes and the activities of the secretariat as described in document UNEP/CHW/OEWG/1/2, no further work in the Open-ended Working Group should be performed before the seventh meeting of the Conference of the Parties unless requested by the Intergovernmental Negotiating Committee of the Stockholm Convention.”

7. Review of scientific information on the disposal of PVC wastes and PVC-coated cables

108. The Working Group took up the sub-item at its sixth meeting, on the afternoon of Wednesday, 30 April.

109. The Working Group had before it a note by the secretariat on the review of scientific information on the disposal of PVC wastes and PVC-coated cables (UNEP/CHW/OEWG/1/13 and Corr.1). A draft decision on the matter was introduced at the ninth meeting, on the afternoon of Friday, 2 May.

110. The draft decision was adopted and is reproduced in annex I to the present report as decision OEWG-I/11.

⁴ See paragraph [54] above.

8. Initiation of work on the scope of Annex II

111. The Working Group took up the sub-item at its sixth meeting, on the afternoon of Wednesday, 30 April, and continued its deliberations at its seventh meeting, on the morning of Thursday, 1 May.

112. The Working Group had before it a note by the secretariat (UNEP/CHW/OEWG/1/14) on the implementation of decision VI/37 on the Work Programme of the Working Group, in the context of the initiation of work on the scope of Annex II of the Convention (categories of wastes requiring special consideration).

113. The view was expressed that although Annex II contained only two categories of waste – wastes collected from households (Y46) and residues arising from the incineration of household wastes (Y47) – those categories covered many different types of wastes. The representative of Brazil wished it to be placed on record that her country supported the position that, as those wastes had varying degrees of hazardousness and exhibited differing hazardous characteristics, national interpretations and definitions thereof should prevail.

114. It became apparent that the issue of how to determine which Annex II wastes were in fact hazardous under what circumstances was very difficult to resolve, and it was pointed out also that Annex II wastes could be hazardous because not all countries implemented environmentally sound management in the same way, such as source separation of Annex VIII wastes from household wastes. It was recognized that Annex II wastes, whether exhibiting hazardous characteristics or not, were subject to the Convention's requirements in terms of notification and reporting and of transport safety, labelling and the like.

115. A number of representatives observed that household wastes, as they often contained hazardous wastes and required separation at source or extensive treatment, constituted a significant challenge for developing countries. In that connection, and in response to comments regarding the need for further guidance, it was suggested that it might be necessary to update the technical guidelines on wastes collected from households (Y46). The view was also expressed, however, that there was a need to begin discussing whether other wastes that were difficult to define as hazardous or not hazardous could be included in Annex II, and it was suggested that Parties should make proposals on what wastes required special consideration and should be added to Annex II. It was mentioned in that connection that there might be a consequent need to consider updating Annexes I and III also.

116. It was agreed that the questions of whether it was necessary to update the technical guidelines on wastes collected from households (Y46) and whether it was necessary to expand the scope of Annex II to encompass additional waste streams should be addressed separately, and it was recognized that the environmentally sound management of household wastes did present a significant difficulty for developing countries.

117. The draft decision on the matter was adopted and is reproduced in annex I to the present report as decision OEWG-I/12.

9. Other issues in the work programme

118. The Open-ended Working Group took up the item at its seventh and ninth meetings, on the morning of Thursday, 1 May and on the afternoon of Friday, 2 May.

119. In considering the item, the Working Group had before it a conference room paper circulated by the representative of Germany containing a proposed arrangement of work for activities in the work programme of the Open-ended working group adopted by the Conference of the Parties in its decision VI/37 as requiring implementation before the seventh meeting of the Conference of the Parties but not figuring in the agenda of the first session of the Working Group.

120. It was noted that the fourteenth meeting of the Parties to the Montreal Protocol noted the report of the Task Force on Destruction Technologies presented to the twenty-second meeting of the Open-ended Working Group of the Parties to the Montreal Protocol and agreed to consider, at the twenty-fourth meeting of the Open-ended Working Group, the need to review the status of destruction technologies in 2005.⁵ In addition, it was noted that the technical guidelines on waste incineration and on landfills needed to be updated. It was also noted that OECD had adopted a decision⁶ which contains updated forms for the notification document and the movement document which had been tailored to meet the needs of the Basel Convention also, a fact which had been brought to the attention of the Technical Working Group at its nineteenth session.⁷ The OECD decision also sets forth updated notification procedures; also, a proposal was forthcoming from the European Commission on a revision of the European Community waste shipment regulation. The updated OECD procedures and the revised regulation may both be taken into account in considering any amendment to related procedures under the Convention.

121. The representative of Germany expressed agreement with the position taken by Australia in its information document UNEP/CHW/OEW/1/INF/4 that ozone-depleting substances were not ecotoxic as defined under hazardous characteristic H12 in Annex III to the Convention; however, he noted that under relevant European Community regulations ozone-depleting substances may be ecotoxic.

122. The draft decision submitted by Germany, as orally amended, was adopted and is set forth in annex I to the present report as decision OEWG-I/13.

H. Decision VI/40 – Follow-up to the World Summit on Sustainable Development

123. The Working Group took up the item at its ninth meeting, on the afternoon of Friday, 2 May.

124. In considering the item, the Working Group had before it a note by the secretariat on follow-up to the World Summit on Sustainable Development (UNEP/CHW/OEWG/1/15).

125. The various activities under the Basel Declaration on Environmentally Sound Management with the potential to support the Plan of Implementation⁸ and its type II activities adopted by the World Summit on Sustainable Development in the area of public/private partnerships were highlighted by the representative of the secretariat. However, she stressed that follow-up activities to the Johannesburg Summit had been approved by the Conference of the Parties at its sixth meeting subject to the availability of funds. In that connection, she noted that at its twenty-second session the UNEP Governing Council⁹ had identified Basel Convention support for the World Summit on Sustainable Development Plan Implementation, in the form of cooperation between the secretariats of the Basel Convention, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants, as providing the basis for a coherent, comprehensive, effective and efficient approach to international chemicals management. However, severe financial limitations prevented the secretariat of the Basel Convention from participating actively in such joint activities.

126. The representative of the Netherlands described his country's contribution to the Plan of Implementation of the World Summit on Sustainable Development. The amount of €8,200,000 had been provided to UN-HABITAT within the framework of a two-year partnership programme which covered wastes to a certain extent. The Netherlands Ministry of Foreign Affairs, Development and Cooperation also

⁵ See documents UNEP/OzL.Pro.14/9, paragraphs 76-82 and decision XIV/6 and UNEP/OzL.Pro/WG.1/22/6, paragraphs 51 and 52.

⁶ Decision C(2001)107/FINAL.

⁷ See document UNEP/CHW/TWG/19/13, para. 116.

⁸ *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

⁹ See decision 22/4 part IV, para. 7.

wished to give an additional € million a year for a period of five years starting in 2003 for integrated waste processing and management in sub-Saharan countries. The Basel Convention Regional Centre in South Africa had been made aware of the project, which would deal with household waste in major cities.

127. Other interested Parties were called upon to contribute financially to ensure that the Basel Convention's contribution to activities in follow-up to the Johannesburg Summit could be completed. The preliminary activities towards that end which were listed in chapter III of the note by the secretariat, entitled "next steps", formed the basis for the draft decision which was circulated.

128. The Open-ended Working Group approved the action proposed by the secretariat as set forth in document UNEP/CHW/OEWG/15, which is set forth in annex I to the present report as decision OEWG-I/14.

VI. ADOPTION OF THE DECISIONS AND THE REPORT (Item 6)

129. The adoption of decisions in the present report is shown under the appropriate agenda items and the texts of those decisions and their appendices is given in annex I hereto.

130. The report of the Open-ended Working Group on the work of its first session was adopted at the final meeting, on 2 May 2003, on the basis of the draft report that had been circulated in documents UNEP/CHW/OEWG/1/L.1 and Add.1 and Add.2, as amended during the meeting, and on the understanding that the finalization of the report would be entrusted to the secretariat in consultation with the Chair and the Rapporteur.

VII. OTHER MATTERS (Item 7)

131. At its ninth meeting, on the afternoon of Friday, 2 May, the Working Group took note of the documents UNEP/CHW/OEWG/1/INF/4, "Hazard status of ozone depleting substances (ODS): Submission by Australia", please note paragraph 121 and UNEP/CHW/OEWG/1/INF/13, "Decisions adopted by the UNEP Governing Council at its twenty-second session/Global Ministerial Environment Forum in February 2003 concerning chemicals". Also at its ninth meeting, the Working Group took up the following issues:

Cooperation with the World Trade Organization (WTO)

132. The Working Group had before it on the issue document UNEP/CHW/OEWG/1/INF/12. The view was expressed that it would be useful for the secretariat to report back periodically to the Working Group on progress in the Basel Convention's participation in World Trade Organization meetings, with the hope that its current "invitee" status would evolve into more active participation.

Draft protocol on pollutant release and transfer registers – Aarhus Convention

133. In relation to the draft protocol on pollutant release and transfer registers to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, the Working Group had before it document UNEP/CHW/OEWG/1/INF/14. The representative of Argentina informed the Working group that the Government of Argentina had sought funding to develop such registers and would provide information on them to the Working Group as it became available.

Inter-agency technical assistance project on ship dismantling

134. The Working Group had before it document UNEP/CHW/OEWG/1/INF/15. The issue was addressed by the observer for Greenpeace International, who informed the Working Group that the International Maritime Organization (IMO) draft ship-breaking and ship recycling guidelines failed to meet

the Basel Convention's clear expectations with regard to ship dismantling. The Basel Convention should provide guidance to IMO so as to minimize or eliminate the ability of ship owners to circumvent the Basel Convention and its Ban Amendment (decision III/1 of the Conference of the Parties). In that connection he suggested that Basel Convention secretariat members and other participants in the Working Group who could attend the forty-ninth session of the IMO Marine Environment Protection Committee should do so, whether directly or indirectly; that the Open-ended Working Group should address the issue separately on the agenda of its second session; and that the joint IMO, International Labour Organization and Basel Convention working group projects should be maintained as a priority.

Basel Convention Ban Amendment (decision III/1)

135. The representative of Egypt announced that Egypt had finalized steps toward ratification of the Ban Amendment, and would be presenting the instrument of ratification to the secretariat shortly. Also, the Arab League Council had requested all its Parties to ratify the Ban Amendment by mid-2004 at the latest.

Review of the interim scale of assessment for the Trust Fund of the Basel Convention (decision VI/41, appendix III)

136. The representative of Egypt suggested that the secretariat should consult Parties concerning a new scale of assessment that met with the approval of all Parties and report to the Open-ended Working Group at its second session. The representative of the secretariat responded that although decision VI/41 did not include a deadline for reporting on the issue, Parties would be requested to provide comments; also, consultations would be held with the Bureau of the Conference of the Parties and all interested Parties so that the issue could be resolved constructively at the seventh meeting of the Conference of the Parties.

Speech by the representative of the Netherlands

137. The representative of the Netherlands gave a speech on the state of the Convention, the text of which is reproduced in full in annex V to the present report. The representative expressed dismay at a perceived confrontational atmosphere and stressed the need for the spirit of cooperation to prevail. A number of other representatives expressed agreement with that view, pointing to the distribution of funds among regions as the bone of contention. One representative suggested that the competitiveness among certain countries to obtain funding for projects could be seen as a function of their desire to implement the Basel Convention, but that the scarcity of the funds themselves exacerbated the situation.

Dates of the second session of the Open-ended Working Group

138. At the sixth meeting of the Working Group, on the afternoon of Wednesday, 30 April, a number of Parties expressed concern about the date of the next meeting of the Working Group, which had been scheduled to take place from 3 to 7 November 2003. It was pointed out that a number of other intergovernmental meetings concerning or related to chemicals and wastes would occur on and around those dates, and that the conflict would prevent some Parties from attending one or more of them. At the ninth meeting, on the afternoon of Friday, 2 May, it was agreed that the second session of the Working Group should instead take place, in Geneva, from 20 to 24 October 2003.

VIII. CLOSURE OF THE MEETING (Item 8)

139. After the customary exchange of courtesies, the Vice-Chair (Technical) of the Open-ended Working Group declared the meeting closed at 6.50 p.m. on Friday, 2 May 2003.

Annex I

DECISIONS ADOPTED AT THE FIRST SESSION
OF THE OPEN-ENDED WORKING GROUP
OF THE BASEL CONVENTION

OEWG-I/1 Decisions VI/1 and VI/2: Strategic plan for the implementation of the Basel Convention (to 2010)

The Open-ended Working Group,

Recalling decisions VI/1 on the Strategic Plan for the implementation of the Basel Convention (to 2010), decision VI/2 concerning project proposals under the Strategic Plan for the implementation of the Basel Convention and paragraph 8 of decision VI/41 on financial matters,

Acknowledging with appreciation the project proposals submitted by Parties and by the Basel Convention Regional Centres,

Recognizing the need to initiate activities for 2003-2004 as soon as practicable,

Further recognizing the limited financial resources available to implement activities for 2003-2004 under the Strategic Plan,

Having considered the project proposals submitted by Parties and the Basel Convention Regional Centres,

1. Selects the project proposals contained in appendix 1 to the present decision as those qualifying for funding under the Strategic Plan for 2003-2004 in accordance with the criteria adopted by the Conference of the Parties at its sixth meeting (decision VI/2, appendix);
2. Approves the level of funding of up to \$880,000 for the period 2003-2004, in consistency with decision VI/41 for the purpose of putting into effect activities to implement the projects selected as qualifying for funding as contained in appendix 1 to the present decision;
3. Takes note of the conditions governing the level of funding of up to \$880,000 as contained in appendix 2 to the present decision;
4. Takes note also of the exceptional character of the process undertaken by this session of the Open-ended Working Group to select projects as qualifying for funding;
5. Requests the secretariat to finalize the arrangements for funding of the project proposals selected for implementation through further consultations with the originators of the selected proposals in order to satisfy, as necessary, United Nations Environment Programme formal and substantive requirements associated with the management of the Basel Convention Trust Fund;
6. Also requests Parties and Basel Convention Regional Centres whose proposals have been selected to ensure their effective implementation in accordance with the funds allocated and report, through the secretariat, on progress and outcome in time for consideration by the third session of the Open-ended Working Group, in April 2004;

7. Further agrees to review progress in the implementation of the activities selected and funded under the Strategic Plan at its third session in April 2004.

8. Invites interested Parties and the Basel Convention Regional Centres other than from Africa and Latin America and the Caribbean to submit project proposals by 31 July 2003 for consideration by the Open-ended Working Group at its second session.

Appendix 1

Region	BCRC or Party	Title of Project	Total amount required in 2003-2004
Africa	Egypt	Hazardous Wastes Landfill (Site Selection, Design and preparation of operating plans) in Arab Region.	135,541
	Senegal	Inventory of Hazardous Wastes in French speaking countries covered by BCRC-Dakar	97,903
	South Africa	Development of a database for use by the countries in the region	19,581
	Nigeria	Regional workshop on successful case studies of recycling, reuse and recovery methods towards the environmentally sound management of hazardous wastes and implementation of the Basel Convention in Africa.	90,651
	Africa	Assessment and recycling of used oils in Africa	36,260
			Regional sub-total
Asia	China	A new Partnership with Local Authorities for the environmentally sound management of hazardous and other wastes in urban areas.	108,781
	Cambodia	Inventories of waste lead-acid batteries	45,688
	Jordan	Hazardous waste management in Small Medium Enterprise (SME) in the context of Integrated Life Cycle Management of Materials.	43,512
			Regional sub-total
CEE	Slovak Republic	“Implementation of waste minimization – cleaner production project” - training	30,687
		Regional sub-total	30,687
GRULAC	Argentina	Implementation of the control, detection and prevention of illegal traffic of hazardous wastes.	36,260
	Trinidad & Tobago	Assessment of the environmentally sound management of used oil in the Caribbean.	72,521
	El Salvador	Preparation of a regional strategy for the environmentally sound management of used lead-acid batteries in Central America and the Caribbean.	72,521
	GRULAC	Pilot program for the minimization of impacts generated by hazardous waste.	32,090
	Uruguay	Training program for municipal officers in environmentally sound management of hazardous wastes.	44,600
		Regional sub-total	257,993
WEOG	Germany	Scoping Paper on transfer of national experiences with waste prevention and minimization to a trans-regional or an international level.	13,402
		Regional sub-total	13,402
GRAND TOTAL			880,000

Appendix 2

1. On an exceptional basis, no project proposals from Parties or regional Centres in the Africa and Latin America and Caribbean regions will be considered at the second session of the Open-ended Working Group.
2. On an exceptional basis, funds allocated to project proposals from the same region, listed in appendix 1, may be reallocated from one proposal to another at the request of the Parties or the Basel Convention Regional Centres concerned.

OEWG-I/2 Election of the Committee for administering the mechanism for promoting implementation and compliance

The Open-ended Working Group,

Recalling decision VI/12 on the establishment of a mechanism for promoting implementation and compliance,

Recalling also decision VI/13 on the interim procedure for electing the members of the Committee for administering the mechanism for promoting implementation and compliance,

1. Elects, on behalf of the Conference of the Parties, the following members of the Committee for administering the mechanism for promoting implementation and compliance:

From the African Region

1. Mr. Rachid Ouali – Algeria (for one term)
2. Mr. Prakash Kowlessar – Mauritius (for two terms)
3. Mr. Ibrahima Sow – Senegal (for two terms)

From the Asian Region

4. Mr. Xia Yingxian – People's Republic of China (for two terms)
5. Professor Akiho Shibata – Japan (for two terms)
6. Ms. Hajah Rosnani Ibrahim – Malaysia (for one term)

From Central and Eastern Europe Region

7. Mr. Givi Kalandadze – Georgia (for two terms)
8. Mr. Gordana Petkovic – Serbia and Montenegro (for one term)
9. Mr. Pavel Suian – Romania (for two terms)

From the GRULAC Region

10. Mr. Miguel Angel Hildmann – Argentina (for two terms)
11. Mrs. Maria Angelica Ikeda – Brazil (for one term)
12. Mr. Mauricio Garcia-Velasco – Mexico (for two terms)

From the WEOG Region

13. Mr. Hugh Adsett – Canada (for two terms)
14. Mr. Veit Koester – Denmark (for one term)
15. Mr. Roy Watkinson – United Kingdom (for two terms)

2. Requests the secretariat to arrange for the first meeting of the Committee, which will meet in conjunction with the second session of the Open-ended Working Group;
3. Also requests the secretariat to circulate the provisional agenda of the first meeting of the Committee to its members in advance of the first meeting.

OEWG-I/3 Decision VI/19 – Annex IX to the Basel Convention

The Open-ended Working Group,

Referring to decision VI/19 regarding the questionnaire concerning the national classification and control procedures for the import of wastes contained in Annex IX to the Basel Convention adopted by the Conference of the Parties at its sixth meeting,

Welcoming the replies provided by Parties to that questionnaire,

Noting that the information collected through the questionnaire would assist the secretariat also to make information available to the Parties pursuant to article 3 of the Convention,

Reiterating that the exercise of replying to the questionnaire is voluntary,

Noting that the purpose of filling in the questionnaire by Parties and Signatories is sharing information,

Recognizing the obligations of Parties under other regional conventions or protocols concerning or related to transboundary movements of hazardous and other wastes, such as the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movements of Hazardous Wastes within Africa,

1. Invites those Parties and Signatories that have not provided information to fill in the available questionnaire and return it to the secretariat, preferably before 31 July 2003;
2. Requests the secretariat to provide further explanations to Parties and Signatories in order to improve the replies;
3. Also requests the secretariat to clarify with the Party or signatory concerned any inconsistencies within their replies to the questionnaire;
4. Encourages Parties to fill out their replies to the questionnaire as completely as is feasible, in line with decision VI/19;
5. Requests the secretariat to prepare and submit to the Open-ended Working Group at its second session a consolidated compilation of the replies received and to be submitted.

OEWG-I/4. Decision VI/23 – Preparation of technical guidelines on the environmentally sound management of persistent organic pollutants as wastes

The Open-ended Working Group,

Noting decision VI/23 of the Conference of the Parties at its sixth meeting and decision INC-6/5 of the Stockholm Convention on Persistent Organic Pollutants Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Persistent Organic Pollutants,

Noting with appreciation that Canada is serving as lead country for the draft technical guidelines on PCBs, PCTs and PBBs,

1. Agrees that the following separate technical guidelines for the environmentally sound management of persistent organic pollutants as wastes should be developed:
 - (a) A general technical guideline;
 - (b) Specific technical guidelines on each of the five persistent organic pollutants or groups of persistent organic pollutants: PCBs (including PCTs and PBBs); dioxins and furans; DDT; HCB;¹ and the eight pesticides aldrin, chlordane, dieldrin, endrin, HCB, heptachlor, mirex and toxaphene;
2. Agrees that at least the elements contained in the appendix to the present decision should be contained in those technical guidelines, whereby emphasis should be given to issues which might be included in national legislation and/or adopted under the Stockholm Convention;
3. Agrees that documents UNEP/CHW/OEWG/1/INF/6 and UNEP/CHW/OEWG/1/INF/6/Add.2, as well as other relevant materials, should be used for the preparation of the technical guidelines mentioned in paragraph 1 above, taking into account the need to avoid duplication. General issues with regard to all persistent organic pollutants (such as the methodology for further definition of low persistent organic pollutant content after the seventh meeting of the Conference of the Parties) should be addressed in the general technical guidelines, and issues with regard to specific persistent organic pollutants or groups of persistent organic pollutants (such as provisional definitions for low persistent organic pollutant content) should be addressed in the specific guidelines;
4. Agrees to aim to include in the draft technical guidelines referred to in subparagraph 1 (b) above to be considered by the Conference of the Parties at its seventh meeting:
 - (a) Provisional definitions for low persistent organic pollutant content (with reference to subparagraph 2 (c) of article 6 of the Stockholm Convention) for each persistent organic pollutant;
 - (b) Levels of destruction and irreversible transformation;
5. Invites Parties and others to submit to the secretariat by 30 June 2003 with respect to the six technical guidelines referred to in paragraph 1 above:
 - (a) Proposals on provisional definitions of low persistent organic pollutant content for each persistent organic pollutant, taking into account that the situation may differ for differing forms of waste (such as liquids and foams) and that analytical methods should be available;
 - (b) Suggestions for a methodology for defining low persistent organic pollutant content on a more scientifically sound basis for possible later revision of the provisional definitions referred to in subparagraph 4 (a) above;
 - (c) Proposals on levels of destruction and irreversible transformation;
 - (d) Other comments on the elements contained in the appendix to the present decision and on other issues raised in documents UNEP/CHW/OEWG/INF/6 and UNEP/CHW/OEWG/INF/6/Add.2, taking into account the comments reproduced in document UNEP/CHW/OEWG/INF/6/Add.1, other comments available on the web site of the secretariat and other relevant materials made available at the first session of the Open-ended Working Group;

¹ HCB features twice in the list to reflect its status as both an industrial chemical and a pesticide (fungicide).

6. Invites Parties to serve as lead countries and to inform the Secretariat accordingly by 31 May 2003;
7. Requests the secretariat and the lead country or lead countries to prepare revised draft technical guidelines for the environmentally sound management of persistent organic pollutants as wastes for consideration by the Open-ended Working Group at its second session;
8. Agrees the following tentative timetable:
 - (a) Comments from Parties and others on the drafts referred to in paragraph 9 below are due by the end of 2003;
 - (b) New revised draft technical guidelines are to be produced for consideration by the Open-ended Working Group at its third session;
9. Agrees to establish a small intersessional working group to monitor and assist in the preparation of revised draft technical guidelines, working in particular with electronic means;
10. Invites Parties and others to nominate participants for the small intersessional working group to the secretariat by 31 May 2003, whereby at least one participant from each United Nations region should be nominated;
11. Requests the secretariat to put new draft technical guidelines and comments by Parties and others on its web site as soon as they are available;
12. Requests the secretariat to also put on its web site:
 - (a) The unformatted January 2003 draft persistent organic pollutants technical guidelines showing also tracked changes compared to the October 2002 draft as contained in document UNEP/CHW/OEWG/INF/6/Add.1;
 - (b) The September 2002 draft guidelines on PCBs, PCTs and PBBs and comments from Parties and others on that draft;
 - (c) Comments from Parties and others not yet available on the web site;
13. Invites experts of the Stockholm Convention Intergovernmental Negotiating Committee:
 - (a) To participate in the preparation of the technical guidelines, e.g. in meetings of the Open-ended Working Group and/or in the small intersessional working group;
 - (b) To submit comments on the issues referred to in paragraph 5 above to the secretariat of the Basel Convention.

Appendix

Elements to be addressed in technical guidelines on the environmentally sound management of persistent organic pollutants as wastes

Notes: The order of the elements is arbitrary. The articles refer to the Stockholm Convention. The paragraphs of the text of the guidelines should be numbered.

1. Definition of the low persistent organic pollutant content referred to in article 6, paragraph 1 (d) (ii) (cf. article 6.2 (c))
2. Methods that constitute environmentally sound disposal referred to in article 6.1 (cf. article 6.2 (b)), including monitoring and assessment (Note: More emphasis should be put on economic considerations)
 - 2.1 Destruction or irreversible transformation (cf. article 6.1 (d) (ii), first part)
 - 2.2 Other disposal in an environmentally sound manner (cf. article 6.1 (d) (ii), second part)
 - 2.2.1 Other disposal when the persistent organic pollutant content is low
 - 2.2.2 Other disposal when destruction or irreversible transformation does not represent the environmentally preferable option
Note: Cases where this option may be used as well as disposal operations to be addressed
 - 2.3 Pre-treatment before destruction/irreversible transformation or before other disposal
3. Establishment of levels of destruction and irreversible transformation (cf. article 6.2 (a))
4. Handling, collection, transportation and storage (cf. article 6.1 (d) (i))
5. Identification of wastes consisting of, containing or contaminated with persistent organic pollutants (cf. article 6.1 (a) (ii))
6. Remediation of sites contaminated by persistent organic pollutants (cf. article 6.1 (e)), including monitoring and assessment.
7. Analytical methods
8. Public awareness
9. Environmental levels and hazards
10. Waste prevention and minimization
11. Health and safety
12. Emergency response
13. Regulatory oversight

OEWG-I/5 Decision VI/31: Sustainable partnership on the environmentally sound management of end-of-life mobile phones

The Open-ended Working Group,

Recalling decision VI/31 on the sustainable partnership on the environmentally sound management of end-of-life mobile telephones,

Noting with appreciation the progress made by the Mobile Phone Working Group established under decision VI/31 in the preparation of draft terms of reference and a draft 2003-2004 work programme for the Mobile Phone Partnership Initiative,

1. Adopts the terms of reference for the Mobile Phone Working Group contained in appendix 1 to the present decision;
2. Adopts the 2003-2004 work programme for the Mobile Phone Partnership Initiative contained in appendix 2 to the present decision;
3. Invites Parties and Signatories to indicate their interest in joining the Mobile Phone Working Group to the secretariat by 13 June 2003;
4. Encourages stakeholders to contribute to the Mobile Phone Partnership Initiative both financially and in other ways.

Appendix 1

**TERMS OF REFERENCE
MOBILE PHONE WORKING GROUP**

The Mobile Phone Working Group was established under decision VI/31 of the sixth meeting of the Conference of the Parties to the Basel Convention. Decision VI/31 includes most importantly the full text of the commitment from mobile phone manufacturers, *Sustainable Partnership on the Environmentally Sound Management of End-of-Life Mobile Phones*.

The Mobile Phone Working Group is the operational body to the Open-ended Working Group of the Basel Convention on the environmentally sound management of end-of-life mobile telephones. It is the Basel Convention's primary mechanism for progressing the Mobile Phone Partnership Initiative, including with respect to:

- Advice to the Parties and signatories;
- Consultations between experts, industry and the Parties and signatories to the Convention;
- Initiation and oversight of projects under the Mobile Phone Partnership Initiative work programme.

Membership and operation

The Mobile Phone Working Group comprises experts from Parties and Signatories interested in the Mobile Phone Partnership Initiative plus representatives of the mobile phone manufacturers and the secretariat of the Basel Convention. As appropriate, other stakeholders (such as other United Nations bodies, network providers, operators and recyclers, non-governmental organizations and consumers) will be invited by the Group to join or otherwise participate actively in the work of the Mobile Phone Working Group. This involvement will normally be through project groups, involving a broader stakeholder set, to oversee and conduct specific projects. A priority task for project groups will be to elaborate project profiles and develop firm cost estimates.

The Mobile Phone Working Group is chaired by a member, elected by the Group, and assisted by the secretariat of the Basel Convention. The contact within the secretariat is the Senior Programme Officer responsible for Basel Convention Partnerships.

The recommendations of the Mobile Phone Working Group have no legal or binding status.

The Mobile Phone Working Group shall operate on a consensus basis.

Duties and responsibilities

The Mobile Phone Working Group is established under decision VI/31 of the Conference of the Parties to the Basel Convention and is governed by that decision. It is mandated to:

- (a) Elaborate draft terms of reference for the group, including its working structure (e.g. for subgroups);
- (b) Develop, in cooperation with the secretariat, a draft concrete work programme setting priorities and identifying specific programmes for the environmentally sound management of end-of-life mobile phones, taking into account the fields of common interest for cooperative work identified in the announcement by the mobile telephone manufacturers;
- (c) Work intersessionally;
- (d) Set priorities based on the work programme;
- (e) Initiate and oversee the implementation of the work programme of the Mobile Phone Partnership Initiative, noting that the work programme is a dynamic document;
- (f) Work in a transparent way by making information or reports of meetings available to Parties, signatories, non-governmental organizations and other stakeholders;
- (g) Ensure that intersessional inputs or comments from Parties, signatories, non-governmental organizations and other stakeholders are considered by the Group;
- (h) Report regularly, through its Chair, to the Open-ended Working Group and to the Conference of the Parties.

Appendix 2

BASEL CONVENTION MOBILE PHONE PARTNERSHIP INITIATIVE WORK PROGRAMME 2003–2004

At its sixth meeting, in Geneva in December 2002, the Conference of the Parties established a small group of experts from Parties and/or signatories interested in a sustainable partnership on the environmentally sound management of end-of-life mobile telephones plus representatives of the mobile phone manufacturers and a representative of the secretariat (decision VI/31). The Conference indicated that, as appropriate, other stakeholders² would be invited by the group to participate actively in its work.

That group, the Mobile Phone Working Group, will have responsibility for the Initiative's work programme, and will work under the guidance of the Open-ended Working Group. The mandates of the Mobile Phone Working Group and the roles and responsibilities of the Mobile Phone Working Group, the Open-ended Working Group and the secretariat of the Basel Convention are itemized in decision VI/31.

² Such as other United Nations bodies and agencies, network providers, operators and recyclers.

Nothing in this Work Programme shall prohibit any partner in the Mobile Phone Partnership Initiative or member of the Mobile Phone Working Group from undertaking additional action to promote the environmentally sound management of mobile phones.

OBJECTIVES

The overall objective of the Mobile Phone Partnership Initiative work programme is to promote the objectives of the Convention in the area of the environmentally sound management of end-of-life mobile telephones. In particular, the Mobile Phone Partnership Initiative work programme should:

- Achieve better product stewardship;
- Influence consumer behaviour towards more environmentally friendly actions;
- Promote the best refurbishing/recycling/disposal options;
- Mobilize political and institutional support for environmentally sound management;
- Result in an Initiative that could be replicated to build new public/private partnerships for the environmentally sound management of hazardous and other waste streams.

In meeting its objectives, decision VI/31 indicates that the Mobile Phone Partnership Initiative work programme is required to consider:³

- Initiatives (regulatory, voluntary, economic) for reused phones that re-enter the market to ensure high quality and standards that satisfy the product requirements of manufacturers, network providers and operators alike;
- Rules that govern transboundary movements of mobile phones to be reused;
- Advice on any programmes, legislation and /or regulations for an effective collection of end-of-life mobile phones;
- Rules that apply to transboundary movement of end-of-life mobile phones to be sent for refurbishing, recycling and recovery;
- Guidance on environmentally sound practices for recycling and recovery;
- Elaboration of the role of the Basel Convention Regional Centres in assisting countries in developing legislation, establishing potential recycling companies, raising awareness, disseminating information and capacity-building.

STAKEHOLDERS

Manufacturers

Improved end-of-life management, product design and consumer participation can all contribute to minimizing adverse environmental impacts of mobile phones. Manufacturers of these products have already committed themselves to contributing to meeting this challenge, and their practical efforts to date require acknowledgement.

Manufacturers have made significant progress over the past 15 years in redesigning mobile phones that are more environmentally conscious. Their voluntary efforts have resulted in a significant reduction in the amount of materials used in mobile phones, the use of more environmentally friendly materials, more energy-efficient chargers, and batteries that are also smaller, made of more environmentally conscious

³ Mobile phone manufacturers committed themselves to consider the following six bullet points under the 12 December 2002 Declaration, "Sustainable Partnership on the Environmentally Sound Management of End-of-Life Mobile Phones".

materials and much more efficient in their use of resources. (For example, the average weight of a mobile phone has reduced from over 0.5 kg to less than 0.1kg, cadmium has been eliminated from batteries, chargers use a tenth of the energy and phones can run 10 times longer between recharging).

In general, the further commitment of manufacturers to the Mobile Phone Partnership Initiative reflects their company commitments to continuous improvement, and their actions under the Mobile Phone Partnership Initiative will build upon this responsible track record.

The challenge arises primarily not from any lack of responsible effort from manufacturers but from the popularity of the product, its extremely rapid growth across the globe, and from the perceived and real obsolescence of mobile phone models. The popularity of the product is reflected in the growth in the global market, from 16 million subscribers in 1991 to more than 1 billion mobile phones today. In 2002 alone, almost 400 million new mobile phones were manufactured. Worldwide, the average life of the mobile phone in the hands of the first user is about 1.5 years; in poorer countries where cost is a greater factor, it is 2.5 years; in more developed countries, it can be as low as 1 year.

Appropriate refurbishing can and does extend the usable life of the mobile phone considerably and delays the end of life for large numbers of mobile phones for up to seven years. However, the introduction of 400 million-plus new mobile phones per year to the existing stockpile is an indication of the size of the challenge to be addressed.

Other stakeholders

The stakeholder set needed to address this challenge includes but also extends beyond manufacturers. It includes governments (at international, national, provincial and municipal levels), environmental non-government organizations, recyclers, network providers/operators and consumers.

Decision VI/31 explicitly anticipates that other stakeholders (in particular, other United Nations bodies, network providers, operators and recyclers) will be invited where appropriate by the Mobile Phone Working Group to participate actively in its work, and are critical for success. Discussion to date has centred on the timing and nature of such involvement and the balance to be struck between ensuring the Mobile Phone Working Group is comprehensive in membership without being so large as to be unwieldy.

The prevailing view appears to be that it would be useful to build momentum at a manageable pace and focus input from sectors outside the initial membership on specific projects and/or within subgroups.

A similar initiative supported by UNEP is the Global e-Sustainability Initiative (GeSI) formed in June 2001 by a number of telecommunication network operators and equipment providers. Both GeSI and the GSM Association (representing network operators⁴) are invited observers to the Mobile Phone Working Group to ensure full advantage is taken of any potential synergies.

RESOURCES

All stakeholders currently involved in this Initiative have demonstrated a commitment. Parties and Signatories to the Convention, together with manufacturers and representatives of the network providers, have spent much time agreeing the deliverables of this programme. Manufacturers estimate that since June 2002 they have dedicated resources equivalent to almost US\$ 270,000 to the development of the Initiative.

The key element of this Initiative involves the provision of past experience and knowledge of the parameters that make an effective end-of-life solution to the management of used mobile phones. Manufacturers,

⁴ The GSM Association comprises over 680 second- and third-generation wireless network operators. The Association's members provide digital wireless services to over 825 million customers in 193 countries (as at end February 2003).

network operators and those involved in the recycling and refurbishment of used mobile phones bring this experience to the Partnership. All participants have confirmed that the intellectual input, which is the key resource that underpins the success of the Mobile Phone Partnership Initiative, will be freely available for the duration of the partnership.

However, funds will be needed to disseminate outcomes and facilitate the transfer of knowledge and know-how to countries that are considering launching collection and recovery schemes and looking for the best available practices. The implementation of the project proposals represents a set of logical, interrelated and mutually supportive activities that can be carried out in a phased manner.

ELEMENTS OF THE WORK PROGRAMME

The elements of the Work Programme have been developed bearing in mind the need to:

- Address the six thematic areas detailed above;
- Consider geographic/regional need and economic interest and the best environmental return for Convention resources;
- Build upon voluntary work by stakeholders to date;
- Build upon existing resource strengths such as the Basel Convention Regional Centres;
- Complement the work of like initiatives such as the Global e-Sustainability Initiative (GeSI).

Finally, given that the entire life-cycle management of mobile phones is a complex issue involving many players, a stepwise approach for this partnership project has been suggested in the draft Work Programme, involving different stakeholders at different stages.

The following categories of work are proposed for consideration for adoption by the Open-ended Working Group. As a dynamic programme, it is expected that specific projects will vary over time, within and between the four categories. Project profiles, to be elaborated by project groups, are in Attachment C of document UNEP/CHW/OEWG/1/INF/17.

1. Reuse of used mobile phones

- Initiatives (regulatory, voluntary, economic) for reused phones that re-enter the market to ensure high quality and standards that satisfy the product requirements of manufacturers, network providers and operators alike.

Project 1.1 Development of guidelines for refurbishment and for refurbished mobile phones to re-enter the market

2. Collection and transboundary movement of used mobile phones

- Advice on programmes, legislation and/or regulations for an effective collection of end-of-life mobile phones.
- Rules that govern transboundary movements of mobile phones to be reused or recycled.

Project 2.1 Best practice guidelines for collection schemes and transboundary movement of used phones

Project 2.2 Trial of implementation of collection and treatment scheme

3. Recovery and recycling of end-of-life mobile phones

- Guidance on environmentally sound practices for recycling and recovery.

Project 3.1 Identification of existing best environmentally sound practices for recovery and recycling of mobile phones

4. Awareness-raising and training

- Elaboration of the role of the Basel Convention Regional Centres to assist countries in developing legislation, establishing potential recycling companies, raising awareness, disseminating information and capacity-building.

Project 4.1 Awareness-raising and training

- Design and use
- Collection
- Reuse
- Recycling

A priority task for project groups will be to elaborate project profiles and develop firm cost estimates.

OEWG-I/6 Decision VI/32: Partnership with environmental non-governmental organizations and with industry and the business sector

The Open-ended Working Group,

Recalling decisions VI/32 and VI/31 of the Conference of the Parties at its sixth meeting,

1. Invites Parties, environmental non-governmental organizations, industry and the business sector and others to submit suggestions as to items for a draft work programme for cooperation with industry and the business sector and with environmental non-governmental organizations to the secretariat by 30 June 2003, taking into account, inter alia, the draft elements as contained in the appendix to decision VI/32;

2. Requests the secretariat to prepare a draft work programme for cooperation with industry and the business sector and with environmental non-governmental organizations for consideration at the second session of the Open-ended Working Group, taking into account the issues mentioned in document UNEP/CHW/OEWG/1/7, whereby the technical issues in the work programme of the Open-ended Working Group should be considered at the second and third sessions of the Open-ended Working Group.

OEWG-I/7 Finalization of work on the hazardous characteristics H6.2, H10, H11 and H13; and initiation of work on the other hazardous characteristics of Annex III

The Open-ended Working Group,

Recalling decision VI/37 insofar as it refers to the work on hazardous characteristics H6.2, H10, H11 and H13,

Noting that the Open-ended Working Group was requested by the Conference of the Parties at its sixth meeting by that same decision to continue its work on the hazardous characteristics H6.2, H10, H11 and H13,

Recognizing the usefulness of developing practical guidance on all Annex III hazardous characteristics to assist Parties and other stakeholders to implement the Basel Convention effectively,

H6.2

1. Invites the small intersessional working group to continue providing guidance to the delegation of the United Kingdom in completing work on characteristic H6.2;
2. Encourages the delegation of the United Kingdom, with the support of the small intersessional working group and other Parties and stakeholders, to finalize the paper on the hazardous characteristic H6.2 for consideration by the Open-ended Working Group at its third session and submission to the Conference of the Parties at its seventh meeting;
3. Invites Parties and other stakeholders to provide comments to the United Kingdom, with copy to the secretariat, by 30 September 2003, to enable the delegation of the United Kingdom to finalize the paper on hazardous characteristic H6.2;

H10

4. Also invites Parties and others to provide comments to the delegation of the Netherlands, with copy to the secretariat, by 31 October 2003 to enable the delegation of the Netherlands to prepare a consolidated revised version of the draft paper on the hazardous characteristic H10 for consideration by the Open-ended Working Group at its third session and submission to the Conference of the Parties at its seventh meeting;

H11

5. Further invites Parties and others to provide comments to the delegation of the United States of America, with a copy to the secretariat, by 30 September 2003 on the hazardous characteristic H11;
6. Requests the secretariat to prepare a consolidated paper on the hazardous characteristic H11 for consideration by the Open-ended Working Group at its third session and submission to the Conference of the Parties at its seventh meeting;

H13

7. Invites Parties and others to provide the secretariat with comments by 30 September 2003 on the hazardous characteristic H13;
8. Requests the secretariat to continue to work on the elaboration of the assessment procedure for leachate and to gather additional information about practical experience and suggestions for potential worst-case scenarios for other materials;
9. Further requests the secretariat to prepare a consolidated revised version of the paper on the hazardous characteristic H13 for submission to the Open-ended Working Group at its third session and for submission to the Conference of the Parties at its seventh meeting;

Initiation of work on hazardous characteristics not yet covered

10. Invites Parties and others to contribute technically and financially to the initiation of work on other Basel Convention Annex III hazardous characteristics ;

Communication

11. Requests the secretariat to display the ongoing or planned work on hazardous characteristics on the Basel Convention web site to enable Parties and others to review progress, exchange views and provide comments on a regular basis.

OEWG-I/8 Preparation of the technical guidelines on the environmentally sound recycling/reclamation of metals and metal compounds (R4)

The Open-ended Working Group,

Recalling decision VI/37 insofar as it refers in the Work Programme of the Open-ended Working Group to the preparation of technical guidelines,

Noting with appreciation the roles played by Parties and others, especially by lead country Australia, in the preparation of the technical guidelines on the recycling/reclamation of metals and metal compounds (R4),

Recognizing that the draft technical guidelines on the environmentally sound recycling/reclamation of metals and metal compounds (R4) are ready to be finalized,

1. Invites Parties and others to submit comments to the delegation of Australia with copy to the secretariat, preferably by 31 July 2003;
2. Requests the secretariat to post both the existing and the subsequent revised version of the technical guidelines on the web site of the secretariat together with the comments received;
3. Also requests the secretariat to submit the revised version of the technical guidelines to the Open-ended Working Group at its third session with a view to their adoption on an interim basis.

OEWG-I/9 Preparation of the technical guidelines on the environmentally sound management of wastes resulting from surface treatment of metals and plastics (Y17)

The Open-ended Working Group,

Recalling decisions V/26 and VI/37,

Welcoming the initiation of work on the development of technical guidelines on the environmentally sound management of wastes resulting from surface treatment of metals and plastics (Y17),

Welcoming also the leadership role taken by Australia in the preparation of those technical guidelines,

1. Invites Parties and others to provide comments on the draft technical guidelines to the delegation of Australia, with copy to the secretariat, preferably by 30 September 2003;
2. Requests the secretariat to post both the existing text of the technical guidelines and the subsequent revised version together with the comments received on the web site of the secretariat;
3. Also requests the secretariat to submit the revised version of the technical guidelines to the Open-ended Working Group at its third session for its consideration.

OEWG-I/10 Relationship of the lists of wastes of the Basel Convention with their identification in the World Customs Organization Harmonized Commodity Description and Coding System (HS)

The Open-ended Working Group,

Noting that several amendments to the nomenclature utilized in the World Customs Organization's Harmonized Commodity Description and Coding System concerning the separate identification of certain categories of wastes came into force in 2002,

Noting also that negotiations for new entries into the fourth edition of the Harmonized System Codes in 2007 are scheduled to be completed by April 2004,

Noting further that proposals for any changes and new applications should be submitted to the World Customs Organization secretariat as soon as possible and preferably by the end of June or early July 2003,

Aware of the difficulties encountered in having separate identification for hazardous wastes within the Harmonized System,

Aware also of the imminent deadline for submitting applications to the World Customs Organization secretariat,

Considering that enhanced control of transboundary movement of hazardous and other wastes will act as an incentive for their environmentally sound management and for the reduction of such movements,

Concerned about the problem of illegal transboundary traffic in hazardous and other wastes,

Recognizing the usefulness and importance of ensuring conformity and consistency between the control system of the Basel Convention and other international rules, standards or regulations regarding trade in commodities that include wastes for which control is required for environmental reasons,

1. Invites Parties to submit, through the secretariat, proposals for the separate identification of hazardous wastes within the Harmonized System by the end of June 2003;
2. Requests the secretariat urgently to assist those Parties in need of such assistance in their submission of any proposal for amendments to the Harmonized System;
3. Also requests the secretariat to prepare a comprehensive report with recommendations on the issue of the relationship between the lists of wastes covered by the Basel Convention and the Harmonized System nomenclature and to submit it to the Conference of the Parties at its seventh session.

OEWG-I/11 Review of scientific information on the disposal of PVC wastes and PVC-coated cables

The Open-ended Working Group,

Recalling decision VI/37 on the work programme of the Open-ended Working Group,

Noting that work on Annex III hazardous characteristics, in particular H10, H11 and H13, is at a development stage and represents a necessary step in considering the classification of PVC wastes and PVC-coated cables,

Aware of the work in the domain of PVC in other international forums,

1. Requests Parties, industry, non-governmental organizations and other organizations to submit to the secretariat relevant and scientific information on PVC wastes and PVC-coated cables, preferably by 30 September 2003;

2. Also requests the secretariat to report on the progress of the work of the Open-ended Working Group in this area to the Conference of the Parties at its seventh meeting.

OEWG-I/12 Initiation of work on the scope of Annex II

The Open-ended Working Group,

Recalling paragraph 2 of article 1 of the Convention, stipulating that wastes that belong to any category in Annex II of the Convention that are subject to transboundary movements shall be “other wastes” for the purpose of the Convention,

Aware of the possible practical difficulties to be encountered by Parties in the use of Annex II,

Convinced that effective control of Annex II wastes is essential to protect human health and the environment from the dangers posed by those wastes,

1. Invites Parties and others to provide comments to the secretariat on the question of the scope of Annex II, preferably by 30 June 2003;

2. Requests the secretariat to report on progress made to the Open-ended Working Group at its second session.

OEWG-I/13 Other issues in the work programme: arrangement of work

The Open-ended Working Group,

Recalling its work programme as set forth in table I, “Technical activities”, in the appendix to decision VI/37,

Language versions of the lists of wastes

1. Invites comments from Parties and others on the conformity of the language versions of the lists of wastes contained in Annexes VIII and IX of the Convention, to be forwarded to the secretariat by 30 September 2003;

2. Requests the secretariat to prepare suggestions for possible technical corrections of the language versions of the lists of wastes for consideration by the Open-ended Working Group at its third session;

Possible technical guidelines on monitoring and closure plans for facilities

3. Invites comments from Parties by 30 September 2003 on the need to initiate work on technical guidelines on monitoring and closure plans for facilities before the seventh meeting of the Conference of the Parties;

Possible technical guidelines on ozone-depleting substances

4. Decides not to initiate work on technical guidelines on ozone-depleting substances before the seventh meeting of the Conference of the Parties unless requested to do so by the Montreal Protocol;

5. Requests the secretariat to report to the Open-ended Working Group at its third session on any new developments on wastes consisting of or containing ozone-depleting substances subject to the Montreal Protocol;

Review and update of existing technical guidelines

6. Invites Parties and others to make suggestions as to which technical guidelines should be updated to the secretariat by 30 November 2003 for consideration by the Open-ended Working Group at its third session and for inclusion in the draft work programme of the Open-ended Working Group for 2005-2006;

Implementation of existing technical guidelines

7. Invites Parties and others to report to the secretariat by 31 December 2003, for consideration by the Open-ended Working Group at its third session, on the implementation of the technical guidelines on environmentally sound management with a view to identifying practical difficulties and obstacles to their effective implementation;

Harmonization of lists of wastes and related procedures

8. Invites comments on the forms for notification and movement documents referred to in paragraphs 116 and 117 of the report of the nineteenth session of the Technical Working Group (UNEP/CHW/TWG/19/13), to be forwarded to the secretariat by 30 November 2003;

9. Requests the secretariat to prepare a document summarizing and structuring the comments and suggesting a way forward for the Basel Convention forms based on comments received for consideration by the Open-ended Working Group at its third session with a view to submitting updated forms to the Conference of the Parties at its seventh meeting;

10. Invites comments from Parties and others on the possible amendment of procedures related to notification of transboundary movements of wastes subject to the Convention to be forwarded to the secretariat by 31 December 2003 for consideration by the Open-ended Working Group at its third session;

11. Requests the secretariat to compile the comments referred to in paragraphs 8 and 10 above for consideration by the Open-ended Working Group at its third session.

OEWG-I/14 Decision VI/40: Follow-up to the World Summit on Sustainable Development

The Open-ended Working Group,

Recalling decision VI/40 of the Conference of the Parties, and in particular its paragraph 3 requesting the secretariat to propose a way forward in implementing concrete activities in this area within the available resources,

1. Requests the secretariat to undertake a review of ongoing and planned activities funded in the context of the Strategic Plan with a view to identifying activities that support the objectives of the World Summit on Sustainable Development directly, in an incremental way or indirectly;⁵

2. Also requests the secretariat to review the business plans prepared by the Basel Convention Regional Centres to identify how each Centre is supporting, can support or will support the objectives of the Johannesburg Summit;

3. Further requests the secretariat to identify the principal international initiatives and programmes, including but not limited to the Globally Harmonized System of Classification and Labelling of Chemicals (GHS), the Intergovernmental Forum on Chemical Safety (IFCS), the Inter-Organization Programme for the Sound Management of Chemicals (IOMC), the Pollutant Release and Transfer Register (PRTR) initiative and the Strategic Approach to International Chemicals Management (SAICM), in which the waste dimension must be adequately taken into account to meet the expectations and objectives of the Johannesburg Summit in respect of the life-cycle management of materials;⁶

4. Requests the secretariat to prepare a report on the above matters, including proposals for the way forward, for consideration by the Open-ended Working Group at its third session.

⁵ See *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

⁶ *Ibid.*, chap. III, para. 23.

Annex II

REPORT OF THE STRATEGIC PLAN WORKING GROUP

1. Several sessions of the Strategic Plan Working Group were held between 28 April and 2 May 2003.
2. A Friends of the Chair Group was formed to choose a list of project proposals that qualify for funding under the Strategic Plan for 2003-2004, in accordance with the criteria set out in the appendix to decision VI/2.
3. The Working Group chose the list of project proposals contained in appendix 1 to the proposed decision on the Strategic Plan submitted to the Open-ended Working Group for consideration.
4. On an exceptional basis, the Working Group agreed to limit the choice of projects in an agreed manner to enable progress to be made in the Working Group.
5. The Working Group acknowledged that it was not possible to distribute projects equitably according to regional and national diversities and specificities during the first session of the Open-ended Working Group.
6. This matter should be adjusted in later sessions so that when all projects chosen under decision VI/2 were taken together, they were distributed equitably according to regional and national diversities and specificities.
7. To perform its task, the Working Group used a process in which more than 100 Parties, including all the applicants for funding, had to reach consensus on which projects qualified for funding. By its nature, this was a difficult process and one that is unlikely to work smoothly in the long term.
8. The Working Group considered that the attention of the Parties should be drawn to the need for a better process to evaluate the merits of project proposals.
9. In the meantime, the secretariat should be requested to ensure that project proposals were made available on the web site in a timely manner and that a summary table of the proposals should also be available well in advance of the meeting at which the proposals would be considered.
10. Parties submitting proposals were also invited to consider providing a narrative description of the reasons why their proposals met the criteria set out in the appendix to decision VI/2.
11. The Working Group emphasised strongly the need to mobilize additional funds for the implementation of the Strategic Plan and commended Denmark for its proposed work in this direction.

Annex IIIStatements made in the course of the debate on agenda item 5 (a), Decisions VI/1 and VI/2 – Strategic Plan for the implementation of the Basel Convention (to 2010)”Appendix IStatement by the delegation of Canada

It is the view of our delegation that:

- The allocation of funds for 2003 and 2004 agreed to at this meeting, on a regional basis, will not serve as a precedent for the distribution of funds for the remaining resources to be allocated and expended at the second session of the Open-ended Working Group, in 2004;
- Funds allocated at this meeting, for disbursement in 2003 and 2004, will be expended by the end of the 2004 calendar year; and
- There is no guarantee that funding will be made available subsequent to the seventh meeting of the Conference of the Parties. This will depend, among other things, on the priorities established at the seventh meeting of the Conference of the Parties and the availability of funds.

Canada further suggests that the Basel Convention issue a communiqué to the Parties and others that the Open-ended Working Group, at its first session, has approved \$880,000 in project funding that promotes the objectives of the Basel Convention.

Appendix IIStatement by the delegation of Egypt

It is the Egyptian understanding that in the process of the implementation of the projects shortlisted by the first meeting of the Open-ended working Group, the secretariat of the Basel Convention will have an instrumental role in closely monitoring the implementation of the projects and carefully scrutinizing them as first projects that will serve as a model to be built upon by other projects submitted in the future.

Appendix IIIStatement by the delegation of Japan

The process of selecting projects which we have gone through was certainly not an easy one. Large amounts of time were spent on political discussion, and the Working Group was not able to examine in detail the contents of the projects and their costs.

The budget for the projects in this biennium is an exceptional arrangement relying on an existing surplus in the Trust Fund, and we should aim at a more efficient and transparent selection process.

Our delegation considers that this selection process should be reviewed and improved so that the quality of the project is more carefully reviewed and the selection is done on that basis.

Appendix IV

Statement of the Central and Eastern European countries

The Group of Central and Eastern European Countries presents the following statement regarding project proposals qualifying for funding.

The Group of Central and Eastern European Countries region is willing to approve the compromise solution for the allocation of \$880,000 for the first round of 15 projects' funding.

Nevertheless, the region will agree to the allocation of funds under the following conditions:

1. The African region and the Group of Latin American and Caribbean Countries, including Basel Convention Regional Centres and Parties, will not submit any project proposal for funding and will withdraw existing project proposals that do not qualify until the seventh meeting of the Conference of the Parties;
2. The remaining amount of the total budget, namely \$320,000, will be used to finance project proposals submitted from the three remaining regions (the Group of Central and Eastern European Countries, Asia and the Group of Western European and Other States).

Appendix V

Statement by Brazil on behalf of the Group of Latin America and Caribbean Countries

REGIONAL STATEMENT ON STRATEGIC PLAN

Brazil, on behalf of the Group of Latin America and Caribbean Countries (GRULAC) stated that the GRULAC region is aware of the fact that the amounts required by the secretariat will have to be reduced.

At the same time, GRULAC believes that all the participants of this meeting are also aware of the fact that because of this reduction, the projects approved in OEWG 1 will have to be revisited and revised including, the outcomes to be expected from them.

Annex IV

REPORT ON THE DISCUSSION IN THE CONTACT GROUP
ON PERSISTENT ORGANIC POLLUTANTS AS WASTES
SUBMITTED BY THE CO-CHAIRS

1. In addition to the draft decision proposed by the contact group, the following points in particular were discussed.
2. It was noted that priority should be given to the destruction/disposal of wastes with a high content of persistent organic pollutants.
3. Because of the complexity of the task of defining low persistent organic pollutant content, it was proposed:

(a) To aim to agree on provisional definitions at the seventh meeting of the Conference of the Parties, taking into account existing definitions, and

(b) At the same time to initiate a process of preparing a methodology for an improved definition of low persistent organic pollutant content on a more scientifically sound basis. It was also suggested that a time frame for that work should be set.

It was clarified that “low persistent organic pollutant content” refers to the input into a waste management facility.

4. It was pointed out that low persistent organic pollutant content is not the only factor conditioning the choice between destruction or irreversible transformation and other disposal; it may also be the case that destruction or irreversible transformation is not the environmentally preferable option. However, only one example was mentioned in which the latter approach would be put into practice: where destruction technology is not yet available, it was seen as preferable to store the waste safely for a time.
5. Divergent views were expressed on whether, given the obligation in subparagraph 1 (d) (iii) of article 6 of the Stockholm Convention not to subject persistent organic pollutants as wastes to disposal operations that may lead to recovery of persistent organic pollutants, persistent organic pollutants as wastes may be subjected to recovery operations in which the terms of article 6, subparagraph 1 (d) (ii) would be fulfilled.
6. With respect to levels of destruction and irreversible transformation, the concept of destruction efficiency was mentioned, as was the concept of setting absolute concentration levels for persistent organic pollutants in the output of waste management facilities. It was noted that the dependence of destruction efficiency on the content of persistent organic pollutant in a waste should be further elaborated on. Preliminary suggestions for destruction efficiency ranged between 99.999 and 99.9999 per cent. With regard to absolute levels in waste management facility output, the option of detection limits and an example with a limit of 5 ppm for PCB in waste wood whose use in the production of new products is permitted were mentioned (cf. the German Ordinance on the Management of Waste Wood (*Altholzverordnung*) of 15 August 2002 available at www.bmu.de).
7. It was noted that the following, among other work which had already been undertaken, were important to the finalization of the technical guidelines:
 - (a) Under the Basel Convention, works such as *Destruction and Decontamination Technologies for PCBs and Other POPs Wastes* and “*Preparation of a National Environmentally Sound Management Plan for PCBs and PCB-contaminated Equipment*;

(b) Under UNEP Chemicals, the *Inventory of Worldwide PCB Destruction Capacity*, December 1998 and the *Survey of Currently Available Non-Incineration PCB Destruction Technologies*, first issue, August 2000;

(c) Under the Stockholm Convention, work on Best Available Techniques (BATs) and Best Environmental Practice (BEP), National Chemical Profiles (NCP) and National Implementation Plans (NIPs);

(d) Under the Montreal Protocol, works such as the April 2002 report of the Technology and Economic Assessment Panel (TEAP) including the report of the Task Force on Destruction Technologies (for ozone-depleting substances);

(e) Relevant work carried out by certain countries, environmental non-governmental organizations and the industrial and business sectors.

It was noted also that work carried out in other forums should not be duplicated.

8. It was noted that a waste may contain more than one persistent organic pollutant and other contaminants also and that that issue should be addressed in the technical guidelines.

9. The Co-Chair of the Expert Group on BAT and BEP under the Stockholm Convention reported on the outcome of the first meeting of the Expert Group. It was noted that there was some overlap between BAT and BEP work and the technical guidelines under the Basel Convention, and that there was a need for better coordination.

10. Concerning the legal status of the technical guidelines it was noted that technical guidelines under the Basel Convention are not legally binding and that it is for the Parties to the Stockholm Convention to decide on the legal status of technical guidelines under that Convention (cf. Stockholm Convention decision INC-6/5).

11. After agreement was reached to develop both general technical guidelines and specific technical guidelines, no detailed conclusions could be drawn at that stage on the differentiation of material between the general guidelines and the specific guidelines.

12. Canada was requested by the Co-Chair to consider to serve as lead country not only on the PCB/PCT/ PBB guidelines but also on all technical guidelines. Canada indicated that it would consider the request after the meeting and come back to the secretariat. The option of having more than one lead country was also mentioned.

13. Regarding the timetable for further work on those technical guidelines, it was recognized that moving the next session of the Open-ended Working Group to October 2003 could be agreed. The secretariat clarified that the new draft texts would have to be finalized at least two months before the second session.

Annex VSTATEMENT BY THE REPRESENTATIVE OF THE NETHERLANDS
UNDER AGENDA ITEM 8, "OTHER MATTERS"

I deliver to you this speech, which I have called "State of the Convention". Time has come to express to you and share with you thoughts and feelings about the work process in the Basel Convention. I think that, although the sixth meeting of the Conference of the Parties decided upon important changes in relation to the budget, the institutional arrangements and the empowerment of the developing countries by starting the process of the Implementation Plan, the spirit of cooperation changed gradually into a spirit of confrontation.

Dear friends, the ship of the Convention is in great danger, it struggles its way towards a known destination while the wind force is increasing to a heavy storm. We need all hands on deck, all the crew, their knowledge, team spirit, dedication, and we need our experienced captain and officers to change course and speed in time.

More and more, the subject of the management of waste has become a process where time and money is wasted.

We are here in the Palais des Nations, the home of the United Nations, which stands for peaceful cooperation between nations, where people gather with the goal of understanding each other's needs and objectives, where the motivation to change things for the better is strengthened and put into practice in daily life.

Although I am thankful for the valuable bilateral contacts which I have had during this week with delegates from Mauritius, Brazil, Pakistan, China, the South African Regional Centre, Macedonia, Slovenia and others, the process has been even worse than during the sixth meeting of the Conference of the Parties.

To divide up the limited sum of \$1,200,000 during the first and second sessions of the Open-ended Working Group will have cost at least \$600,000. Everybody understands that this is insane. I cannot explain this to the Dutch taxpayer. I will have to report to my Minister, and that will have its consequences.

The Netherlands support the Convention not only through its contributions to the Trust Fund but also through yearly contributions for travelling costs. I ask you: should we pledge money to make it possible for developing countries to come to Geneva to fight amongst themselves and with the donor countries? One should realize that the economic situation in OECD countries is worsening every month. We simply cannot afford to spend money for ineffective meetings.

This is not a game, my friends. During the sixth meeting of the Conference of the Parties, the issues "budget" and "new United Nations scale of assessment" resulted in trench warfare discussions, where delegates insulted each other. Yes, we accept that Parties should put forward their arguments, that we should have needle-sharp discussions, but we do not accept it when the good spirit and motivation of Parties, delegates and secretariat are put at stake. Although many of us have hearts as tough as elephant hide, the sixth meeting of the Conference of the Parties caused severe damage to belief in the Basel process and the possibility of cooperating with developing countries.

Dear friends: after a first decade in which the Basel process was mainly discussion between rich countries, now in the second decade the emphasis is on input from and action by the developing countries and countries with economies in transition. I realize that, in doing this, we face major cultural differences between Parties. We should be aware of this, and we should manage it to our mutual benefit. I think that within the United Nations organization, experience and help can be found to guide this multicultural process.

In recent years I have enjoyed seeing the growing, visible and positive contributions to the Basel process made by countries such as Brazil, Argentina and others. I enjoyed working together with India and China on the subject of ship dismantling, forging guidelines with Norway with the help of the United States of America, and also bilateral contact on projects, especially in China.

The purpose of Basel Convention is not to have meetings, produce paper and operate bureaux or centres, but to change things in real, everyday practice, to achieve the environmentally sound management of hazardous waste.

The delegates of the developing countries and of countries with economies in transition are the agents of change for achieving environmentally sound management in their countries and regions. OECD countries help them by contributing, yes, a limited sum of money for regional projects and centres.

Rather than money, motivation and action is what really counts and, as has been said here during this week, there are also opportunities – but no guarantees – to arrange for bilateral development aid support for projects.

One should be aware that the strategic plan is a plan for 10 years. If countries or regions do not succeed in having projects between the sixth and seventh meetings of the Conference of the Parties, they will have new opportunities after the seventh meeting – but only if the seventh meeting generates money for projects. It may be that the seventh meeting will not be reluctant to carry on with projects, if we can demonstrate to our Ministers the merits of the approach by presenting the results of successfully completed projects.

In that respect I call upon Parties not to press any further to generate more money – not at the second and third sessions of the Open-ended Working Group – over and above that already granted by the Conference of the Parties at its sixth meeting, and not to argue any longer about selection, not to waste time, but instead to carry out projects and present the results to us in 2004.
