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**Open-ended Working Group of the Basel Convention
on the Control of Transboundary Movements of
Hazardous Wastes and Their Disposal**
Fourth session
Geneva, 4–8 July 2005

Report of the Open-ended Working Group of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal on the work of its fourth session

I. Opening of the meeting (agenda item 1)

1. The fourth session of the Open-ended Working Group was opened at 10.15 a.m. on Monday, 4 July 2005, by Ms. Sachiko Kuwabara-Yamamoto, Executive Secretary of the Basel Convention.
2. In her opening statement, the Executive Secretary welcomed participants to the current session of the Open-ended Working Group and highlighted some of the positive developments since the seventh meeting of the Conference of the Parties. In particular, she noted progress made by the Basel Convention regional and coordinating centres in developing proposals on priority waste streams, including persistent organic pollutant (POPs) wastes and e-waste projects, and expressed appreciation to participating countries for their support. She also welcomed three major telecommunication operators as new members of the Mobile Phone Partnership Initiative.
3. Other highlights mentioned included substantive progress by the Committee for Administering the Mechanism for Promoting the Implementation of and Compliance with the Basel Convention (Compliance Committee) in the important areas of national reporting, implementing legislation and the designation of national focal points and the promising collaboration between the Convention and the International Labour Organization (ILO) and the International Maritime Organization (IMO), through the Joint ILO/IMO/Basel Convention Working Group on Ship Scrapping.
4. In contrast to those positive developments, however, she underscored the serious financial situation facing the Basel Convention, including the Basel Convention regional and coordinating centres, and regretted the lack of financial support, which had precluded the attendance at the current session of the majority of the regional centres and also of a number of Parties from developing countries and countries with economies in transition. She drew attention to recent progress in resource mobilization and partnerships in the context of implementation of the Strategic Plan and to developments in international chemicals negotiations which would necessitate strengthening the capacity of both the Secretariat and the regional centres.
5. Urging Parties to give serious thought to what they wanted the Convention to achieve and noting that the role of the Secretariat was not to serve as an implementing agency, but to initiate and coordinate programme activities and to provide quality control in pursuit of the objectives of the Convention, she emphasized that, while cost-savings should continue, the search for efficiency to the

exclusion of all else could impair effectiveness and delivery. She also emphasized the vital role of the regional and coordinating centres in improving the implementation of the Basel Convention at the regional level, and reiterated the need for the Convention to have a predictable and sustainable source of funding. Expressing the hope that the Parties to the Convention would collectively be able to find a meaningful solution to those concerns, she thanked those countries which had paid their contributions to the Basel Convention Trust Fund for the current biennium and those which had made new pledges to the Technical Cooperation Trust Fund.

II. Election of the members of the Bureau of the Working Group (agenda item 2)

6. The following representatives were elected as members of the Bureau of the Working Group:

- Co-Chairs: Ms. Anne Daniel (Canada) (legal)
Mr. Daniel Chacon-Anaya (Mexico) (technical)
- Vice-Chairs: Ms. Gordana Petkovic (Serbia and Montenegro) (legal)
Ms. Leela Padmini Batuwitige (Sri Lanka) (technical)
- Rapporteur : Ms. Berina Uwimbabazi (Uganda)

III. Adoption of the agenda (agenda item 3)

7. At its first plenary meeting, on 4 July 2005, the Working Group considered the provisional agenda of the session as contained in document UNEP/CHW/OEWG/4/1. It was suggested that, under other matters, the Working Group should discuss the issue of letters of designation and that time should be allowed for a report from the Chair of the Compliance Committee. In addition, the Working Group agreed that the issue of the harmonization of the forms for the notification and movement documents and related instructions should be included as new item 5 (n). With that change, the agenda was adopted, as set out below:

1. Opening of the meeting.
2. Election of the members of the Bureau of the Working Group.
3. Adoption of the agenda.
4. Organization of the session.
5. Implementation of the decisions adopted by the Conference of the Parties at its seventh meeting:
 - (a) Basel Convention Partnership Programme (decision VII/3);
 - (b) Mobile Phone Partnership Initiative (decision VII/4);
 - (c) Work programme of the Open-ended Working Group for 2005–2006 (decision VII/12);
 - (d) Joint Working Group of the International Labour Organization (ILO), the International Maritime Organization (IMO) and the Basel Convention on Ship Scrapping (decision VII/25);
 - (e) Environmentally sound management of ship dismantling (decision VII/26);
 - (f) Abandonment of ships (decision VII/27);
 - (g) Basel Protocol on Liability and Compensation (decision VII/28);
 - (h) Illegal traffic (decision VII/34);
 - (i) Sustainable financing (decision VII/40);
 - (j) Financial matters (decision VII/41);
 - (k) Technical guidelines on persistent organic pollutants (decision VII/13);
 - (l) Preparation of technical guidelines on the environmentally sound management of wastes resulting from surface treatment of metals and plastics (Y17) (decision VII/15);

- (m) Work on hazard characteristics: section II (decision VII/17);
 - (n) Harmonization of the forms for the notification and movement documents and related instructions (decision VII/22).
6. Draft decision on resource mobilization.¹
 7. Report on the outcome of the first meeting of the Conference of the Parties of the Stockholm Convention on Persistent Organic Pollutants.
 8. Other matters.
 9. Adoption of the decisions and the report.
 10. Closure of the meeting.

IV. Organization of the session (agenda item 4)

A. Attendance

8. The session was attended by representatives of the following Parties to the Convention: Algeria, Andorra, Argentina, Armenia, Australia, Austria, Bangladesh, Barbados, Belgium, Benin, Botswana, Brazil, Bulgaria, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, European Commission, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Madagascar, Malaysia, Malta, Mauritania, Mauritius, Mexico, Monaco, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Samoa, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Sweden, Switzerland, Togo, Trinidad and Tobago, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, Uzbekistan, Viet Nam and Zambia.

9. The following States not party to the Convention were represented: Haiti, Iraq, United States of America and Zimbabwe.

10. Observers from the following United Nations bodies, specialized agencies and intergovernmental organizations were also present: International Maritime Organization, United Nations Industrial Development Organization and United Nations Environment Programme (Division of Technology, Industry and Economics and Chemicals Unit).

11. The following intergovernmental organization was represented: Organization for the Prohibition of Chemical Weapons.

12. The following non-governmental organizations, private sector organizations and others were represented: American Plastics Council, Arnika Association, Association of Plastics Manufacturers, Basel Action Network (BAN), Bell Canada, Bureau of International Recycling, Confederation of European Waste-to-Energy Plants, Ecotox, ENDA Europe, ENDA Tiers-Monde, European Federation of Waste Management and Environmental Services (FEAD), France Telecom, Graduate Institute of Development Studies, Greenpeace International, Institute of Environment and Resources, International Chamber of Shipping, International Precious Metals Institute, Japan Tosoh Corporation, Nokia, Panasonic Mobile Communications, Siemens AG, Taiwan Green Productivity Foundation, Vodafone and World Chlorine Council.

13. Representatives of Basel Convention regional and coordinating centres in the following countries also attended: China, Islamic Republic of Iran, Slovakia, South Africa and Uruguay.

B. Organization of work

14. The Working Group conducted the session in plenary meetings on the understanding that informal contact groups would be set up as required. It was agreed that the number of such groups would be kept to a minimum, however, and that financial issues (items 5 (i), 5 (j) and 6) should, in

¹ See paragraph 40 of the report of the seventh meeting of the Conference of the Parties and annex III to that report, contained in document UNEP/CHW.7/33.

particular, be discussed first in plenary, to meet the concerns of smaller delegations that all Parties should have the opportunity to discuss the matter. If it were deemed necessary, a contact group could then be set up and given guidance by Parties at the plenary session.

15. The Working Group agreed to organize its work along the lines laid out in the provisional timetable prepared by the Secretariat, but with the amendment that item 7 (Report on the outcome of the first meeting of the Conference of the Parties of the Stockholm Convention on Persistent Organic Pollutants) should be discussed in conjunction with item 5 (k), as the two items were linked, and item 5 (c) (Work programme of the Open-ended Working Group for 2005–2006) should be discussed after items 5 (d), (e) and (f) and prior to the discussion of item 5 (k).

V. Implementation of the decisions adopted by the Conference of the Parties at its seventh meeting (agenda item 5)

A. Basel Convention Partnership Programme (decision VII/3) (agenda item 5 (a))

16. The Working Group took up the item at its 5th plenary meeting on the afternoon of Wednesday, 6 July 2005. In considering the item, it had before it a note by the Secretariat on the Basel Convention Partnership Programme (UNEP/CHW/OEWG/4/2) and a progress report on the Partnership Programme and resource mobilization (UNEP/CHW/OEWG/4/INF/11).

17. The representative of the Secretariat said that the main challenges faced by the Secretariat with regard to the item had been, first, the difficulty convincing the Convention's partners that a regional approach was a sound approach to the issue and, second, preparing a project proposal on polychlorinated biphenyl (PCB) wastes for West Africa to put before the Global Environment Facility (GEF) for approval. He also explained that, under this proposal, the Basel Convention Regional Centre in Dakar could become an executing agency for the development of the proposal. He also highlighted the issue of electronic waste – or e-waste – as the fastest growing type of waste in the world at the current time and stressed the need for efforts to build capacity to deal properly with this waste stream, particularly in Asia, by developing a regional approach.

18. In the ensuing discussion, the representatives who took the floor recognized the importance of the Partnership Programme and expressed their appreciation of the work carried out thus far by the Secretariat. A number of countries then proposed changes to the draft of the proposed decision contained in the Secretariat's note UNEP/CHW/OEWG/4/2. Following that discussion, it was agreed that a contact group should be formed to work on the wording of an amended draft decision, comprising the representatives of Colombia, Morocco and the United Kingdom (representing the European Union).

19. At its 7th plenary meeting, on the afternoon of Thursday, 7 July 2005, the Working Group adopted the draft decision on the Basel Convention Partnership Programme, based on the draft contained in the Secretariat's note and as amended. Decision OEWG-IV/1, as adopted, is contained in annex I to the present report.

B. Mobile Phone Partnership Initiative (decision VII/4) (agenda item 5 (b))

20. The Working Group took up the item at its 3rd plenary meeting, on the morning of Tuesday, 5 July 2005. In considering the item, the Working Group had before it a note by the Secretariat on the Mobile Phone Partnership Initiative (UNEP/CHW/OEWG/4/3) and a progress report by the chair of the mobile phone working group (UNEP/CHW/OEWG/4/INF/14).

21. The representative of Switzerland, as chair of the mobile phone working group, gave an update on the initiative and introduced the proposed decision contained in document UNEP/CHW/OEWG/4/3. Noting the extensive interest by the private sector in the initiative, he informed the Working Group that four separate project groups had been established on the following issues: refurbishment and reuse of mobile phones, under the chairmanship of Australia; collection and transboundary movement of mobile phones, under the chairmanship of Germany; material recovery and recycling of end-of-life mobile phones, under the co-chairmanship of the United States of America and Switzerland; and awareness and training on the environmentally friendly design of mobile phones, under the chairmanship of the United States of America. Three of the four project groups had completed their work and their guidance reports were available on the website and had been submitted to the Mobile Phone Working Group for

consideration. The group working on the collection and transboundary movement of mobile phones was making good progress and hoped to complete its work soon, at which point its guidance document would also be submitted to the Mobile Phone Working Group and posted on the website.

22. Noting the need to broaden the membership of the mobile phone working group, he encouraged developing countries and countries with economies in transition to join and welcomed the decision by three major telecommunication operators to sign a declaration under the Mobile Phone Partnership Initiative. Among challenges still facing the initiative, he identified the need to resolve the remaining issues relating to collection and transboundary movement; to find a way forward with pilot projects in the field and to select the countries for those projects; and to ensure adequate resources for those initiatives and pilot projects.

23. He also drew the attention of the Working Group to three major difficulties hindering progress by the initiative: first, the reluctance of the private sector to support a convention using such unequivocal terms as "hazardous", while those very words were at the heart of the Convention; second, the need to develop criteria which would constitute environmentally sound management of mobile phone waste in accordance with the Basel Convention; and, third, the difficulty of merging the collaborative approach followed within the Mobile Phone Partnership Initiative with the more traditional modalities employed within the Basel Convention. He stressed the need for greater interaction between all stakeholders involved.

24. In conclusion, he thanked all those countries which had supported the initiative and its project groups, in particular those which had provided financial support.

25. In the ensuing discussion and at the 5th plenary meeting, on the afternoon of Wednesday, 6 July 2005, a number of representatives expressed support for the Mobile Phone Partnership Initiative in general and the pilot project in Senegal in particular. It was stated that the initiative was particularly welcome in view of the global expansion in the mobile phone market. Some representatives stressed the importance of the private sector becoming involved, to alleviate the financial burden in this area, and suggested that the precise nature of this involvement should be clearly determined. The representative of Switzerland, speaking as chair of the mobile phone working group, clarified that the documents related to the pilot projects did contain such specifications, which could be used as a model for other projects.

26. Following that discussion, the Working Group agreed to adopt the draft decision on the Mobile Phone Partnership Initiative, based on the draft contained in the Secretariat's note UNEP/CHW/OEWG/4/3 and as amended to reflect the adoption of the overall guidance documents by the Conference of the Parties and specifying that pilot projects should primarily be carried out in developing countries and countries with economies in transition. Decision OEWG-IV/2, as adopted, is contained in annex I to the present report.

27. Following the 3rd plenary meeting, a signing ceremony was held, at which the representatives of Bell Canada, Vodafone and France Telecom/Orange Group signed a declaration on an initiative on cooperation for the environmentally sound management of mobile phones.

C. Work programme of the Open-ended Working Group for 2005–2006 (decision VII/12)² (agenda item 5 (c))

28. The Working Group took up the item at its 1st plenary meeting, on the morning of Monday, 4 July 2005. In considering the item, it had before it a note prepared by the Secretariat on the work programme of the Working Group for 2005–2006 (UNEP/CHW/OEWG/4/4). Introducing the item, the representative of the Secretariat said, in view of the financial and temporal constraints on the Open-ended Working Group, it was necessary to decide which issues would be implemented in 2005–2006. The Co-Chair (legal) invited the Parties present to indicate their views on which issues should be prioritized.

² In paragraph 9 of decision VII/35, the Conference of the Parties requested the Secretariat to submit a progress report on the initiation of the work of developing a set of indicators to the Open-ended Working Group at its fourth session. Since, owing to lack of financial resources, no work has been initiated by the Secretariat on indicators, work on indicators has not been included in the work programme of the Open-ended Working Group.

29. Following a discussion, in which representatives indicated the issues on the work programme which, in their view, merited priority attention, the Working Group agreed to invite the Bureau to prepare a proposal on the prioritization of the work programme, for consideration by the Working Group.

30. At its 8th plenary meeting, on the morning of Friday, 8 July 2005, the Working Group adopted the draft decision on the work programme for 2005–2006, based on the draft submitted by the Bureau. Decision OEWG-IV/3, as adopted, is contained in annex I to the present report.

D. Joint Working Group of the International Labour Organization (ILO), the International Maritime Organization (IMO) and the Basel Convention on Ship Scrapping (decision VII/25) (agenda item 5 (d))

E. Environmentally sound management of ship dismantling (decision VII/26) (agenda item 5 (e))

F. Abandonment of ships (decision VII/27) (agenda item 5 (f))

31. The Working Group took up items 5 (d), 5 (e) and 5 (f) as a single cluster, at its 1st plenary meeting, on the morning of Monday, 4 July 2005.

32. In considering item 5 (d), the Working Group had before it a note by the Secretariat on the report of the first session of the Joint Working Group of ILO, IMO and the Basel Convention (UNEP/CHW/OEWG/4/5).

33. The Executive Secretary observed that the Joint Working Group had proposed that its second session would be hosted by the Secretariat of the Basel Convention in Geneva in December 2005 and recalled the request by the Expanded Bureau, at its meeting on 21 and 22 June 2005, that, at its current fourth session, the Open-ended Working Group should consider how best to ensure that discussions in the Joint Working Group were genuinely tripartite in nature.

34. In considering item 5 (e), the Working Group had before it the note by the Secretariat on the environmentally sound management of ship dismantling (UNEP/CHW/OEWG/4/6), as well as comments by the Basel Action Network (BAN) and Greenpeace (UNEP/CHW/OEWG/4/INF/20 and 21).

35. In considering item 5 (f), the Working Group had before it a note by the Secretariat on the abandonment of ships on land or in ports (UNEP/CHW/OEWG/4/7) and a note by the IMO secretariat on the abandonment of ships (UNEP/CHW/OEWG/4/INF/3).

36. The Executive Secretary observed that, since document UNEP/CHW/OEWG/4/7 had been compiled, two more Parties, the Dominican Republic and Estonia, had also submitted responses.

37. Following an initial debate, in which a number of Parties and representatives of non-governmental organizations drew attention to the general importance of the issue and highlighted particular concerns, the Working Group agreed to establish a contact group to consider the three items further, under the chairmanship of Mr. Roy Watkinson (United Kingdom of Great Britain and Northern Ireland).

38. At the 8th plenary meeting, on the morning of Friday, 8 July 2005, the chair of the contact group reported back to the Working Group on the outcome of its work. He said that a number of Parties in the contact group had stated their wish to have their views recorded in the official report of the meeting. Summaries of those views are contained in annex II to the present report.

39. In addition, the representative of Denmark drew attention to paragraph 9 of the draft decision on the environmentally sound management of ship dismantling, establishing an open-ended intersessional working group to consider the issues regarding ship dismantling, and invited Parties and stakeholders to indicate by e-mail to the Secretariat of the Basel Convention as soon as possible their interest in participating in the group and also invited the Secretariat to make the necessary preparations for it to begin its work.

40. Following that report, the Working Group adopted the draft decisions on the Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention; the environmentally sound management of ship dismantling; and the abandonment of ships

on land or in ports. Decisions OEWG-IV/4, OEWG-IV/5 and OEWG-IV/6, as adopted, are contained in annex I to the present report.

G. Basel Protocol on Liability and Compensation (decision VII/28) (agenda item 5 (g))

41. The Working Group took up the item at its 5th plenary meeting, on the afternoon of Wednesday, 6 July 2005. In considering the item, it had before it a note by the Secretariat on the Basel Protocol on Liability and Compensation, containing the draft instruction manual (UNEP/CHW/OEWG/4/8*) and a document containing a summary of the obstacles and difficulties faced by the Parties in the process of ratifying or acceding to the Protocol (UNEP/CHW/OEWG/4/INF/4).

42. The Executive Secretary introduced the item, noting the decisions of the Conference of the Parties at its sixth and seventh meetings requesting the Secretariat to prepare and then revise, in consultation with Parties and other stakeholders, a detailed instruction manual for the implementation of the Protocol. She explained that the revised version incorporated written comments by Parties and recommendations by participants in regional workshops. She invited the Open-ended Working Group to consider and approve the draft instruction manual, as requested by the Conference of the Parties. She also invited Parties to consider adopting a decision on the Basel Protocol on Liability and Compensation along the lines proposed in the note by the Secretariat.

43. With regard to the workshops organized by the Secretariat in response to the request from the Conference of the Parties, she noted that only one country, Switzerland, had contributed funds to support such workshops, including one that was to take place later in the year, in Indonesia.

44. In the ensuing discussion of the draft training manual, many Parties spoke in favour of the regional workshops, drawing attention to the benefits accruing from those which had already been held, while others requested that further workshops be held in their regions as well.

45. It was agreed, given the detailed legal nature of the draft training manual, that a small legal drafting group should be established, under the chairmanship of Mr. Dessalegne Mesfin Fanta (Ethiopia), for its further consideration, with a view to advising the Open-ended Working Group as to whether it was ready for approval.

46. At its 8th plenary meeting, on the morning of Friday, 8 July 2005, the Working Group decided to merge the two draft decisions on the item, the first on the Basel Protocol on Liability and Compensation and the second on the instruction manual for implementation of the Basel Protocol, into a single decision. The Working Group adopted the merged decision, as amended by the legal drafting group and by the plenary, by which it also approved the instruction manual, as amended. Decision OEWG-IV/7, as adopted, is contained in annex I to the present report.

H. Illegal traffic (decision VII/34) (agenda item 5 (h))

47. The Working Group took up the item at its 5th plenary meeting, on the afternoon of Wednesday, 6 July 2005. In considering the item, it had before it a note by the Secretariat on guidance elements for the detection, prevention and control of illegal traffic in hazardous waste: draft training manual for the enforcement of laws implementing the Basel Convention (UNEP/CHW/OEWG/4/9) and a document on the same subject containing in one annex the draft outline of a training manual and in another annex three options for the format of such a manual (UNEP/CHW/OEWG/4/INF/19).

48. In introducing the item, the Executive Secretary suggested that special expertise might be needed in finalizing the training manual and voluntary contributions required from Parties in providing that expertise. She invited comments upon the Secretariat's note and the draft training manual and on the formatting option which Parties would prefer.

49. At its 8th plenary meeting, on the morning of Friday, 8 July 2005, the Working Group adopted the draft decision on illegal traffic, on the basis of the draft contained in the Secretariat's note UNEP/CHW/OEWG/4/9. Decision OEWG-IV/8, as adopted, is contained in annex I to the present report.

I. Sustainable financing (decision VII/40) (agenda item 5 (i))

50. Item 5 (i) was taken up together with item 6 (Draft decision on resource mobilization) and the discussion of the items is reflected in chapter VI below.

51. Following the introductory discussion of the item, at the 7th plenary meeting, on the afternoon of Thursday, 7 July 2005, the group of African countries, supported by the group of Asian and Pacific countries, submitted a draft decision on sustainable financing. Following a discussion of that draft, the Working Group agreed to entrust the delegation of the United Kingdom, working in consultation with representatives of African countries, with the further consideration and revision of the draft decision. At the 9th plenary meeting, on the afternoon of Friday, 8 July 2005, the Working Group adopted the draft decision on sustainable financing, as revised by the United Kingdom in consultation with representatives of African countries. Decision OEWG-IV/9, as adopted, is contained in annex I to the present report.

52. At the time of adoption of the decision, the representative of Brazil, speaking on behalf of the Group of 77 and China, noted the Group's grave concern about the financial problems facing the Basel Convention, which were undermining the very credibility of the Convention, and stressed that participation of all countries was essential to safeguard its multilateral nature. Accordingly, he urged Parties and multinational corporations to make the necessary contributions to enable the participation in meetings by the Group's member countries.

J. Financial matters (decision VII/41) (agenda item 5 (j))

53. The Open-ended Working Group took up the item at its 4th plenary meeting, on the afternoon of Tuesday, 5 July 2005. In considering the item, it had before it notes by the Secretariat on financial matters (UNEP/CHW/OEWG/4/11) and on information on financial matters (UNEP/CHW/OEWG/4/INF/18, Corr.1 and Add.1).

54. In her introduction of the item, the Executive Secretary explained that the first of those notes contained detailed information on the Basel Convention trust funds and the status of the current financial situation and expenditure projections for the current financial period, while the second provided additional information on financial matters, including two issues currently under discussion between UNEP and the Secretariat regarding the proposed administrative arrangements for the Convention and whether certain expenditures should be partially or fully covered by the programme support cost levied on operational expenditures to the Basel Convention Trust Fund.

55. The representative of the Secretariat presented a detailed analysis of the financial situation of the Basel Convention, including a projection for 2005–2006, prepared in the light of the reserve and balance of the Basel Convention Trust Fund, and income and expenditures. He drew attention to the issue of unpaid contributions from the Parties and the impact that the weak United States dollar had had on the financial situation of the Secretariat, particularly with regard to staff costs and conference services costs. He highlighted the impending budgetary shortfall if all contributions were not paid, which would oblige the Basel Convention Trust Fund to exceed the limits on withdrawals from its working capital reserve before the end of 2006.

56. Following those introductory statements and a brief discussion, the Working Group agreed to set up a contact group on financial matters, under the joint chairmanship of Mr. Jean-Louis Wallace (Canada) and Mr. Massoud Boldaji (Islamic Republic of Iran), to consider the matter further.

57. At the 9th plenary meeting, on the afternoon of Friday, 8 July 2005, the chairs of the contact group reported back to the Working Group on the outcome of their work. In their report, they drew attention to paragraph 6 of the draft decision on financial matters and noted the concern expressed by the Secretariat regarding the fact that the text failed to provide any clear direction on the further steps to be taken to monitor and control costs adequately. In particular, in the Secretariat's view, as worded, the draft gave the Secretariat exclusive responsibility to perform this function, while the burden should more appropriately be shared with the Parties, given that the Parties ultimately approved the decisions. It was the view of at least one Party participating in the contact group that the language proposed could compromise the implementation of the Convention.

58. In response to those concerns, it was clarified that the words “to take further steps to monitor” could mean a variety of measures that the Secretariat and ultimately the Executive Secretary could take, such as bringing cost-related matters to the attention of the Expanded Bureau for its further consideration. The Secretariat was satisfied with that explanation.

59. The report also noted the request by some Parties in the contact group for clarification of the phrase “administrative tasks” in paragraph 9 of the draft decision. It was explained that the phrase referred to specific components of the Basel Convention Trust Fund listed in annex I to decision VII/41 of the Conference of the Parties. Such components included equipment and premises, miscellaneous items, subcontracts, and also items identified in the Secretariat’s note on financial matters contained in document UNEP/CHW/OEWG/4/INF/18.

60. Finally, it was noted that the Executive Secretary had confirmed to the contact group that there were sufficient resources in the budget to undertake the work on reporting in 2005 and 2006, as approved by the Conference of the Parties at its seventh meeting.

61. Following that report, the Working Group adopted the draft decision on financial matters, based on the draft contained in the Secretariat’s note UNEP/CHW/OEWG/4/11, and as amended by the contact group. Decision OEWG-IV/10, as adopted, is contained in annex I to the present report.

K. Technical guidelines on persistent organic pollutants (decision VII/13) (agenda item 5 (k))

62. The Working Group took up the item at its 2nd plenary meeting, on the afternoon of Monday, 4 July 2005. In considering the item, it had before it the following documents: a note by the Secretariat on technical guidelines (UNEP/CHW/OEWG/4/12); draft technical guidelines for the environmentally sound management of wastes consisting of, containing, or contaminated with polychlorinated dibenzo-p-dioxins (PCDDs) or polychlorinated dibenzofurans (PCDFs) or both (UNEP/CHW/OEWG/4/INF/5); draft technical guidelines for the environmentally sound management of wastes consisting of, containing, or contaminated with the pesticides aldrin, chlordane, dieldrin, endrin, heptachlor, hexachlorobenzene, mirex or toxaphene (UNEP/CHW/OEWG/4/INF/6); draft technical guidelines for the environmentally sound management of wastes consisting of, containing, or contaminated with hexachlorobenzene (HCB) (UNEP/CHW/OEWG/4/INF/7); and draft technical guidelines for the environmentally sound management of wastes consisting of, containing, or contaminated with dichlorodiphenyl-trichloroethane (DDT) (UNEP/CHW/OEWG/4/INF/8).

63. The Parties agreed that a technical contact group should be established, under the chairmanship of Mr. Michael Ernst (Germany), to consider the guidelines further.

64. At the 8th plenary meeting, on the morning of Friday, 8 July 2005, the Working Group adopted the draft decision on the preparation of technical guidelines on persistent organic pollutants, based on the draft contained in the Secretariat’s note UNEP/CHW/OEWG/4/12 and as amended by the contact group. Decision OEWG-IV/11, as adopted, is contained in annex I to the present report.

L. Preparation of technical guidelines on the environmentally sound management of wastes resulting from surface treatment of metals and plastics (Y17) (decision VII/15) (agenda item 5 (l))

65. The Working Group took up the item at its 5th plenary meeting, on the afternoon of Wednesday, 6 July 2005. In considering the item, it had before it a note by the Secretariat on the preparation of technical guidelines on the environmentally sound management of wastes resulting from surface treatment of metals and plastics (Y17) (UNEP/CHW/OEWG/4/13) and the draft technical guidelines on the environmentally sound management of wastes resulting from surface treatment of metals and plastics (Y17) (UNEP/CHW/OEWG/4/INF/9).

66. The Co-Chair (technical) stated that work on the guidelines had been accorded low priority by the contact group on technical matters. A number of Parties agreed with the decision to accord it low priority and suggested that the contact group on technical matters should continue its consideration of the item, with a view to completing the necessary work on the draft technical guidelines in document UNEP/CHW/OEWG/4/INF/9.

67. The representative of Australia, the lead Party preparing the draft technical guidelines, stated that, although Australia was willing to do further work on the item, the financial resources available for that purpose had been exhausted. He also said that, in Australia's view a consultancy would be the best way to proceed with the undertaking.

68. It was agreed to refer the item to the contact group on technical matters for further consideration.

69. At the 8th plenary meeting, on the morning of Friday, 8 July 2005, the Working Group adopted the draft decision on the preparation of technical guidelines on the environmentally sound management of wastes resulting from surface treatment of metals and plastics (Y17), based on the draft contained in the Secretariat's note UNEP/CHW/OEWG/4/13 and as amended by the contact group. Decision OEWG-IV/12, as adopted, is contained in annex I to the present report.

M. Work on hazard characteristics: section II (decision VII/17) (agenda item 5 (m))

70. The Working Group took up the item at its 5th plenary meeting, on the afternoon of Wednesday, 6 July 2005. In considering the item, it had before it a note by the Secretariat on the work on hazard characteristics: section II of decision VII/17 (UNEP/CHW/OEWG/4/14), a discussion paper on hazard characteristic H11 under the Basel Convention (UNEP/CHW/OEWG/4/INF/10) and a guidance document on the application of hazard characteristic H10 of Annex III (UNEP/CHW/OEWG/4/INF/12).

71. The representative of the Secretariat stressed that the Working Group had to consider whether it agreed to the proposal for the establishment of a correspondence group between itself and the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals and the adoption of the terms of reference of the correspondence group as contained in the annex to the note by the Secretariat. He explained that the Secretariat would submit the relevant decisions of the Working Group to the Subcommittee of Experts at its meeting the following week. The Working Group would then be informed at its next session of the latest developments regarding the issue.

72. With regard to the work on hazard characteristics H10 and H11, he informed the Working Group that the latest draft proposals on the two issues, as set out in documents UNEP/CHW/OEWG/4/INF/10 and INF/12, were also available on the Basel Convention website at the address www.basel.int/technicalmatters/index.html and invited comments thereon from Parties and other stakeholders. While thanking the Netherlands for providing a financial contribution for the work on hazard characteristic H10, he emphasized the need for further support, financially or as lead country, from Parties in order to complete that work. On hazard characteristic H11, he noted with appreciation the contribution by the United States of America and its willingness to continue as lead country in that task.

73. All representatives that spoke on this agenda item supported the proposal for the establishment of the correspondence group between the Working Group and the Subcommittee of Experts. The meeting agreed to entrust the contact group on technical matters with the further consideration of the terms of reference for the correspondence group and the draft decisions as proposed in document UNEP/CHW/OEWG/4/14.

74. At the 8th plenary meeting, on the morning of Friday, 8 July 2005, the Working Group adopted the draft decision on work on hazard characteristics, based on the draft contained in the Secretariat's note UNEP/CHW/OEWG/4/14 and as amended by the contact group. Decision OEWG-IV/13, as adopted, is contained in annex I to the present report.

N. Harmonization of the forms for the notification and movement documents and related instructions (decision VII/22)

75. The Working Group took up the item at its 5th plenary meeting, on the afternoon of Wednesday, 6 July 2005. In considering the item it had before it the following documents: a note by the Secretariat on the harmonization of forms for the notification and movement documents and related instructions (UNEP/CHW/OEWG/4/16) and recommended harmonized forms for the notification and movement documents and related instructions (UNEP/CHW/OEWG/4/INF/15) and comments received from Parties and others on the subject (UNEP/CHW/OEWG/4/INF/16).

76. It was agreed to entrust further consideration of the issue to the contact group on technical matters.

77. At its 8th plenary meeting, on the morning of Friday, 8 July 2005, the Working Group adopted the draft decision on harmonization of the forms for the notification and movement documents and related instructions, prepared on the basis of the draft submitted by the Secretariat in its note UNEP/CHW/OEWG/4/16 and as amended by the contact group. Decision OEWG-IV/14, as adopted, is contained in annex I to the present report.

VI. Draft decision on resource mobilization³ (agenda item 6)

78. The Working Group decided to consider item 6 together with the related item 5 (i) (Sustainable financing (decision VII/40)). The Working Group took up the two items at its 3rd plenary meeting, on the morning of Tuesday, 5 July 2005. For item 5 (i), the plenary had before it a note by the Secretariat on sustainable financing (UNEP/CHW/OEWG/4/10) and a document on the legal and institutional feasibility of appropriate and predictable financial mechanisms of the Basel Convention: addendum to the Basel Convention Resource Mobilization Strategy (UNEP/CHW/OEWG/4/INF/13). For item 6, the plenary had before it a note by the Secretariat on a draft decision on resource mobilization (UNEP/CHW/OEWG/4/15), a report on the Partnership Programme and resource mobilization (UNEP/CHW/OEWG/4/INF/11), and a draft decision on resource mobilization submitted in the session by the group of Latin American and Caribbean countries.

79. The Executive Secretary introduced the items, noting that resource mobilization was an essential issue requiring the active participation of all Parties, as well as the Basel Convention regional and coordinating centres, intergovernmental and non-governmental organizations and civil society. She highlighted two primary aims: predictable and sustainable financing of the Basel Convention and access to new resources to expand the financial base of the Convention. She stressed once again the need to enhance synergies with other multilateral environmental agreements and, in particular, to work together with the Stockholm Convention. Finally, she noted the complementary links between article 14 of the Convention and the resource mobilization strategy and introduced the draft study prepared by a consultant, Mr. Thomas Conway, on the issue. She explained that it was the intention of the Secretariat to gather comments on the draft study before the eighth meeting of the Conference of the Parties and, if possible, the fifth session of the Open-ended Working Group and to submit an amended version of the study for discussion at those meetings.

80. Following that introduction, Mr. Conway gave a slide presentation of the draft study, which was entitled "Legal and institutional feasibility of appropriate and predictable financial mechanisms of the Basel Convention". In his presentation, he explored various options for ensuring the sustainable and predictable funding of the Convention and its activities. The full text of the presentation is available in document UNEP/CHW/OEWG/4/INF/23.

81. Following that presentation, the Working Group agreed to entrust further consideration of the item to the contact group on financial matters, already established under item 5 (j).

82. At its 9th plenary meeting, on the afternoon of Friday, 8 July 2005, the Working Group adopted the draft decision on resource mobilization, prepared on the basis of the draft submitted by the Secretariat in its note UNEP/CHW/OEWG/4/15 and amended by the contact group on financial matters. Decision OEWG-IV/15, as adopted, is contained in annex I to the present report.

VII. Report on the outcome of the first meeting of the Conference of the Parties of the Stockholm Convention on Persistent Organic Pollutants (agenda item 7)

83. The Working Group took up the item at its 2nd plenary meeting, on the afternoon of Monday, 4 July. In considering the item, it had before it the Secretariat report on the outcome of the first meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants (UNEP/CHW/OEWG/4/INF/17).

³ See paragraph 40 of the report of the seventh meeting of the Conference of the Parties and annex III to that report, contained in document UNEP/CHW.7/33.

84. Introducing the report, the representative of the Secretariat drew attention to the three major decisions of the Conference of the Parties to the Stockholm Convention which were of relevance to the Basel Convention. On the establishment of regional and subregional centres, the Conference of the Parties had requested the Stockholm Convention secretariat to develop terms of reference for such centres using the agreed guidelines and to submit the terms of reference and criteria for evaluating the performance of such centres and proposals for strengthening them for consideration by the Conference of the Parties at its second meeting. The Conference of the Parties had also requested the secretariat of the Stockholm Convention to pursue cooperation with the Basel Convention regional and subregional centres in the implementation of projects under the Stockholm Convention. He explained that those decisions had important implications for the future of the Basel Convention regional and subregional centres.

85. With regard to the enhancement of synergies within the chemicals and waste cluster, the Conference of the Parties to the Stockholm Convention had requested the secretariat of the Stockholm Convention to prepare, in consultation with the other relevant secretariats, including the Secretariat of the Basel Convention, a study on how cooperation and synergies could be improved, including through consideration of the role of common structures. On the technical guidelines for the environmentally sound management of POPs, he said that, while the Conference of the Parties to the Stockholm Convention had not adopted the technical guidelines, it had however welcomed them and the continuation of work on them under the Basel Convention. It had also encouraged Parties to the Stockholm Convention to participate actively in the work under way and called for further cooperation and synergies between the two secretariats on the relevant issues.

86. The representative of the United Nations Industrial Development Organization (UNIDO) stated his wish to be involved in the task of finalizing the development of the technical guidelines on POPs and their implementation.

87. The representative of the Stockholm Convention suggested, in addition, that the Basel Convention should keep the Stockholm Convention informed of developments regarding its definition of low POPs content and methods of destruction. She said that the Stockholm Convention urged all its Parties to consider the guidelines on POPs waste, adopted by the Conference of the Parties to the Basel Convention at its seventh meeting, when implementing relevant articles of the Stockholm Convention. She added that an expert group had been set up to develop further the guidelines on best available techniques and best environmental practices (BAT/BEP) for implementing article 5 of the Stockholm Convention.

88. A number of parties stressed the importance of coordination and cooperation between the Basel and the Stockholm conventions, and within UNEP generally, so as to ensure that their work remained complementary and to avoid duplication.

89. Following that discussion, the Working Group agreed to entrust further consideration of the item, in particular, items I A–E of the work programme of the Open-ended Working Group, to the technical contact group set up under item 5 (k) (Technical guidelines on persistent organic pollutants (decision VII/13)).

90. In the light of that consideration, the items were reprioritized in the work programme, as reflected in decision OEWG-IV/3 on the work programme for 2005–2006 adopted under agenda item 5 (c).

VIII. Other matters

A. Letters of designation

91. The Working Group took up the item at its 8th plenary meeting, on the morning of Friday, 8 July 2005. In considering the item, it had before it a note prepared by Secretariat on the issue (UNEP/CHW/OEWG/4/17).

92. The Executive Secretary explained that the request made by the Secretariat to delegations wishing to attend the current session of the Open-ended Working Group for letters of designation had been prompted by enhanced security measures in force at the Palais des Nations in Geneva. She further explained that the letters would also be required for attendance at meetings of the Expanded Bureau and the Joint Working Group, but not for the Compliance Committee, as the Secretariat already had at its

disposal the necessary information on members. She pointed out that the letter of designation would also enable the Secretariat to ascertain the head of each delegation for the purposes of voting.

93. In the ensuing discussion, questions were raised as to whether the new requirement might necessitate a change to the rules of procedure and whether the rules of procedure could be amended by the Open-ended Working Group, or only by the Conference of the Parties. As a way forward, the Working Group agreed to invite Canada to prepare, in consultation with the Secretariat, a document on the issue, for consideration by the Working Group at its fifth session.

B. Statement of the Compliance Committee

94. At its 7th plenary session, on the afternoon of Thursday, 7 July 2005, the chair of the Compliance Committee, Mr. Watkinson, informed the plenary about the outcome of the Committee's work. He explained that the Compliance Committee's work programme included the identification and analysis of difficulties relating, first, to reporting in accordance with the Basel Convention; second, to the designation of focal points under the Basel Convention; and, third, to the development of national legislation to implement the Basel Convention. Expressing the Committee's gratitude for funding from the United Kingdom, which had enabled it to make progress, he said that consultants would be engaged to assist the Committee members in implementing its work programme, working with the Secretariat of the Basel Convention and with the small group that might be created within the Committee, and he invited Parties to support the consultants by providing the necessary information. In addition, he said that a brochure was being prepared to inform Parties about the work of the Compliance Committee.

C. Date and venue of the next session of the Open-ended Working Group

95. The Working Group agreed to hold its next session in Geneva, from 3 to 7 April 2006.

IX. Closure of the meeting

96. Following the customary exchange of courtesies, the fourth session of the Open-ended Working Group of the Basel Convention for the Control of Transboundary Movements of Hazardous Wastes and their Disposal was declared closed at 4.45 p.m. on Friday, 8 July 2005.

Annex I

Decisions adopted by the Open-ended Working Group of the Basel Convention for the Control of Transboundary Movement of Hazardous Wastes and their Disposal at its fourth session

OEWG-IV/1: Basel Convention Partnership Programme

The Open-ended Working Group,

Welcoming the progress made in the implementation of the work plan for the Basel Convention Partnership Programme for 2005–2006,

Noting with gratitude the funds provided by Parties and signatories to support the Partnership Programme,

Mindful of the importance of putting in place public-private partnerships to achieve the goals of the Basel Convention,

Recognizing the challenges of bringing together interested stakeholders and the need for additional financial resources to carry out the Partnership Programme,

1. *Notes with appreciation* the activities carried out by the Secretariat in cooperation with the Basel Convention regional and coordinating centres to implement the Partnership Programme;
2. *Encourages* Parties actively to participate in and contribute to the implementation of the Partnership Programme, including by developing initiatives of their own;
3. *Requests* the Secretariat to pursue its efforts, within available resources, to develop further partnerships on key activities identified in the Partnership Programme under the guidance of the Open-ended Working Group;
4. *Invites* Parties, signatories and public and private partners to provide in-kind and voluntary contributions to support the key activities of the Partnership Programme;
5. *Further requests* the Secretariat to accelerate its programmed work aimed at developing and implementing a fund-raising programme to develop new partnerships, and to identify and contact likely donors;
6. *Encourages* stakeholders, in particular industry, to join in the efforts undertaken by Parties to implement the Partnership Programme, in particular regarding the environmentally sound management of electrical and electronic equipment;
7. *Also requests* the Secretariat to report to the Open-ended Working Group at its fifth session on the implementation of the Partnership Programme.

OEWG-IV/2: Mobile Phone Partnership Initiative

The Open-ended Working Group,

Recalling decision VII/4 on the Mobile Phone Partnership Initiative,

Welcoming the progress made in the implementation of the Mobile Phone Partnership Initiative,

Also welcoming the partners from industry that have recently joined the Initiative,

Noting the progress report submitted by the chair of the mobile phone working group,

Recognizing the complexity of the issues concerning or related to the environmentally sound management of used and end-of-life mobile phones,

1. *Encourages* Parties to continue to participate in and contribute actively to the mobile phone working group;

2. *Also encourages* the mobile phone working group to initiate, at an appropriate time, pilot projects on collection and treatment schemes in developing countries or countries with economies in transition in need of such projects and, where appropriate, to involve the Basel Convention regional and coordinating centres in such projects;
3. *Invites* Parties, signatories, members of industry and international governmental and non-governmental organizations to make financial and in-kind contributions for the implementation of pilot collection and treatment schemes;
4. *Also invites* members of the mobile phone working group to provide financial support for the publication of the final reports of the mobile phone working group and its overall guidance document on the environmentally sound management of end-of-life mobile phones after its adoption by the Conference of the Parties at its eighth meeting;
5. *Requests* the mobile phone working group to finalize the overall guidance document and individual project reports and then to submit the overall guidance document to the Open-ended Working Group at its fifth session for consideration and provisional adoption as a Basel Convention guidance document;
6. *Requests* the Secretariat to report on progress to the Open-ended Working Group at its fifth session.

OEWG-IV/3: Work programme of the Open-ended Working Group for 2005–2006

The Open-ended Working Group,

Aware that the funds available to carry out activities listed in the work programme are limited,

Recognizes the need to prioritize its activities in the present biennium,

1. *Agrees* to the prioritization of the work programme for the Open-ended Working Group for 2005–2006 as set out in the annex to the present decision and agrees that the work of developing a set of indicators as mentioned in decision VII/35 is of low priority;
2. *Encourages* Parties and others to contribute financially and in kind to the implementation of the work programme for 2005–2006 and projects carried out under the Convention;
3. *Requests* the Secretariat to facilitate the implementation of the work programme adopted by the Open-ended Working Group within the budgetary limits and available financial resources;
4. *Also requests* the Secretariat to report to the Open-ended Working Group at its fifth meeting on any new developments with regard to the items identified as low priority with a view to seeking its guidance on the way forward for these issues.

Annex

Work programme of the Open-ended Working Group for 2005–2006

I. Technical and capacity-building

Tasks	Activities	Decisions of the Conference of the Parties at its seventh meeting	Priority level
A. Strategic Plan for the Implementation of the Basel Convention (to 2010)	Provide guidance on the implementation of the Strategic Plan	VII/1, VII/2, VII/5, VII/6, VII/7, VII/8	High

Tasks	Activities	Decisions of the Conference of the Parties at its seventh meeting	Priority level
B. Work on harmonization and coordination	1. Revise the forms for the notification and movement documents and related instructions	VII/22	High
	2. Keep under review work under way in intergovernmental forums, including the working relationship with the United Nations Subcommittee of Experts on the Globally Harmonized System	VII/38	Medium
C. Harmonized Commodity Description and Coding System of the World Customs Organization (WCO)	Continue work on the separate identification in the WCO Harmonized Commodity Description and Coding System of certain wastes contained in Annexes VIII and IX	VII/38	Medium
D. Classification and hazard characterization of wastes	1. Classification:		
	(a) Review or adjustment of wastes contained in Annexes VIII and IX		High ¹
	(b) Consider issues related to the questionnaire concerning the national classification and control procedures for the import of wastes in Annex IX	VII/20	Medium
	2. Complete the work on hazard characteristic H10	VII/17	Low
	3. Elaborate on the guidance document on hazard characteristic H11 to include work on an appropriate de minimis level	VII/17	Medium
E. Technical guidelines on environmentally sound management	4. Review scientific information on the disposal of PVC wastes	VII/18	Low
	1. Complete technical guidelines on:		
	(a) Environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants, namely, PCDDs and PCDFs, DDT, HCB, and the eight pesticides aldrin, chlordane, dieldrin, endrin, HCB, heptachlor, mirex and toxaphene	VII/13	High
	(b) Waste resulting from surface treatment of metals and plastics (Y17)	VII/15	Low

¹ Dependent upon the existence of a proposal by a Party.

	<p>2. Work further on the methodology for further definition of low persistent organic pollutant content and levels of destruction and irreversible transformation</p> <p>3. Review and update the general technical guidelines and the guidelines on PCBs, PCTs and PBBs, if appropriate</p> <p>4. Undertake a review of selected technical guidelines as appropriate and initiate updating as necessary, e.g., incineration on land (D10), specially engineered landfill (D5), and wastes collected from households (Y46)</p> <p>5. Assess the implementation of existing technical guidelines with a view to identifying practical difficulties and obstacles to their effective implementation</p>	<p>VII/13</p> <p>VII/13</p> <p>VII/16</p>	<p>High</p> <p>High</p> <p>High²</p> <p>Medium</p>
F. Basel Convention regional centres	<p>1. Provide guidance, as necessary, to the centres</p> <p>2. Provide guidance on the implementation of the Strategic Plan, including the business plans of the centres, at the regional level</p>	<p>VII/9, VII/1</p>	<p>High</p> <p>High</p>
G. Dismantling of ships	Consider practical and technical aspects of the work undertaken by the International Maritime Organization (IMO) and the joint IMO/International Labour Organization/Basel Convention working group, and information on the abandonment of ships	VII/25, VII/26, VII/27	High
H. Reporting	Consider reporting schemes and reports submitted by Parties, as necessary, in accordance with the requirements of article 13	VII/35	High

² Dependent upon offers to serve as lead country. The technical guidelines on used tyres were also mentioned by some Parties as an example for review, but would also require a lead country.

II. Legal and compliance

Tasks	Activities	Decisions of the Conference of the Parties at its seventh meeting	Priority level
A. Prevention and monitoring of illegal traffic	1. Review and, if necessary, update the guidance elements based on practical experience	VII/34	Medium
	2. Finalize the training manual for the enforcement of laws implementing the Basel Convention	VII/34	High
	3. Provide guidance to the Secretariat as necessary		Low
B. Protocol on Liability and Compensation	1. Analyse, based on a compilation of submissions from Parties, the obstacles and difficulties faced by the Parties in their process of ratification of or accession to the Protocol	VII/28	Medium
	2. Finalize the instruction manual	VII/28	High
	3. Undertake any other necessary tasks related to the preparation of the first meeting of the Parties to the Protocol		Low
C. Emergency mechanism and enlargement of the scope of the Technical Cooperation Trust Fund	Provide guidance as necessary on improvement of operations		Low
D. Dismantling of ships	Complete the analysis of the legal aspects of the dismantling of ships	VII/26	High

III. Partnership and resource mobilization

Tasks	Activities	Decisions of the Conference of the Parties at its seventh meeting	Priority level
A. Partnership Programme	1. Provide guidance to the Secretariat on the implementation of the Partnership Programme	VII/3, VII/4	High
	2. Consider outcomes of the programme	VII/3, VII/4	High
B. Resource mobilization	Provide guidance to the Secretariat regarding resource mobilization	Para. 140 of the report	High

IV. General

Tasks	Activities	Decisions of the Conf. of the Parties at its seventh meeting	Priority level
A. Budget and financial matters	Consider matters related to the budget of the Convention and related financial matters	VII/40, VII/41	High
B. Draft decisions for the Conference of the Parties	Prepare draft decisions for the consideration of the Conference of the Parties		High

OEWG-IV/4: Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention

The Open-ended Working Group,

Recalling decision VII/25 on the Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention on ship scrapping,

Welcoming the progress made to date in facilitating inter-agency cooperation at both the national and international levels on the subject of ship dismantling,

Taking note of the report of the first session of the Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention on ship scrapping, held from 15 to 17 February 2005 at the headquarters of the International Maritime Organization,

Further noting that the report of the first session of the Joint Working Group was submitted to the Governing Body of the International Labour Office at its two-hundred and ninety-second session and will be submitted to the Marine Environment Protection Committee of the International Maritime Organization at its fifty-third session,

1. *Agrees* with the recommendation of the Joint Working Group that the second session of the Joint Working Group should be hosted by the Basel Convention in Geneva, Switzerland;
2. *Endorses* the decisions and the work programme of the Joint Working Group;
3. *Welcomes* the issues agreed by the Joint Working Group, to be placed on the agenda for the second session of the Joint Working Group, as reflected in the report of the first session of the Joint Working Group under paragraph 7.4;
4. *Encourages* Parties and others to ensure their full and effective participation in the deliberations of the second session of the Joint Working Group of the International Maritime Organization, the International Labour Organization and the Basel Convention, either through their representatives or as observers;
5. *Urges* Parties and others to submit written comments in advance for consideration by the Joint Working Group at its second session on the matters raised in the report of the first session, as appropriate, in accordance with the deadlines that will be indicated in the invitation to be issued for the second session of the Joint Working Group;
6. *Invites* Parties and others to consider providing technical and financial support for the proposed inter-agency technical assistance activities and for the promotion of the implementation of the International Maritime Organization, International Labour Organization and Basel Convention guidelines on ship scrapping, as described in the report of the first session of the Joint Working Group;

7. *Requests* the Secretariat to report to the Open-ended Working Group, at its fifth session, on progress, including the outcome of the second session of the Joint Working Group.

OEWG-IV/5: Environmentally sound management of ship dismantling

The Open-ended Working Group,

Recalling decision VII/25 on the Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention on Ship Scrapping and decision VII/26 on the environmentally sound management of ship dismantling,

1. *Invites* Parties, other States, ship owners, and other stakeholders, through the appropriate channels, to submit to the Secretariat by 23 September 2005 comments on any gaps, overlaps or ambiguities between the notification procedure under the Basel Convention and the draft reporting system being developed by the Marine Environment Protection Committee of the International Maritime Organization and any recommended solutions to address such gaps, overlaps or ambiguities;

2. *Also invites* Parties, other States, ship owners, and other stakeholders, through the appropriate channels, to submit to the secretariat by that date:

(a) Views on how to enhance the capacity for the environmentally sound management of ship dismantling;

(b) Views on the possible requirements applying to recycling facilities, such as licences, certification, investment plans for provisions to ensure the environmentally sound management of ship dismantling and the capability to carry out pre-decontamination;

(c) Views on the benefit of having a transitional period during the development of sufficient capacity for the environmentally sound management of ship dismantling;

(d) Views on the information that may be required to enable the competent authorities to make an informed decision about the proposed recycling of a ship at a recycling facility;

(e) Any other relevant views;

3. *Requests* the Secretariat to inform the Marine Environment Protection Committee at its fifty-third session of the decisions taken at the seventh session of the Conference of the Parties to the Basel Convention on the issue of environmentally sound management of ship dismantling and on the work of the fourth session of the Open-ended Working Group, to enable the ship recycling working group at the fifty-third session of the Marine Environment Protection Committee to give adequate consideration to those decisions and to take them into account in the establishment in its regulations of mandatory requirements;

4. *Invites* the Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention to take account of the comments, recommended solutions and views received when considering relevant items on the agenda for its second session;

5. *Invites* Parties, other States, and ship owners, and other stakeholders to report any experiences of their use of the Technical Guidelines for the Environmentally Sound Management of the Full and Partial Dismantling of Ships, which were adopted by the Conference of the Parties at its sixth meeting in decision VI/24, as appropriate, and to report through appropriate channels to the Open-ended Working Group at its fifth session;

6. *Requests* the Secretariat to report to the Open-ended Working Group at its fifth session on any relevant developments under the Marine Environment Protection Committee and the Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention in the context of the development of mandatory requirements, including a reporting system for ships destined for recycling;

7. *Invites* Parties, other States, ship owners and other stakeholders to submit to the Secretariat, by 6 January 2006, comments and proposals on the practical, legal and technical aspects of the dismantling of ships;

8. *Requests* the secretariat to compile the comments, recommended solutions and views received for submission to the Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention on Ship Scrapping at its second session and to the Open-ended Working Group at its fifth session, as appropriate;

9. *Agrees* on the establishment of an open-ended intersessional working group to consider the issues regarding ship dismantling and to report on its work at the fifth session of the Open-ended Working Group.

OEWG-IV/6: Abandonment of ships on land or in ports

The Open-ended Working Group,

Recalling decision VII/27 on the abandonment of ships on land or in ports,

Recognizing the concern expressed by a number of Parties related to the abandonment of ships on land or in ports,

Concerned that the abandonment of ships on land or in ports could have effects on human health and the environment,

Recognizing the many legal and practical issues raised by the abandonment of ships on land or in ports,

Noting with appreciation the information provided by some Parties pursuant to decision VII/27,

1. *Invites* Parties, other States, ship owners and other stakeholders to submit to the Secretariat, by 31 October 2005, responses to the questionnaire contained in the annex to the present decision regarding the abandonment of ships on land or in ports;

2. *Directs* the Secretariat to compile the information received in response to the questionnaire for submission to the Joint Working Group of the International Labour Organization, the International Maritime Organization and the Basel Convention on ship scrapping at its second session and to the Open-ended Working Group at its fifth session;

3. *Requests* the Secretariat to consult the secretariats of the International Labour Organization and of the International Maritime Organization on this issue;

4. *Invites* Parties to pursue appropriate means of investigation in providing any relevant information on abandoned ships found in their territory in order to gain a better understanding of the obstacles, difficulties and potential solutions.

Annex

Questionnaire regarding the abandonment of ships on land or in ports

1. Please provide any factual information that you may have on ships that have been abandoned on land or in port, including information on:

(a) The nature of the ships in question (e.g., fishing boats, tankers, trawlers etc., including gross tonnage if known);

(b) Their location;

(c) The date of abandonment;

(d) Whether they are domestically or internationally owned and any information including name of the ship, flag of the ship, ownership, insurer, etc., where available;

(e) The reason for their abandonment if known, e.g., accident, cost avoidance, etc.;

(f) The potential risk to human health or the environment by such abandoned ships, if any;

(g) Steps that have been taken to mitigate the effects, if any, of such abandoned ships on human health and the environment, and the main obstacles or difficulties faced in taking such steps;

- (h) Efforts made to address the problem or to seek legal solutions and any obstacles encountered.
2. What domestic or regional rules, if any, apply to ships that have been abandoned on land or in ports? If legislation exists, please provide copies or relevant excerpts of such legislation.

OEWG-IV/7: Basel Protocol on Liability and Compensation

The Open-ended Working Group,

Recalling decisions VI/15 and VII/28 on the Basel Protocol on Liability and Compensation,

Also recalling its decisions OEWG-II/2 and OEWG-III/6 on the Basel Protocol on Liability and Compensation,

Taking note of the work undertaken to date by the Secretariat,

1. *Approves* the instruction manual contained in the note by the Secretariat on the Basel Protocol on Liability and Compensation³ with the amendments contained in the annex to the present decision;
2. *Agrees* that the instruction manual does not constitute a legal interpretation of the Protocol;
3. *Requests* the Secretariat to publish the instruction manual in all official United Nations languages and to disseminate it widely;
4. *Invites* Parties to use the instruction manual, to report to the Secretariat on their experience in its use and to submit to the Secretariat, on a continuing basis, copies of domestic laws and regulations implementing the Basel Protocol as well as case studies on the application of the Protocol;
5. *Requests* the Secretariat to supplement the instruction manual on a regular basis by publishing on its website copies of domestic laws, regulations and case studies relating to the implementation of the Basel Protocol submitted by Parties;
6. *Invites* Parties to consider the summary of the obstacles and difficulties faced by the Parties in the process of ratification or accession to the Protocol;⁴
7. *Requests* the Secretariat to provide legal and technical assistance to Parties who require such assistance in the process of ratification and implementation of the Protocol, subject to the availability of resources, as per paragraph 1 of decision VII/41;
8. *Calls* upon all Parties and organizations that are in a position to do so to make financial or in-kind contributions for the organization of further workshops for addressing various aspects of and obstacles to the process of ratification of or accession to the Basel Protocol as called for in decisions VI/15 and VII/28;
9. *Requests* the Secretariat to report to the Open-ended Working Group at its fifth session on the options that may be available with respect to the requirement of insurance, bonds or other financial guarantees and the financial limits established under the Protocol resulting from its consultations with relevant institutions.

³ UNEP/CHW/OEWG/4/8*.

⁴ UNEP/CHW/OEWG/4/INF/4.

Annex

Amendments to the instruction manual for implementation of the Liability Protocol (the “Manual”) contained in the note by the Secretariat on the Basel Protocol on Liability and Compensation (UNEP/CHW/OEWG/4/8*):

- (a) Insert capital roman numerals to designate the chapters of the Manual and capital letters to designate the sections of the chapters of the Manual;
- (b) Insert paragraph numbers into the paragraphs under chapters I, III, IV and V;
- (c) Insert a new section under the chapter entitled “Introduction” that reads as follows:

“A. Nature of the Manual

1. This instruction manual is a practical guide to implementation without any legally binding character. Nothing in this instruction manual should be construed as an agreement between the Parties regarding the interpretation of the Protocol or the application of its provisions.”;

- (d) In the third line of the first paragraph under the section entitled “Translating the Protocol into domestic law”, insert the words “the necessary” between the words “to make” and the words “provision in their domestic”;

- (e) Replace the word “poisonous” with the word “hazardous” in the first paragraph under subsection (d) “Examples” of article 2 under the chapter entitled “Article by article review of the provisions of the Protocol”;

- (f) Replace the words “represents a damage or a loss of property” with the words “represents a loss of, or damage to, property” in the second paragraph under subsection (d) “Examples” of article 2 under the chapter entitled “Article by article review of the provisions of the Protocol”;

- (g) Correct the numbering of paragraphs 5, 6 and 7 to 7, 8 and 9, respectively, under subsection (a) “Text of article” of article 3 under the chapter entitled “Article by article review of the provisions of the Protocol”;

- (h) Under subsection (c) “Other information” of article 3 under the chapter entitled “Article by article review of the provisions of the Protocol”, reflect the following changes in the paragraphs relating to article 3 (7):

- (i) Delete the word “to” between the words “arrangements under” and “article 11” in the first line of the first paragraph;
- (ii) Insert the words “article 11.1 of ” between the words “permitted under” and “the Convention” in the third line of the first paragraph;
- (iii) Before the sentence beginning with “These agreements” in the sixth line of the first paragraph, insert the following sentence: “Article 11.2 agreements or arrangements are permitted under the Convention provided that such agreements are compatible with the environmentally sound management of hazardous wastes and other wastes as required by the Convention.”;
- (iv) Insert the words “or arrangements” between the words “These agreements” and “address the transboundary” in the sixth line of the first paragraph;
- (v) Replace the last paragraph by the following paragraph: “A Party to an agreement or arrangement under article 11 of the Convention could decide to exclude the application of the Protocol to damage occurring in the frame of such agreement in areas under its national jurisdiction, if there exists another liability and compensation regime which meets the requirements of article 3.7 (a) (ii). This must have been notified to the Depositary, prior to an incident occurring. In this case Parties must provide the Secretariat with a description of the applicable

liability and compensation regime, which may not necessarily be a part of the article 11 agreement or arrangement. Thus, for example, the applicable liability regime may be a domestic legal mechanism.”;

(i) Under sub-section (c) “Implementation (practical aspects)” of article 6 under the chapter entitled “Article by article review of the provisions of the Protocol”, replace the phrase “a person could be expected to take to mitigate damage” with the phrase “may be taken to mitigate damage”;

(j) Under sub-section (c) “Implementation (practical aspects)” of article 7 under the chapter entitled “Article by article review of the provisions of the Protocol”, replace the phrase “Parties will have to ensure that the domestic courts will be provided with technical support to” with the phrase “Parties may wish to ensure that the domestic courts are provided with training or technical support to”;

(k) In the second line of the paragraph under sub-section (c) “Other information” of article 11 under the chapter entitled “Article by article review of the provisions of the Protocol”, insert the words “(which were in force or open for signature when the Protocol was adopted),” between the words “compensation” and the words “article 3”.

OEWG-IV/8: Illegal traffic

The Open-ended Working Group,

Recalling decision VI/16 on guidance elements for detection, prevention and control of illegal traffic in hazardous wastes,

Recalling also decision VII/34 on illegal traffic,

1. *Invites* Parties, signatories and stakeholders to provide comments to the Secretariat by 15 September 2005 on the outline contained in annex I to the note by the Secretariat on the draft training manual for the enforcement of laws implementing the Basel Convention;⁵
2. *Invites* Parties, signatories and stakeholders to provide voluntary contributions in order to finance the revision of the draft training manual;
3. *Requests* the Secretariat to revise the draft training manual based on the options contained in its note, commencing with the first option for which sufficient funding becomes available;
4. *Requests* the Secretariat to submit the revised version of the draft training manual to the Open-ended Working Group at its fifth session for its consideration and possible approval, on behalf of the Conference of the Parties, in accordance with decision VII/34;
5. *Requests* Parties and interested entities to review and to submit to the Secretariat, by 31 December 2005, any proposals and recommendations that they may have for updating the guidance elements, as appropriate;
6. *Requests* the Secretariat to compile and submit any proposals and recommendations received for updating the guidance elements to the Open-ended Working Group for review at its fifth session;
7. *Requests* the Secretariat, in collaboration with the Basel Convention regional and coordinating centres, to continue to assist Parties, particularly developing countries, in implementing the guidance elements at the national level, including the development of national contingency plans;
8. *Requests* the Secretariat to continue its efforts to organize further training seminars, on an equitable geographic basis, to assist Parties, particularly developing countries, in implementing the guidance elements;

⁵ UNEP/CHW/OEGW/4/INF/19.

9 *Calls* upon all Parties and organizations in a position to do so to make financial or in-kind contributions for the organization of such training seminars.

OEWG-IV/9: Sustainable financing

The Open-ended Working Group,

Recalling decision VII/40 on sustainable financing,

Welcoming the first draft of the study on the examination of article 14 prepared by the Secretariat,

1. *Invites* Parties and other stakeholders to provide comments to the Secretariat on the first draft of the study, preferably before 1 October 2005;
2. *Requests* the Secretariat to include in the final study an analysis of the relationship between the environmentally sound management of waste and the achievement of the objectives of other multilateral environmental agreements and of the Millennium Development Goals, drawing on existing work on resource mobilization;
3. *Also requests* the Secretariat to include in the final study an analysis of the experience of the United Nations Convention to Combat Desertification in establishing a formal link with, and gaining access to, the Global Environmental Facility, bearing in mind that the outcome of this study will not affect the right of any Party to submit a proposal for an amendment to the Convention;
4. *Requests* the Secretariat to submit the final version of the study on the examination of article 14 to the Open-ended Working Group at its fifth session.

OEWG-IV/10: Financial matters

The Open-ended Working Group,

Recalling decision VII/41 on financial matters,

Noting the information on financial matters provided by the Secretariat in accordance with decision VII/41 and the measures agreed by the Expanded Bureau to facilitate the deliberation of financial matters by the Open-ended Working Group and the Conference of the Parties,

Noting also the concern expressed by the Conference of the Parties at its seventh meeting regarding the delays in payment of the agreed contributions by Parties,

Gravely concerned about the rate of depletion of the reserve and fund balance of the Basel Convention Trust Fund,

Noting that this depletion is proceeding faster than expected, owing, among other things, to arrears from prior years and late payment of contributions for 2005,

Recognizing the possible shortage of funds for the proper functioning and operation of the Secretariat in the biennium 2005–2006,

Noting that delays in payments of contributions would further aggravate the financial situation of the Basel Convention Trust Fund,

Mindful of the request by the Conference of the Parties that the Open-ended Working Group and the Expanded Bureau should keep under review the financial information provided by the Secretariat,

1. *Congratulates* those newly assessed Parties which have made timely payment of their contributions for 2005;
2. *Urges* all Parties to pay their contributions promptly and in full, and further urges Parties that have not done so to pay their contributions for prior years as soon as possible and in this context welcomes the monthly publication by the Secretariat on the internet of the list of contributions received;
3. *Invites*, through the Expanded Bureau, the President of the Conference of the Parties at its seventh meeting and the Executive Director of the United Nations Environment Programme to write

to the relevant Parties impressing upon them the importance to pay their respective arrears, for 2004 and previous years;

4. *Requests* the Executive Secretary to strengthen efforts to consult with Parties currently in arrears, requesting payment of the arrears and, if necessary, to invite the Party to agree on a payment plan, and to report to the Conference of the Parties at its eighth meeting on these efforts;

5. *Welcomes* the initiatives taken by the Secretariat toward cost saving and improved efficiency in the fields of documentation and information technology;

6. *Encourages* the Secretariat to take further steps to monitor and control costs given the imperative need for the Executive Secretary to ensure that all expenditure is always covered by necessary income;

7. *Requests* the Secretariat to submit a draft budget for the period 2007–2008 to the Open-ended Working Group at its fifth meeting, including if necessary the development of scenarios to maintain the working capital reserve, bearing in mind that the lack of excess reserves will require stringent control of expenditures in order to keep assessed contributions to appropriate levels; and in this context requests the Secretariat to present options for maintaining a balance between income and expenditure over the longer term;

8. *Recalls* paragraph 19 of decision VII/41 requesting the Executive Secretary to provide Parties with an indication of the financial implications of draft decisions, which cannot be met from existing resources within the budget of the Basel Convention Trust Fund at the time when they are presented to the Conference of the Parties at its eighth meeting and recalls that decisions about new activities adopted by the Conference of the Parties at its eighth meeting may require savings in other areas to offset new costs;

9. *Requests* the Secretariat to review the administrative tasks of the Secretariat of the Convention in order to present options for savings to the Conference of the Parties at its eighth meeting;

10. *Also* requests the Secretariat to cooperate with 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, taking into account decision SC-1/18 of the Conference of the Parties to the Stockholm Convention, in exploring cooperation and synergies and to make recommendations to the Conference of the Parties at its eighth meeting;

11. *Further* requests the Secretariat to provide an assessment to the Conference of the Parties at its eighth meeting of the expected level of contribution for the Technical Cooperation Trust Fund, taking into account contributions in prior years and noting the breakdown of earmarked and unearmarked contributions, so that Parties may identify a limited number of high-priority projects based on the Strategic Plan that could reasonably be assured funding;

12. *Notes* that, in accordance with decision VII/41, the Open-ended Working Group and the Expanded Bureau should continue to review information provided by the Secretariat and recommends that the Secretariat also maintain a dialogue with interested Parties and signatories on progress made on the above issues.

OEWG-IV/11: Preparation of technical guidelines on persistent organic pollutants

The Open-Ended Working Group,

Recalling Conference of the Parties decision VII/13 and its own decision OEWG-III/8,

Noting with appreciation the roles played by Parties and others, especially Australia and Mexico as lead countries, in the preparation of the outstanding specific technical guidelines,

1. *Agrees* to merge the technical guidelines on the eight pesticides with the technical guidelines on hexachlorobenzene as an industrial chemical;

2. *Requests* the Secretariat, in consultation with the small intersessional working group, to prepare final draft technical guidelines on the pesticides aldrin, chlordane, dieldrin, endrin, heptachlor, hexachlorobenzene, mirex and toxaphene, and hexachlorobenzene as an industrial chemical for consideration by the small intersessional working group;

3. *Requests* Mexico in consultation with the small intersessional working group, to prepare final draft technical guidelines on DDT for consideration by the small intersessional working group;

4. *Requests* Australia, in consultation with the small intersessional working group, to prepare revised draft technical guidelines on unintentionally produced polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans, polychlorinated biphenyls and hexachlorobenzene, to be posted on the Basel Convention's website by 30 November 2005, for consideration by the small intersessional working group, taking into account comments made before, during and after the fourth session of the Open-ended Working Group;

5. *Invites* Parties and others to submit comments by 15 October 2005:

(a) To the Secretariat in respect of the technical guidelines referred to in paragraph 2 of the present decision;

(b) To the Secretariat and Mexico in respect of the technical guidelines referred to in paragraph 3 of the present decision,

noting that the basis for these comments would be draft texts available on the Basel Convention's website by mid-July 2005, reflecting the changes agreed to in the contact group on technical matters set up at the fourth session of the Open-ended Working Group and some outstanding issues;

6. *Invites* Parties and others to submit comments to the Secretariat and Australia by 15 January 2006 in respect of the technical guidelines referred to in paragraph 4 of the present decision;

7. *Invites* Parties and others to submit comments to the Secretariat, preferably by 15 January 2006, on the methodology for the further definition of low persistent organic pollutant content and levels of destruction and irreversible transformation, as well as on the updating of the general technical guidelines and the technical guidelines on polychlorinated biphenyls, polychlorinated terphenyls and polybrominated biphenyls, taking into account the outcome of the first meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants;

8. *Requests* the small intersessional working group to finalize the preparation of the technical guidelines referred to in paragraph 2–4 of the present decision and to consider the comments by Parties and others referred to in paragraph 7 of the present decision, at a meeting to be held immediately before the fifth session of the Open-ended Working Group;

9. *Requests* the Secretariat to present the outcome of the small intersessional working group to the Open-ended Working Group at its fifth session for its consideration and for finalization of the technical guidelines referred to in paragraphs 2–4 of the present decision.

OEWG-IV/12: Preparation of technical guidelines on the environmentally sound management of wastes resulting from surface treatment of metals and plastics (Y17)

The Open-ended Working Group,

Recalling decision VII/15 on the preparation of technical guidelines on the environmentally sound management of wastes resulting from surface treatment of metals and plastics (Y17),

Noting with appreciation the roles played by Parties and others, especially Australia as lead country, in the preparation of the draft technical guidelines on the environmentally sound management of wastes resulting from surface treatment of metals and plastics (Y17),

Agrees not to consider the draft technical guidelines on the environmentally sound management of wastes resulting from surface treatment of metals and plastics (Y17) further until a complete draft has been prepared by a lead country.

OEWG-IV/13: Work on hazard characteristics

The Open-ended Working Group

Recalling decision VII/17 on hazard characteristics,

1. *Agrees* to the establishment of a working relationship between itself and the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals, on hazard characteristics and the elements of the globally harmonized system of classification and labelling of chemicals;
2. *Agrees* to establish a correspondence group between itself and the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals and adopts the terms of reference of the correspondence group as contained in the annex to the present decision;
3. *Invites* Parties and others to nominate participants for the correspondence group to the Secretariat by 31 August 2005;
4. *Requests* the Secretariat to report regularly on the outcome of the work of the correspondence group to the Open-ended Working Group and to the Conference of the Parties;
5. *Invites* the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals also to consider the attached terms of reference with a view to its adoption.

Annex

Terms of reference of the correspondence group between the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals and the Open-ended Working Group of the Basel Convention on hazard characteristics

1. The tasks of the correspondence group on hazard characteristics between the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals and the Open-ended Working Group of the Basel Convention are as follows:
 - (a) To work intersessionally, preferably by electronic means, with a view to undertaking consultations, between experts of the United Nations Subcommittee of Experts on the Globally Harmonized System on Classification and Labelling of Chemicals and experts of the Open-ended Working Group, on the preparation of guidelines on hazard characteristic and on the revision of such guidelines adopted by the Conference of the Parties;
 - (b) To identify inconsistencies, discrepancies or shortcomings of hazard classification used or developed internationally with a view to recommending appropriate action to the Conference of the Parties;
 - (c) To work towards harmonization of hazard classification systems internationally in order to assist Parties in the implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and to improve consistency at the international level on the use of classification systems for wastes and chemicals;
 - (d) To prepare a work programme;
 - (e) To make regular reports on progress in its work to the United Nations Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals and the Open-ended Working Group;
2. The correspondence group may invite experts to participate in the correspondence group if needed on the basis of the hazard characteristics being considered.

OEWG-IV/14: Harmonization of the forms for the notification and movement documents and related instructions

The Open-ended Working Group,

Recalling decision VII/22 on harmonization of the lists of wastes and related procedures,

Recognizing the need for globally harmonized forms for the notification and movement documents,

Noting with appreciation the comments received from Parties on the forms for the notification and movement documents,

1. *Requests* the Secretariat to prepare, in consultation with a small intersessional working group and taking into account the information document on the harmonization of the forms for the notification and movement documents and related instructions⁶ and the comments received from Parties, revised forms for the notification and movement documents and related instructions for filling in these forms for consideration by the Open-ended Working Group at its fifth session;
2. *Agrees* to establish the small intersessional working group referred to in paragraph 1 of the present decision to monitor and assist in the preparation of revised forms for the notification and movement documents and related instructions, working in particular by electronic means;
3. *Invites* Parties and others to nominate participants for the small intersessional working group to the Secretariat by 31 August 2005.

OEWG-IV/15: Resource mobilization

The Open-ended Working Group,

Recalling paragraph 140 of the report of the seventh meeting of the Conference of the Parties,⁷

Noting with gratitude the valuable work on preparation of the guidance note on resource mobilization generously funded by the Government of Denmark as a contribution towards the elaboration of a sustainable resource mobilization strategy,

Welcoming the information paper prepared by the Secretariat in consultation with the Expanded Bureau on a resource mobilization strategy for the Basel Convention, entitled "Mobilizing resources for a cleaner future",

Recalling decision VII/38 on international cooperation, including cooperation with the World Trade Organization and the Global Environment Facility, and paragraph 141 of the report of the seventh meeting of the Conference of the Parties, and welcoming the work being undertaken by the Secretariat on assisting developing country Parties to develop proposals on the environmentally sound management of wastes consisting of, containing, or contaminated with persistent organic pollutants,

Recognizing that resource mobilization is primarily the responsibility of Parties,

Also recognizing that effective implementation of the Basel Convention Strategic Plan requires an equitable global partnership through the creation of new levels of cooperation among States, key sectors of societies and people,

Welcoming the acceptance, for the first time, by all Parties to the Convention at the seventh meeting of the Conference of the Parties, of a commitment to contribute to the Basel Convention Trust Fund and that this commitment will be accompanied by an effort of the developed countries to increase substantially their voluntary contributions to the Technical Cooperation Trust Fund,

Recognizing that effective implementation of the Basel Convention Strategic Plan and building the capacity of developing countries and countries with economies in transition require effective resource mobilization,

⁶ UNEP/CHW/OEWG/4/INF/15.

⁷ UNEP/CHW.7/33.

Acknowledging that a cleaner future and the environmentally sound management of wastes are recognized as an important component of improving human health and the environment and that they are therefore strongly linked to the achievement of internationally agreed development goals, including those contained in the United Nations Millennium Declaration and the Plan of Implementation of the World Summit on Sustainable Development,

1. *Commends* the guidance note and associated fact sheets on possible funding sources for the environmentally sound management of wastes funded by the Government of Denmark for active use by Parties with a view to strengthening their capacity for the implementation of the Convention;

2. *Welcomes* the recruitment of a resource mobilization and partnership officer thanks to voluntary contributions to the Technical Cooperation Trust Fund and calls upon the Parties and others in a position to do so to support activities in this field, and, in this context, stresses the role of the Secretariat in attracting further voluntary contributions to the Technical Cooperation Trust Fund and urges the Secretariat to mount a fundraising campaign for the Technical Cooperation Trust Fund and to report on the activities of the resource mobilization officer to the Open-ended Working Group and the Conference of the Parties;

3. *Agrees* that effective resource mobilization requires:

(a) Raising the awareness of Parties concerning the need to work effectively with international and bilateral aid agencies;

(b) Improved receptivity within multilateral and bilateral financial aid institutions to proposals that address directly and indirectly the environmentally sound management of wastes;

(c) Improvements in strategic coordination and cooperation between related multilateral environmental agreements at the international and national levels to maximize co-benefits and efficiencies in the implementation of these agreements;

4. *Urges* all Parties:

(a) To explore the scope for increasing international cooperation in the environmentally sound management of wastes;

(b) To explore the scope for increasing domestic investment in the environmentally sound management of wastes, including through innovative sources of financing such as partnerships and the involvement of the private sector;

(c) To improve awareness within multilateral and bilateral financial aid institutions about the interdependencies between the environmentally sound management of wastes and other priority global sustainable development objectives such as poverty reduction, human health protection, fresh water conservation, sustainable production and consumption and other multilateral environmental agreements;

(d) To examine their country assistance strategies, sustainable development strategies and poverty reduction strategies (where such strategies exist) with the objective of ensuring that the environmentally sound management of wastes is a clearly articulated priority in those strategies;

(e) To work, with the support of the Secretariat where necessary, to develop specific proposals for consideration by donor countries and aid institutions based on their national priorities;

(f) Actively to seek opportunities to improve coordination of multilateral environmental agreement-related implementation activities at the national level, including in the development of proposals and implementation of projects;

5. *Invites* international financial institutions and bilateral donors to give greater consideration to the environmentally sound management of wastes in programming support to developing countries and countries with economies in transition to meet the Millennium Development Goals and World Summit on Sustainable Development targets;

6. *Highlights* the possibility for the Basel Convention regional centres to present projects for the implementation of their business plans, which were submitted to the Conference of the Parties, directly to donor agencies and invites the Basel Convention regional centres to increase their contacts with donor agencies in this regard and to prioritize the projects in their business plans in accordance with the Basel Convention Strategic Plan;

7. *Stresses* that the Secretariat has a facilitating role in resource mobilization, including by promoting direct links between Parties in need of assistance and donor countries and aid institutions;

8. *Requests* the Secretariat, subject to the availability of resources, to facilitate resource mobilization by:

(a) Disseminating national experiences and best practices in mobilizing domestic and international resources for the environmentally sound management of wastes;

(b) Raising awareness of Parties about the steps that they can take at the national level to finance the environmentally sound management of wastes from national resources and through innovative mechanisms involving the private sector;

(c) Assisting Parties in improving awareness within multilateral and bilateral financial aid institutions about the interdependencies between the environmentally sound management of wastes and other priority global sustainable development objectives;

(d) Assisting interested Parties with the development of proposals to be submitted to donor countries and aid institutions and documenting and sharing this accumulated experience with the Parties;

(e) Enhancing cooperation and coordination with the secretariats of the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer and other mechanisms to maximize opportunities for the joint development of proposals and implementation of projects;

(f) Continuing the implementation of the Basel Convention Partnership Programme with a view to strengthening and sustaining the programme based on voluntary contributions;

9. *Encourages* closer cooperation between the Secretariat of the Basel Convention and the United Nations Environment Programme with a view to ensuring that priority waste issues under the Basel Convention are discussed and taken into account in project cooperation between the United Nations Environment Programme and donors, including in the context of the Bali Strategic Plan for Technology Support and Capacity-building;

10. *Further requests* the Secretariat to report to the Conference of the Parties at its eighth meeting on results achieved to date in the implementation of the present decision, and to make recommendations for further action, including in relation to the initiative on a strategic approach to international chemicals management.

Annex II

Views expressed by Parties in the contact group on ship scrapping

A. Egypt

1. In the context of the efforts being exerted by both the Secretariat and the Parties to the Convention with a view to rendering effective the measures to control the illegal traffic in hazardous waste, in its anxiety to comply with the Basel Convention and also other environmental conventions which regulate such control operations and prohibit illegal transits through the Suez Canal and stressing the importance – of which you are all aware – of the Suez Canal as an international navigation route falling under Egyptian sovereignty, the Egyptian delegation would like to bring to the attention of all Parties, relevant bodies and organizations the requirements that were laid down by Egypt to control any illegal traffic of hazardous wastes through the Suez Canal, and which were posted on the internet in March 2005.
2. These requirements apply to ships destined for dismantling or recycling (whether hazards were removed from them or not).
3. Accordingly, prior notification procedures should be implemented when such ships transit through the Suez Canal. Failing compliance with those requirements, Egypt – as a Party to the Convention – shall consider such crossing an illegal one in line with the Basel Convention provisions.

B. India

4. India wishes to state that Parties and other stakeholders, while communicating views under paragraph 2 (e) of decision OEWG-IV/5 with respect to “any other relevant views”, may communicate views on the responsibility and/or role of flag States and/or shipowner States in enabling the environmentally sound management of ship scrapping, particularly with respect to decontamination of ships before these are handed over to the recycling facilities. In the view of the Government of India, the decontamination of ships by shipowners is important in ensuring the environmentally sound management of ship scrapping. This is in line with the decisions of the Conference of the Parties at its seventh meeting, referring to such issues as decontamination. Any arrangement for ensuring the environmentally sound management of ship scrapping would as an essential component of the strategy require prior decontamination of ships by the shipowners before these are handed over to the recycling States.

C. Turkey

5. The Turkish Government attaches importance to the fulfilment of obligations under the Basel Convention, in particular, the obligations of prior informed consent, by Parties exporting ships to be dismantled.

D. United Kingdom of Great Britain and Northern Ireland on behalf of the European Union

1. Decision OEWG-IV/5 on the environmentally sound management of ship dismantling:

6. With regard to decision OEWG-IV/5 on the environmentally sound management of ship dismantling, the European Union wishes to state that it believes the references to “other stakeholders” in paragraphs 2, 5 and 7 of that decision should be taken as applying in particular to recycling facility operators.

2. Decision OEWG-IV/6 on the abandonment of ships on land or in ports

7. With regard to decision OEWG-IV/6 on the abandonment of ships, the European Union wishes to state that the questions repeated below and forming questions 3–5 in the European Union’s proposal tabled in the contact group should be borne in mind for possible future adoption in respect of work carried out on the issue of abandonment of ships at the fifth session of the Open-ended Working Group:

“ 3. Please provide comments, proposals or suggestions on mechanisms to address the issue of abandoned ships. Such proposals or suggestions might concern:

“(a) Existing mechanisms that could be rendered applicable to ships that are abandoned on land or in ports and the means by which this could be achieved;

“(b) Mechanisms that could be developed to address the possible risk to human health and the environment caused by ships that are abandoned on land or in ports (e.g., an international legal regime establishing liability, an international mechanism for financing the removal of abandoned ships and measures to restore the environment, a mechanism at the regional or domestic level);

“4. The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention 1972) regulates the dumping of, inter alia, vessels and the 1996 Protocol also includes any abandonment or toppling at the site of platforms or other man-made structures at sea, for the sole purpose of their deliberate disposal. The Protocol is not yet in force and internal waters are excluded. Parties can choose to apply the provisions of the Protocol with regard to dumping or incineration to their internal waters if they wish under article 7.2 (so-called ‘opting in’):

“(a) Are you a party to the London Convention or the London Protocol? If so, have you made the decision to opt in such that the Protocol could be applicable to your internal waters?

“(b) Would you consider opting in to the London Protocol a sufficient means to address potential outcomes regarding abandonment of ships?

“(c) How might you deal with those ships not covered by the Protocol, i.e., existing abandoned ships?

“5. Please provide comments on the possible linkages, if any, that could be made between the issue of abandoned ships in ports or on land and:

“(a) The relevant instruments or declarations of the International Labour Organization, and other entities concerning the abandonment of seafarers;

“(b) Any other relevant international legal instrument.”
